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THE

Statutes at Large,

From the Tenth Year of the Reign of

KING *GEORGE* the THIRD

To the Thirteenth Year of the Reign of

KING *GEORGE* the THIRD, inclusive.

To which is prefixed,

A TABLE of the TITLES of all the Publick and Private Statutes during that Time.

With a COPIOUS INDEX.

VOLUME the ELEVENTH

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21 JUL 48

THE

Statutes at Large,

Anno undecimo GEORGII III. Regis,

Being the FOURTH Seſſion of the

THIRTEENTH Parliament of GREAT BRITAIN.

A

TABLE

OF THE

Public and Private Statutes,

CONTAINING

The TITLES of the ACTS of the eleventh Year of the Reign of GEORGE III.

PUBLIC ACTS.

Anno 11 *Georgii* III.

1. AN Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.
2. An Act for continuing and granting to his Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year one thouſand ſeven hundred and ſeventy-one.
3. An Act for the better Supply of Mariners and Seamen to ſerve in his Majeſty's Ships of War, and on board Merchant Ships, and other Trading Ships and Veſſels.
4. An Act to amend ſo much of an Act, made in the ninth Year of his preſent Majeſty's Reign, intituled, *An Act to amend, and render more effectual, an Act made in the twenty-firſt Year of the Reign of King* James *the Firſt, intituled*, An Act for the general Quiet of the Subjects, againſt all Pretences of Concealment whatſoever, as relates to the proſecuting his Majeſty's Right, Title, or Claim, to any Meſſuages, Lands, Tenements, or Hereditaments, within the Precinct, Diſtrict, or Liberty of the *Savoy*, in the County of *Middleſex*, or to any the Appurtenances to the ſame therein mentioned.
5. An Act for granting an Aid to his Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year one thouſand ſeven hundred and ſeventy-one.
6. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
7. An Act for the Regulation of his Majeſty's Marine Forces, while on Shore.
8. An Act to continue for a further Time an Act made in the eighth Year of his preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act made in the fifth Year of the Reign of his preſent Majeſty, intituled*, An Act for Importation of ſalted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of ſalted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time.
9. An Act for the better paving, repairing, cleanſing, lighting, and watching the Streets and other public Paſſages within the City of *Wincheſter*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hide*, *Saint John's in the Soke*, *Saint Peter's Cheeſehill*, *Saint Swithin* and *Saint Michael in the Weſt Soke*, in the Suburbs of the ſaid City; and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.
10. An Act for carrying into Execution an Agreement made between *Peter Burrell* Eſquire, Surveyor-general of his Majeſty's Lands, and the Truſtees of *Morden College*, in the County of *Kent*, for enabling his Majeſty, his Heirs and Succeſſors, to grant Leaſes of *Maidenſtone Hill*, in the Pariſh of *Eaſt Greenwich*, in the County of *Kent*, to the ſaid Truſtees, upon the Terms mentioned in the ſaid Agreement; and for impowering the ſaid Truſtees to increaſe the Salaries and Penſions of the Treaſurer, Chaplain, and poor Merchants, in the ſaid College.
11. An Act for further continuing two Acts made in the ſixth and ninth Years of his Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in his Majeſty's Dominions in *America*.
12. An Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, in that Part of *Goodman's Fields*, which lies in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, in the County of *Middleſex*, and alſo *Red Lion Street* and *White Lion*

Lion Street, lying contiguous to the ſaid Fields, and for removing and preventing Nuiſances, Annoyances, and Obſtructions therein.

13. An Act to explain a Clauſe in an Act of the laſt Seſſion of Parliament, for better ſupplying the City of *Worceſter*, and the Liberties thereof, with Water; and for better paving and lighting the ſaid City; and for removing and preventing all Obſtructions and Annoyances therein.

14. An Act for the better regulating the Poor within the City of *Oxford*.

15. An Act for the better paving that Part of the *High Street*, in the Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, which lies in the County of *Middleſex*, and for removing Obſtructions and Annoyances therein.

16. An Act to enable his Majeſty to licenſe a Playhouſe in the Town of *Liverpoole*, in the County Palatine of *Lancaſter*.

17. An Act to explain and amend ſo much of an Act of the ſixth Year of his preſent Majeſty, for paving the Town and Borough of *Southwark*, in the County of *Surry*, as relates to the Commiſſioners of Sewers; and for regulating the Manner of taxing Churches, and other public Buildings, within the Limits of the ſaid Act.

18. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments, and to indemnify Juſtices of the Peace and others who have omitted to regiſter their Qualifications, within the Time limited by Law; and for giving further Time for thoſe Purpoſes.

19. An Act for amending certain of the Mile-ways leading to *Oxford*; for making a commodious Entrance through the Pariſh of *Saint Clement*; for rebuilding or repairing *Magdalen Bridge*; for making commodious Roads from the ſaid Bridge through the Univerſity and City, and the Avenues leading thereto; for cleanſing and lighting the Streets, Lanes, and Places, within the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*; for removing Nuiſances and Annoyances therefrom, and preventing the like for the future; for impowering Colleges and Corporations to alienate their Eſtates there; for removing, holding, and regulating Markets within the ſaid City; and for other Purpoſes.

20. An Act to enable Lunatics intitled to renew Leaſes, their Guardians and Committees, to accept of Surrenders of old Leaſes, and grant new ones.

21. An Act for paving *Wapping Street*, in the County of *Middleſex*, and the ſeveral Streets and Paſſages leading into the ſame; and for removing all Encroachments and Obſtructions therefrom, and preventing the like for the future; and for opening a Paſſage from *Hermitage Street* into *Nightingale Lane*; and for paving ſuch Paſſage, and the Eaſt Side of *Nightingale Lane*.

22. An Act to amend and render more effectual ſeveral Acts made relating to paving, cleanſing, and lighting the Squares, Streets, Lanes, and other Places, within the City and Liberty of *Weſtminſter*, and Parts adjacent.

23. An Act for paving and regulating *Roſemary Lane*, from the Pariſh of *Saint Botolph*, *Aldgate*, to *Cable Street*; alſo the ſaid *Cable Street*, the Footpath in *Back Lane*, Part of the Precinct of *Well Cloſe*, the Street leading from *Nightingale Lane* to *Ratcliffe Croſs*, *Butcher Row*, and *Brook Street*, and the ſeveral Streets, Lanes, and Paſſages opening into the ſame; and for removing all Obſtructions and Annoyances therefrom, and preventing the like for the future.

24. An Act for licenſing an additional Number of Hackney Coaches, and applying the Monies ariſing thereby.

25. An Act for raiſing a certain Sum of Money, by Loans or Exchequer Bills, for the Service of the Year one thouſand ſeven hundred and ſeventy-one.

26. An Act for further continuing the Tolls upon *London Bridge*, for the Purpoſes therein mentioned; and for impowering the Mayor, Aldermen, and Commons of the City of *London*, in Common Council aſſembled, in certain Caſes, to grant Licences to Perſons poſſeſſed of Terms for Years, of and in Houſes deſcribed in an Act of the ſeventh Year of his preſent Majeſty, to build upon and incloſe Part of the Ground and Soil of the Streets in the Front of their ſaid Houſes.

27. An Act for regulating and improving the Fiſheries in the River *Tweed*, and the Rivers and Streams running into the ſame; and alſo within the Mouth or Entrance of the ſaid River.

28. An Act for puniſhing Offences committed by Hackney Coachmen and Chairmen, within certain Diſtricts and Places therein mentioned; and for renewing the Regiſtry of Carts and Carriages.

29. An Act for conſolidating, extending, and rendering more effectual the Powers granted by ſeveral Acts of Parliament, for making, enlarging, amending, and cleanſing the Vaults, Drains, and Sewers, within the City of *London*, and Liberties thereof; and for paving, cleanſing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places; and preventing and removing Obſtructions and Annoyances within the ſame.

30. An Act for cleanſing and lighting the Streets of the Town of *South Leith*, the Territory of *Saint Anthony's*, and *Yard Heads* thereunto adjoining, and for ſupplying the ſeveral Parts thereof with freſh Water.

31. An Act for the Encouragement of the White Herring Fiſhery.

32. An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for one Year, beginning the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one; for indemnifying the Landholders of the *Iſle of Wight* from the Payment of the Monies due by virtue of an Act of the ninth Year of his preſent Majeſty; and for other Purpoſes therein mentioned.

33. An Act for paving, repairing, cleanſing, lighting, and watching the Streets, Squares, Lanes, and other Paſſages, within the Pariſh of *Saint John, Clerkenwell*, in the County of *Middleſex*, and for removing Obſtructions and Annoyances therein.

34. An Act for enabling certain Perſons to incloſe and embank Part of the River *Thames*, adjoining to *Durham Yard*, *Saliſbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middleſex*.

35. An Act for reducing into one Act of Parliament the ſeveral Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Miſchiefs by keeping or carrying Gunpowder in too great Quantities.

36. An Act for cleanſing, lighting, and watching the ſeveral Streets, and other Paſſages, on the South Side of the City of *Edinburgh*, and for removing Nuiſances and Annoyances therefrom, and preventing the ſame for the future.

37. An Act to prohibit the Exportation of Live Cattle, and other Fleſh Proviſions, from *Great Britain*, for a limited Time.

38. An Act for the better Support and Eſtabliſhment of the *Greenland* and Whale Fiſhery.

39. An Act to amend an Act made in the laſt Seſſion of Paliament,

Parliament, intituled, *An Act for extending like Liberty in the Exportation of Rice from* East *and* West Florida *to the Southward of* Cape Finisterre *in* Europe, *as is granted by former Acts of Parliament to* Carolina *and* Georgia.

40. An Act for the more effectually preventing the Counterfeiting the Copper Coin of this Realm.

41. An Act to explain an Act made in the eighth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act giving further Encouragement for the Importation of Naval Stores, and for other Purposes therein mentioned*, so far as relates to the Importation of unmanufactured Wood of the Growth and Product of *America*; and to explain so much of an Act made in the twenty-sixth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for enlarging and regulating the Trade into the* Levant *Seas*, as relates to the Importation of Raw Silk and Mohair Yarn landed at certain Places therein mentioned.

42. An Act to explain and amend an Act made in the last Session of Parliament, intituled, *An Act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament.*

43. An Act for establishing a House or Houses of Industry in the *Isle of Wight*, for the Reception, Maintenance, and Employment of the Poor belonging to the several Parishes, and Places, within the said Island.

44. An Act for the better paving, repairing, and cleansing the Streets, Lanes, Alleys, and other public Passages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the East End of *Westgate Bridge*, the South Side of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except so much thereof as is repaired by the West Riding of the said County of *York*) and the extreme Part of the Township of *Wakefield* aforesaid, leading from *Wrengate* towards *East Moor*; for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious.

45. An Act for improving and completing the Navigation of the Rivers *Thames* and *Isis*, from the City of *London*, to the Town of *Cricklade*, in the County of *Wilts*.

46. An Act for paving, and keeping in Repair, the Streets, Lanes, and Passages, in the Parish of *Saint Luke*, in the County of *Middlesex*; for removing Obstructions and Annoyances therein; and for widening the Passages at the West End of *Chiswell Street*, and at the South End of *Brick Lane*, in the said Parish; and for other Purposes therein mentioned.

47. An Act for granting to his Majesty a certain Sum of Money, to be raised by a Lottery.

48. An Act for granting to his Majesty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned, for the Service of the Year one thousand seven hundred and seventy-one; and for further appropriating the Supplies granted in this Session of Parliament, for carrying to the Aggregate Fund a Sum of Money which hath arisen by the Two-sevenths Excise, and for enabling the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, or the Lord High Treasurer for the time being, to pay to *John Dobson*, Owner of the *Greenland* Ship Lord *Molyneux*, the Bounty due for the said Ship on the last Year's Fishery.

49. An Act to continue for a further Time, an Act passed in the sixth Year of his present Majesty's Reign, intituled, *An Act to prohibit the Importation of Foreign-wrought Silks and Velvets for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture.*

50. An Act for granting a Bounty upon the Importation of White Oak Staves, and Heading, from the *British* Colonies or Plantations in *America*.

51. An Act for continuing several Laws for the better Regulation of Lastage and Balastage in the River *Thames*; for the further Punishment of Persons going armed or disguised, in Defiance of the Laws of Customs or Excise, and for the landing of Rum or Spirits of the *British* Sugar Plantations, before Payment of the Duties of Excise; for repealing so much of an Act passed in the sixth Year of the Reign of King *George* the First, intituled, *An Act for preventing the Carriage of excessive Loads of Meal, Malt, Bricks, and Coals, within ten Miles of the Cities of* London *and* Westminster, as relates to the Carriage of Meal, Malt, and Coals; and for authorising the Exportation of a limited Quantity of an inferior Sort of Barley, called *Bigg*, from the Port of *Kirkwall*, in the Islands of *Orkney*.

52. An Act for repairing, amending, and supporting the several Harbours and Sea Ports in the *Isle of Man*.

53. An Act for widening the Highways in that Part of *Great Britain* called *Scotland*.

54. An Act for the better paving, cleansing, lighting, and watching *Haydon Square*, the *New Square*, *Haydon-yard*, *Sheepy-yard*, *Church Street*, *Little Church Street*, otherwise the *Church Passage*, *Church Court*, and *Kenton Street*, and the Passages therein, or leading thereunto, in the Parish of *Trinity*, otherwise *Holy Trinity*, in the *Minories*, in the County of *Middlesex*, within the Liberty of his Majesty's *Tower* of *London*; and for other Purposes therein mentioned.

55. An Act to incapacitate *John Burnett*, *Charles Hannington*, *Thomas Haselgrove*, *Ralph Moor*, *Thomas Parsons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinson*, *William Cheeseman*, *George Browne*, *John Parsons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joseph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsflesh*, *John Purse*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilstone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Astman*, *William Coster*, *Thomas Frost*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar*, otherwise *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* senior, *William Jennings*, *William Hands*, *Thomas Gear*, *William Rusbridge*, *Henry Robinson*, and *Henry Hannington*, from voting at Elections of Members to serve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of *New Shoreham*, in the County of *Sussex*.

56. An Act for divesting out of the Crown, and to vest in *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, in the Kingdom of *Ireland*, Esquire, and his Heirs, the Reversion in Fee of and in several Lands in *Ireland* therein mentioned.

57. An Act to continue and render more effectual an Act passed in the ninth Year of his present Majesty, for repairing the Roads leading from the Turnpike Road in *Tring*, in the County of *Hertford*, through *Dunstable*, *Hitchin*, *Baldock*, and *Royston*, to the Turnpike Road at or near *Bournbridge*; and from the West End of *Wellbury*,

bury Lane to the Turnpike Road at the South End of *Barton*, in the Counties of *Hertford*, *Bucks*, *Bedford*, and *Cambridge*; ſo far as the ſame relates to the repairing the Roads in the *Royſton* Diſtrict of Roads, in the ſaid Act particularly mentioned.

58. An Act for enlarging the Term and Powers of an Act, made in the ſecond Year of the Reign of his preſent Majeſty, intituled, *An Act for repairing and widening the High Road leading from the North End of* Ballingdon Bridge, *in* Sudbury, *in the County of* Suffolk, *to the South Gate in* Bury Saint Edmund's, *in the ſaid County.*

59. An Act to impower *Charles Fitz Roy* Eſquire, to ſhut up certain Foot-paths in the Pariſh of *Saint Pancras*, alias *Kentiſh Town*, in the County of *Middleſex*, and to oblige him to make and keep in Repair for the future a Foot-path in lieu thereof.

60. An Act for enlarging the Term and Powers of an Act made in the eighth Year of the Reign of his preſent Majeſty, intituled, *An Act for repairing ſeveral Roads leading through the County of* Selkirk.

61. An Act for enlarging the Term and Powers of an Act, made in the ſeventh Year of the Reign of his preſent Majeſty, for repairing and widening the Road from *Spernal Aſh*, in the County of *Warwick*, to a Street called *Digbeth*, in the Town of *Birmingham*.

62. An Act to explain, amend, and render more effectual, an Act made in the eighth Year of his preſent Majeſty's Reign, intituled, *An Act for making and maintaining a navigable Cut or Canal from the* Firth *or River of* Forth, *at or near the Mouth of the River of* Carron, *in the County of* Stirling, *to the* Firth *or River of* Clyde, *at or near a Place called* Dalmuir Burnfoot, *in the County of* Dumbarton; *and alſo a collateral Cut from the ſame to the City of* Glaſgow; *and for making a navigable Cut or Canal of Communication, from the Port and Harbour of* Borrowſtounneſs, *to join the ſaid Canal at or near the Place where it will fall into the* Firth *of* Forth.

63. An Act to continue and render more effectual an Act made in the ſeventeenth Year of the Reign of his late Majeſty, for repairing the Road from the End of *Middleton-Tyas Lane* to *Greetabridge*, and from thence to *Bowes*, in the North Riding of the County of *York*.

64. An Act to enlarge the Term and Powers of an Act, made in the twenty-ſixth Year of his late Majeſty, for repairing and widening the Road from the Town of *Tadcaſter*, through *Collingham*, *Harewood*, *Arthington*, and *Pool*, to the Town of *Otley*, in the Weſt Riding of the County of *York*.

65. An Act to enlarge the Term and Powers of an Act, made in the twenty-fifth Year of his late Majeſty, for repairing the Road from *Knareſbrough*, in the County of *York*, by *Longflatt Lane*, *Gouldſbrough Fields*, *Flaxby*, *Allerton*, *Mauleverer*, and *Scate Moor*, to *Greenhamerton*, in the ſame County; and for making the ſame a High Carriage Road.

66. An Act to enlarge the Term and Powers of an Act, made in the twenty-third Year of the Reign of his late Majeſty, for repairing the Road from the City of *York*, over *Skipbridge* to *Boroughbridge* in the County of *York*.

67. An Act to oblige the Company of Proprietors of the *Birmingham* Canal Navigation to complete the ſaid Canal to a Field called *Newhall Ring*, adjoining to the Town of *Birmingham*, in the County of *Warwick*, within a limited Time, and to maintain and keep the ſame free and open for the Paſſage of Boats, Barges, and other Veſſels.

68. An Act for repairing and widening the Road from *Collingham*, through *Wetherby*, to the City of *York*.

69. An Act for enlarging the Term and Powers granted by an Act of the ninth Year of his preſent Majeſty's Reign, for repairing the Road from the Turnpike-gate in the the Townſhip of *Greenfield*, to the North Limits of the Townſhip of *Moſtyn*; and from *Moſtyn* to *Henllan*; and from *Llanerch y Mor* to *Pen y Ifordd Waen*, in the Counties of *Flint* and *Denbigh*; and for extending the ſaid Act to ſeveral other Roads in the ſaid Counties, and the County of *Carnarvon*; and for taking ſeveral Roads within the ſaid Counties out of the Power of the Truſtees appointed by two ſeveral Acts of Parliament of the twenty-ninth and thirtieth Years of his late Majeſty; and for putting the ſaid Roads under the Direction of the Truſtees appointed by the ſaid former and this preſent Act.

70. An Act to continue and render more effectual ſeveral Acts for repairing the Highways between the *Bear Inn* in *Reading* and *Puntfield*, in the County of *Berks*, and other Roads in the ſaid Acts mentioned; and for repairing ſeveral other Roads in this Act mentioned.

71. An Act for repairing and widening the Road from the *Low-water Mark* of the River *Humber*, at or near *Brough Ferry*, in the Pariſh of *Elloughton*, in the Eaſt Riding of the County of *York*, to the North End of the Town of *Brough*, and from thence through *South Cave* to *Coney Clappers*, in *South Newbald Holmes*, in the ſaid Riding.

72. An Act for draining and preſerving certain Fen Lands and Low Grounds in the Pariſhes of *Stoke Ferry*, *Northwold*, *Wretten*, *Wereham*, *Weſt Dereham*, and *Roxham*, in the County of *Norfolk*.

73. An Act for amending, widening, turning, and altering the Road from the Bottom of *Galley Hill*, near the Town of *Witney*, to the Croſs in *Clanfield*, in the County of *Oxford*.

74. An Act to continue and render more effectual three Acts, made in the twelfth Year of King *George* the Firſt, and in the eighteenth and thirty-firſt Years of his late Majeſty, for repairing the Roads from *Birmingham*, through *Warwick* to *Warmington*, and from *Birmingham*, through *Stratford upon Avon*, to *Edgehill*, in the County of *Warwick*, ſo far as the ſame relate to the Road from *Birmingham*, through *Stratford upon Avon*, to *Stratford Bridge*, in the ſaid County.

75. An Act for making a navigable Cut or Canal from *Cheſterfield*, in the County of *Derby*, through or near *Worksop* and *Retford*, to join the River *Trent*, at or near *Stockwith*, in the County of *Nottingham*.

76. An Act for repairing and widening the Road leading from *Peniſtone Bridge*, in the County of *York*, to *Grindleford Bridge*, in the County of *Derby*; and the Roads ſeverally leading from *Bamford Woodgate*, over *Yorkſhire Bridge*, to the Guide-poſt on *Thornhill Moor*, to or near the eighth Mile-ſtone on *Hatherſage Moor*, and to the Village of *Darwent*, in the ſaid County of *Derby*.

77. An Act for repairing and widening ſeveral Roads leading to the Town of *Lantriſſent*; and alſo the Road leading from *Newbridge*, to a Place called *The Old Furnace*; all in the County of *Glamorgan*.

78. An Act to enable the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the *Great Level* of the *Fens*, called *Bedford Level*, to complete and maintain the principal Banks and Works neceſſary to the well-draining and preſerving the *North Level*, Part of the ſaid *Great Level*, and for laying Taxes upon the Lands within the ſaid *North Level*, and on divers Lands adjoining thereto, in the Manor of *Crowland*.

79. An Act to enlarge the Term and Powers of ſo much of an Act made in the twenty-fourth Year of the Reign of King *George* the Second, as relates to the repairing the

Road

Road from *Cramond Bridge* to the Town of *Queensferry*, in the County of *Linlithgow*.

80. An Act for enlarging the Term and Powers of several Acts made for repairing and amending that Part of the Road leading from a certain Place called the *White Post* on *Alconbury Hill*, in the County of *Huntingdon*, to *Wandsford Bridge*, in the said County, called the *North Division of the North Road*; and for repairing the Road leading from *Stilton*, in the said County of *Huntingdon*, to the City of *Peterborough*, in the County of *Northampton*.

81. An Act to enlarge the Term and Powers of an Act made in the twenty-fourth Year of King *George* the Second, for repairing the Road leading from *West Lavington* to the *Devizes*, and from the *Devizes* to *Seend*, in the County of *Wilts*.

82. An Act to enlarge the Term contained in two several Acts of Parliament; and to repair, widen, and amend the Road from the Guide Post at the westerly End of *Newton Lane*, within the Township of *Manchester*, in the County Palatine of *Lancaster*, to *Austerlands*, in the Parish of *Saddleworth*, in the County of *York*.

83. An Act to enlarge the Term and Powers of an Act made in the eighteenth Year of King *George* the Second, to repair the Road leading from *Tadcaster Bridge*, within the County of the City of *York*, to a Place near the said City, called *Hobmoor Lane End*.

84. An Act for repairing, widening, turning, and altering the Road from the Market-house in the Town of *Great Farringdon*, in the County of *Berks*, to *Burford*, in the County of *Oxford*.

85. An Act for repairing and widening the Roads from the Town of *Peebles* to the *King's Eatedge*, and to *Gatehopeknow Burnfoot*, and to the Top of *Minchmoor*, and to *Loch-head*, in the County of *Peebles*.

86. An Act for repairing and widening the Road from *Stone* to *Lane End*; and to the Road between *Leek* and *Sandon* on *Meir Heath*, and from thence to *Blythe Bridge*; and also from *Meir* to *Trentham*, and from thence to *Stableford Bridge*, in the County of *Stafford*.

87. An Act for repairing and widening the Road from *Shelton* to the Road between *Cheadle* and *Leek*, and from *Bucknall* to *Weston Coyney*; and from the Road between *Cheadle* and *Leek* to the Turnpike Road above *Frogall Bridge*; and from the same Road to the Road between *Blyth Marsh* and *Thorp*, at or near *Ruehill Gate* in the County of *Stafford*.

88. An Act to continue and render more effectual two Acts passed in the twelfth Year of the Reign of King *George* the First, and the nineteenth Year of the Reign of his late Majesty, for repairing the Road from *Market Harborough* to *Loughborough*, in the County of *Leicester*; and for repairing, widening, turning, and altering the Road branching out of the aforesaid Road, at a Place called *Filling Gate*, to a Road called the *Foss Road*, and from thence to the Turnpike Road leading from *Melton Mowbray* to the Guide Post in *Saint Margaret's Field*, *Leicester*.

89. An Act for making a navigable Cut or Canal from *Bradford*, to join the *Leeds* and *Liverpoole* Canal at *Windhill*, in the Township of *Idle*, in the County of *York*.

90. An Act to enlarge the Term and Powers of an Act made in the twenty-sixth Year of the Reign of King *George* the Second, for repairing the Roads from *Livingston*, by the Kirk of *Shotts*, to the City of *Glasgow*, and by the Town of *Hamilton* to the Town of *Strathaven*; and for repairing and widening the Road leading from the Confines of the County of *Air*, at or near *Lochgate*, to the Town of *Strathaven*, in the County of *Lanark*.

91. An Act to enlarge the Term and Powers of three Acts passed in the twelfth Year of King *George* the First, and the nineteenth and twenty-sixth Years of his late Majesty, for repairing the Road from *Liverpoole* to *Prescott*, and other Roads in the County Palatine of *Lancaster*, and for amending the Road from the Causeway at *Blacklow Brow*, to the Causeway leading from *Prescot* to *Liverpoole*, and also through *Lime Kiln Lane* to *Ranelagh House*, in *Liverpoole* aforesaid.

92. An Act for enlarging and altering the Terms and Powers of several Acts, made in the thirteenth Year of the Reign of King *George* the First, and in the twenty-first Year of the Reign of King *George* the Second, for repairing the Roads leading from the Town of *Bromsgrove* to the Town of *Dudley*, in the County of *Worcester*; and from the said Town of *Bromsgrove* to the Town of *Birmingham*, in the County of *Warwick*; so far as the said Acts relate to the repairing of the Roads leading from the said Town of *Birmingham* to the said Town of *Bromsgrove*.

93. An Act for repairing and widening the Road from *Patrick's Cross*, within the Town of *Liverpoole*, in the County Palatine of *Lancaster*, to the Town of *Preston*, in the same County Palatine.

94. An Act for repairing and widening the Road from the Turnpike Road at *Vineball* in the Parish of *Mountfield*, in the County of *Sussex*, to *Cripps's Corner*, and from thence to *Staple-cross*, and to the Turnpike Road near the Windmill in the Parish of *Beckley*, and from *Staple-cross* to *Longley's* Water Corn-mill at *Kent Ditch*, and from *Cripps's Corner* to the Town of *Rye* in the said County.

95. An Act for repairing and widening the Road leading from *Wem*, in the County of *Salop*, to the Lime Rocks at *Bron y Garth*, and several other Roads in the Counties of *Salop* and *Denbigh*.

96. An Act for repairing, widening, and keeping in Repair, several Roads leading from *Tavernspite* to the Towns of *Pembroke* and *Tenby*, and to *Hubberston Haking*, in the County of *Pembroke*.

97. An Act for amending and widening the Road from *Besselsleigh*, through *Wantage*, to *Hungerford*, in the County of *Berks*; and from *Wantage* to *Marlborough*, in the County of *Wilts*; and from the Turnpike Road between *Reading* and *Wallingford*, through *Halfpenny Lane*, to the *Old Red House* upon *Wantage Downs*, and from thence to *Lamborn*, in the said County of *Berks*.

98. An Act for repairing and widening the Road from *Hodges* to *Beadles Hill*, and from thence to the Town of *Cuckfield*, and from *Beadles Hill* aforesaid to the Town of *Lindfield*, and from the Turnpike Road between *Cuckfield* and *Crawley*, to the Town of *Horsham*; and also the Road from *Swingate*, in the Parish of *Burwash*, to *Shover Green*, in the Parish of *Ticehurst*, all in the County of *Sussex*.

99. An Act for repairing and widening the Roads from *Hand Cross* to *Corner House*, and from thence to the Turnpike Road leading from *Horsham* to *Steyning*, and from *Corner House* aforesaid to the Maypole in the Town of *Henfield*, in the County of *Sussex*.

PRIVATE

The TITLES of the STATUTES.

PRIVATE ACTS.

Anno 11 *Georgii* III.

1. AN Act for naturalizing *Bernard Perny*.
2. An Act for dividing and inclosing the Common and Open Fields, Commonable Lands, and Waste Grounds, within the Manor and Parish of *Lowick*, in the County of *Northampton*.
3. An Act for naturalizing *Lewis Benjamin Crinsoz*.
4. An Act for dividing and inclosing the Common and Open Fields, Commonable Lands, and Waste Grounds, within the Manor and Parish of *Slipton*, in the County of *Northampton*.
5. An Act for dividing and inclosing the several Open Fields, Meadows, Pastures, Commons, Carrs, and other unincloſed Grounds, within the several Townships of *Lockington* and *Ayke*, in the East Riding of the County of *York*; and for extinguishing the Right of Common, or Average, upon certain ancient Inclosures within the said Township of *Lockington*.
6. An Act for naturalizing *Gerard Portman*.
7. An Act for more effectually vesting the Reversion in Fee-simple of and in divers Lands and Hereditaments, in the Counties of *Derby*, *Leicester*, *Nottingham*, and *Stafford*, in *Washington* Earl *Ferrers*, and his Trustees; and for confirming Letters Patent granted thereof, and of certain other Lands and Hereditaments in the County of *Northampton*, to the said Earl, in the third Year of his present Majesty's Reign; and for other Purposes therein mentioned.
8. An Act to render valid and effectual certain Articles of Agreement, between *William Lambton* Esquire, and the Honourable and Right Reverend *Richard* Lord Bishop of *Durham*, and the other Persons therein named.
9. An Act to enable the Bishop of *Hereford* to exchange certain Lands and Premises, in the Counties of *Hereford*.
10. An Act for explaining and amending an Act, intituled, *An Act for vesting Part of the Fee-simple Estate of* George *late Lord Viscount* Midleton, *of the Kingdom of* Ireland, *in Trustees, to be sold, for paying the Debts, Legacies, and Incumbrances, mentioned in, and appointed to be paid by, his Will; and for executing and effectuating several Contracts entered into by him, for selling and leasing divers Farms and Lands in* Ireland; *and for making the Exemplification of his Will Evidence in Law and Equity*.
11. An Act to impower Sir *Francis Blake Delaval* Knight of the Bath, or the Person or Persons claiming under a Settlement of his Family Estates, dated the nineteenth Day of *January* one thousand seven hundred and forty-eight, to grant to *Thomas Delaval* Esquire, his Heirs and Assigns, a certain Parcel of Land and Buildings, Liberties and Privileges; and also to grant two several Leases for ninety-nine Years each, to, or in Trust for, the said *Thomas Delaval* and Sir *John Hussey Delaval* Baronet, of certain Lands, Copperas Works, Buildings, Liberties, and Privileges, in the Manors of *Hartley* and *Seaton Delaval*, in the County of *Northumberland*, Part of the settled Estates of the said Sir *Francis Blake Delaval*; and for other Purposes therein mentioned.
12. An Act for effectuating a Conveyance of the real Estates late of *John Essington* Esquire, deceased, to the Purchasers thereof, under a Decree or Order of the High Court of Chancery.
13. An Act for dividing and inclosing the Open and Common Fields within the Township and Liberties of *Aylesbury*, in the County of *Bucks*.
14. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Grounds, and Commonable Lands, within the Parish of *Whitchurch*, in the County of *Bucks*.
15. An Act for dividing and inclosing the Open Fields and Common Pastures, in the Parish of *Kirkby Mallory*, in the County of *Leicester*.
16. An Act for dividing, allotting, and inclosing, the Open Fields, and Commonable Places, in *Keyham*, in the Parish of *Rothley*, and County of *Leicester*.
17. An Act for dividing and inclosing the Common Fields, Meadows, Commons, or Waste Lands, within the Manor and Parish of *Hill Croome*, in the County of *Worcester*.
18. An Act for dividing and inclosing *Barniker Moor*, within the Manor of *Nether Wyersdale*, in the County Palatine of *Lancaster*.
19. An Act for dividing and inclosing the several Open Fields, Common Pasture, Commons, and Waste Grounds, within the Township, Hamlet, or Liberty of *Fairfield*, in the Parish of *Hope*, and County of *Derby*.
20. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Pastures, Lammas Grounds, and other Commonable Lands and Grounds, in the Parish of *Great Brickhill*, in the County of *Bucks*.
21. An Act for dividing and inclosing the Open and Common Fields, Common Pastures, Common Meadows, Heath, and other Commonable Lands, in the Parish of *Sproxton*, in the County of *Leicester*.
22. An Act for dividing and inclosing the several stinted Pastures, called the *North Moor*, *Longhill*, *Bark*, and *Garforth Close*, within the Township of *Rilston*, in the West Riding of the County of *York*.
23. An Act for dividing and inclosing the Open and Common Fields, Common Pastures, Common Meadows, Heath, and other Commonable Lands, in the Parish of *Saltby*, in the County of *Leicester*.
24. An Act to enable the Right Honourable *Thomas* Lord *Ducie*, and his Issue, to take the Surname of *Moreton*, and to bear and use the Arms of Honour of the Right Honourable *Matthew* Lord *Ducie* deceased, pursuant to the Will of the said *Matthew* Lord *Ducie*.
25. An Act to enable Captain *Samuel Pitchford*, and the Heirs Male of his Body, to take and use the Surname, and bear the Arms, of Sir *Samuel Cornish*, deceased, pursuant to his Will.
26. An Act to enable *Thomas Grundy*, and his Issue Male, to take and use the Surname of *Swinsen*.
27. An Act to enable *William Mackenzie*, *David Gravier*, and *John Gravier*, respectively, and the Heirs Male of their respective Bodies, to take and use the Surname and Arms of *Godfrey*.
28. An Act for making the Exemplification of the last Will and Testament of *Francis Macartney* Esquire, deceased, Evidence in all Courts of Law and Equity in *Great Britain* and *Ireland*.
29. An Act to dissolve the Marriage of *Henry Knight*, Esquire, with *Catharine Lynch*, his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.
30. An Act for naturalizing *Henry Renner*.
31. An Act for rendering valid and effectual certain Articles of Agreement, bearing Date the twenty-first Day of *July*, one thousand seven hundred and seventy, made between *Frances* Countess Dowager of *Londonderry*, *Philip* Earl *Stanhope*, and others; and for vesting several Manors

nors, Lands, and Hereditaments, in the Counties of *Devon* and *Wilts*, in Truſtees, for the Purpoſes in the Act mentioned.

32. An Act for rendering effectual an Exchange of certain Lands, Parcel of the Glebe of the Rectory of *Avington*, in the County of *Southampton*, for certain other Lands in the ſaid Pariſh of *Avington*, belonging to the moſt honourable the Marquis of *Carnarvon*.

33. An Act to enable *Francis Charteris* Eſquire, heretofore called *Francis Wemyſs*, and the Heirs of his Body, and ſeveral other Perſons therein named, and the Heirs of their reſpective Bodies, to retain, aſſume, and ſign, the Name of *Charteris*, and to bear the Arms of *Charteris*, and to hold and enjoy the Eſtate therein mentioned, notwithſtanding the Deſcent to him or them reſpectively of the Honour and Title of *Wemyſs*, or any other Honour or Title whatſoever.

34. An Act for eſtabliſhing and confirming an Exchange of a certain Piece of incloſed Land, in the Pariſh of *Eaſt Barnet*, in the County of *Hertford*, and Dioceſe of *London*, for other incloſed Land, Parcel of the Glebe of the ſaid Pariſh, purſuant to an Agreement between *Benjamin Underwood* Clerk, Maſter of Arts, Rector of the ſaid Pariſh of *Eaſt Barnet*, and *John Pybus* Eſquire.

35. An Act for exemplifying or inrolling the Will of *Charles Macarthy More*, deceaſed, and making the ſame Evidence, as well in *Ireland* as *Great Britain*.

36. An Act for dividing and incloſing the Common Fields, Common Meadows, Common Wood Grounds, and Commonable Lands, in the Pariſh of *Alveſton*, in the County of *Warwick*.

37. An Act for dividing and incloſing certain Common Fields, Common Meadows, and Commonable Waſte Grounds, within the Manor and Pariſh of *Aſton Subedge*, in the County of *Glouceſter*.

38. An Act for dividing and incloſing a certain Common Paſture, called *Myton Carr*, in the Lordſhip of *Myton*, in the Pariſh of *The Holy Trinity*, in the Town and County of the Town of *Kingſton upon Hull*.

39. An Act for dividing and allotting the Common Fields, Downs, and all other the Commonable Lands and Waſte Grounds, in the Manor and Pariſh of *Eaſt Garſton*, in the County of *Berks*.

40. An Act for dividing and incloſing the Commons and Waſte Grounds, within the Manor of *Monyaſh*, in the Pariſh of *Bakewell*, in the County of *Derby*.

41. An Act for dividing and incloſing the ſeveral Open Arable Fields, Meadows, Paſtures, Carrs, and other Open and Common Grounds, within the Townſhip of *Liſſet*, in the Pariſh of *Beeforth*, otherwiſe *Beford*, in the Eaſt Riding of the County of *York*.

42. An Act for dividing and incloſing *Prieſtwood* Common, in the Pariſhes of *Mackworth*, *Kedleſton*, and *Meynell Langley*, or ſome of them, in the County of *Derby*.

43. An Act for dividing and incloſing the Open and Common Fields, Cow Paſtures, Ings, Common Meadows, and other Commonable Lands, in the Pariſh of *Weſt Aſhby*, within the Manors of *Horncaſtle* and *Weſt Aſhby*, in the County of *Lincoln*.

44. An Act for dividing, incloſing, and allotting, the ſeveral Open Fields, Lands, and Grounds, within the Townſhip of *Kilham on the Woulds*, in the County of *York*.

45. An Act for dividing and incloſing a certain Parcel of Common and Waſte Ground, called *The Outwoods*, within the Townſhip or Hamlet of *Horninglow*, in the Pariſh of *Burton*, in the County of *Stafford*.

46. An Act for dividing and incloſing ſeveral Open Fields, Common or Waſte Lands, Stinted Paſtures, and Commonable Grounds, within the Hamlets of *Stapenhill* and *Winſhill*, in the County of *Derby*.

47. An Act for dividing and incloſing the ſeveral Open Fields, Common Meadows, Stinted Paſtures, Commons, and Waſte Lands, in the ſeveral Hamlets of *Stretton*, *Horninglow*, *Bond-end*, and *Branſton*, within the Pariſh of *Burton upon Trent*, in the County of *Stafford*.

48. An Act for dividing and incloſing the ſeveral Paſtures, within the Townſhip of *Hetton*, in the Pariſh of *Burnſal*, and Weſt Riding of the County of *York*.

49. An Act for dividing and incloſing certain Open Common Fields and Commonable Grounds, within the Manor and Pariſh of *South Reſton*, in the County of *Lincoln*.

50. An Act for dividing and incloſing the Open and Common Fields, Meadows, Paſtures, Heath, and Waſte Grounds, within the Manor and Pariſh of *Boothby Graffoe*, in the County of *Lincoln*.

51. An Act for dividing and incloſing the Open and Unincloſed Fields, Lands, Commons, and Waſtes, within the Manor of *Scalby*, in the North Riding of the County of *York*; and alſo a certain Common, called *Throxenby Moor*, otherwiſe *Newby Moor*, within the ſame Riding.

52. An Act for dividing and incloſing certain Fields, Lands, and Waſte Grounds, within the Townſhip of *Melton*, in the Pariſh of *Welton*, in the Eaſt Riding of the County of *York*.

53. An Act for dividing and incloſing the Common Fields, and the Common or Heath, called *Kiſſall Heath*, and other Commonable Lands, in the Pariſh of *Donington*, in the County of *Salop*.

54. An Act for dividing and incloſing a certain Common, called *Holland Ward*, otherwiſe *Hollin Ward*, in the County of *Derby*.

55. An Act for dividing and incloſing the Open and Common Fields, and Commonable Lands, within the Manor of *Broadway*, in the County of *Worceſter*.

56. An Act for dividing and incloſing certain Commons, Commonable Grounds, and Waſtes, called *Redditch Common* and *Webheath*, ſituate in that Part of the Manor of *Tardebigg*, which lies in the County of *Worceſter*, and for other Purpoſes therein mentioned.

57. An Act for dividing and incloſing the Open Fields, Meadows, Commons, and Common Paſtures, within the Liberties of *Stapleford* and *Bramcote*, in the County of *Nottingham*.

58. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands and Grounds, in the Pariſh of *Butler's Marſton*, in the County of *Warwick*.

59. An Act for dividing and incloſing the Open Fields, Commons, and Waſte Grounds, lying in the Pariſh of *Appleby*, in the Counties of *Leiceſter* and *Derby*.

60. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands and Grounds, called *Beanhall Fields*, in the Manor and Pariſh of *Feckenham*, in the County of *Worceſter*.

61. An Act for dividing and incloſing the Common and Waſte Grounds, within the Village, Hamlet, Townſhip, and Manor of *Oxenhope*, in the Pariſh of *Bradford*, and County of *York*.

62. An Act for dividing and incloſing the Open Fields, Meadows, Common Paſtures, and Waſte Grounds, within the Townſhips of *North Muſkham*, *Holme*, and *Bathley*, in the Pariſh of *North Muſkham*, in the County of *Nottingham*.

63. An Act to impower Sir *John Gibbons* to ſhut up the Foot-paths over certain Lands, in the Pariſh of *Stanwell*, in the County of *Middleſex*; and to extinguiſh all Claims and Right of Common in and over the ſaid Lands; and to oblige the ſaid Sir *John Gibbons* to make and keep in Repair a Foot-path in lieu thereof; and to veſt certain Premiſes and a Sum of Money in Truſtees, for the Uſe of the Poor of the ſaid Pariſh.

64. An Act for naturalizing *John Peter Du Roveray*, *John Daniel Naville*, *John Peter Eynard*, *David Chollett*, and *John Zacharias Gertcken*.

65. An Act for naturalizing *Auguſtine Noverre*.

66. An Act for impowering the Judges of the Court of Seſſion in *Scotland* to ſell certain Parts and Portions of the Eſtate and Barony of *Carrington*, in the County of *Edinburgh*, which formerly belonged to *Hugh* Lord Viſcount *Primroſe*, deceaſed, and now to *Neil* Earl of *Roſeberry*, for Payment of the Debts of the ſaid Viſcount.

67. An Act for veſting certain Lands and Hereditaments, Part of the Real Eſtate of *John Sutton* Eſquire, ſituate in the County of *Lincoln*, in Truſt, to be ſold, for Payment of eight thouſand Pounds, the Portion of *Iſabella Sutton* deceaſed, and for the other Purpoſes in the ſaid Act mentioned.

68. An Act for dividing and incloſing *Sheriff-hales* Common, in the County of *Stafford*.

69. An Act for dividing and incloſing the ſeveral Parcels of Fen Land, within the Pariſh of *Algarkirke cum Foſdyke*, in the Parts of *Holland*, in the County of *Lincoln*.

70. An Act for dividing and incloſing the Open and Common Fields, in the Pariſh of *Swalcliffe*, in the County of *Oxford*.

71. An Act for diſcharging the Manor of *Coldheſeldon*, and divers Meſſuages, Lands, and Hereditaments, Part of the Eſtate of *Richard* Earl of *Scarborough*, from the Uſes, Eſtates, and Truſts, declared concerning the ſame, by the Settlement executed previous to his Marriage with *Barbara* Counteſs of *Scarborough*, his Wife, and by a certain Act of Parliament, which paſſed in the ſeventh Year of his preſent Majeſty's Reign; and for ſettling another Manor, and other Lands and Hereditaments, of greater Value, in lieu thereof, to the like Uſes.

72. An Act for enabling Sir *Henry Harpur* Baronet to make Leaſes of his Eſtates in the Counties of *Derby* and *Stafford*, for three Lives, or ninety-nine Years, or ſuch other Leaſes as are therein mentioned.

73. An Act for Sale of Part of the ſettled Eſtates of Sir *John Shelley* Baronet, and of the Right Honourable *John Shelley* his Son, in the ſeveral Counties of *Kent* and *Wilts*, and alſo of a Farm called *Kingſham Farm*, in the Pariſh of *Saint Pancras*, in the County of *Suſſex*; and for applying the Monies to ariſe by ſuch Sale in Diſcharge of the Portions of the Daughters of the ſaid Sir *John Shelley*, affecting the Eſtates of him and his ſaid Son; and for other Purpoſes.

74. An Act to exchange Lands in *Langham*, in the County of *Suffolk*, between *Patrick Black* Eſquire, and *Edward Burch*, Rector of the Pariſh Church of *Langham* aforeſaid, within the Dioceſe of *Norwich*.

75. An Act for veſting certain Freehold and Leaſehold Mills, Lands, and Tenements, compriſed in the Marriage Settlement of *Joſeph Bullock* Eſquire, in Truſtees, to convey and aſſign the ſame reſpectively, purſuant to an Agreement for the Sale thereof; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes as are mentioned in ſaid Settlement.

76. An Act for confirming a Conveyance to *Henry Flitcroft* Eſquire, of certain Eſtates in the County of *York*, purchaſed by the Truſtees in the Marriage Settlement of *Charles Goring* Eſquire, and *Fanny* his Wife; and for confirming a Conveyance made by the ſaid *Henry Flitcroft* to the Uſe of the ſaid Truſtees of other Eſtates, in lieu thereof, in the County of *Surrey*.

77. An Act to enable the ſurviving Truſtee named in the Settlement of *William Pulteney* Eſquire, and *Frances* his Wife, to grant Leaſes of their Leaſehold Eſtates in *Weſtminſter*.

78. An Act for confirming a Deed of Truſt, dated the thirty-firſt of *December*, one thouſand ſeven hundred and ſeventy, and for the more effectual enabling the Truſtees to raiſe the Sum of nine thouſand Pounds, for the Purpoſes therein mentioned, by Mortgage or Sale of the Freehold Eſtate of *George Smyth* the elder, and *George Smyth* the younger, Eſquires, ſituate in the County of *Glouceſter*, or of a competent Part thereof.

79. An Act for veſting Part of the Eſtate late of *Nicholas Corſellis* Eſquire, deceaſed, at *Wivenhoe* and *Elmſted*, in the County of *Eſſex*, in Truſtees, to be ſold, for raiſing Money to diſcharge Incumbrances.

80. An Act for veſting the Manor of *Aſtley*, and certain Meſſuages, Lands, Tenements, and Hereditaments, in *Aſtley*, *Tyldeſley*, and *Bedford*, in the County of *Lancaſter*, compriſed in the Marriage Articles of *Thomas Froggatt*, and *Hannah* his Wife, in Truſtees, to the ſeveral Uſes, upon the Truſts, and ſubject to the Powers, Proviſoes, and Reſtrictions, therein mentioned.

81. An Act for veſting the ſettled Eſtates of *Thomas Parkinſon*, *Edward Heathcote*, and *Catharine* his Wife, and their reſpective Children, lying in the Counties of *Nottingham*, *Lincoln*, and *Cheſter*, in Truſtees, to ſell a ſufficient Part thereof for Payment of Debts and Legacies affecting the ſame, and for making a Partition of the Remainder thereof, and ſettling the entire Premiſes to the Uſes therein mentioned.

82. An Act for diſcharging from Tithe certain Lands, in the Pariſh of *Sebraham*, otherwiſe *Sebergham*, in the County of *Cumberland*; and for making Compenſation to the Curate of the ſaid Pariſh for the ſame.

83. An Act for draining and preſerving certain Fen Lands and Low Grounds in *Ladus Fen*, in the Iſle of *Ely*.

84. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Places, in *Waverton*, otherwiſe *Wareton*, in the Pariſh of *Poleſworth*, in the County of *Warwick*.

85. An Act for dividing and incloſing the ſeveral Open and Common Fields, Commonable Lands, and Waſte Grounds, within the Manor of *Hampſtead Norreys*, in the Pariſh of *Hampſtead Norreys*, in the County of *Berks*.

86. An Act for dividing and incloſing certain Open and Common Fields, called *Stretton* Common Field, and certain Common or Waſte Grounds, called *Stretton Heath*, and *Stretton Horſe Slead*, in the Pariſh of *Stretton on the Foſs*, in the County of *Warwick*.

87. An Act for dividing and incloſing the ſeveral Open and Common Fields, Arable, Meadow, and Paſture Grounds, Lammas Grounds, and Commonable Lands, within the Hamlets and Liberties of *Knightcot* and *Northend*, in the Pariſh of *Burton Daſſett*, in the County of *Warwick*.

88. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, and Commonable Lands, within the Pariſh of *Naunton Beauchamp*, in the County of *Worceſter*.

89. An

89. An Act for dividing and inclosing the Open Fields, Meadows, Common Paſtures, and all other Common and Waſte Lands, in the Liberties or Hamlets of *Kilby* and *Newton Harcourt*, in the Pariſh of *Wiſtow*, and County of *Leiceſter*.

90. An Act for dividing and inclosing the Open and Common Fields of *Stretton under Foſs*, in the Pariſh of *Monk's Kirby*, in the County of *Warwick*.

91. An Act for dividing and inclosing certain Open Fields, Lands, and Grounds, in the Townſhip and Pariſh of *Biſhop Norton*, in the County of *Lincoln*.

92. An Act for dividing and inclosing all the Open Fields, Lands, and Grounds, at *Long Riſton* and *Arnold*, in the County of *York*.

93. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Paſtures, and other Commonable Lands and Grounds, within the Pariſh and Liberties of *Pattiſhall*, within the Hamlets of *Eaſtcote*, *Aſtcote*, and *Darleſcote*, in the County of *Northampton*.

94. An Act for dividing, allotting, and inclosing the Open and Commonable Fields, Meadows, Paſtures, Lands, and Waſte Grounds, of, within, and belonging to the Manor, Pariſh, and Liberties of *Hartford*, in the County of *Huntingdon*.

95. An Act for dividing and inclosing the Open Fields in the Townſhip of *Butterwick*, in the Pariſh of *Foxholes*, in the Eaſt Riding of the County of *York*.

96. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, and Waſte Grounds, in the Pariſh of *Earls Barton*, in the County of *Northampton*.

97. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, and Commonable Lands, within the Manor and Pariſh of *Wedon* and *Weſton*, otherwiſe *Wedon Pinkney*, otherwiſe *Loys Wedon*, in the County of *Northampton*.

98. An Act for dividing and inclosing the Open and Common Fields, Common Paſtures, Common Meadows, Common Grounds, and Commonable Lands, within the Pariſh and Liberties of *Watford*, and within the Hamlet and Liberties of *Murcott*, in the Pariſhes of *Watford* and *Long Buckby*, in the County of *Northampton*.

99. An Act for dividing and inclosing the Moor, or Common, called *Elvet Moor*, in the Pariſh of *Saint Oſwald*, in the County Palatine of *Durham*, and for extinguiſhing all Right of Common in certain Intercommon Lands in the ſaid Pariſh.

100. An Act for dividing and inclosing the Open Arable Fields, Meadows, Paſtures, Commons, and Waſte Grounds, in the Pariſh of *Miſterton*, in the County of *Nottingham*.

101. An Act for dividing and inclosing the Commonable Lands and Waſte Grounds within the Manor and Pariſh of *Ubly*, in the County of *Somerſet*.

102. An Act for naturalizing *Jacob Matthias Juſtus*, and *Theophilus Chriſtian Blanckenhagen*.

103. An Act for naturalizing *Francis Harrand*.

104. An Act for veſting in Truſtees, and their Heirs, ſeveral Manors, Meſſuages, Lands, and Hereditaments, in the County of *Southampton*, the Eſtate of the Moſt Noble *William Henry Cavendiſh*, Duke of *Portland*, upon Truſt to ſell the ſame, and to apply the Money to ariſe by Sale thereof in Manner therein mentioned.

105. An Act for veſting the Manor, Capital Meſſuage, Barton Farm, and Demeſne Lands of *Cadhay*, ſituate in *Ottery Saint Mary*, in the County of *Devon*, Part of the ſettled Eſtate of Sir *Booth Williams* Baronet, in Truſtees, to be ſold; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the ſame Uſes which are now ſubſiſting with regard to the ſaid ſettled Eſtate.

106. An Act for confirming and carrying into Execution an Agreement, dated the twenty third Day of *June*, one thouſand ſeven hundred and ſeventy, between *Humphrey Minchin* Eſquire, and *George Clive* Eſquire, and for veſting certain Eſtates in the County of *Tipperary*, in the Kingdom of *Ireland*, in certain Truſtees and their Heirs, for that Purpoſe.

107. An Act for veſting certain Meſſuages in *The Strand*, in the County of *Middleſex*, Part of the ſettled Eſtate of *James Theobald* Eſquire, in Truſtees, to be conveyed to *James Adam* Eſquire; and for laying out the Purchaſe Money in Lands, to be ſettled to the Uſes to which the ſaid ſettled Eſtate do now ſtand limited.

108. An Act for veſting the Copyhold Eſtate of *Richard Maddock* Gentleman, deceaſed, ſituate at *Norwood*, in the County of *Middleſex*, in Truſtees, to be ſold, towards diſcharging the Principal Money and Intereſt due upon a Mortgage thereof, and of certain Freehold Eſtates of the ſaid *Richard Maddock*, in the County of *Wilts*.

109. An Act for dividing and inclosing the Open Common Meadows, Commons, and Downs, in the Pariſhes of *Preſton* and *Stratton*, in the County of *Glouceſter*.

110. An Act for dividing and inclosing the Common Fen belonging to *Boſton Weſt*, in the County of *Lincoln*.

111. An Act for dividing and inclosing the Common Fen belonging to *Skirbeck Quarter*, in the Pariſh of *Skirbeck*, in the County of *Lincoln*.

112. An Act for dividing and inclosing the Commons and Waſte Grounds within the Townſhip of *Brampton-en-le-Morthen*, in the Weſt Riding of the County of *York*.

113. An Act for naturalizing *Carſten Dirs* and *Jacob Gloſtein*.

THE

A

TABLE

OF THE

Publick and Private STATUTES,

CONTAINING

The TITLES of the ACTS of the Twelfth Year of the Reign of GEORGE III.

PUBLICK ACTS.

Anno 12 *Georgii* III.

1. AN Act to continue and amend an Act made in the laſt Seſſion of Parliament, intituled, *An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.*
2. An Act to continue for a further Time an Act made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act made in the Fifth Year of the Reign of His preſent Majeſty, intituled,* An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter from the *Britiſh* Dominions in *America*, for a limited Time.
3. An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.
4. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
5. An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.
6. An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.
7. An Act for explaining and amending an Act made in the Seventh Year of His preſent Majeſty, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight upon all Black and Single Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company *as is therein mentioned, for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; and for ſettling certain Doubts and Diſputes which have ariſen upon the ſaid Act of Parliament.
8. An Act to explain and amend an Act paſſed in the Tenth Year of His preſent Majeſty's Reign, for Paving, Lighting, and Watching the Town of *Plymouth*, in the County of *Devon*, and for regulating the Carmen and Porters within the ſaid Town.
9. An Act to enable the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called *Bedford Level*, to borrow upon Bonds further Money, upon account of the Middle and South Levels, Part of the ſaid Great Level; and for eſtabliſhing a further certain Fund, for Payment of the Bonds of the ſaid Corporation, out of the ſaid Middle and South Levels.
10. An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts; and for Relief of Proteſtant Purchaſers.
11. An Act for the better regulating the future Marriages of the Royal Family.
12. An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.

13. An

13. An Act for defraying the Charge of the Pay and Clothing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-two.

14. An Act for Clearing, Depthening, Repairing, Maintaining, and Improving the Haven and Piers of *Great Yarmouth*; and for Depthening, and making more Navigable, the ſeveral Rivers emptying themſelves into the ſaid Haven; and for preſerving Ships wintering therein from Accidents by Fire.

15. An Act for Lighting, Cleanſing, and Watching, the Streets, Lanes, and other Paſſages, of the Burgh of *Canongate*, and the Liberties of *Pleaſance* and *Leith Wynd*, adjoining to the Royalty of the City of *Edinburgh*.

16. An Act for Deepening, Cleanſing, Scouring, Preſerving, and Maintaining, the Harbour of *Port Glaſgow*, for enlarging and improving the Quays and Piers, for erecting new Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

17. An Act for Lighting ſuch Part of the Town of *Iſlington* as lies in the Pariſh of *Saint Mary, Iſlington*, in the County of *Middleſex*; and for eſtabliſhing a regular Nightly Watch therein.

18. An Act for the better Paving, Cleanſing, Lighting, and Watching, the Streets and Lanes in the Town and Pariſh of *Chatham*, in the County of *Kent*, and for removing and preventing Nuiſances and Annoyances therein.

19. An Act to enable His Majeſty to grant certain Houſes in *Fenchurch Street*, and *Addle Street*, in the City of *London*, eſcheated to the Crown by the Death of Lieutenant-general *John Brown*, without Heir, unto *Frederick Montagu* Eſquire, and his Heirs upon the Truſts therein mentioned.

20. An Act for the more effectual proceeding againſt Perſons ſtanding mute on their Arraignment for Felony, or Piracy.

21. An Act for giving Relief in Proceedings upon Writs of *Mandamus* for the Admiſſion of Freemen into Corporations; and for other Purpoſes therein mentioned.

22. An Act for deepening, cleaning, ſcouring, preſerving, and maintaining, the Harbour of *Ayr*; for enlarging and improving the Quays and Piers; for erecting Docks, Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

23. An Act for the Relief of Inſolvent Debtors; and for indemnifying the Marſhal of the *King's Bench* Priſon from Proſecutions at Law, for certain Eſcapes from the ſaid Priſon.

24. An Act for the better ſecuring and preſerving His Majeſty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

25. An Act for the more effectual veſting in the Royal Hoſpital at *Greenwich* the forfeited and unclaimed Shares of Naval Officers, Seamen, and Marines, in Prizes taken from the Enemy; and for other Purpoſes therein mentioned.

26. An Act for Imbanking, Draining, and Preſerving, certain Fen Lands and Low Grounds in the Pariſh of *Ramſey*, in the County of *Huntingdon*; and in the Pariſhes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, within the *Iſle of Ely*, in the County of *Cambridge*; and for amending the Road from a certain Bridge in the Pariſh of *Chatteris* aforeſaid, called *Carter's Bridge*, by a Drain called *Vermuyden's*, or *The Forty Feet Drain*, to a Bridge called *The Forty Feet Bridge*, in the ſaid Pariſh of *Ramſey*.

27. An Act to amend and render more effectual an Act, made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands, in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge, ſo far as the ſame relates to the ſeveral Fen and Field Lands lying in the Third, Fourth, and Fifth Diſtricts, deſcribed in the ſaid Act.

28. An Act to enlarge the Cœmetery or Church-yard, of the Pariſh of *Watford*, in the County of *Hertford*, and to make an additional Building to the preſent Workhouſe, for the Reception of the Poor of the ſaid Pariſh; and for other Purpoſes therein mentioned.

29. An Act to explain and amend an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down and removing certain Light-houſes now ſtanding near the* Spurn Point, *at the Mouth of the* Humber; *and for erecting other fit and convenient Light houſes inſtead thereof.*

30. An Act for the further Augmentation of the Salaries of the Juſtices of *Cheſter*, and the Great Seſſions for the Counties in *Wales*.

31. An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments; and to indemnify Juſtices of the Peace, or others, who have omitted to regiſter or deliver in their Qualifications within the Time limited by Law, and for giving further Time for thoſe Purpoſes; and to indemnify Members and Officers, in Cities, Corporations, and Borough Towns, whoſe Admiſſions have been omitted to be ſtamped according to Law, or having been ſtamped, have been loſt or miſlaid, and for allowing them Time to provide Admiſſions duly ſtamped, and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

32. An Act for allowing the free Importation of Rice into this Kingdom, from any of His Majeſty's Colonies in *America*, for a limited Time.

33. An Act for allowing the Importation of Wheat, Wheat Flour, Rye, Rye Meal, and *Indian* Corn, into this Kingdom, for a limited Time, free of Duty.

34. An Act to amend an Act of the Tenth Year of the Reign of His preſent Majeſty, for building a Workhouſe in the Pariſh of *Saint Martin in the Fields*, within the City of *Weſtminſter*, in the County of *Middleſex*.

35. An Act for enabling Their Majeſties to enfranchiſe Copyhold Lands holden of the Manor of *Richmond*, in the County of *Surrey*, and for enabling His Majeſty to ſhut up a Lane leading from *Richmond Green* to the River *Thames*, and to ſell and exchange certain Lands within the Manors of *Richmond* and *Wimbleton*.

36. An Act for completing a Building intended for a new Church or Chapel at *Richmond*, near *Everton*, in the County Palatine of *Lancaſter*; and for other Purpoſes.

37. An Act for draining and preſerving certain Commons, Low Grounds, and Cars, in the Pariſh of *Market Weighton* and other adjacent Pariſhes in the Eaſt Riding of the County of *York*; and for making a Navigable Cut or Canal from *Market Weighton* to the River *Humber*.

38. An

38. An Act for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Rows, Lanes, Alleys, and other publick Paſſages and Places, within the Pariſh of *Chriſt Church*, in *Middleſex*; and for removing Nuiſances and Obſtructions therefrom, and preventing the like for the future; and for paving and regulating ſuch Parts of *Brick Lane* as are not within the ſaid Pariſh.

39. An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

40. An Act for amending and rendering more effectual an Act, made in the Tenth Year of His Majeſty's Reign, intituled, *An Act for building a new Pariſh Church, and declaring the preſent Pariſh Church a Chapel; for making a Cœmetery or Church-yard; and for building a Houſe for the Uſe of the Miniſter of the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex.

41. An Act for building a Bridge over the River *Thames*, near the Town of *Maidenhead*, in the County of *Berks*.

42. An Act for ſettling and determining what Parts of the Precinct of the *Savoy*, in the County of *Middleſex*, ſhall be under the Survey of the Court of Exchequer, and what Parts thereof under the Survey of the Duchy of *Lancaſter*.

43. An Act for veſting *Ely Houſe*, in *Holbourn*, in His Majeſty, His Heirs and Succeſſors, and for applying the Purchaſe-money, with another Sum therein mentioned, in the purchaſing of a Freehold Piece of Ground in *Dover Street*, and in the building and fitting up another Houſe thereon, for the future Reſidence of the Biſhops of *Ely*, and the Surplus to the Benefit of the See; and for other Purpoſes therein mentioned.

44. An Act to enable His Majeſty to grant the Reverſion or Remainder in Fee-ſimple, now veſted in His Majeſty, of and in an Annual or Fee-farm Rent of One hundred and thirteen Pounds, One of the ſeveral Fee-farm Rents granted to the Right Honourable *Edward*, heretofore Earl of *Sandwich*, by His late Majeſty King *Charles* the Second, unto the Honourable *James Archibald Stewart*, and His Heirs, upon a full and adequate Conſideration to be given by him, or his Heirs, for the ame.

45. An Act for the better Regulation of Carters, Carriages, and loaded Horſes; and for removing Obſtructions and Nuiſances upon the Streets and Highways within that Part of *Great Britain* called *Scotland*.

46. An Act for the more effectual preventing of Frauds in the Revenues of Exciſe, with reſpect to Tea, Soap, Low Wines, and Spirits.

47. An Act to continue an Act, made in the Fifth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts, and for making Proviſion for diſcharging Bankrupts, in certain Caſes from their Impriſonment*.

48. An Act for the more effectual preventing of Frauds in the Stamp Duties, upon Vellum, Parchment, Paper, and Cards.

49. An Act to explain and amend an Act, made in the Seventh Year of the Reign of His preſent Majeſty, intiuled, *An Act for altering the Stamp-duties upon Policies of Aſſurance; and for reducing the Allowance to be made in reſpect of the prompt Payment of the Stamp-duties on Licences for retailing Beer, Ale, and other exciſeable Liquors; and for explaining and amending ſeveral Acts of Parliament relating to Hackney Coaches and Chairs*; ſo far as the ſame relates to Hackney Coaches.

50. An Act for the encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of ſuch Bark ſhall exceed a certain Rate, for a limited Time.

51. An Act for continuing an Act, made in the Tenth Year of the Reign of His preſent Majeſty, to prevent the further ſpreading of the contagious Diſorder among the Horned Cattle in *Great Britain*.

52. An Act to enable the Lords Commiſſioners of His Majeſty's Treaſury to order and allow, out of the Money ariſing by the Coinage Duty, a certain Sum therein mentioned, for the Expences of proſecuting Offenders againſt the Laws relating to the Coin, in the Year One thouſand ſeven hundred and ſeventy, over and above the Sum yearly allowed for that Service.

53. An Act to enable the Lords of the Treaſury to diſcharge the Executors of Lady *Anne Jekyll* from a Debt due to His Majeſty, for the Uſe of the Sinking Fund, upon Payment of the ſame into the Exchequer.

54. An Act for the more effectually ſecuring a Quantity of Oak Timber for the Uſe of the Royal Navy.

55. An Act for preventing Frauds and Abuſes, in relation to the Trade carried on between *Great Britain* and *Ireland*.

56. An Act to continue ſeveral Laws relating to the Allowance upon the Exportation of *Britiſh*-made Gunpowder; to the giving further Encouragement for the Importation of Naval Stores from the *Britiſh* Colonies in *America*; to the further encouraging the Manufacture of *Britiſh* Sail Cloth, and to the Duties payable on Foreign Sail Cloth; to the granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majeſty's Sugar Colonies, directly into Foreign Parts, in Ships built in *Great Britain*, and navigated according to Law; to the free Importation of Cattle from *Ireland*; and to the regulating the Fees of Officers of the Cuſtoms, and Naval Officers in *America*.

57. An Act to explain and amend ſo much of an Act, made in the Sixth Year of the Reign of His late Majeſty King *George* the Second, as relates to the Eſtabliſhment of Lazarets.

58. An Act for the further Encouragement of the Herring Fiſhery on the Coaſts of the *Iſle of Man*; and for obviating a Doubt which has ariſen with reſpect to the allowing the Bounties upon the *Britiſh* White Herring Fiſhery, in the Year One thouſand ſeven hundred and ſeventy-one.

59. An Act for veſting in His Majeſty certain Hereditaments at *Richmond*, in the County of *Surrey*, belonging to *Catharine* Viſcounteſs *Fitzwilliam*, and held by Leaſe from the Crown; and for veſting the Freehold and Inheritance of certain Leaſehold and Copyhold Hereditaments at *Richmond* aforeſaid in Truſtees, and their Heirs, in Truſt for the ſaid *Catharine* Viſcounteſs *Fitzwilliam*, as a Part of the Compenſation for the ſame, and for other Purpoſes therein mentioned.

60. An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to *Ireland*, and the *Britiſh* Dominions in *America*; for altering the Drawback upon foreign Sugars exported from *Great Britain* to *Ireland*; for continuing the Bounty on the Exportation of *Britiſh*-made Cordage; for allowing the Importation of Rice from the *Britiſh* Plantations into the Ports of *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*, for immediate Exportation to foreign Parts; and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to *London*, which have been ſent into the Country for Sale.

The TITLES of the STATUTES.

61. An Act to regulate the making, keeping, and Carriage of Gunpowder, within *Great Britain*; and to repeal the Laws heretofore made for any of thoſe Purpoſes.

62. An Act to enable the Lord Biſhop of *Durham*, and his Succeſſors, to raiſe a competent Sum of Money, to be applied for the repairing, improving, or rebuilding, ſuch Part of *Fyne Bridge* as belongs to the See of *Durham*.

63. An Act for redeeming One Million five hundred thouſand Pounds of the Capital Stocks of Three Pounds *per Centum* Annuities, in the Manner, and on the Terms therein mentioned; and for eſtabliſhing a Lottery.

64. An Act for building Two new Chapels, and providing Burial Places thereto, within the Town of *Birmingham*, in the County of *Warwick*.

65. An Act to extinguiſh the Right of Common upon an Acre of Ground called *White Lyon*, or *Hangman's Acre* in *Saint George's Fields*, in the County of *Surrey*.

66. An Act for the more eaſy and ſpeedy Recovery of Small Debts within the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter*, in the County of *Worceſter*.

67. An Act for Incorporating the Members of a Society, commonly called *The Marine Society*, and their Succeſſors, to be elected as therein is mentioned, and for the better impowering and enabling them to carry on their charitable and uſeful Deſigns.

68. An Act for the better Relief and Employment of the Poor within that Part of the Pariſh of *Saint Sepulchre*, which is in the County of *Middleſex*; and for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Lanes, Alleys, Courts, Yards, and open Paſſages and Places, within the ſame; and for removing Annoyances therefrom; and for making the Communication between *Charter-houſe Square* and *Saint John Street*, through *Charter-houſe Lane*, more convenient.

69. An Act for Paving, Lighting, Cleanſing, Watering, and Watching the Streets and other publick Places within ſuch Part of the Pariſh of *Saint Pancras*, in the County of *Middleſex*, as lies on the Weſt Side of *Tottenham-court Road*; and for preventing Nuiſances and Obſtructions therein; and for obliging the Truſtees for the Care of the ſaid Road to pave, repair, and cleanſe ſuch Part of the ſaid Road as is therein deſcribed.

70. An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned, for the Service of the Year One thouſand ſeven hundred and ſeventy-two; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders loſt, burnt, or deſtroyed.

71. An Act for the repealing ſeveral Laws therein mentioned againſt Badgers, Ingroſſers, Forſtallers, and Regrators, and for indemnifying Perſons againſt Proſecutions for Offences committed againſt the ſaid Acts.

72. An Act for rendering the Payment of the Creditors of Inſolvent Debtors more equal and expeditious, and for regulating the Diligence of the Law by Arreſtment and Poinding, and for extending the Privilege of Bills to Promiſſory Notes, and for limiting Actions upon Bills and Promiſſory Notes, in that Part of *Great Britain* called *Scotland*.

73. An Act for the better Regulation of Buildings and Party Walls within the Cities of *London* and *Weſtminſter*, and the Liberties thereof, and other the Pariſhes, Precincts, and Places within the Weekly Bills of Mortality, the Pariſhes of *Saint Mary-le-bone* and *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelſea*, in the County of *Middleſex*; and for the better preventing of Miſchiefs by Fire within the ſaid Cities, Liberties, Pariſhes, Precincts, and Places; and for amending and reducing the Laws relating thereto into One Act; and for other Purpoſes.

PUBLICK ACTS continued in Volume II. intituled, *ROAD ACTS.*

74. AN Act to continue and enlarge the Term and Powers of an Act, made in the Twenty-ſixth Year of King *George* the Second, for repairing and widening the Roads leading from *Lobcomb Corner* in the Pariſh of *Witerſlow* to *Harnham Bridge* in the County of *Wilts*; and from the Weſt Corner of *Saint Ann's Street* in the City of *New Sarum*, to the Pariſhes of *Landford* and *Brook*, and from thence to *Ealing*; and from *Landford* aforeſaid, through *Ower* and *Teſtwood*, to *Ealing* aforeſaid, in the County of *Southampton*; and for repairing and widening the Road from the *Rumſey* and *Ringwood* Turnpike Road, near to the Houſe of *Francis Fry*, to *Lindhurſt*; and from a Place called *Hampton Ford*, to *Lamb's Corner*, in the ſaid County of *Southampton*; and for repairing the Footways within the ſaid City.

75. An Act for making a Navigable Cut or Canal from the River *Dee*, within the Liberties of the City of *Cheſter*, to or near *Middlewich* and *Nantwich*, in the County of *Cheſter*.

76. An Act for enlarging the Term and Powers of an Act for Repairing and Widening the Road from the City of *Norwich* to *Scole Bridge*, in the County of *Norfolk*.

77. An Act to amend an Act of the Sixth Year of the Reign of His preſent Majeſty, "for Repairing and "Widening the Stone Bridge, in the Town of *Shrewſ-* "*bury*;" and for appropriating Part of the Tolls collected upon certain Roads leading to the ſaid Bridge towards finiſhing the ſame; and for granting additional Term to the ſeveral Acts for Repairing the ſaid Roads.

78. An Act for Repairing and Widening ſeveral Roads from *Aldermaſton*, in the County of *Berks*, to *Baſingſtoke*, and from *Aldermaſton* aforeſaid to the Turnpike Road from *Baſingſtoke* to *Andover*, at or near *Worting*, and to the Turnpike Road leading to *Wincheſter* at *Popham Lane*, in the County of *Southampton*.

79. An Act for the more effectual Aſſeſſing and Collecting of the Rates for the Relief of the Poor in the Pariſh of *Saint Botolph*, *Biſhopſgate*, in the Liberties of the City of *London*.

80. An Act for continuing the Term, and altering and enlarging the Powers of an Act, made in the Tenth Year of His preſent Majeſty, for repairing and widening the Roads from the Borough of *Bury Saint Edmonds* to the Town of *Newmarket*, in the Counties of *Suffolk* and *Cambridge*; and from the South End of the *Ferry Street*, in *Brandon*, to *Bury Saint Edmunds*, in the ſaid County of *Suffolk*.

81. An Act to explain and amend an Act, made in the Twenty-third Year of the Reign of His late Majeſty King *George* the Second, for Improving the Navigation of the River *Loyne*, otherwiſe called *Lune*, and for building a Quay or Wharf near the

Town of *Lancaſter*, in the County Palatine of *Lancaſter*.

82. An Act for Repairing and Widening ſeveral Roads leading through the County of *Lanerk*, and for building a Bridge over the River *Clyde*, at or near a Place called the *Howford*, in the ſaid County.

83. An Act to continue and render more effectual an Act paſſed in the Twenty-ſixth Year of the Reign of His late Majeſty, for repairing the Road from the *North Queen's Ferry*, through the Towns of *Inverkeithing* and *Kinroſs* to the Town of *Perth*; and alſo the Road from the ſaid *Queen's Ferry* to the Towns of *Dumfermline*, *Torryburn*, and *Culroſs*; and alſo the Road from the ſaid *Queen's Ferry*, through *Inverkeithing*, to *Burntiſland* and *Kirkcaldie*.

84. An Act to continue and render more effectual ſeveral Acts for repairing the Roads from the Pariſh of *Enfield*, in the County of *Middleſex*, to the Town of *Hertford*, and other Roads in the ſaid Acts mentioned; and alſo for repairing the Road from the End of the Town of *Hertford* to *Amwell End* near *Ware*, in the ſaid County of *Hertford*.

85. An Act for Repairing and Widening the Road from the End of the Preſent Turnpike Road from *Beſſelſleigh* to *Hungerford*, in the County of *Berks*, to *Leckford* otherwiſe *Soulſey Water*, in the County of *Wilts*.

86. An Act for enlarging the Term and Powers of an Act, paſſed in the Second Year of His preſent Majeſty's Reign, for repairing, widening, and altering ſeveral Roads leading from *Taviſtock* to *Plymouth*, and other Places in the County of *Devon*; and for repairing and widening, the Road from the Guildhall in *Taviſtock* aforeſaid, through *Matthew Street* and *Lower Brook Street*, to *Cherrybrook*, and to *Dunnabridge Pound*, and from the *Callington* Turnpike Road to *Morwellham* and *New Quay*, in the ſaid county.

87. An Act for building a Bridge croſs the River *Ure*, from *Great Ouſeborn* to *Aldwork*, in the County of *York*.

88. An Act to continue and render more effectual Two ſeveral Acts for repairing the Roads leading from the Town of *Mancheſter*, in the County of *Lancaſter*, through the Town of *Aſhton under Line*, and Pariſh of *Mottram Longdendale*, and from thence to *Salter's Brook*, in the County Palatine of *Cheſter*.

89. An Act to continue and render more effectual ſeveral Acts for repairing the Highways between *Dunſtable* and *Hockliffe*, in the County of *Bedford*; and from the Sign of *the White Horſe* to the Sign of *the King's Arms* in *Hockcliffe* aforeſaid; and alſo for making Proviſion for the more effectual repairing the Road leading from the Sign of *the Waggon and Horſes* to *the Bull Inn* in *Dunſtable* aforeſaid.

90. An Act for Repairing and Widening the Road from the Weſt End of *Saint Ives Lane*, in the Town of *Saint Neots*, in the County of *Huntingdon*, to the Pavement at the End of *Bell Lane*, in the Town of *Cambridge*.

91. An Act for Repairing and Widening the Road from the *Warwick* Road near *Solihull*, to the Guide Poſt in *Kenilworth*; and from *Stone Bridge*, to meet the aforeſaid Road on *Balſall Common*, in the County of *Warwick*.

92. An Act to continue, amend, and render more effectual, an Act paſſed in the Seventh Year of the Reign of His preſent Majeſty, for repairing the Roads from *Tunbridge Wells*, in the County of *Kent*, to *Swift's Den*, in the Pariſh of *Etchingham*, and from *Frant* to *Peſſingworth Great Wood*, adjoining to the Turnpike Road there, leading to *Black Boys*, in the County of *Suſſex*.

93. An Act for Repairing and Widening the Road from the *Exeter* Turnpike at *Reedy Gate*, in the Pariſh of *Dunſford*, in the County of *Devon*, to *Cherrybrook*, in the Foreſt of *Dartmore*, in the ſaid County.

94. An Act for enlarging the Term and Powers of an Act, made in the Thirtieth Year of the Reign of His late Majeſty, for repairing and widening ſeveral Roads leading to, through, and from the Town of *Frome*, in the County of *Somerſet*; and ſeveral other Roads in the Counties of *Somerſet* and *Wilts*.

95. An Act for Repairing and Amending the Road from *Beerſtreet Gates*, in the City of *Norwich* to *New Buckenham*, in the County of *Norfolk*.

96. An Act for Repairing, Widening, and keeping in Repair the Road from *Burlton*, in the County of *Salop*, through *Knockin*, to *Llanymynech* in the ſame County, and from *Knockin* to the Eaſt End of the *Llanriader* Road, and from *Place Carrick Lane* to the Turnpike Road from *Llanymynech* to *Oſweſtry* near *Coid Iſſa Mountain*, and from *Oſweſtry* Turnpike Road on *Knochin Heath* to the Eaſt End of *Knockin Lane*.

97. An Act for Repairing and Widening the Roads from the Confines of the County of *Berwick* at or near *Banghouſe Walls* to *Compton's Lanes*, and *Eymouth*, and from the Town of *Eccles* to *Eymouth*, and from *Whitelaw Muir* to *Compton's Lanes*, in the County of *Berwick*.

98. An Act for Repairing and Widening the Road leading from the Eaſt End of the Bridge acroſs the River *Ouze*, in *Downham Market* to the *Queen's Head*; and from the *Chequer Inn* in *Downham Market* aforeſaid, to the Eaſt End of the *Two Mile Cloſe*, in the Pariſh of *Barton* and towards *Watton*, to a Place called *The Devil's Ditch*, in the County of *Norfolk*; and for ſtopping up the Road leading from *Stradſet* through *Barton Lyes*, towards *Watton*.

99. An Act for enlarging the Term and Powers of Two Acts made in the Twenty-ſixth and Twenty-ninth Years of the Reign of His late Majeſty King *George* the Second for Repairing and Widening *Old Street Road*, in the Pariſhes of *Saint Luke* and *Saint Leonard Shoreditch*, in the County of *Middleſex*.

100. An Act for building a Temporary Bridge over the River *Tyne*, between the Town of *Newcaſtle upon Tyne* and *Gateſhead* in the County of *Durham*.

101. An Act to Continue the Term, and vary the Powers, of ſo much of an Act, made in the Twenty-firſt Year of the Reign of His late Majeſty, for repairing the Road from *Sutton Coldfield Common*, and ſeveral other Roads therein deſcribed, in the County of *Stafford*, as relates to the *Wolverhampton* Diſtrict of Roads.

102. An Act for Repealing certain Proviſions in Two Acts of Parliament, ſo far as the ſame relate to repairing the Highways in the Pariſh of *Saint Mary Matfelon*, otherwiſe *Whitechapel*, in the County of *Middleſex*; and for raiſing Money for repairing the ſaid Highways.

103. An Act for the better Preſervation of the Great Bank of the River *Welland*, from *Spalding High Bridge*, through *Cowbit Peakill*, *Crowland*, and *Peakirk*, and for making and keeping in Repair a Road thereon, and from thence to the Village of *Glenton*, in the Counties of *Lincoln* and *Northampton*.

104. An Act to explain and amend an Act of the Eleventh Year of the Reign of His preſent Majeſty, for amending and widening the Road from *Beſſelſleigh*, through *Wantage*, to *Hungerford*, in the County of *Berks*; and from *Wantage* to *Marlborough*, in the County of *Wilts*; and from the Turnpike Road between *Reading*

and *Wallingford*, through *Halfpenny Lane*, to *The Old Red House* upon *Wantage Downs*, and from thence to *Lambourn*, in the said County of *Berks*.

105. An Act for Amending, Widening, and Altering the Roads leading from *Crickhowel*, in the County of *Brecon*, to the *Croſs Hands*, beyond *New Inn*, in the Turnpike Road between the City of *Hereford* and *Roſs*, and from a Place called *The Lower Croſs Ways*, in the Pariſh of *Saint Maughan's*, to the Town of *Groſmount*, in the County of *Monmouth*; and from a Smith's Shop at *Stanton*, in the Pariſh of *Llanvihangell*, to *Chapel a Fine*, in the ſame County; and from the Turnpike Road, in the Pariſh of *Welſh Newton*, in the County of *Hereford*, to *Ponttanaſt*, in the Pariſh of *Cluddock*, in the ſaid County.

106. An Act to continue the Term, and alter and enlarge the Powers of ſo much of Two Acts, made in the Twenty-ſixth and Twenty-ſeventh Years of King *George* the Second, for repairing ſeveral Roads leading into the City of *Glaſgow*, as relates to that Part of the Road from the City of *Glaſgow* to the Town of *Dumbarton*, which leads through the County to the Town of *Dumbarton*.

107. An Act for Repairing and Widening the Road from the Forty-eighth Mile-ſtone, in the Pariſh of *Cardington*, in the preſent Turnpike Road between *Hitchin* and *Bedford*, to *Great Bardford Bridge*; and for continuing a Road from thence to the Great Northern Road, near *Temsford Bridge*, in the County of *Bedford*.

108. An Act for Repairing and Widening the Roads from *Sheet Bridge* to *Portſmouth*, and from *Petersfield* to the *Alton* Turnpike Road, near *Ropley*, in the County of *Southampton*.

109. An Act for making and keeping in Repair a Road or Paſſage for Horſes, on the Banks of the River *Severn*, between *Bewdley Bridge* and a Place called *The Meadow Wharf*, at *Coalbrookdale*, for hailing and drawing Veſſels along the ſaid River; and for other Purpoſes therein mentioned.

110. An Act for enlarging the Terms and Powers of Two Acts, made in the Thirteenth Year of the Reign of King *George* the Firſt, and the Twenty-firſt Year of the Reign of King *George* the Second, for repairing the ſeveral Roads leading from *Birmingham*, through the Town of *Wedneſbury*, to a Place called *High Bullen*, and to *Great Bridge*, and from thence to the End of *Gibbet Lane*, next adjoining to the Townſhip of *Bilſon*; and from *Great Bridge*, through *Dudley*, to *King Swinford*; and to the further End of *Brittel Lane*, in the Counties of *Warwick*, *Stafford*, and *Worceſter*.

PRIVATE ACTS.

Anno 12 *Georgii* III.

1. AN Act for naturalizing *Diederick Meyerhoff*.
2. An Act for naturalizing *John Poel*.
3. An Act for naturalizing *John Henry Gentil*.
4. An Act for naturalizing *Francis Darius Laudumiey*.
5. An Act for dividing and incloſing the Open Common Fields, Meadows, and Waſte Grounds, within the Manor and Pariſh of *North Crawley*, in the County of *Bucks*.
6. An Act for dividing and incloſing ſeveral Open Fields and Waſte Grounds, within the Manor of *Clareton* with *Coneyſtrop*, and a Piece of Waſte Ground, called *Shortſill*, in the Manor of *Allerton with Flaxby*, all in the County of *York*.
7. An Act to enable *Henry Peyton* Eſquire (lately called *Henry Daſhwood*,) and his Iſſue, to uſe the Surname and Arms of *Peyton*, purſuant to the Will of Sir *Thomas Peyton*, Baronet, deceaſed.
8. An Act for naturalizing *Peter Lewis De la Rive*, and *Francis Menet*.
9. An Act for Naturalizing *James Samuel Jequier*.
10. An Act for Sale of a Capital Freehold Meſſuage in *Saint James' Square*, in the County of *Middleſex*, Part of the entailed Eſtate of the Right Honourable *Allen* Lord *Bathurſt*, unto Sir *Watkin Williams Wynne*, Baronet, purſuant to an Agreement; and for ſettling an Eſtate in the County of *Northampton*, of greater Value, in lieu thereof.
11. An Act for annulling and making void certain Articles of Agreement, made previous and in order to the Marriage of *George Wilſon* Eſquire, and *Anne Sybelle*, his now Wife, and the Settlement made after their Marriage, in purſuance of the ſaid Articles, in Confirmation of a Decree and Order of the High Court of Chancery.
12. An Act for eſtabliſhing and regulating a Charity, called *Foxley Charity*, in the County of *Northampton*, founded by Lady *Catharine Leveſon*.
13. An Act for incloſing the Common Fields, Break Lands, Half-year Lands, Lammas Meadows, Heaths, Commons, and Waſte Grounds, within the Pariſh of *Roudham*, in the County of *Norfolk*.
14. An Act for dividing, allotting, and incloſing, the Open Fields and Commonable Places, in the Pariſh of *Skeffington*, and County of *Leiceſter*.
15. An Act for dividing, alloting, and incloſing, the Common Fields, Half-year Incloſures, and Commons, and Waſte Lands, within the Pariſh of *Fincham*, in the County of *Norfolk*.
16. An Act for dividing and incloſing the Common and Waſte Grounds within the Manor of *Great Ormſide*, in the Pariſh of *Ormſide*, in the County of *Weſtmoreland*.
17. An Act for dividing and incloſing the Commons, and Waſte Lands and Grounds, in the Townſhip of *Scaftworth*, in the County of *Nottingham*.
18. An Act for dividing and incloſing the Common and Open Fields, and other Commonable Lands and Waſte Grounds, within the Manor and Pariſh of *Woolley*, in the County of *Huntingdon*.
19. An Act for allotting, dividing and incloſing, the Open and Common Fields, and Common or Commonable Meadows, Paſtures, Lands and Grounds, and Common or Waſte Land, of and within the Manor of *Little Kington*, *Combrooke* and *Brookehampton*, in the County of *Warwick*.
20. An Act for dividing and incloſing the ſeveral Moors, or Commons, called *Rigg Moor* and *Brearton Moor*, within the Manor of *Brearton*, in the Pariſh of *Knareſborough*, in the County of *York*.
21. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, Common Grounds, and Commonable Lands, within the Hamlet of *Denſhanger*, in the Pariſh of *Paſſenham*, in the County of *Northampton*.
22. An Act for dividing and incloſing the Common Fields, Common Meadows, Common Grounds, and Commonable Places in the Pariſh of *Handborough*, in the County of *Oxford*.

23. An

23. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds, within the Manor and Liberties of *Soulbury*, with the Hamlet of *Hollindon*, in the County of *Bucks*.
24. An Act for dividing and inclosing the several Commons and Waste Grounds within the Manor of *Rushton James*, in the Parish of *Leek*, in the County of *Stafford*.
25. An Act for dividing and inclosing certain open Common Fields, Ings, Common Pastures, and other Commonable Lands, within the Manor of *Moorby cum Wilksby*, in the Townships of *Moorby* and *Wilksby*, in the County of *Lincoln*.
26. An Act for dividing and inclosing the Common and Waste Grounds, and Stinted Pasture, within the Manor of *Sandford*, in the Parish of *Warcop*, in the County of *Westmoreland*.
27. An Act for dividing and inclosing the several Commons and Waste Grounds, within the Liberty of *Buxton*, in the Parish of *Bakewell*, and County of *Derby*.
28. An Act for dividing and inclosing the Common Fields, within the Parish of *Manton*, in the County of *Rutland*.
29. An Act for dividing and inclosing the Open Fields, and Commonable Places, in the Parish, Lordship, or Liberties, of *Low Toynton*, in the County of *Lincoln*.
30. An Act for dividing and inclosing a certain Open and Common Field, and Commonable Lands, in the Township, Liberties, and Precincts, of *Epwell*, in the County of *Oxford*.
31. An Act for dividing, inclosing, and allotting, the open Common Fields, Commonable Lands, and Meadow Ground, within the Manor and Parish of *Great Farringdon*, in the County of *Berks*.
32. An Act for dividing and inclosing the Open and Common Fields, and other Commonable Meadows, Pastures, and Grounds, within the Parish of *Cavenham*, in the County of *Suffolk*.
33. An Act for dividing and inclosing certain Open Fields, Moors, and Common Pastures, in the Lordship of *Middle Raisin*, in the County of *Lincoln*.
34. An Act for dividing and inclosing all the Open Fields and Waste Grounds, within the Township of *Follifoot*, in the County of *York*.
35. An Act for dividing and inclosing all the Open Fields, Meadows, Common Pastures, and other Commonable Lands, in the Liberties of *Stainby*, in the County of *Lincoln*.
36. An Act for dividing and inclosing the Open and Common Fields, and Commonable Lands, within the Parish of *Quinton*, in the County of *Gloucester*.
37. An Act for dividing and inclosing the Open and Common Fields, and all other Commonable Lands, within the Precincts of the Hamlet of *Throckmorton*, in the County of *Worcester*.
38. An Act for dividing and inclosing the open Common Arable Fields, and the Common Meadows, Pasture Grounds, Commons, and Waste Grounds, within the Townships of *Pollington*, *Balne*, *Whitley*, and *Whitley Thorpe*, *Great Heck*, and *Little Heck*, in the Parishes of *Snaith* and *Kellington*, in the County of *York*.
39. An Act for dividing and inclosing the Open and Common Fields, in the Parish of *Hammeringham*, in the County of *Lincoln*.
40. An Act for dividing and inclosing all the Open Fields, Meadows, Common Pastures, and other Commonable Lands, in the Liberties of *Stapleford*, in the County of *Leicester*.
41. An Act for dividing and inclosing the Open and Common Fields, and Commonable Lands, within the Parish of *Kemerton*, in the County of *Gloucester*.
42. An Act for dividing and inclosing a Moor, called *Carlton Moor*, or *Common*, and an Open Field, called *the Town Field*, in the Manor and Township of *Carlton*, in the Parish of *Guiseley*, in the West Riding of the County of *York*.
43. An Act to dissolve the Marriage of the Right Honourable *Edward* Viscount *Ligonier* with *Penelope Pitt*; and to enable him to marry again; and for other Purposes therein mentioned.
44. An Act to dissolve the Marriage of Sir *John Colleton*, Baronet, with *Ann Fullford*, his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.
45. An Act to dissolve the Marriage of *Hugh Lewis* with *Susannah Hale*, otherwise *Heale*, his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act to dissolve the Marriage of *Ambrose Godfrey Hanckwitz*, with *Dorothy Ashcroft*, his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.
47. An Act for making the Exemplification of the Last Will and Testament of *James Macartney* Esquire, deceased, Evidence in all the Courts of Law and Equity in *Great Britain* and *Ireland*.
48. An Act to enable *Mary* and *William Hutton*, and the other Persons therein described, to take and use the Surname, Arms, and Crest, of *Long*, pursuant to the Will of *James Long*, deceased.
49. An Act to enable *Reginald Pole*, Esquire, to take, use, and bear, the Surname and Arms of *Carew*, pursuant to the Will of Sir *Coventry Carew*, Baronet, deceased.
50. An Act for naturalizing *Arnold Meyer*, *Peter Boetefeur*, *John Gotthelff Rucker*, and *John Adam Guth*.
51. An Act for naturalizing *John Luke Iselin*.
52. An Act for naturalizing *Conrad Rucker*.
53. An Act for raising out of the Estates, late of *Ann Nugent*, deceased, the Sum of 10,000*l.* for the Benefit of the Right Honourable *Robert Craggs*, Lord Viscount *Clare* in the Kingdom of *Ireland*, her late Husband; and for raising out of the Estates, late of *Elizabeth Eliot*, deceased, the like Sum of 1000*l.* for the Benefit of *Edward Elliot* Esquire, in Recompence and Satisfaction to the said *Robert* Lord Viscount *Clare* and *Edward Elliot*, for their severally consenting to give up and relinquish certain Powers of Leasing for Lives, or Years determinable on Lives, reserved to them respectively, in and by the several Last Wills of them the said *Ann Nugent* and *Elizabeth Elliot*, and the Settlements which have been made in pursuance thereof; and for vacating, annulling, and extinguishing, the said Powers of Leasing; and for other the Purposes therein expressed.
54. An Act for granting to *William Jones* Esquire, on certain Contingencies therein mentioned, a Term for Ninety-nine Years, if he shall so long live, in the Real Estates, late of *William Jones* Esquire, deceased, in the several Counties of *Wilts* and *Berks*, upon such Terms as are therein mentioned.
55. An Act for vesting certain Lands and Tenements, in the County of *Southampton*, late the Estate of *John Mills* Esquire, deceased, in Trustees, to be sold; and for applying the Money arising from the Sale thereof towards discharging his Debts and Legacies.
56. And Act for vesting the Freehold and Leasehold Estates of *Edward Holden Cruttenden*, Esquire, deceased, in the Parishes

Parishes of *Putney* and *Roehampton*, in the County of *Surrey*, in Trustees for the Purposes therein mentioned.

57. An Act to amend and enlarge the Powers and Authorities given to *George Fieschi Heneage*, Esquire, by an Act, made in the Tenth Year of the Reign of His present Majesty, intituled, "An Act for dividing and "inclosing certain Open and Common Fields and "Grounds within the Parish of *Benniworth*, in the "County of *Lincoln*," to charge certain Lands and Hereditaments, Parcel of the Manor of *Benniworth*, in the County of *Lincoln*, of which he is now strict Tenant for Life, with a certain Sum of Money, for reimbursing to him the Expences which he has been at in the inclosing the same; and for other Purposes therein mentioned.

58. An Act for dividing and inclosing the Open and Common Fields, Commons, and Common Grounds, within the Hamlet of *Barleythorpe*, in the Parish of *Oakham*, in the County of *Rutland*.

59. An Act for dividing and inclosing the Common and Waste Lands, within the Manor and Parish of *Kingsnorton*, in the County of *Worcester*.

60. An Act for dividing and inclosing several open Fields, Meadow, Pasture, Common, and Waste Grounds, within the Liberties of *Ockbrook*, in the County of *Derby*.

61. An Act for dividing and inclosing certain Open Fields, Lands and Waste Grounds, within the Township of *Welton*, in the East Riding of the County of *York*.

62. An Act for dividing, inclosing, and draining, a certain Parcel of Land, called or known by the Name of *The Cow Pasture*, lying in the South Fen, in the Parish of *Bourn*, in the County of *Lincoln*; and for amending and rendering more effectual an Act, made in the Sixth Year of His present Majesty's Reign, intituled, "An "Act for allotting, dividing, inclosing, and draining, "several Open and Common Fields, Meadows, Waste, "and Fen Grounds, within the Manor and Parish of "*Bourn*, in the County of *Lincoln*."

63. An Act for dividing and inclosing the several Open Fields, Lands, and Grounds, within the Township of *Sigglesthorne*, in *Holdernesse*, in the East Riding of the County of *York*.

64. An Act for draining the Low Grounds and Carrs, lying in the several Parishes, Townships, and Places, of *Keyingham*, *Keyingham Marsh*, *Ryhill*, and *Camerton*, *Burstwick*, and *Skeckling*, *Burton Pidsea*, and *Ridgmont*, *Ottringham*, *Halsham*, *Owstwick*, *Roose*, *Rimswell*, *Turnstall*, *Waxholme*, *Elstenwick*, *Lelley*, *Humbelton*, *Fitling*, *Hilston*, *Garton*, *Aldbrogh*, *Flinton*, and *Tansterne*, within the Seigniory of *Holdernesse*, and East Riding of the County of *York*.

65. An Act for dividing and inclosing such Part of the Commons and Waste Lands, in the Parish of *Tardebigg*, as lies in the County of *Worcester*.

66. An Act for alloting, dividing, and inclosing the Open and Common Fields, and Common or Commonable Meadows, Pastures, Lands and Grounds, and Common or Waste Lands, within the Parish of *Saint Nicholas*, in the Manor of *Warwick*, in the County of *Warwick*.

67. An Act for dividing, allotting, and inclosing, the Open and Common Fields, Meadows, Commonable Lands, and Commons, within the Manor, Parish, and Liberties of *Bampton* in the County of *Huntington*.

68. An Act to confirm and establish an Indenture of Agreement, for dividing and inclosing several Fields, Lands, and Grounds, in the Manor and Parish of *Great Pounton*, in the County of *Lincoln*; and for dividing and inclosing several other Common Fields, Heath, and Waste Grounds, in the same Manor and Parish.

69. An Act for dividing and inclosing certain Open Fields, Lands, and Grounds, in the Township and Parish of *Welton*, in the County of *Lincoln*.

70. An Act for inclosing the Open Common Fields, and a Common of Pasture, and other Commonable Lands and Waste Grounds, in the Manors and Parishes of *Kemble* and *Pool*, in the County of *Wilts*.

71. An Act for dividing and inclosing certain Open Fields, Lands, and Grounds, in the Lordship of *West Halton*, in the County of *Lincoln*.

72. An Act to dissolve the Marriage of *Richard Draper* with *Elizabeth Hartnell*, his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.

73. An Act to dissolve the Marriage of *William Skinn* with *Ann Skinn*, his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.

74. An Act for naturalizing *Henry Francis Sellon*.

75. An Act for naturalizing *John Bousquet*.

76. An Act for naturalizing *John Louis Lautier*.

77. An Act for naturalizing *Jaques Louis Pourtalés*.

78. An Act for vesting in the most Noble *Augustus Henry* Duke of *Grafton*, and his Heirs, the Manor, or reputed Manor, and Rectory and Parsonage Appropriate, of *Potterspury*, otherwise *Eastpury*, in the County of *Northampton*, (except the Presentation to the Advowson to the Church there,) and certain Messuages, Lands, Tithes, and Hereditaments, situate and arising in the same County, the Estate of *Robert Brydges*, Esquire, a Lunatick; and for vesting in *Thomas Hancox*, Esquire, and His Heirs, a certain Wood and Wood Land, called *Darwell*, otherwise *Dowell Wood*, in the County of *Glouceſter*, also the Estate of the said Lunatick, on Payment, by the said Duke and *Thomas Hancox*, of their respective Purchase Money, in such Manner, and for such Purposes, as in the said Act is mentioned.

79. An Act for vesting the legal Estate and Interest of and in certain Freehold Lands at *Adderbury*, in the County of *Oxford*, now vested in *Charles Townshend*, Esquire, an Infant Trustee, in the most Noble *Henry* Duke of *Buccleugh*, and his Heirs, and in certain Copyhold Lands in *Kenneth Mackenzie*, Esquire, and his Heirs, in Trust for the said Duke, and his Heirs.

80. An Act to enable the Right Honourable *John* Earl of *Sandwich*, and the Honourable *John Montagu*, commonly called Lord Viscount *Hinchinbrook*, and the Survivor of them, to grant Leases of the Countess of *Sandwich*'s Moiety of Estates in the Counties of *Ardmagh* and *Limerick*, in the Kingdom of *Ireland*.

81. An Act to impower certain Persons to enfranchise several Customary Lands and Hereditaments, Parcel of the several Manors of *Brampton*, *Farlam*, *Upper Denton*, *Nether Denton*, *Talkin*, *Irthington*, *Laversdale*, *Newby*, *Askerton*, *Warton*, *Wood*, *Troddermain*, *Hayton cum Witton*, *Carlatton Castle*, *Carrock*, *Cumrew*, *Blackenthwate*, and *Newbiggin*, within the Barony, or reputed Barony of *Gilsland*, in the County of *Cumberland*, late the Estate of *Henry* Earl of *Carlisle*, deceased, and settled to certain Uses by the Will of the said *Henry* Earl of *Carlisle*; and for other Purposes therein mentioned.

82. An Act for vesting in Sir *George Colebrooke* Baronet, and his Heirs, so much of the Manor or Lordship of *Stebunheath*, otherwise *Stebunhith*, otherwise *Stepney*, in the County of *Middlesex*, Part of the Estate of the said Sir *George Colebrooke*, as is limited and settled in and by an Act of Parliament; which passed in the Second Year of the Reign of his present Majesty King *George* the Third; and for settling other Lands and Hereditaments in Lieu thereof; and also for vesting other settled Estates

of

of the said Sir *George Colebrooke*, in the Counties of *Middlesex* and *Surrey*, in Trustees, for the Purposes therein mentioned.

83. An Act to enable Trustees, with the Consent of the Persons claiming under the Will of *Edward Shelley*, Esquire, to cut down and sell Timber, upon the settled Estates of the said *Edward Shelley*, in the County of *Sussex*; and to invest the Monies arising therefrom in the Purchase of Lands and Hereditaments, to be settled to the Uses of the said Will, and other Purposes.

84. An Act to enable the Governors, and Assistants to the said Governors, in the Rule and Government of the said Possessions, Revenues, and Goods, of the Free Grammar School of *Elizabeth* Queen of *England*, in the Town of *Ashburne*, in the County of *Derby*, in their Corporate Capacity; and the said Governors and Assistants, as Trustees of Six Alms-houses in *Ashburne* aforesaid, founded and endowed by *Christopher Pegg* Esquire, deceased; to convey certain Lands and Possessions of the said School and Alms-houses respectively, in the Parishes of *Wingerworth* and *Ashover*, in the said County, to *Henry Gladwin*, of *Wingerworth*, in the said County, Esquire, in Exchange for other Lands, in the Parish of *Brailsford*, in the said County, of greater Value, to be conveyed to, and held by them respectively, to the Uses, and upon the Trusts, therein mentioned.

85. An Act for impowering and enabling the Trustees named in the Settlement made on the Marriage of *Daniel Danvers* Esquire, and *Mary* his Wife, or the Survivors or Survivor of them, or the Heirs of such Survivor, to make Sale of certain Leasehold Estates, vested in them upon divers Trusts, mentioned in the said Settlement; and to lay out the Money arising from such Sale in the Purchase of other Estates, to be settled in such Manner as the said Leasehold Estates stand settled.

86. An Act for vesting a Messuage, with the Appurtenances, in *Lothbury*, within the City of *London*, in Trustees, to be sold; and for purchasing another Messuage or Lands, to be settled to the like Uses.

87. An Act for vesting the settled Estate of *William Halhead* Esquire, in the County of *Hereford*, in Trustees, in Trust to sell and convey the same to *James King* Esquire, and his Heirs, pursuant to an Agreement for that Purpose; and for laying out the Money arising by such Sale in the Purchase of other Lands and Hereditaments, to be settled in lieu thereof to the same Uses.

88. An Act for enabling *Henry Blundell* Esquire, Tenant for Life under Settlement, to carry into Execution Articles of Agreement between him and the Right Honourable the Earl of *Sefton*, for the Exchange of divers Messuages, Lands, and Hereditaments, comprised in such Settlement, for other Messuages, Lands, and Hereditaments of the said Earl; and for other Purposes therein mentioned.

89. An Act to enable the Guardians of the Infant Children of the Honourable *Mary Sandys*, deceased, to make Leases of their settled Estates in *England* and *Ireland*, during their respective Minorities.

90. An Act to enable the Trustees of the Estate of *Henry Smith* Esquire, deceased, to apply certain Sums of Money to the Relief of his poor Kindred, and to enable the said Trustees to grant building Leases of an Estate, in the Parishes of *Kensington*, *Chelsea*, and *Saint Martin in the Fields*, in the County of *Middlesex*.

91. An Act to impower *William Hulton* Esquire, to charge his settled Estates in the County of *Lancaster*, or some Parts thereof, with One thousand two hundred Pounds, and Three thousand Pounds, for the Purposes therein mentioned; and also to grant Leases of certain Parts of his said Estates.

92. An Act for vesting the Manors, Lands, and Tenements, both Freehold and Leasehold, comprised in the Marriage Settlement of *Charles Baldwyn* Esquire, in Trustees to be sold; and for laying out the Money arising by such Sale in the Purchase of other Lands and Hereditaments, to be settled to the same Uses which are now subsisting with regard to the said Freehold settled Estate.

93. An Act for vesting the settled Estates, and unsettled Estates, of *John Gardner Kemys* Esquire, in Trustees, in Trust, by Sale, or Mortgage, to raise Money to pay off Portions and Debts, and redeem Annuities charged upon and affecting the same; and for re-settling the Remainder thereof, and the Lands to be purchased as in the said Act is directed, to the Uses to which the said settled Estates do now stand settled and limited.

94. An Act to vest in the Trustees named in the Will of *Francis Basset* Esquire, deceased, such like Powers of leasing and granting Setts of, and on, the Estates comprised in the Settlement made upon the Marriage of *John Pendarves Basset* Esquire, deceased, as by the said Settlement were given to the Trustees therein named.

95. An Act for vesting Part of the Estates late of *Elizabeth Pearce*, Widow, deceased, and *William Hall* Esquire, otherwise *Pearce*, her eldest Son, in Trustees, to be sold, for Payment of the Portions of her younger Children, and other Incumbrances; and for settling other Parts of her Estates to the same Uses; and for other Purposes.

96. An Act for making a Partition of divers Manors, Messuages, Lands, and Hereditaments, in the several Counties of *Norfolk*, *Suffolk*, *Essex*, *Surrey*, and *Middlesex*, in the City of *London*; and of Four-fifth Parts or Shares of a Plantation in the Island of *Barbadoes*, in the *West Indies*; and of Two Shares in the *New River* Water-works; and of an annual Rent of One thousand Pounds issuing out of the Revenues of the Post Office, devised by the Will of *Thomas Walker* Esquire, deceased; and also of the Manor and divers Messuages, Lands, and Hereditaments, in the several Counties of *Suffolk*, *Essex*, and *Gloucester*, comprised in the Settlements executed upon the Marriage of *Stephen Skynner* Esquire, deceased; and also of divers Messuages, Lands, and Hereditaments, in the several Counties of *Suffolk*, *Essex*, and *Surrey*, devised by the Will of the said *Stephen Skynner*, between the several Persons intituled to the said Estates, according to their respective Interests therein.

97. An Act for dividing and inclosing the Commons and Waste Grounds, within the Parish and Manor of *Stoke Prior*, in the County of *Worcester*,

98. An Act for dividing, inclosing, and allotting, the Open Fields, Common Pastures, and other Uninclosed Grounds, within the Township of *Would Newton*, in the East Riding of the County of *York*.

99. An Act for dividing allotting and inclosing the Open and Common Fields, in the Parish of *Gumley*, in the County of *Leicester*.

100. An Act for dividing and inclosing the Open and Common Fields, and Commonable Lands, in the Liberties, Territories, and Precincts of *Astrop*, in the Parishes of *King Sutton* and *Newbottle*, in the County of *Northampton*.

101. An Act for dividing and inclosing the Open Common Fields, Commons, and Waste Lands, and a stinted Pasture,

Paſture, called *The Cow Paſture*, in the Pariſh of *Ackworth*, in the County of *York*.

102. An Act for dividing, allotting, incloſing, and draining the Open Fields, Common Paſtures, and Moors or Commons, in the Townſhip and Pariſh of *Terrington*, in the North Riding of the County of *York*.

103. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, and Common Waſte Grounds, within the Manor and Pariſh of *Heath*, otherwiſe *Hethe*, in the County of *Oxford*, and for exonerating certain Lands belonging to *William Fermer* Eſquire, from Tithes and Right of Common.

104. An Act for dividing and incloſing the Common Fields and Commonable Lands, within the Pariſh of *Shilton*, in the County of *Warwick*.

105. An Act for dividing and incloſing the open Common Fields, Meadow Grounds, and other Commonable Lands, within the Pariſh of *Thorpe Achurch*, in the County of *Northampton*.

106. An Act for dividing and incloſing the Common and Open Fields, Meadows, Commonable Lands, and Waſte Grounds, in *Aldwinckle* in the County of *Northampton*.

107. An Act for dividing and incloſing ſeveral Open and Common Fields, Common Meadows, Grounds, Common Paſtures, and other Commonable Places, in the Townſhip of *Blockley*, and Hamlets of *Draycot* and *Paxford*, in the Pariſh of *Blockley*, and County of *Worceſter*.

108. An Act for dividing and incloſing the Open and Common Fields, Downs, and Commonable Lands, within the Manor and Pariſh of *Eaſtleach Tourville*, in the County of *Glouceſter*.

109. An Act for dividing and incloſing the Open and Common Fields, Meadows, and other Commonable Lands and Waſte Grounds, within the Pariſh and Manor of *Kings Ripton*, in the County of *Huntingdon*.

110. An Act for dividing, allotting, and incloſing, the Open and Common Fields, Meadows, Lands and Waſte Grounds, of, within, and belonging to the Manor, Pariſh, and Liberties of *Wing*, in the County of *Rutland*.

111. An Act for dividing and incloſing the Common Fen, and certain other Commonable Places and Open Fields, within the Pariſh of *Kirton*, in the Parts of *Holland*, in the County of *Lincoln*.

112. An Act for dividing and incloſing the Common Fen, Open Fields, and certain other Commonable Places, belonging to, and in the Pariſh of *Wigtoft*, in the County of *Lincoln*.

113. An Act for dividing and incloſing the Common Fen, Common Marſh, and other Commonable Places within the Pariſh of *Sutterton*, in the County of *Lincoln*.

114. An Act for dividing and incloſing a certain Moor or Common, called *Hamſteels Moor*, within the Pariſh and Manor of *Lanchеſter*, in the County Palatine of *Durham*.

115. An Act for dividing and incloſing the Open Fields, Meadows, Common Paſtures, and Waſte Grounds, in the Pariſh of *Lancham*, in the County of *Nottingham*.

116. An Act to diſſolve the Marriage of *George Collier* Eſquire, with *Chriſtiana Cwyn*, his now Wife; and to enable him to marry again; and for other Purpoſes therein mentioned.

117. An Act for naturalizing *Frederick Cazenove*.

118. An Act for naturalizing *Paul Pourtalès* and *Francis Gabriel Charles Muller*.

119. An Act to enable the moſt Noble *William* Duke of *Devonſhire* to grant Reverſionary Leaſes of his Leaſehold Eſtate, in the Pariſh of *Saint James, Weſtminſter*, in the County of *Middleſex*.

120. An Act for diſcharging divers Manors, Rectories, Advowſons, Meſſuages, Lands, Tithes, Rents, and Hereditaments, Part of the Eſtate of the Right Honourable *John* Earl *Spencer*, compriſed in, and ſettled by, the laſt Will and Teſtament, and Codicil thereto, of the moſt Noble *Sarah* late Ducheſs Dowager of *Marlborough*, deceaſed, and by certain Conveyances executed in purſuance thereof, from the Uſes and Truſts declared by the ſaid Will, Codicil, and Conveyances; and for ſettling other Manors, Rectories, Advowſons, Meſſuages, Lands, Tenements, Tithes, and Hereditaments of greater Value, in lieu thereof, to the like Uſes.

121. An Act for veſting the Manor of *Eaſt Lavant*, and divers Meſſuages and Lands, with the Appurtenances, in the County of *Suſſex*, intailed by the Will of the Right Honourable *Mary* late Counteſs Dowager of *Derby*, deceaſed, in Truſtees, to be ſold; and for purchaſing other Lands and Hereditaments, to be ſettled to the like Uſes.

122. An Act to veſt in Truſtees, to be ſold, certain Eſtates, in the Counties of *York*, *Weſtmoreland*, and *Lancaſhire*, which belonged to *Ann Fenwick* Widow, before her intermarriage; and for the Relief of the ſaid *Ann Fenwick*, in ſuch Manner as in the ſaid Act is mentioned.

123. An Act for veſting certain Freehold and Copyhold Hereditaments in *Weeting*, in the County of *Norfolk*, Part of the ſettled Eſtate of *Philip Champion Greſpigny* Eſquire, in Truſtees, to be ſold; and for laying out the Money to ariſe by Sale thereof in the Purchaſe of other Lands, and Hereditaments, to be ſettled to the ſame Uſes as ſaid Premiſes in *Wetting* now ſtand limited.

124. An Act for veſting certain Eſtates, belonging to the Drapers Company of the City of *London*, in the Governor and Company of the Bank of *England*, freed and diſcharged from certain Charities, to which the ſame are ſubject; and for veſting other Eſtates, belonging to the ſaid Governor and Company of the Bank, in the ſaid Company of Drapers, ſubject to the before-mentioned Charities.

125. An Act to veſt in *Walter Lloyd* Eſquire, and others, a ſmall Quantity of Ground, Parcel of the Glebe of the Rectory of *Manerdivy*, in the County of *Pembroke*, in Conſideration of a certain yearly Rent thereby ſecured, and for other Purpoſes therein mentioned.

126. An Act for the Sale of certain Meſſuages, Tenements, Lands, Hereditaments, and Premiſes, in the Pariſh of *Saint George the Martyr*, and Borough of *Southwark*, in the County of *Surrey*, Part of the ſettled Eſtate of *John Bullock* Eſquire, and *Elizabeth* his Wife, and for laying out the Money ariſing by Sale thereof in the Purchaſe of other Eſtates, to be ſettled to the ſame Uſes.

127. An Act to enable *John Rolle* Eſquire, and *Judith Maria Walrond*, Spinſter, to make Settlements on the Marriage intended between them, notwithſtanding their reſpective Minorities.

128. An Act for veſting the ſettled Eſtates of *Humphry Minchin* Eſquire, in the County of *Tipperary*, in the Kingdom of *Ireland*, in Truſtees, to ſell the ſame; and for laying out the Money ariſing thereby in the Purchaſe of other Eſtates, in that Part of *Great Britain* called *England*, or in the Principality of *Wales*, to be ſettled to the ſame Uſes.

129. An Act for veſting in Truſtees certain Eſtates, ſituate in the Counties of *Kent* and *Surrey*, upon Truſt, to ſell and diſpoſe of the ſame, and inveſt the Monies ariſing

thereby

thereby in the Purchaſe of other Eſtates, to be ſettled to ſuch of the Uſes of the Will of *William Wall*, deceaſed, as are now ſubſiſting.

130. An Act for Sale of One undivided Fourth-Part of the Lands of *Innerleith*, lying in the County of *Edinburgh*, and of One undivided Fourth Part of the Lands of *Darnchester*, in the County of *Berwick*, being Parts of the entailed Eſtate of Colonel *James Cathcart*, deceaſed; and for purchaſing other Lands and Eſtates, to be ſettled, in lieu thereof, upon the ſame Perſons, and to the like Uſes and Purpoſes.

131. An Act for giving further Powers to the Truſtees named in a certain Act of Parliament, made in the Ninth Year of the Reign of His preſent Majeſty, intituled, "An Act to impower the Truſtees of the Will of the "late General *Pultney*, and other Truſtees appointed "by this Act, to purchaſe and exchange Lands and "Grounds, in the Manor of *Bathwick*, in the County "of *Somerſet*, for the Purpoſe of making certain Roads "and Ways to and from a free Bridge by them intended "to be built over the River *Avon*, in the ſaid County; "and alſo to impower the Perſons in Poſſeſſion of the "ſaid Eſtate, for the Time being, under the ſaid Will, "to grant Leaſes of certain Lands and Houſes in the "ſaid Manor; and likewiſe to enable the ſaid Truſtees "to grant certain Grounds and Springs of Water, with-"in the ſaid Manor of *Bathwick* to the Mayor, Alder-"men, and Citizens of *Bath*; and for extending the "Juriſdiction of the ſaid Mayor, Aldermen, and Ci-"tizens, over Part of the ſaid Manor of *Bathwick*; and "for other Purpoſes therein mentioned;" and for enlarging the Powers of Leaſing given by the ſaid Act to the Perſons therein named; and for other Purpoſes.

132. An Act for reinveſting divers Manors, Meſſuages, Lands, Tenements, and Hereditaments, ſituate and being in the County of *Stafford*, late the Eſtate of *Robert Barbor*, deceaſed, in the ſeveral Perſons now in being, and for ſuch Eſtates, as they are ſeverally intitled under the Will of the ſaid *Robert Barbor*; and for enabling *James Mayo* and *Charles Mayo* to join in ſuch Conveyances as ſhall be neceſſary for thoſe Purpoſes.

133. An Act to impower *James Batſon* and *Edward Buckley Batſon*, Eſquires, Teſtamentary Guardians of the Perſon and Eſtate of *Edward Pery Buckley*, an Infant, to grant Leaſes of the Eſtate of *Pery Buckley*, Eſquire, deceaſed.

134. An Act for veſting a Meſſuage, called *Highfield Houſe*, and divers Lands, with the Appurtenances, in the County of *Glouceſter*, the ſettled Eſtates of *Benjamin Jaſon Parrot*, Eſquire, in Truſtees, to be ſold and conveyed as therein mentioned; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the like Uſes.

135. An Act for veſting divers Freehold, Copyhold, and Leaſehold Eſtates, late of *Edmund Bunting*, *Elizabeth Bunting*, and *Tomlinſon Bunting*, deceaſed, in Truſtees, to be ſold, to raiſe Money, to be applied, under the Direction of the Court of Chancery, in Payment of the Debts, Incumbrances, and Legacies, charged upon, and affecting the ſame, and other the Purpoſes therein mentioned.

136. An Act for dividing and incloſing certain Commons and Waſte Grounds, within the Manor of *Appleby*, in the County of *Weſtmorland*.

137. An Act for incloſing, dividing, allotting, and improving, certain Common Woods and Moor Lands within the Borough and Pariſh of *Wigmore*, in the County of *Hereford*.

138. An Act for dividing and incloſing certain Open Parcels of Arable and Paſture Grounds, in the Manor of *Much Wenlock*, otherwiſe *Wenlock Magna*, otherwiſe *Great Wenlock*, in the County of *Salop*.

139. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, Heath, and Waſte Grounds, in the Pariſh of *Moulton*, in the County of *Northampton*.

140. An Act for dividing and allotting the Common Fields, Common Meadows, Downs, and Commonable Lands, in the ſeveral Pariſhes of *Letcomb Baſſet*, otherwiſe *Upper Letcomb*, and *Childrey*, in the County of *Berks*.

141. An Act for dividing and incloſing the Common and Waſte Grounds, and Open and Common Fields, within the Townſhips or Hamlets of *Great* and *Little Stainton*, *Newbiggin*, and *Great Blencow*, in the Barony of *Greyſtock*, in the County of *Cumberland*.

142. An Act for dividing and incloſing the Open and Common Fields, Common Paſtures, Common Meadows, and Commonable Lands, of and within the Hamlet and Liberties of *Charlton*, in the Pariſhes of *Newbottle* and *King's Sutton*, or One of them, in the County of *Northampton*.

143. An Act for dividing and incloſing certain Commons, or Moors, within the Townſhip of *Royſton*, in the County of *York*.

144. An Act for veſting in *William Ruſſel*, and his Heirs, in Fee Simple, ſeveral Meſſuages, Lands, and Hereditaments, in the County of *Worceſter*, compriſed in his Marriage Settlement, diſcharged from the Uſes of the ſaid Settlement; and for ſettling other Meſſuages, Lands, and Hereditaments, of the ſaid *William Ruſſel*, in the County of *Warwick*, of greater Value, in lieu thereof; and for other the Purpoſes therein mentioned.

145. An Act for inrolling in the Court of Chancery in *Great Britain* an Exemplification of the Will of *Chriſtopher Robinſon*, late of the Colony of *Virginia*, in *America*, deceaſed, to be made under the Provincial Seal of the ſaid Colony; and for making Copies of ſuch Inrolment Evidence in *Great Britain*, for enfranchiſing certain Copyhold Eſtates, late the Property of the ſaid *Chriſtopher Robinſon*, in the County of *York*; and for making Satisfaction to the Prebendary of *Dunington* for the ſame; and for other Purpoſes.

A

TABLE

OF THE

Public and Private Statutes,

CONTAINING

The TITLES of the ACTS of the Thirteenth Year of the Reign of GEORGE III.

PUBLIC ACTS.

Anno 13 *Georgii* 3.

1. AN Act for allowing the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, into this Kingdom, for a limited Time, free of Duty.
2. An Act for allowing the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty.
3. An Act to prohibit the Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch; and alſo the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a limited Time.
4. An Act to continue for a further Time, an Act, made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled*, An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time.
5. An Act to continue for a further Time, an Act, made in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe*; and to permit the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, into this Kingdom, from any Part of *Europe*, for a limited Time, free of Duty.
6. An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.
7. An Act for allowing the free Importation of Rice into this Kingdom, from any of his Majeſty's Colonies in *America*, for a limited Time; and for encouraging the making of Starch from Rice.
8. An Act for granting an Aid to his Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.
9. An Act to reſtrain the *Eaſt India* Company, for a limited Time, from making any Appointment of Commiſſioners for ſuperintending and regulating the Company's Affairs, at their Preſidencies in the *Eaſt Indies*.
10. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
11. An Act for the Regulation of his Majeſty's Marine Forces while on Shore.
12. An Act to indemnify ſuch Perſons as have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for giving further Time for that Purpoſe; and to give further Time to ſuch Perſons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

13. An Act to enable certain Persons therein named to continue to work a Pestle Mill, heretofore employed and used in making Battle Gunpowder, at *Old Forge Farm*, in the Parish of *Tonbridge*, in the County of *Kent*.

14. An Act to encourage the Subjects of Foreign States to lend Money upon the Security of Freehold or Leasehold Estates, in any of his Majesty's Colonies in the *West Indies*; and to render the Securities granted to such Aliens effectual for recovering Payment of the Money so to be lent, by Sale of such Freehold or Leasehold Estates.

15. An Act for paving, cleansing, and lighting, the *High Street*, *East Street*, and *West Street*, in the Town and Parishes of *Gravesend* and *Milton*, in the County of *Kent*; and for lighting the other Streets; and for removing all Incroachments and Annoyances within the said Town and Parishes.

16. An Act for taking down the Shire Hall of the County of *Devon*, and for building a new Shire Hall in a more commodious Manner.

17. An Act for making the Exemplification of the Last Will and Testament of *William* Earl of *Blesington*, in the Kingdom of *Ireland*, deceased, Evidence as well in *Ireland* as in *Great Britain*.

18. An Act to repeal an Act, passed in the Ninth Year of his present Majesty, intituled, *An Act for the more effectual Relief of the Poor in the County of* Devon; and for other Purposes therein mentioned.

19. An Act to amend and render more effectual an Act, passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and improving certain Fen Lands within the Manor and Parishes of* Upwell *and* Outwell, *and in the Parishes of* Denver *and* Welney, *in the* Isle of Ely, *and Counties of* Cambridge *and* Norfolk, so far as the same relates to the Lands lying on the South Side of *Popham's Eau*.

20. An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely, *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall *River*, *South*, Plant Load *and* Brandon *River*, *North*, *bounded on the West by the River* Ouse, *and on the East by* Winter Load, Earlswell *Brook*, *and the Hard Lands of* Mildenhall; *and for impowering the Governor*, *Bailiffs*, *and Commonalty*, *of the Company of Conservators of the Great Level of the Fens*, *commonly called* Bedford Level, *to sell certain Fen Lands lying within the Limits aforesaid*, *commonly called* Invested Lands; so far as the same relates to the several Fen Lands and Low Grounds lying in the First District described in the said Act.

21. An Act to extend the Provisions of an Act, made in the Fourth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act to explain a Clause in an Act*, *made in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *for naturalizing Foreign Protestants*, *which relates to the Children of the natural-born Subjects of the Crown of* England, *or of* Great Britain, *to the Children of such Children*.

22. An Act to continue an Act, made in the Sixth Year of His present Majesty, intituled, *An Act to regulate the Loading of Ships with Coals*, *in the Ports of* Newcastle *and* Sunderland

23. An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thousand seven hundred and seventy-three.

24. An Act for further continuing Two Acts made in the Sixth and Ninth Years of His Majesty's Reign, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, in His Majesty's Dominions in *America*.

25. An Act to explain Two Acts of Parliament, One of the Thirteenth Year of the Reign of His late Majesty, for naturalizing such Foreign Protestants, and others, as are settled, or shall settle, in any of His Majesty's Colonies in *America*; and the Other of the Second Year of the Reign of His present Majesty, for naturalizing such Foreign Protestants as have served, or shall serve, as Officers or Soldiers in His Majesty's Royal *American* Regiment, or as Engineers, in *America*.

26. An Act for preventing Abuses in the Sale of Shares of *British*-built Ships to Foreigners.

27. An Act for the more easy and speedy Recovery of Small Debts, within the City and County of the City of *Exeter*.

28. An Act for deepening, cleansing, and making more commodious, the Harbours of the Town of *Greenock*; for supplying the Inhabitants with fresh and wholesome Water; and for paving, cleansing, lighting, and watching, the Streets, and other publick Places, within the said Town.

29. An Act for deepening cleansing, and making more commodious, the Harbour of *Aberdeen*; for erecting new Piers and Quays therein; and for regulating Ships and Vessels trading into, and going out of the said Harbour.

30. An Act for the better Regulation and Government of the Pilots conducting Ships and Vessels to and out of the Port of *King's Lynn*, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the same; and for laying down Moorings in the Harbour of the said Port, and for preventing Mischiefs by Fire therein.

31. An Act for the more effectual Execution of the Criminal Laws in the Two Parts of the United Kingdom.

32. An Act for repealing so much of an Act made in the Twenty-third Year of His late Majesty King *George* the Second, as relates to the preventing the stealing or destroying of Turnips; and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots.

33. An Act to extend the Provisions of an Act, made in the Sixth Year of His present Majesty's Reign, (intituled, *An Act for the better Preservation of Timber Trees*, *and of Woods and Underwoods*; *and for the further Preservation of Roots*, *Shrubs*, *and Plants*), to Poplar, Alder, Maple, Larch, and Hornbeam.

34. An Act for paving, lighting, and cleansing the Streets, Lanes, and Places within the Town of *Brighthelmstone*, in the County of *Sussex*; for removing Nuisances and Annoyances, and preventing the like for the future; for holding and regulating a Market within the said Town; for building and repairing Groyns, in order to render the Coast safe and commodious for Ships or Vessels to unload and land Sea-coal, Culm, and other Coal, for the Use of the Inhabitants of the said Town; and for laying a Duty thereon, and for other Purposes.

35. An Act for raising a further Sum of Money for the Purpose of rebuilding the Common Gaol of the County of *Essex*.

36. An Act to amend an Act, passed in the Ninth Year of His present Majesty, intituled, *An Act for laying open*

and

and widening certain Ways and Paſſages within the Town of Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein*; and for widening certain other Streets and Places; for eſtabliſhing a Nightly Watch; and for regulating Carts and Carmen employed in the ſaid Town.

37. An Act for making and extending the Navigation of the River *Bure*, (commonly called the *North River*), by and from *Coltiſhall* to *Aylſham Bridge*, in the County of *Norfolk*.

38. An Act to incorporate certain Perſons therein named, and their Succeſſors, with proper Powers for the Purpoſe of eſtabliſhing One or more Glaſs Manufactories within the Kingdom of *Great Britain*; and for the more effectually ſupporting and conducting the ſame upon an improved Plan, in a peculiar Manner, calculated for the caſting of large Plate Glaſs.

39. An Act for draining and preſerving certain Fen Lands and Low Grounds, called *King's Delph and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, in the County of *Huntingdon*.

40. An Act for amending and rendering more effectual an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; ſo far as the ſame relates to the ſeveral Fen Lands lying in the Second Diſtrict in the ſaid Act deſcribed.

41. An Act for enabling *James Cox*, Jeweller, to diſpoſe of his Muſæum, commonly called *Cox's Muſæum*, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of himſelf and his Creditors.

42. An Act for amending, lighting, and watching, the Highways, or Roads within the Town, Village, or Chapelry, of *Peterſham*, in the County of *Surrey*.

43. An Act to regulate the Importation and Exportation of Corn.

44. An Act to allow a Drawback of the Duties of Cuſtoms on the Exportation of Tea to any of His Majeſty's Colonies or Plantations in *America*; to increaſe the Depoſit on Bohea Tea to be ſold at the *India Company*'s Sales; and to impower the Commiſſioners of the Treaſury to grant Licences to the *Eaſt India Company* to export Tea Duty free.

45. An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between certain old Rivers or Drains, called *Stoke River* and *Brandon River*, and a certain Level or Diſtrict called *Feltwell New Diſtrict*, and the Hard Lands of *Woodhall in Helgay*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*.

46. An Act for the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of *Yaxley*, in the County of *Huntingdon*.

47. An Act to enable the Right Honourable *Sackville* Earl of *Thanet* to make a navigable Cut or Canal from a Place called *The Spring*, lying near *Skipton Caſtle*, in the County of *York*, to join to and communicate with the navigable Canal from *Leeds* to *Liverpoole*, in a Cloſe called *Hebble End Cloſe*, in the Townſhip of *Skipton*, in the ſaid County of *York*.

48. An Act for amending and rendering more effectual Two Acts, made, One in the Eighth and the other in the Tenth Year of His preſent Majeſty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh of *Saint Mary le Bone*, in the County of *Middleſex*, and for other Purpoſes, in the ſaid Acts mentioned.

49. An Act for more effectually executing an Act, paſſed in the Twenty-ſeventh Year of King *George* the Second, for draining and preſerving the Lands in the *North Level*, Part of *Bedford Level*, ſo far as relates to the Fourth Diſtrict of the ſaid *North Level*.

50. An Act for better regulating the Poor, and repairing the Highways, within the Town and County of the Town of *Southampton*.

51. An Act to diſcourage the Practice of commencing frivolous and vexatious Suits in His Majeſty's Courts at *Weſtminſter*, in Cauſes of Action ariſing within the Dominion of *Wales*; and for further regulating the Proceedings in the Courts of Great Seſſions in *Wales*.

52. An Act for appointing Wardens and Aſſay-maſters for aſſaying Wrought Plate in the Towns of *Sheffield* and *Birmingham*.

53. An Act to enable the Inhabitants of the Pariſh of *Saint Matthew Bethnal Green*, in the County of *Middleſex*, to pay debts already contracted in finiſhing and furniſhing their Workhouſe, and on account of the Poor of the ſaid Pariſh; and for their further Relief.

54. An Act for the more effectual Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and for repealing and amending ſeveral of the Laws now in being relative thereto.

55. An Act to explain and amend the ſeveral Laws now in being, ſo far as the ſame relate to the Preſervation of the Moor or Hill Game.

56. An Act for the more effectually reſtraining the retailing of diſtilled Spirituous Liquors; and for preventing the forging or counterfeiting any Stamp or Seal uſed for marking Silks, Callicoes, Linens, and Stuffs, to be printed, painted, ſtained, or dyed, in *Great Britain*.

57. An Act to explain and amend an Act, made in the Fourth Year of His preſent Majeſty, intituled, *An Act to prevent Paper Bills of Credit hereafter to be iſſued in any of His Majeſty's Colonies or Plantations in* America *from being declared to be a legal Tender in Payments of Money, and to prevent the legal Tender of ſuch Bills as are now ſubſiſting from being prolonged beyond the Periods limited for calling in and ſinking the ſame.*

58. An Act for providing Clergymen to officiate in Gaols within that Part of *Great Britain* called *England*.

59. An Act for repealing ſo much of an Act of the Thirty-firſt Year of His late Majeſty, as inflicts capital Puniſhment for Frauds and Abuſes in the marking or ſtamping of Gold or Silver Plate; and for inflicting another Puniſhment for the ſaid Offence.

60. An Act for draining and preſerving certain Lands and Grounds in the Pariſhes of *Tid Saint Giles* and *Newton*, in the *Iſle of Ely*, in the County of *Cambridge*; and in *Tid Saint Mary's*, in the County of *Lincoln*.

61. An

61. An Act for the better lighting and watching the Town of *Kingſton upon Thames*, in the County of *Surrey*; and for removing and preventing all Obſtructions, Encroachments, and Nuiſances therein.

62. An Act for better regulating the Aſſize and making of Bread.

63. An Act for eſtabliſhing certain Regulations for the better Management of the Affairs of the *Eaſt India Company*, as well in *India* as in *Europe*.

64. An Act for granting to His Majeſty a Sum of Money to be raiſed by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms, therein mentioned, for the Relief of the United Company of Merchants of *England* trading to the *Eaſt Indies*.

65. An Act for explaining Two Acts, made in the Eleventh Year of the Reign of King *George* the firſt, and the Thirtieth Year of the Reign of His late Majeſty, in relation to the Stamp-duties upon Newspapers.

66. An Act for raiſing a certain Sum of Money by Loans, or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy three.

67. An Act for laying an additional Duty on Paper printed, painted, or ſtained, in Foreign Parts, imported into this Kingdom.

68. An Act to impower the Magiſtrates therein mentioned to ſettle and regulate the Wages of Perſons employed in the Silk Manufacture within their reſpective Juriſdictions.

69. An Act for further continuing an Act, made in the Fourth Year of the Reign of His preſent Majeſty, for importing Salt from *Europe* into the Province of *Quebec* in *America*, for a limited Time.

70. An Act to continue an Act, made in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Encouragement of the Exportation of Culm to* Liſbon, *in the Kingdom of* Portugal; and for charging a higher Duty upon Culm exported thither in Foreign Shipping.

71. An Act for the better preventing the counterfeiting, clipping, and other diminiſhing the Gold Coin of this Kingdom.

72. An Act to permit the free Importation of Cod Fiſh, Ling, and Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coaſt of *Labrador*.

73. An Act to continue and amend an Act, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for opening and eſtabliſhing certain Ports in the Iſlands of* Jamaica *and* Dominica, *for the more free Importation and Exportation of certain Goods and Merchandiſes; for granting certain Duties to defray the Expences of opening, maintaining, ſecuring, and improving, ſuch Ports; for aſcertaining the Duties to be paid upon the Importation of Goods from the ſaid Iſland of* Dominica *into this Kingdom; and for ſecuring the Duties upon Goods imported from the ſaid Iſland into any other* Britiſh *Cololony*; and for allowing Timber and Wood to be exported from the ſaid Iſland of *Dominica* into any other of the *Britiſh* Iſlands, Colonies, or Plantations in *America*, for a limited Time.

74. An Act for the better aſcertaining the Tonage and Burthen of Ships and Veſſels importing and exporting Goods into and from this Kingdom or hovering upon the Coaſts thereof; for amending ſo much of an Act, made in the laſt Seſſion of Parliament, for lowering the Duty payable upon the Importation of Oak Bark, as relates to the ſuing for the Penalties and Forfeitures thereby inflicted in the Court of Exchequer in *Scotland*; for appropriating the Duty on Oak Bark, granted by the ſaid Act; and for obviating Doubts which have ariſen with reſpect to the allowing the Drawback upon certain Callicoes; and the Bounty upon *Britiſh*-made Cordage exported to the Iſlands of *Madeira*, the *Canary* Iſlands, and the *Azores* or Weſtern Iſlands.

75. An Act for enabling *John*, *Robert*, *James*, and *William Adam*, to diſpoſe of ſeveral Houſes and Buildings in the Pariſhes of *Saint Martin in the Fields* and *Saint Mary le Bone*, in the County of *Middleſex*, and other their Effects, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of themſelves and Creditors.

76. An Act to indemnify Juſtices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others, who have omitted to regiſter or deliver in their Qualifications within the Time limited by Law; and for giving further Time for thoſe Purpoſes.

77. An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned for the Service of the Year One thouſand ſeven hundred and ſeventy-three; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for paying to *John Harriſon* a further Reward for his Invention of a Time-keeper for aſcertaining the Longitude at Sea, and his Diſcovery of the Principles upon which the ſame was conſtructed.

78. An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being, for the Amendment and Preſervation of the Publick Highways within that Part of *Great Britain* called *England*, and for other Purpoſes.

79. An Act for the more effectual preventing the forging of the Notes or Bills of the Governor and Company of the Bank of *England*; and for the preventing the obtaining a falſe Credit, by the Imitation of the Notes or Bills of the ſaid Governor and Company.

80. An Act to repeal an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game within that Part of* Great Britain *called* England; and for making other Proviſions in lieu thereof.

81. An Act for the better Cultivation, Improvement, and Regulation, of the Common Arable Fields, Waſtes, and Commons of Paſture, in this Kingdom.

82. An Act for the better Regulation of Lying-in Hoſpitals, and other Places, appropriated for the charitable Reception of pregnant Women; and alſo to provide for the Settlement of Baſtard Children, born in ſuch Hoſpitals and Places.

83. An Act for building a Bridge acroſs the River of *Thames*, from *Richmond*, in the County of *Surrey*, to the oppoſite Shore, in the County of *Middleſex*, and to enable His Majeſty to grant the Inheritance of the Ferry at *Richmond* to certain Perſons therein mentioned.

84. An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being, for regulating the Turnpike Roads in that Part of *Great Britain* called *England*; and for other Purpoſes.

85. An Act for dividing and incloſing the Open Arable Fields, Meadows, Paſtures, and Commons or Waſte Grounds, in the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*, and for draining and preſerving the ſame.

PUBLIC

PUBLIC ACTS,

INTITULED,

ROAD ACTS.

86. AN Act for improving and completing the Navigation of that Branch of the River *Trent* which runs by the Town of *Newark upon Trent*, from a Place called *The Upper Wear*, in the Parish of *Averham*, in the County of *Nottingham*, to a Place called *The Crankleys*, in the Parish of *South Muskham*, in the said County.

87. An Act for enlarging the Term and Powers of an Act, made in the Twenty-seventh Year of the Reign of His late Majesty, for repairing the Road from the Toll-gate in the Parish of *Kettering*, in the County of *Northampton*, to *Newport Pagnell*, in the County of *Bucks*.

88. An Act to continue the Term and alter the Powers of an Act, made in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, for repairing and widening the Roads leading from a Place called *Basingstone*, near the Town of *Bagshot*, in the Parish of *Windlesham*, in the County of *Surrey*, through *Frimley* and *Farnham*, in the same County, and from thence through *Bentley*, *Hollyborn*, *Alton*, *Chawton*, *Ropley*, *Bishops Sutton*, *New Alresford*, and *Mattingley*, otherwise *Matterley Lane*, to the City of *Winchester*, in the County of *Southampton*.

89. An Act to enlarge the Powers of Two Acts, made in the Twenty-fifth Year of King *George* the Second, and and Sixth Year of King *George* the Third, for repairing the Roads from the North End of *Malling Street*, near the Town of *Lewes*, and other Roads, in the County of *Sussex*; and for amending the Road from the *Broil-park Gate*, to the West End of the Turnpike Road leading from the Turnpike Road on *Hurst Green*, through the Parishes of *Etchingham* and *Burwash*, and from the said *Broil-park Gate* to the Town of *Battell*, in the said County, so far as relates to the Road from the *Broil-park Gate* to the West End of the Turnpike Road leading from the Turnpike Road on *Hurst Green*, through the Parishes of *Etchingham* and *Burwash* aforesaid.

90. An Act for repairing and widening the Road from *Newark upon Trent*, in the County of *Nottingham*, to join the Turnpike Road from *Nottingham*, to *Grantham* in the County of *Lincoln* near the *Guide-post* on the *Foss* Road near *Bingham*, in the said County of *Nottingham*.

91. An Act for enlarging the Term and Powers of an Act of Parliament, of the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, for repairing and widening the Road from the City of *Peterborough*, through *Oundle* and *Thrapston*, to *Wellingborough*, in the County of *Northampton*; and for repairing and widening several other Roads near or adjoining thereto.

92. An Act for continuing the Term and enlarging the Powers of an Act, made in the Twenty-second Year of His late Majesty's Reign, for repairing and widening the Road leading from *The Well* at the North-west End of the Town or Village of *Farnborough*, in the County of *Kent*, to a Place called *River Hill*, in the Parish of *Seven Oakes*, in the said County.

93. An Act for making and continuing a Navigable Cut or Canal from *Maugan Porth*, through the several Parishes of *Maugan*, *Saint Colomb Major*, *Little Colan*, and *Saint Colomb Minor*, to *Lower Saint Colomb Porth*, in the County of *Cornwall*.

94. An Act for enlarging the Terms and Powers of Two Acts, of the Tenth and Twenty-first Years of the Reign of His late Majesty King *George* the Second, for repairing the Road from *Hertford Bridge Hill* to the Town of *Basingstoke*; and also the Road from *Hertford Bridge Hill* aforesaid, to the Town of *Odiham*, in the County of *Southampton*.

95. An Act for enlarging the Term and Powers granted by an Act, passed in the Twenty-ninth Year of the Reign of His late Majesty, for repairing and widening the Roads leading from the Town of *Kington*, in the County of *Hereford*, through the *Welch Hall Lane*, as far as the same County extends; and the several Roads leading from *Kington* aforesaid to *Brilley's Mountain*, to *Eardisley*, to *Almley*, to *Eckley's Green*, to *Eardisland*, to *Staple Bar*, and to *Milton House*, in the said County; and for amending the Road from the Turnpike Road in the Parish of *Eardisley* to *Willersley* Turnpike Gate, in the said Parish.

96. An Act for enlarging the Term and varying the Powers granted by an Act, passed in the Twenty-second Year of the Reign of His late Majesty, for repairing and widening the several Roads leading into the Town of *Ross*, in the County of *Hereford*.

97. An Act for enlarging the Terms and Powers of Three Acts, passed in the Third, Seventeenth, and Thirtieth Years of the Reign of His late Majesty King *George* the Second, for repairing the Road leading from a Gate called *Shipston* Toll-gate, at *Bridgetown*, in the Parish of *Old Stratford*, in the County of *Warwick*, through *Alderminster* and *Shipston upon Stower*, to the Top of *Long Compton Hill*, in the said County of *Warwick*; and also for repairing the Road leading from the First Mile-stone standing on the said *Shipston* Road, through a Lane called *Clifford Lane*, and through *Mickleton* and *Chipping Campden*, to a Place called *Andover's Ford*, in the County of *Gloucester*, as far as the same relates to the said first-mentioned Road.

98. An Act for repairing the Road from the *Royal Oak*, on *Wrotham Heath*, to the Town of *Wrotham*, in the County of *Kent*, and from thence to *Foots Cray*; and from the said *Royal Oak* to the Town of *Maidstone*, in the said County.

99. An Act for enlarging the Term and Powers of Two Acts, of the Twentieth and Twenty-sixth Years of the Reign of His late Majesty, for repairing the High Road leading from the City of *Durham*, in the County of *Durham*, to *Tyne Bridge*, in the said County.

100. An Act to enlarge the Term and Powers of an Act, made in the Fifth Year of His present Majesty, for repairing and widening the Road from *Newcastle under Line* to *Hassop*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton*, and also the Road branching out of the first-mentioned Road at *Cobridge* to *Burslem*, and to the *Uttoxeter* Turnpike Road at *Shelton*, in the County of *Stafford*, and for amending several other Roads adjoining thereto.

101. An Act for continuing the Term, and enlarging the Powers of an Act, made in the Seventeenth Year of the Reign of his late Majesty King *George* the Second, for repairing the Road from *Cherill*, through *Calne*, to

Studley

Studley Bridge; and from *Cherill* to the *Three Mile Borough*, at the Top of *Cherill Hill*, in the County of *Wilts*.

102. An Act for continuing the Term and enlarging the Powers of an Act, paſſed in the Eighth Year of His preſent Majeſty's Reign, for repairing and widening the Road from the Way-poſt, in the Pariſh of *Hardingſton*, in the County of *Northampton*, to *Old Stratford*, in the ſaid County.

103. An Act for continuing and enlarging the Terms and Powers of Two Acts, made in the Thirty-firſt Year of His late Majeſty, and Ninth Year of His preſent Majeſty's Reign, for repairing ſeveral Roads in the Counties of *Montgomery*, *Merioneth*, and *Salop*; and for repairing ſeveral other Roads therein mentioned.

104. An Act to enlarge the Powers of Two Acts, made in the Eighth and Eleventh Years of the Reign of His preſent Majeſty, for making and maintaining a navigable Cut or Canal, from the Firth or River of *Forth*, at or near the Mouth of the River of *Carron*, in the County of *Stirling*, to the Firth or River of *Clyde*, at at or near a Place called *Dalmuir Burnfoot*, in the County of *Dumbarton*, and alſo a collateral Cut from the ſame to the City of *Glaſgow*; and for making a navigable Cut or Canal of Communication from the Port and Harbour of *Borrowſtounneſs*, to join the ſaid Canal, at or near the Place where it will fall into the Firth of *Forth*.

105. An Act for amending, widening, and keeping in Repair, the Road from the *Guide-poſt* at the Weſt End of the Town of *Hampton*, over *Sunbury Common*, to the Town of *Staines*, in the County of *Middleſex*.

106. An Act for enlarging and altering the Terms and Powers of Two ſeveral Acts, made in the Thirteenth Year of the Reign of King *George* the Firſt, and in the Fifteenth Year of the Reign of King *George* the Second, for repairing the Roads leading from the Town of *Bromeſgrove* to the Town of *Dudley*, in the County of *Worceſter*, and from the ſaid Town of *Bromeſgrove* to the Town of *Birmingham*, in the County of *Warwick*, ſo far as the ſaid Acts relate to the repairing of the ſaid Road, leading from the Town of *Bromeſgrove* to the Town of *Dudley*.

107. An Act for enlarging and altering the Term and Powers of an Act, made in the Twenty-ſixth Year of the Reign of King *George* the Second, for repairing the Roads leading from the Market-houſe in *Stourbridge*, and other Roads therein mentioned, in the Counties of *Worceſter*, *Stafford*, *Salop*, and *Warwick*, reſpectively.

108. An Act for repairing and widening the Road from the North Turnpike Road near *Scot Gate*, otherwiſe *Sco Gate*, in the Town of *Stamford*, in the County of *Lincoln*, to *Oakham*, in the County of *Rutland*, and from *Oakham*, through *Burley*, to a Gate on the North Side of a certain Cloſe, in the ſaid Lordſhip of *Burley*, called *Booth's Cloſe*, adjoining to the open Fields of *Cottesmore*, in the ſaid County of *Rutland*.

109. An Act for more effectually amending ſeveral Roads leading from the City of *Exeter*; and for rebuilding or repairing *Exe Bridge*, and making the Avenues leading thereto more commodious; and for building a Bridge over the River *Exe*, at or near *Countess Wear*; and for amending ſeveral other Roads therein mentioned.

110. An Act to enlarge the Term and Powers of an Act, paſſed in the Sixth Year of His preſent Majeſty's Reign, intituled, *An Act for repairing and widening the Road from the preſent Turnpike Road at* Haverhill *to* Redcroſs, *in the Pariſh of* Shelford, *in the County of* Cambridge.

111. An Act for building a Bridge over the River *Towey*, near *Llandovery*, in the County of *Carmarthen*; and for making the Fords near the ſaid Town ſafe and commodious.

112. An Act for more effectually amending ſeveral Roads leading from and near the Borough of *Truro*, in the County of *Cornwall*; and for building a Bridge over the River, at a Place called *The Steppings*, in or near the ſaid Borough.

113. An Act for building a Bridge acroſs the River *Severn*, near *Redſtone*, in the County of *Worceſter*; and for making proper Avenues and Roads to and from the ſame; and for making Satisfaction to the Proprietors of a Ferry acroſs the ſaid River, at *Redſtone* aforeſaid.

114. An Act for enlarging the Term and Powers of Three Acts, paſſed in the Firſt, Ninth, and Twenty-ſecond Years of the Reign of His late Majeſty King *George* the Second, for repairing and enlarging the Road leading from the Houſe called *The Sign of the Bells*, in the Pariſh of *Saint Margaret* in *Rocheſter*, to *Maidſtone*; and other Roads therein mentioned, in the County of *Kent*.

PRIVATE ACTS.

Anno 13 *Georgii* III.

1. AN Act for naturalizing *Paul D'Aigremont*.

2. An Act for naturalizing *Emeric Vidal*, *Philippe Rivier*, and *Abraham Favenc*.

3. An Act for naturalizing *Peter Francis Martin*.

4. An Act to enable the Right Honourable *Robert* Lord Viſcount *Clare*, the Right Honourable *Wellbore Ellis*, and *Charles Jenkinſon*, Eſquire, to take, in *Great Britain*, the Oath of Office, as Vice Treaſurer, and Receiver-general, and Paymaſter-general, of all His Majeſty's Revenues in the Kingdom of *Ireland*, and to to qualify themſelves for the Enjoyment of the ſaid Offices.

5. An Act for veſting ſeveral Fee farm and other Rents, Part of the ſettled Eſtates of Sir *Charles Cocks*, Baronet, in Truſtees, to be ſold; and for enfranchiſing certain Copyhold or Cuſtomary Lands within the Manor of *Reigate*, in the County of *Surrey*, and for laying out the Money ariſing by ſuch Sale and Enfranchiſement in the Purchaſe of other Lands, to be ſettled to the ſame Uſes.

6. An Act to enable the Rector of *Saint Martin* in *Birmingham*, to grant Leaſes of certain Parts of the Glebe Lands belonging to the ſaid Rectory.

7. An Act for obviating Doubts, touching the Validity of the Proceedings of the Commiſſioners appointed by an Act, paſſed in the Eleventh Year of the Reign of His preſent Majeſty, for dividing and incloſing certain Lands therein mentioned in that Part of the Manor of *Tardebig* which lies in the County of *Worceſter*.

8. An Act for dividing and incloſing certain waſte Lands, called *Hadſor Common*, in the County of *Worceſter*.

9. An Act for dividing and incloſing the Open and Common Fields, and Meadow Grounds, in the Townſhips of *Snaith* and *Cowick*, in the County of *York*.

10. An Act for dividing and incloſing the ſeveral Open Fields, Open arable Lands, Commons, and waſte Grounds, within the Manor and Pariſh of *Armthorpe*, in the Weſt Riding of the County of *York*.

11. An Act for dividing and incloſing the open Fields, Meadows, Common Paſtures, and waſte Grounds, within

within the Parish of *Cromwell*, in the County of *Nottingham*.

12. An Act for dividing and inclosing the Open Common Fields, Meadows, Pasture, and other commonable and waste Lands, within the Manor and Parish of *Brinkhill*, in the County of *Lincoln*

13. An Act for dividing and inclosing a certain Moor or Common, called *Gailes Moor*, in the Township and Manor of *Dalton Traverse*, otherwise *Gailes*, in the Parish of *Kirby Ravensworth*, in the North Riding of the County of *York*.

14. An Act for dividing and inclosing a certain Open Field, or Parcel of Land, called *Bonsall Leys* and *Green*, within the Parish of *Bonsall*, in the County of *Derby*.

15. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Grounds in the Parish of *Irchester*, in the County of *Northampton*; and also Two Pieces of Land or Ground therein described, lying within the Parishes of *Wellingborough* and *Great Doddington*, in the said County.

16. An Act for dividing and inclosing the several Open Fields, arable Lands, Meadows, Commons, and waste Grounds, within the Manor of *Church Broughton*, in the County of *Derby*.

17. An Act for dividing and inclosing the Open Fields, Stinted Pastures, Common, and Wastes, within the Manor of *Arkendale*, in the West Riding of the County of *York*.

18. An Act for dividing and inclosing several Open Fields and Commons, or waste Lands, in the Manor of *Market Weighton*, with *Shipton*, in the County of *York*.

19. An Act for dividing and inclosing the Open and Common Fields of *Upton*, in the Parish of *Burford*, in the County of *Oxford*.

20. An Act for dividing, allotting, and inclosing, the Open Common Fields, Common Meadows, Common Pastures, and waste Grounds, in the Manor and Parish of *Bourton on the Water*, in the County of *Gloucester*, and in the Manor of *Clapton on the Hill*, in the same Parish.

21. An Act for dividing and inclosing *Churchill Common*, within the Manor and Parish of *Churchill*, in the County of *Worcester*.

22. An Act for naturalizing *Isaac Morier*.

23. An Act for naturalizing *John Gottlob Neuman*.

24. An Act for naturalizing *John Francis Curhcod*.

25. An Act for naturalizing *Isabel Bouillon*.

26. An Act for naturalizing *Stephen Beuzeville*.

27. An Act to enable Trustees to make Leases of certain Estates, late of *Antnony* Earl of *Shaftesbury*, deceased, during the Minorities of his Children; and for establishing and carrying into Execution an Agreement made between *Mary* Countess Dowager of *Shaftesbury*, her Infant Son, and the Lord Bishop of *Ely*, respecting certain Messuages and Tenements situate in the Parish of *Saint Andrew Holbourn*, in the County of *Middlesex*.

28. An Act for vesting in *John* Earl of *Hopetoun*, and his Heirs in Fee-simple, certain Lands, Part of his entailed Estate, in the Counties of *Haddington* and *Fife*; and for settling in lieu thereof, other Lands lying contiguous to, and interspersed with, the said entailed Estate.

29. An Act for vesting the Manors of *East* and *West Stodeley*, and certain other Hereditaments in the County of *Devon*, (Part of the settled Estates of *James Bernard*, Esquire), in Trustees, to be conveyed to *Matthew Brickdale*, Esquire, and his Heirs, pursuant to an Agreement entered into by him for the Purchase thereof; and for applying the Purchase-money in Discharge of a Mortgage affecting the said Premises; and for other Purposes therein mentioned.

30. An Act for vesting the settled Estate of the Reverend *Samuel Hemming*, Clerk, and *Maria* his Wife, in the County of *Stafford*, in Trustees, in order that the same may be conveyed to *George Adams*, Esquire, and his Heirs, pursuant to an Agreement made by him for the Purchase thereof; and for vesting the Purchase-money in other Lands and Hereditaments to be settled to the like Uses.

31. An Act for exonerating Part of the real Estate of *Thomas Whichcot* Esquire, in the Couty of *Lincoln*, from a Debt of Ten Thousand Pounds, charged thereon for the Portions of the younger Children of *Christopher Whichcot* Esquire, and *Jane* his Wife, Daughter of the said *Thomas Whichcot*; and for subjecting and charging other Lands of greater Value, to the Payment thereof.

32. An Act to enable the Vicar of *Kensington*, in the County of *Middlesex*, to grant Leases of Part of the Glebe Lands belonging to the said Vicarage.

33. An Act for dividing and inclosing several Commons, Heaths, and waste Grounds, within the Parish of *Drayton in Hales*, in the Counties of *Salop* and *Stafford*.

34. An Act for dividing and inclosing several Lands and Grounds in the Parish of *Gexhill*, in the County of *Lincoln*.

35. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, Common Pastures, Heath, Lot, and waste Ground, in the Parish of *East Hadden*, in the County of *Northampton*.

36. An Act for confirming and establishing Articles of Agreement, for the better ordering and regulating the Manner of feeding, using, and enjoying several Commonable and waste Grounds, lying in *Chatteries*, in the Isle of *Ely*, and County of *Cambridge*; and also for ascertaining the Parts or Lots belonging to each Commoner, in certain Fens therein mentioned; and for empowering the Commoners to plough and cultivate the said Fens, for a certain Number of Years therein limited; and for obliging Occupiers of Lands, in the Open Fields of *Chatteries*, to fence the same.

37. An Act for dividing and inclosing certain Open Common Fields, Meadows, Ings, and other Commonable Lands and waste Grounds, within the Township and Parish of *East Keal*, otherwise *Easter Keal*, in the County of *Lincoln*.

38. An Act for dividing and inclosing the Open and Common Fields, Common Pastures, Common Meadows, Common Grounds, Heath, and Waste Ground, in the Manor and Parish of *Rugby*, in the County of *Warwick*.

39. An Act for dividing and inclosing certain Fields, Lands, and Grounds, within the Township or Lordship of *Everthorpe*, in the Parish of *North Cave*, in the East Riding of the County of *York*.

40. An Act for dividing and inclosing certain Open and Common Fields, Meadows, Ings, and other Commonable Lands and Waste Grounds, within the Manor of *Toyntons*, in the Townships of *Toynton All Saints*, and *Toynton Saint Peters*, in the County of *Lincoln*.

41. An Act for dividing and inclosing certain Open Common Fields, Ings, Common Pastures, and other Commonable Lands, within the Manors, or Manor, and Township of *Hemingby*, in the County of *Lincoln*.

42. An Act for dividing and inclosing certain Moors or Commons within the Townships of *Witton le Wear*, and *North Bedburne*, within the Chapelry of *Witton le Wear*,

Wear, in the Manor of *Wolſingham*, in the County Palatine of *Durham*.

43. An Act for dividing and incloſing certain Open Fields, Lands, and Grounds, within the Townſhip or Lordſhip of *Wilton*, in the Pariſh of *Ellerburn*, in the North Riding of the County of *York*.

44. An Act for dividing and incloſing certain Open and Common Fields, Meadows, Paſtures, Furze, and Waſte Grounds, in the Pariſh of *Thorpe on the Hill*, in the County of *Lincoln*.

45. An Act for dividing and incloſing the Common and Waſte Land, within the Manor of *Sambourn*, in the Pariſh of *Coughton*, in the County of *Warwick*.

46. An Act for dividing and incloſing ſeveral Open and Common Fields, Common Meadows, and other Commonable Lands and Places, within the Pariſh of *Naſford*, and Chapelry of *Birmingham*, in the County of *Worceſter*.

47. An Act to enable *Robert Athorpe Blanchard* Eſquire, now called *Robert Athorpe Athorpe*, and his Heirs Male, to take and uſe the Surname of *Athorpe* only, purſuant to the Will of *Henry Athorpe* Eſquire, deceaſed.

48. An Act for naturalizing *Joſeph Franel*.

49. An Act for veſting certain Tenements and Hereditaments in the Counties of *Oxford*, *Berks*, and *Wilts*, Part of the ſettled Eſtates of the Earl of *Macclesfield*, in Truſtees, to be ſold or exchanged; and the Money ariſing thereby to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments, to be ſettled to the ſame Uſes; and for other Purpoſes therein mentioned.

50. An Act to enable the Dean and Chapter of the Cathedral Church of *Worceſter*, to make and eſtabliſh an Exchange of certain Lands and Premiſes, in the County of *Worceſter*, for other Lands and Premiſes in the ſaid County, belonging to *Thomas Foley* Eſquire.

51. An Act to impower the Wardens, Preceptor, or Maſter of the Scholars, and Poor People of the Almshouſe or Hoſpital of *Jeſus*, in *Giſburn*, in *Cleveland*, in the County of *York*, to convey a certain Meſſuage, and divers Lands, Tenements, and Hereditaments, the Eſtate of the ſaid Alms-houſe or Hoſpital, unto *Charles Turner*, of *Kirkleatham*, in the ſaid County, Eſquire, and his Heirs; and to enable the ſaid Wardens, Preceptor or Maſter of the Scholars and Poor People of the Alms Houſe or Hoſpital of *Jeſus*, to carry into Execution an Agreement with the Reverend *Henry Hewgill*, of *Hornby Grainge*, in the ſaid County of *York*, Clerk, for the Purchaſe of a certain Meſſuage or Tenement, Lands and Hereditaments, in the Pariſh of *Birkby*, in the North Riding of the ſaid County, of greater Value, to be conveyed to, and held by them and their Succeſſors, for the Uſe, Benefit, and Advancement of the ſaid Charity.

52. An Act for effecting an Exchange of Lands, between *Charles Turner* Eſquire, and the Maſter, Fellows, and Scholars, of *Trinity College* in *Cambridge*.

53. An Act for nominating a Perſon, in the Room of *Thomas Cartwright* Eſquire, deceaſed, to join with *Elizabeth Cartwright* Widow, in directing the Sale of ſuch Part or Parts of the ſettled Eſtates of the ſaid *Thomas Cartwright*, deceaſed, as they ſhall think proper, for raiſing Five thouſand ſeven hundred Pounds, and for other Purpoſes.

54. An Act to enable *James Theobald* Eſquire, to carry into Execution an Agreement for Sale of certain Hereditaments, ſituate at *White Waltham*, in the County of *Berks*, (Part of his ſettled Eſtates), to the Reverend *William Reid*; and for laying out the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the Uſes to which the ſaid ſettled Eſtates do now ſtand limited.

55. An Act to enable the Rector of the Pariſh Church of *Stockport*, in the County of *Cheſter*, for the Time being, to grant Leaſes of Part of the Glebe Lands belonging to the ſaid Rectory, and to exchange Part of the ſaid Glebe Lands, and other Lands in the Townſhip of *Stockport* aforeſaid, between Sir *George Warren* Knight of the Bath, Patron of the Advowſon of the ſaid Rectory, and *John Watſon*, preſent Rector of the Pariſh and Pariſh Church of *Stockport* aforeſaid.

56. An Act for dividing and incloſing the Open Fields, Paſture Grounds, Ings, and Common or Waſte Ground, within the Townſhip of *Eaſt Cottingwith*, in the Eaſt Riding of the County of *York*.

57. An Act for dividing and incloſing the Open Arable Fields, Meadow and Paſture Grounds, within the Town and Territories of *Burſtwick* and *Sheckling*, in the Pariſh of *Sheckling cum Burſtwick* in *Holderneſs*, in the Eaſt Riding of the County of *York*.

58. An Act for dividing, allotting, and incloſing the Open and Common Fields, Meadows, Commonable Lands, and Commons, within the Manor, Pariſh, Townſhip, and Liberties of *Houghton cum Witton*, in the County of *Huntingdon*.

59. An Act for dividing and incloſing the Open Commons and Waſte Grounds, within the Manor and Townſhip of *Walſgrave*, otherwiſe *Falſgrave*, in the Pariſh of *Scarborough*, in the North Riding of the County of *York*.

60. An Act for dividing and incloſing the Open and Common Field, and Commonable Land, lying within the Townſhips, Liberties, and Precincts of *Broad Sibford*, otherwiſe *Sibford Gower*, and *Burdrup*, in the Pariſh of *Swalcliffe*, in the County of *Oxford*.

61. An Act for dividing, incloſing, and allotting the Open or Common Fields, Meadows, Paſtures, Commonable Places, and other Lands and Grounds, within the Townſhip of *Whitgreave*, in the County of *Stafford*.

62. An Act for dividing and incloſing ſeveral Open Fields, Lands, and Grounds, in the Pariſh of *Whitton*, in the County of *Lincoln*.

63. An Act for dividing, allotting, and incloſing, the Open and Commonable Fields, Meadows, Lands, and Waſte Grounds of, within, and belonging to, the Manor, Pariſh, and Liberties of *Preſton*, in the County of *Rutland*.

64. An Act for dividing and incloſing the Open and Common Fields of *Newbold upon Avon*, in the County of *Warwick*, and *Long Lawford Heath*, in the Pariſh of *Newbold* aforeſaid.

65. An Act for dividing and incloſing the Open Common Fields, Meadow Grounds, and Common Fens, in the Pariſh of *Hackonby*, in the County of *Lincoln*.

66. An Act for dividing and incloſing the Commons, Waſtes, and Common Fields, in the Pariſhes of *Tingewick* and *Radclive cum Chackmore*, in the County of *Bucks*.

67. An Act for dividing and incloſing certain Moors, Commons, or Tracts of Waſte Land, within the Pariſh and Manor of *Lancheſter*, in the County Palatine of *Durham*.

68. An Act for dividing, incloſing, and allotting a certain Common, or Parcel of Waſte Land, called *Kinfare* and *Compton Common*, within the Manor and

Parish of *Kinver*, otherwise *Kinfare*, in the County of *Stafford*.

69. An Act for dividing and inclosing the several Open Arable Fields, Parcels of Meadow, or Pasture, and other Grounds, within the Parish of *Harpham*, in the Parish of *Agnes Burton*, in the County of *York*.

70. An Act for dividing and inclosing a certain Open Field, and the Commons, Common of Pasture, and Waste Grounds, within the Parishes of *Skipton*, and *Kildwick*, in the County of *York*.

71. An Act to dissolve the Marriage of *John Featherston Bowerbank*, with *Anne Jane Bonnet*, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

72. An Act to enable *Edward Gregge Hopwood*, (late *Edward Gregge*), Esquire, and the Heirs Male of his Body, and the other Persons therein described, to retain, take, and use the Surname of *Hopwood*, and to bear and quarter the Arms of *Hopwood*, pursuant to the Will of *Robert Hopwood* deceased.

73. An Act for vesting certain Manors, Lands, and Tenements, in the *Isle of Wight*, Part of the settled Estate of Sir *Thomas Miller* Baronet, in Trustees, to be sold; and for purchasing other Lands and Hereditaments, to be settled to the same Uses.

74. An Act for discharging divers Messuages, Lands, and Hereditaments, Part of the Estate of *John Hudson* late of *Bessingby*, in the County of *York*, Esquire, deceased, from the Uses of his Marriage Settlement, and for settling other Lands and Hereditaments to the same Uses.

75. An Act for vesting the Moiety of the Manor of *Russels*, and the Moiety of divers Messuages, Lands, and Hereditaments, with the Appurtenances in *Chesilford*, otherwise *Chilford*, and other Places in the County of *Suffolk*, comprized in the Settlement made previous to the Marriage of Mr. *Charles Smith*, and *Elizabeth* his now Wife, late *Elizabeth Bishop* Spinster, in Trustees, to be sold; and for purchasing other Lands and Hereditaments, to be settled to the like Uses.

76. An Act to enable the Governors of the Free Grammar School of *Edward* the Sixth, late King of *England*, in the Town of *Sedbergh*, in the County of *York*, to exchange certain Lands and Possessions of the said School, therein mentioned, with *Walter Vavasour*, of *Weston*, in the said County, Esquire, for other Lands in the Parish of *Sedbergh*, aforesaid, of greater Value, to be settled to the same Uses.

77. An Act for impowering the Judges of the Court of *Session*, in *Scotland*, to sell each Part or Parts of the Estate of *Barholm* in the Stewartry of *Kirkcudbright*, belonging to *John M'Culloch*, now of *Barholm*, as shall be sufficient for Payment of the Debts affecting the same, and for settling the Remainder of the said Estate in Tail on the same Series of Heirs, and in the same Manner, as is mentioned in a Deed of Entail, made in the Year One thousand seven hundred and sixty-two.

78. An Act to impower the Feoffees of *Roan*'s Charity in *Greenwich*, to sell a Messuage, and Two Pieces of Land, Part of the Estate of the said Charity, to the Vicar of the said Parish, and to apply the Money arising by such Sale in the Purchase of other Lands, to be conveyed to the like Uses; and to enable the said Vicar to take a Conveyance of the said Messuage, and Two Pieces of Land; and for other Purposes therein mentioned.

79. An Act for selling the settled Estates of *Henry Cornish Henley*, Esquire, in *Lyme Regis*, *Wooten Fitz-pain*, and *Maiden Newton*, in the County of *Dorset*, and for laying out the Money to arise thereby in the Purchase of other Lands and Hereditaments, to be settled to the same Uses as the said settled Estates now stand limited.

80. An Act for dividing and inclosing the Open and Common Fields, and all other Commonable Lands, and certain Lot Ground, within the several Villages, or Townships of *Beckford*, *Grafton*, *Ashton Underhill*, and *Bo-grove* in the Parish of *Beckford*, and County of *Gloucester*.

81. An Act for dividing and inclosing the Open and Common Fields, and Common Pastures of *Sheasby*, in the Parish of *Knaptoft*, and County of *Leicester*.

82. An Act for dividing and inclosing the Open Common Fields, Meadow Grounds, Common Fen, Cow Pasture, and other Commonable Lands, in the Parish of *Helpringham*, in the County of *Lincoln*.

83. An Act for dividing and inclosing certain Commons or Pastures, called *Hognaston Wynn*, and *Hognaston Old-field*, within the Liberty of *Hognaston*, in the County of *Derby*.

84. An Act for dividing and inclosing the Open and Common Fields, Common Meadows, and Commonable Lands, within the Parish of *Longmarston*, in the County of *Gloucester*.

85. An Act for dividing, allotting, and inclosing the Open and Common Fields, Meadows, Commonable Lands and Commons, within the Manor, Parish, and Liberties of *Little Stukely*, in the County of *Huntingdon*.

86. An Act for dividing and inclosing the Open Arable Fields, Meadow and Pasture Grounds, within the Township of *Preston*, in *Holderness*, in the East Riding of the County of *York*.

87. An Act for severing, dividing, inclosing, and allotting divers Parcels of Common, or Waste Grounds, within the Townships of *Groppenhall* and *Latchford*, in the County Palatine of *Chester*.

88. An Act for dividing and inclosing the several Open Fields, within the Township and Parish of *Drax*, in the West Riding of the County of *York*.

89. An Act for dividing and inclosing the several Open Fields, Carrs, Ings, or Meadow Grounds and Commons or Waste Grounds within the Township and Parish of *Holme upon Spalding Moor*, in the East Riding of the County of *York*.

90. An Act to dissolve the Marriage of *John Gwinn* Esquire, with *John Norris Fisher*, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

91. An Act to dissolve the Marriage of *John Green* Clerk, with *Elizabeth Green*, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

92. An Act for making a Partition and Division of certain Estates, in the Parish of *Ryton*, in the County of *Durham*, between Sir *Edward Blackett* Baronet, and Sir *Walter Blackett* Baronet, pursuant to an Agreement made between them.

93. An Act for the Division, Allotment, and Appropriation of several Messuages, Lands, and Hereditaments, in the several Counties of *Leicester*, *Nottingham*, and *Lincoln*, the Estates of *Thomas Heron* Esquire, whereof he is either Tenant for Life, under different Settlements, or whereunto he is intitled to him and his Heirs in Fee Simple.

94. An Act for vesting Part of the settled Estate of *Smith Child* Gentleman, in the County of *Stafford*, in Trustees, to be sold, to raise Money to pay off the Incumbrances charged upon, and affecting the same, and for other Purposes therein mentioned.

95. An Act for Sale of the ſettled Eſtate of *Henry Spelman* Clerk, in the County of *Norfolk*, and for other Purpoſes therein-mentioned.

96. An Act for Sale of certain Charity Eſtates thereinmentioned, and to apply the Money to ariſe therefrom, in the building of a Town-hall and Shambles in the Town of *Newark upon Trent*; and in the purchaſing of Lands and Hereditaments for enlarging the Churchyard of the ſaid Town, and for opening the Avenues thereto; and for laying out the Reſidue of the Money in purchaſing other Lands, to be ſettled to the Charitable Uſes therein-mentioned.

97. An Act for eſtabliſhing and rendering effectual certain Articles of Agreement, enabling the ſeveral Fee Farm and cuſtomary Tenants, within the Honour, Manor, and Lordſhip of *Hornby*, and Manor of *Tatham*, in the County Palatine of *Lancaſter*, to purchaſe the Timber Trees and Underwoods growing upon their reſpective Tenements; and for veſting the ſole Property thereof in them reſpectively, and extinguiſhing the cuſtomary Right of the other Tenants therein, and for releaſing and extinguiſhing the Freehold, Free Farm, and cuſtomary Rents, Boons, Fines, and other Services of Right due and accuſtomed for the Tenements of ſuch of the ſaid Tenants who have executed the ſaid Articles of Agreement, and of ſuch who ſhall within the Time limited by this Act come in and purchaſe their Timber, Trees, Woods, and Underwoods, Rents, Boons, Fines, and Franchiſements, with ſuch Exceptions and Reſervations only as are in this Act mentioned.

98. An Act to impower the Reverend *Ptolemy Humfrey* Clerk, and the Reverend *John Jephcot* Clerk and *Catherina Dorothea* his Wife; and to exchange a Meſſuage and certain Cloſes in *Thorpe Mandeville*, in the County of *Northampton*, Part of the Glebe of the Rectory of *Thorpe Mandeville* aforeſaid, for a Meſſuage, Two ſmall Cottages, and ſeveral Cloſes and Lands in *Thorpe Mandeville* aforeſaid, Part of the Eſtate of *Richard Jennings* of *Weſton*, in the County of *Northampton*, Eſquire; and for the ſetting out, aſſigning, and appointing other Cloſes, Lands or Grounds of the ſaid *Richard Jennings*, in *Thorpe Mandeville* aforeſaid, in Lieu of Tithes, and for other Purpoſes therein-mentioned.

99. An Act for dividing and incloſing ſeveral Tracts, or Parcels of Common and Waſte Ground called and known by the reſpective Names of *Temple Sowerby Moor*, the *Down Moor*, the *Whinnes*, and *Parſon's Cloſe*, within the Pariſh of *Kirkby Thore*, in the County of *Weſtmoreland*.

100. An Act for dividing and incloſing a certain Parcel of Common or Waſte Land, called *Galey Common*, lying within the Manor or Lordſhip of *Galey*, in the County of *Stafford*.

101. An Act for dividing and incloſing the Common and Waſte Grounds, within the Manor or Townſhip of *Culgaithe*, in the County of *Cumberland*.

102. An Act for dividing, allotting, and incloſing the Common Fields, Common Meadows, and other Commonable Lands, in the Manor and Pariſh of *Stanton Harcourt*, in the County of *Oxford*.

103. An Act for dividing and incloſing the Commons and Waſte Lands within the Manor of *Tryſul*, and *Seiſdon*, in the Pariſh of *Tryſul*, in the County of *Stafford*.

104. An Act for dividing and incloſing certain Open and Common Fields, Meadows, Ings, Moors, Common Paſtures, and other Commonable Lands within the Manors of *Haltham cum Roughton*, in the Townſhips of *Haltham* and *Roughton*, in the County of *Lincoln*.

105. An Act for dividing and incloſing certain Commons and Waſte Lands, in the ſeveral Pariſhes of *Round Acton*, *Mervil Barrow*, *Much Wenlock*, and *Aſtley Abbots*, in the County of *Salop*.

106. An Act for dividing and incloſing the ſeveral Parcels of Fen, and other Commonable Lands, within the Pariſh of *Swineſhead*, in the County of *Lincoln*; and alſo, a certain Plot of Land, called *Wigtoft Marſh*, in and near to the ſaid Pariſh of *Swineſhead*.

107. An Act for dividing and incloſing the Open and Common Fields, and Commonable Lands, within the Manor and Pariſh of *Horſeington*, in the County of *Lincoln*.

108. An Act to diſſolve the Marriage of *Philip Cade* Eſquire, with *Catharine Whitworth*, his now Wife, and to enable him to marry again; and for other Purpoſes thereinmentioned.

109. An Act for naturalizing *William Villers*, an Infant.

110. An Act for veſting Part of the Eſtates ſtrictly entailed by the Will of the moſt Noble *Charles Noel*, late Duke of *Beaufort*, in Truſtees to be ſold, and for applying the Money ariſing by ſuch Sale in the Purchaſe of other Manors, Lands, and Hereditaments, in the County of *Monmouth*, to be ſettled to the ſame Uſes.

111. An Act for diſcharging the Manor of *Greenfield*, and divers Meſſuages, Lands, and Hereditaments, in the County of *Lincoln*, Part of the Eſtate of *Richard* Earl of *Scarborough*, from the Uſes, Eſtates, and Truſts, declared concerning the ſame, by the Settlement executed previous to his Marriage with *Barbara* Counteſs of *Scarborough*, his Wife; and for ſettling other Lands and Hereditaments of greater Value, in Lieu thereof, to the like Uſes.

112. An Act for veſting divers Freehold and Leaſehold Eſtates, and certain Goods and Chattels, late of Sir *Edward Turner* Baronet, deceaſed, in Sir *Gregory Turner* Baronet, his eldeſt Son, as a Compenſation for, and in Satisfaction of, his Claims on his ſaid late Father's Eſtate and Effects.

113. An Act for veſting Part of the ſettled Eſtates of *Charles Bower Adderley* Eſquire, in the Pariſhes of *Hanbury* and *Leigh*, in the County of *Stafford*, in Truſtees, to be ſold, for Payment of the Incumbrances affecting the ſame; and for laying out the Reſidue of the Money ariſing by ſuch Sale in the Purchaſe of other Lands and Hereditaments, to be ſettled to the like Uſes.

114. An Act for dividing and incloſing the Open and Common Fields, Common Meadows, Common Paſtures, Common Grounds, and Commonable Lands, within the Pariſh and Liberties of *Hooknorton* and *Southtop*, in the County of *Oxford*.

115. An Act for dividing and incloſing the Open and Common Fields and Lands, Common Heath and Waſte Grounds, within the Townſhip of *Weſt Willoughby*, in the Manor of *Sudbrooke*, and Pariſh of *Ancaſter*, in the County of *Lincoln*.

116. An Act for naturalizing *Jacques*, otherwiſe *James Louis*, an Infant, under the Age of Eighteen Years.

THE

STATUTES at Large, &c.

Anno Regni GEORGII III. undecimo.

'AT the Parliament begun and holden at *Weſtminſter*, the tenth Day of *May*, *Anno Domini* one thouſand ſeven hundred and ſixty-eight, in the eighth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

'And from thence continued by ſeveral Prorogations to the thirteenth Day of *November* one thouſand ſeven hundred and ſeventy; being the fourth Seſſion of the thirteenth Parliament of *Great Britain*.

CAP. I.

An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.

'WHEREAS it is expedient that the Exportation of any Sort of Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, and Starch, out of the Kingdoms of *Great Britain* or *Ireland*, ſhould be prohibited for a further Time;' be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the ſaid Kingdoms of *Great Britain* or *Ireland*; or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of the ſaid Kingdoms of *Great Britain* or *Ireland*, any Sort of Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, or Starch, under the Penalties and Forfeitures herein after mentioned; that is to ſay, that all the ſaid Commodities that ſhall be ſo exported, ſhipped, or laid on board, or loaded to be exported, ſhipped, or carried out, contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of twenty Shillings for every Buſhel of Corn, Grain, Malt, Meal, or Flour; and twelve-pence for every Pound Weight of Bread, Biſcuit, or Starch; and ſo in Proportion for any greater or leſs Quantity which ſhall be ſo exported, ſhipped, or put on board to be exported; and alſo the Ship, Boat, or Veſſel, upon which any of the ſaid Commodities ſhall be exported, ſhipped, or laden to be exported, and all her Guns, Tackle, Apparel, and Furniture, ſhall be forfeited; and one Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, his Heirs and Succeſſors, and the other Moiety to him or them that will ſue for the ſame; and for Offences which ſhall be committed in that Part of *Great Britain* called *England*, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or before the Juſtices of Aſſize, or at the Great Seſſions in *Wales*, or by Information, at any General Quarter Seſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence ſhall be committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed; and for Offences which ſhall be committed in that Part of *Great Britain* called *Scotland*, by Action or ſummary Bill, or Information, in the Courts of Seſſions or Exchequer in *Scotland*; and for Offences which ſhall be committed in *Ireland*, in his Majeſty's Courts of Record in *Dublin*, or at the General Quarter Seſſions of the Peace for the County, City, or Place, where the Offence ſhall be committed; and that the Maſter and Mariners of any

Preamble

No Perſon ſhall export, &c. any of the Commodities here mentioned, from Great Britain or Ireland, on Forfeiture of the ſame; and 20s. per Buſhel for all Corn, Grain, Malt, Meal, or Flour; and 12d. per Pound for all Bread, Biſcuit, or Starch; and alſo of the Veſſel, &c.

In what Courts the ſaid Penalties to be ſued for and recovered.

Maſter and Mariners of any

such Veſſel aſſiſting, liable to three Months Impriſonment.

any ſuch Ship, Boat, or Veſſel, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts as aforeſaid, ſhall be impriſoned for the Space of three Months without Bail or Mainprize.

Officers, and other Perſons authoriſed, may ſeize any of the ſaid Commodities ſhipped, &c. contrary to the Intent of this Act; together with the Veſſel. The Goods to be lodged in the King's Warehouſes.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, being an Officer or Officers of the Cuſtoms, or being lawfully authoriſed in this Behalf by the Lord High Treaſurer of *Great Britain*, or the Commiſſioners of the Treaſury for the Time being, or any three or more of them, to take and ſeize all ſuch of the ſaid Commodities, not allowed to be exported by this Act, as he or they ſhall happen to find, know, or diſcover, to be laid on board any Ship, or other Veſſel, or Boat, at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpoſe to be exported, tranſported, or conveyed, out of *Great Britain* or *Ireland*, contrary to the true Intent of this Act; and alſo the Ship, Veſſel, or Boat, in which the ſame ſhall be found; and to bring the ſaid Goods to the King's Warehouſe or Warehouſes belonging to the Cuſtomhouſe next to the Place where ſuch Seizures ſhall be made, or to ſome other ſafe Place (where there are no ſuch Warehouſes) in order to be proceeded againſt according to Law; and in caſe of Recovery, to be divided in manner as aforeſaid.

Prohibition not to extend to ſo much of the ſaid Commodities, as ſhall be neceſſary for the Uſe of Veſſels in their Voyages; or for his Majeſty's Ships of War, &c. Forces or Garriſons;

III. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation of ſuch or ſo much of the ſaid Commodities, as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages, for the Suſtenance, Diet, and Support, of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only; or for the victualling or providing any of his Majeſty's Ships of War, or other Ships or Veſſels in his Majeſty's Service, or for his Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the contrary notwithſtanding.

nor to ſuch as ſhall be carried Coaſtwiſe;

Security being firſt given for the due landing thereof;

IV. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip or put on board any of the Commodities aforeſaid, to be carried Coaſtwiſe; (that is to ſay) from any Port, Creek, or Member of the Kingdoms of *Great Britain* or *Ireland*, to any other Port, Creek, or Member of the ſame reſpectively, having ſuch or the like Coaſt Cocquet, or Sufferance for that Purpoſe, and ſuch of the like ſufficient Security being firſt given for the landing and diſcharging the ſame in ſome other Port, Member, or Creek, of the ſaid Kingdoms, and returning a Certificate in ſix Months, as is required by Law in Caſes where Goods, which are liable to pay Duties on Exportation, are carried Coaſtwiſe from one Port of *Great Britain* to another, and not otherwiſe.

nor to ſuch as ſhall be exported from Great Britain to Ireland; or from Ireland to Great Britain; or to Gibraltar, Minorca, or Britiſh Colonies in America; or for the Britiſh Fiſhery there; the Exporter giving Security for the due landing, &c. and returning a Certificate. Officer making a falſe Certificate, forfeits 200 l. and is incapacitated. Other Perſon counterfeiting, &c. any Certificate, forfeits 200 l. &c. Penalties in what Courts to be recovered. Application thereof. Bonds to be proſecuted within 3 Years.

V. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any of the ſaid Commodities which ſhall be exported, or ſhipped to be exported, out of or from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*; or from *Great Britain* or *Ireland* to *Gibraltar* or *Minorca*, or unto any of his Majeſty's Iſlands or Colonies in *America*, that have uſually been ſupplied with any of the ſaid Commodities from *Great Britain* or *Ireland*, for the Suſtentation of the Inhabitants of the ſaid Iſlands, Colonies, or Dominions; or for the Benefit of the *Britiſh* Fiſhery in thoſe Parts only; ſo as the Exporter do, before the ſhipping or laying on board the ſame, declare the Iſland, Colony, or Dominion, Iſlands, Colonies, or Dominions, for which the ſaid Commodities are reſpectively deſigned, and do become bound with other ſufficient Security in treble the Value thereof, to the Commiſſioners or Chief Officer or Officers of his Majeſty's Cuſtoms belonging to the Port or Place where the ſame ſhall be ſhipped or put on board (who hath or have hereby Power to take ſuch Security in his Majeſty's Name, and to his Majeſty's Uſe) that ſuch Commodities ſhall not be landed or ſold in any Parts whatſoever, other than the Kingdoms, Dominions, Iſlands, or Colonies, for which the ſame ſhall be ſo declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Cuſtoms, or if no ſuch, of the naval Officer, or ſome other principal Officer of the Port where the ſame ſhall be landed, ſhall, within the reſpective Times herein after for that Purpoſe mentioned (the Danger of the Seas excepted) be returned to the Officers who took the ſaid Bonds, that the ſaid Commodities have been landed at the Port or Place for which the ſame ſhall be ſo declared; and for the taking of ſuch Security, and for giving ſuch Certificates (which the reſpective Officers aforeſaid are hereby on Demand required to give) no Fee or Reward ſhall be demanded or received; and if any Officer ſhall make any falſe Certificate of any ſuch Commodities being ſo landed, ſuch Officer ſhall forfeit the Sum of two hundred Pounds, and loſe his Employment, and be incapable of ſerving his Majeſty, his Heirs, or Succeſſors, in any Office relating to the Cuſtoms: And if any Perſon ſhall counterfeit, raſe, or falſify, any ſuch Certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe Certificate, he ſhall forfeit the Sum of two hundred Pounds, and ſuch Certificate ſhall be void and of no Effect; which ſaid Penalties for Offences committed in *Great Britain* or *Ireland*, ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in *America*, or other the Dominions belonging to the Crown of *Great Britain* in *Europe*, ſhall be recovered in the High Court of Admiralty, or in any Chief Court of Civil or Criminal Juriſdiction, in ſuch reſpective Colonies, Plantations, or Dominions; and ſhall be divided into equal Moieties between his Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within three Years, ſhall be void.

Prohibition not to extend to Beans exported to the Britiſh Forts, &c. in Africa, &c.

VI. Provided alſo, That nothing herein contained ſhall extend to prohibit the Exportation of Beans to the *Britiſh* Forts, Caſtles, and Factories in *Africa*, or for the Uſe of the Ships trading upon that Coaſt, that uſually have been ſupplied with the ſame, from *Great Britain* or *Ireland*; ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the *Britiſh* Colonies in *America*.

VII. Provided

VII. Provided alſo, That nothing herein contained ſhall extend to prohibit the United Company of Merchants of *England* trading to the *Eaſt Indies*, from exporting any of the ſaid Commodities to any of their Forts, Factories, or Settlements, for the Support of the Perſons reſiding there; ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the *Britiſh* Colonies in *America*. nor to any of the ſaid Commodities exported by the Eaſt India Company to their Forts, &c.

VIII. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any Wheat, Flour, Malt, Barley, Bread, Biſcuit, or Peaſe, to be tranſported out of or from the Port of *Southampton* only, unto the Iſlands of *Jerſey*, *Guernſey*, and *Alderney*, or any of them, for the only Uſe of the Inhabitants of thoſe Iſlands; ſo as the Exporter, before the lading of ſuch Commodities, or laying the ſame on board, do become bound, with other ſufficient Security, in treble the Value thereof, which the Cuſtomer or Comptroller of the ſame Port hath hereby Power to take in his Majeſty's Name, and to his Majeſty's Uſe, and for which Security no Fee or Reward ſhall be given or taken, that ſuch Commodities ſhall be landed in the ſaid Iſlands of *Jerſey*, *Guernſey*, and *Alderney*, or one of them (the Danger of the Seas only excepted) for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever, and to return the like Certificates of the landing the ſame there, as are herein required on the Exportation of the ſaid Commodities to the *Britiſh* Colonies in *America*, and within the Time for that Purpoſe herein mentioned; and ſo as the Quantity of Wheat, Flour, Malt, Barley, Bread, Biſcuit, and Peaſe, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at the ſaid Port for the ſaid Iſlands, or either of them as aforeſaid, doth not exceed in the whole five thouſand Quarters; any Thing herein contained to the contrary notwithſtanding. nor to Wheat, Flour, Malt, Barley, Bread, Biſcuit, or Peaſe, from Southampton to Jerſey, Guernſey, and Alderney, &c. for the Uſe of the Inhabitants only, &c. ſo as the Quantity exceed not 5000 Quarters in the whole;

IX. Provided alſo, That this Act ſhall not extend to any Wheat, Barley, Oats, Meal, or Flour, to be tranſported out of or from the Ports of *Whitehaven* or *Liverpoole* only, into the *Iſle of Man*, for the only Uſe of the Inhabitants of that Iſland; ſo as the Exporter, before the lading of ſuch Wheat, Barley, Oats, Meal, or Flour, or laying the ſame on board, do become bound, with other ſufficient Security, in treble the Value thereof (which the Cuſtomer or Comptroller of either of the ſaid Ports reſpectively hath hereby Power to take in his Majeſty's Name, and to his Majeſty's Uſe) for which Security no Fee or Reward ſhall be given or taken, that ſuch Wheat, Barley, Oats, Meal, or Flour, ſhall be landed in the ſaid *Iſle of Man* (the Danger of the Seas only excepted) for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there, as are by this Act required on the Exportation of the ſaid Commodities to the *Britiſh* Colonies in *America*, and within the Time for that Purpoſe herein mentioned; and ſo as the whole Quantity of Wheat, Barley, Oats, Meal, and Flour, which, at any Time or Times during the Continuance of this Act, ſhall be ſhipped at both the ſaid Ports for the ſaid *Iſle of Man*, ſhall not exceed in the whole two thouſand five hundred Quarters; one Moiety thereof to be exported from the ſaid Port of *Whitehaven*, and the other Moiety thereof to be exported from the ſaid Port of *Liverpoole*; any Thing herein contained to the contrary notwithſtanding. nor to Wheat, Barley, Oats, Meal, or Flour, from Whitehaven or Liverpoole to the Iſle of Man, for the Uſe of the Inhabitants only, &c. ſo as the Quantity exceed not 2500 Quarters in the whole; one Moiety to be ſhipped from Whitehaven, and the other Moiety from Liverpoole;

X. Provided alſo, That nothing in this Act contained ſhall extend to prohibit the Committee of Merchants trading to *Africa*, from exporting, during the Continuance of this Act, any Quantity of Wheat Flour, not exceeding two hundred Quarters; or any Quantity of Bread or Biſcuit, not exceeding fifteen Tons in the whole of ſuch Bread or Biſcuit, or of ſuch Bread and Biſcuit together, to the *Britiſh* Forts, Caſtles, and Factories in *Africa*, for the Support of the Perſons reſiding there; ſo as the like Security be given for the exporting thereof, as is herein required to be given by Perſons carrying the ſaid Commodities to the *Britiſh* Colonies in *America*. nor to Wheat Flour, not exceeding 200 Quarters; nor to Bread or Biſcuit, not exceeding 15 Tons; ſent by the Committee of Africa Merchants to their Forts, &c. in Africa,

XI. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms for the Time being ſhall, and they are hereby required, to give a full and true Account in Writing, to both Houſes of Parliament, at the Beginning of the next Seſſion thereof, of all Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, and Starch, that ſhall before that Time be exported to any Place whatſoever, by virtue or in purſuance of any of the Liberties or Powers hereby given or granted for that Purpoſe. Commiſſioners of the Cuſtoms to return an Account to Parliament of all the Corn and other Commodities ſo exported,

XII. And be it further enacted by the Authority aforeſaid, That all Certificates of the landing and diſcharging of the ſaid Commodities to be exported, other than Coaſtwiſe, ſhall be returned within the reſpective Times following; that is to ſay, Where the Bonds are taken in reſpect of any of the ſaid Commodities to be exported from *Great Britain* or *Ireland*, to any of the ſaid Colonies or Plantations in *America*, within eighteen Calendar Months after the Date of ſuch Bonds; and where to *Gibraltar* or *Minorca*, within twelve Calendar Months after the Date of ſuch Bonds; and where to the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, or *Man*, within ſix Calendar Months after the Date of ſuch Bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within ſix Calendar Months after the Date of ſuch Bonds reſpectively. Times limited for returning Certificates, where Bonds are taken,

XIII. Provided always, and be it enacted by the Authority aforeſaid, That no Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, or Starch, which ſhall be exported by virtue of this Act, ſhall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of ſuch Commodities, or any of them. No Drawback or Bounty to be paid on any of the Commodities ſo exported.

XIV. Provided always, and be it enacted, That nothing herein contained ſhall extend to prohibit the Exportation of Rice out of this Kingdom. Prohibition not to extend to Rice;

The Extraction of Low Wines or Spirits from Wheat or Wheat Flour prohibited.

'XV. And whereas it is expedient that the Extraction of Low Wines, or Spirits from Wheat or Wheat Flour, ſhould be prohibited for a further Time;' be it therefore further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Low Wines or Spirits whatſoever ſhall be made, extracted, or diſtilled, within this Kingdom, from any Wheat or Wheat Flour: And if any Diſtiller or Maker of Low Wines or Spirits, or any other Perſon or Perſons whatſoever, ſhall make, extract, or diſtill, or cauſe or procure to be made, extracted, or diſtilled, any Low Wines or Spirits from any Wheat or Wheat Flour, or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any Wheat or Wheat Flour in any Worts or Waſh, in order for the making, extracting, or diſtilling, Low Wines or Spirits, or ſhall put or lay, or cauſe or procure to be put or laid, in any Tun, Waſh-batch, Caſk, Copper, Still, or other Veſſel or Utenſil, any Wheat or Wheat Flour for the Purpoſe of preparing any Worts or Waſh, or for making, extracting, or diſtilling Low Wines or Spirits, whether ſuch Tun, Waſh-batch, Caſk, Copper, Still, or other Veſſel or Utenſil, hath or hath not been duly entered at the Exciſe Office; that then, and in each and every of the ſaid Caſes, ſuch Diſtiller or Maker of Low Wines or Spirits, or other Perſon or Perſons acting contrary to the Directions of this Act, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion any ſuch Tun, Waſh-batch, Caſk, Copper, Still, or other Veſſel or Utenſil, which ſhall be made uſe of contrary to the Intention of this Act, ſhall be found, ſhall reſpectively, for every ſuch Offence, forfeit and pay the Sum of two hundred Pounds, and all ſuch Wheat or Wheat Flour, and ſuch Worts and Waſh, Low Wines and Spirits, ſhall be alſo forfeited.

Under Penalty of 200 l. and on Forfeiture of all the ſaid Commodities.

Wheat and Wheat Flour found in any Place where Low Wines and Spirits are extracted, &c. are forfeited; and alſo 100 l. by the Perſon in whoſe Poſſeſſion found.

XVI. And be it further enacted by the Authority aforeſaid, That if any Wheat or Wheat Flour ſhall be found in any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place wherein Low Wines or Spirits, or Worts or Waſh, ſhall be made, extracted, diſtilled, or prepared, or where any Low Wines or Spirits, or Worts or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the firſt Day of *October*, one thouſand ſeven hundred and ſeventy, all ſuch Wheat and Wheat Flour ſhall be forfeited; and the Perſon or Perſons in whoſe Poſſeſſion ſuch Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or Place, ſhall be, ſhall, for every Offence reſpectively, alſo forfeit and pay the Sum of one hundred Pounds.

Officers of Exciſe, &c. authoriſed to inſpect the Materials from which Low Wines or Spirits are to be extracted;

XVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be authoriſed for that Purpoſe by the Commiſſioners of Exciſe for the Time being, or any two or more of them, within the Limits of the Chief Office of Exciſe in *London*, or by one or more Juſtice or Juſtices of the Peace in any other Part of *Great Britain*, at any Time or Times, with any Officer of Exciſe, to enter into any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place, wherein any Low Wines or Spirits, or Worts or Waſh, ſhall be, or are ſuſpected to be, made, extracted, diſtilled, or prepared, or wherein Low Wines or Spirits, or Worts or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the firſt Day of *October*, one thouſand ſeven hundred and ſeventy, and ſhall have free Admittance into the ſame, and may inſpect all the Materials, Veſſels, and Utenſils therein contained, giving thereby as little Interruption as may be to the Buſineſs which is carrying on; and in caſe any Officer of Exciſe ſhall have Reaſon to ſuſpect that any Wheat or Wheat Flour is mixed in any Worts or Waſh, or in any other Material or Preparation, for making, extracting, or diſtilling Low Wines or Spirits, it ſhall and may be lawful for ſuch Officer, at any Time or Times during the Continuance of this Act, upon Payment of two Shillings and ſix Pence, to take a Sample, not exceeding two Quarts, of any ſuch Worts or Waſh, Material or Preparation, which ſhall be found in any ſuch Houſe, or other Place aforeſaid; and in caſe any Diſtiller or Maker of Low Wines or Spirits, or the Owner or Occupier of any ſuch Houſe or Place, or any Workman or Servant to any ſuch Diſtiller, Owner, or Occupier belonging, ſhall refuſe to admit ſuch Perſon or Perſons as ſhall be ſo authoriſed, or any Officer of Exciſe, into any ſuch Houſe or Place; or ſhall obſtruct or hinder any ſuch Officer, or Perſon or Perſons, in making ſuch Inſpection as aforeſaid; or ſhall not allow any ſuch Officer to take ſuch Sample, after the ſaid Sum of two Shillings and ſix Pence ſhall be paid or tendered for the ſame, ſuch Diſtiller, Owner, or Occupier, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of one hundred Pounds; and it ſhall be lawful for any ſuch Officer of Exciſe, or other Perſon or Perſons authoriſed as aforeſaid, having a Warrant for that Purpoſe from any two or more of the Commiſſioners of the Exciſe, or any Juſtice or Juſtices reſpectively as aforeſaid, to ſeize, take, and carry away, all ſuch Wheat and Wheat Flour as ſhall be found in any ſuch Houſe or other Place, together with all the Sacks, Bags, and other Things, in which the ſaid Commodities ſhall be contained.

and take Samples, paying for the ſame.

Penalty of refuſing Admittance to an Officer, &c. or obſtructing him, is 100 l.

Officer authoriſed by Warrant, may ſeize the ſaid Commodities.

Diſtiller, &c. not to have more than five Quarters of Wheat or Wheat Flour at one Time, &c. on Forfeitures of the Surplus, and 5 l. per Quarter; except to ſuch Diſtillers, &c. as are the Growers, &c. and who keep not the Wheat, after being threſhed out,

XVIII. And be it further enacted by the Authority aforeſaid, That if any Diſtiller or Maker of Low Wines or Spirits for Sale or Exportation, ſhall be poſſeſſed of, or have in his, her, or their Cuſtody or Poſſeſſion, or in the Cuſtody or Poſſeſſion of any Perſon or Perſons in Truſt, or for the Uſe or Benefit of ſuch Diſtiller or Maker of Low Wines or Spirits, more than five Quarters of Wheat or Wheat Flour at any one Time, in any one or more Place or Places, not being a Place or Places for preparing, making, extracting, diſtilling, or keeping Worts or Waſh, Low Wines or Spirits, every ſuch Diſtiller or Maker of Low Wines or Spirits ſhall, for every ſuch Offence reſpectively, forfeit all ſuch Wheat and Wheat Flour, exceeding the ſaid Quantity of five Quarters; and alſo the Sum of five Pounds for every Quarter ſo forfeited.

XIX. Provided always, That this Act ſhall not extend to inflict the ſaid laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who ſhall be the actual Grower of Wheat, and ſhall be poſſeſſed of any Quantity of ſuch Wheat grown by him or her in the Straw, or after the ſame is threſhed out, or ſeparated from the Straw; provided ſuch Wheat ſhall not be kept in his or her Poſſeſſion, or in the Poſſeſſion of any other Perſon or Perſons in Truſt for him or her, or for a greater Space of Time than twenty Days after the ſame ſhall be threſhed or ſeparated from the Straw; and ſo as ſuch Wheat be not

kept in any Place uſed for making, extracting, or diſtilling Low Wines or Spirits, or for preparing or keeping Worts or Waſh. longer than 20 Days; and not in Places uſed for diſtilling;

XX. Provided alſo, That this Act ſhall not extend to inflict the ſaid laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who practiſes the Trade of a Miller, and who was poſſeſſed of and worked any Mill or Mills for the grinding of Wheat, on or before the firſt Day of *October*, one thouſand ſeven hundred and ſeventy, for or upon account of any Quantity of Wheat or Wheat Flour which ſhall at any Time, during the Continuance of this Act, be found in any ſuch Mill or Mills; any Thing herein contained to the contrary notwithſtanding. and alſo with reſpect to ſuch Diſtillers as are Millers, &c.

XXI. And be it further enacted by the Authority aforeſaid, That in caſe any Officer or Officers of Exciſe, or any other Perſon or Perſons, ſhall, at any Time or Times, have Cauſe to ſuſpect that any Wheat or Wheat Flour, exceeding the Quantity of five Quarters, ſhall be laid or kept in any ſuch Storehouſe, Warehouſe, Grainery, or other Place or Places as aforeſaid, belonging to any Diſtiller or Maker of Low Wines or Spirits, contrary to the true Intent and Meaning of this Act; then, and in every ſuch Caſe, upon Oath made by ſuch Officer or Officers, or other Perſon or Perſons, before the Commiſſioners of Exciſe for the Time being reſpectively, or any two or more of them, or before one or more Juſtice or Juſtices of the Peace reſiding near the Place where ſuch Officer or Officers, or other Perſon or Perſons, ſhall ſuſpect the ſame to be laid and kept, ſetting forth the Ground of his or their Suſpicion; it ſhall and may be lawful to and for the ſaid Commiſſioners, or Juſtice or Juſtices of the Peace reſpectively, before whom ſuch Officer or Officers, or other Perſon or Perſons, ſhall make Oath as aforeſaid (if he or they ſhall judge it reaſonable) by Special Warrant under his or their reſpective Hands and Seals, to authoriſe and impower ſuch Officer or Officers, or other Perſon or Perſons authoriſed as aforeſaid, by Day or by Night (but if in the Night, then in the Preſence of a Conſtable or other lawful Officer of the Peace) to enter into all and every Storehouſe, Warehouſe, Grainery, or other Place or Places, where he or they ſhall ſuſpect that any Wheat or Wheat Flour, exceeding the Quantity of five Quarters as aforeſaid, ſhall be laid or kept, belonging to any ſuch Diſtiller or Maker of Low Wines or Spirits, and to ſeize, take, and carry away, all ſuch Wheat and Wheat Flour as he or they ſhall ſo find, over and above the ſaid Quantity of five Quarters, together with all the Sacks, Bags, or other Things, wherein the ſame ſhall be contained; and ſuch Diſtiller or Maker of Low Wines or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Wheat or Wheat Flour, belonging to ſuch Diſtiller, ſhall be found, ſhall, for every ſuch Offence reſpectively, forfeit and pay the ſaid Penalty of five Pounds for every Quarter exceeding the ſaid Quantity of five Quarters; and the ſaid Officer or Officers, and other Perſon or Perſons, is or are hereby impowered by ſuch Warrant, together with ſuch other Perſon or Perſons as he or they ſhall take to his or their Aſſiſtance, to enter ſuch Storehouſes, Warehouſes, Graineries, and other Place or Places, and break open the Doors thereof, in caſe they be not opened on Demand. In caſe of Information, upon Oath, before two Commiſſioners of Exciſe, or a Juſtice of Peace, Warrant to be granted impowering the Officer, &c. to enter all Storehouſes, &c. belonging to Diſtillers, and ſeize all Wheat and Wheat Flour exceeding 5 Quarters, and Diſtiller liable to pay 5 *l.* per Quarter for all above that Quantity, &c.

XXII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, and for the Recovery and Application whereof no other Proviſion is herein before made, ſhall be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record in *Weſtminſter*, or in the Court of Exchequer in *Scotland*; and that the reſpective Courts before whom the ſame ſhall be recovered, may and are hereby authoriſed (if they ſhall think fit) to mitigate all or any of the pecuniary Penalties herein before inflicted, to any Sum not leſs than one fourth Part of the Sum herein reſpectively mentioned; and that one Moiety of all ſuch Penalties and Forfeitures, when recovered, ſhall be to the Uſe of his Majeſty, his Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſue for the ſame, or give Information of, or diſcover the Offence. Recovery and Application of the Penalties and Forfeitures, where not otherwiſe directed. Penalties liable to be mitigated.

XXIII. Provided always, That all Suits, Proſecutions, or Informations, for Offences committed againſt this Act, ſhall be commenced and made within the Space of ſix Calendar Months after the Fact is committed, and not otherwiſe; any Thing herein contained to the contrary notwithſtanding. Limitation of Suits, and Informations for Offences againſt this Act.

XXIV. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within the Space of four Calendar Months next after the Offence ſhall be committed; and if ſuch Action or Suit ſhall be commenced or proſecuted in that Part of *Great Britain* called *England*, the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants: And if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared; or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law: And if ſuch Action or Suit be commenced or proſecuted in that Part of *Great Britain* called *Scotland*, the Court, before whom ſuch Action or Suit ſhall be brought, ſhall allow the Defender to plead this Act on his Defence; and if the Purſuer ſhall not inſiſt on his Action, or if Judgement ſhall be given againſt ſuch Purſuer, the Defender ſhall and may recover the full and real Expences he may have been put to by any ſuch Action or Suit. Limitation of Actions. General Iſſue. Treble Coſts.

XXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue until the twentieth Day after the Commencement of the next Seſſion of Parliament. Continuation of the Act,

XXVI. Provided nevertheleſs, That the ſaid Continuation may be abridged or ſhortened, and this Act or any Part thereof may be altered and varied, by any other Act or Acts to be made in this preſent Seſſion of Parliament. may be abridged.

C. A. P.

CAP. II.

An Act for continuing and granting to his Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year one thousand seven hundred and seventy-one.

CAP. III.

An Act for the better Supply of Mariners and Seamen to serve in his Majesty's Ships of War, and on Board Merchant Ships, and other trading Ships and Vessels.

Preamble.

'FOR the better Supply of Mariners and Seamen to serve in his Majesty's Ships of War, and on board 'Merchant Ships, and other trading Ships and Vessels;' be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, until the first Day of *February* one thousand seven hundred and seventy-two, and no longer, (except in respect to such Merchant Ships, and other trading Ships or Vessels, which shall be on their Voyage before the said first Day of *February*, one thousand seven hundred and seventy-two, who shall be, and are hereby allowed the Liberty and Benefit of returning home, navigated in the Manner as herein after is provided), it shall and may be lawful for any Merchant Ship, or other trading Ship or Vessel, to be navigated by foreign Seamen or Mariners, not being Natives of *Great Britain*, or of any of the Colonies or Plantations thereto belonging, or his Majesty's natural or naturalized Subjects, so as the Number of such foreign Seamen or Mariners do not exceed three-fourths of the Mariners at any one Time employed to navigate such Merchant Ship, or other trading Ship or Vessel; and that one-fourth, at least, of the Mariners or Seamen so employed be at all times Natives, or his Majesty's naturalized Subjects of *Great Britain* (sudden Death and Hazard, and Casualties of War, and the Seas, saved and excepted); one Act of Parliament made in the twelfth Year of the Reign of his late Majesty King *Charles* the second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, or any other Statute or Law to the contrary notwithstanding.

Until Feb. 1, 1772, trading Ships or Vessels may be navigated by foreign Seamen;

so as their Number do not exceed 3 fourths of the Mariners employed.

This Act not to restrain the Effect of any Royal Proclamation made by virtue of Act 13 Geo. 2.

II. Provided always, That nothing in this Act contained shall extend to take away, or restrain the Effect of any such Royal Proclamation, as his Majesty, his Heirs and Successors, are impowered to make by virtue of an Act passed in the thirteenth Year of his late Majesty's Reign, intituled, 'An Act for the better 'Supply of Mariners and Seamen to serve in his Majesty's Ships of War, and on board Merchant Ships 'and other trading Ships, and Privateers.'

CAP. IV.

An Act to amend so much of an Act, made in the ninth Year of his present Majesty's Reign, intituled, *An Act to amend, and render more effectual, an Act made in the twenty-first Year of the Reign of King* James *the First, intituled*, An Act for the general Quiet of the Subjects, against all Pretences of Concealment whatsoever, as relates to the prosecuting his Majesty's Right, Title, or Claim, to any Messuages, Lands, Tenements, or Hereditaments, within the Precinct, District, or Liberty of the *Savoy*, in the County of *Middlesex*, or to any the Appurtenances to the same therein mentioned.

Preamble. Act 9 Geo. 3.

'WHEREAS by an Act of Parliament, made in the ninth Year of the Reign of his present Majesty, 'intituled, An Act to amend, and render more effectual, an Act made in the twenty-first Year of 'the Reign of King *James* the First, intituled, *An Act for the general Quiet of the Subjects, against all Pre-* '*tences of Concealment whatsoever*, it is enacted, That nothing in the said Act contained shall extend, or be 'prejudicial, to any Right, Title, or Claim, which his Majesty then had to any Messuages, Lands, Te- 'nements, or Hereditaments, within the Precinct, District, or Liberty, commonly called *The Savoy*, in 'the County of *Middlesex*, or to any the Manors, Messuages, Advowsons, Buildings, Lands, Tenements, 'Hereditaments, and Appurtenances, being the Estate and Possession of the late Hospital of *The Savoy*, or 'of the Master and Chaplains of the said Hospital, so as such Right, Title, or Claim, be prosecuted with 'Effect, by Bill, Plaint, Information, or other Suit or Proceeding, in some of his Majesty's Courts of Re- 'cord at *Westminster*, within the Space of two Years, from the first Day of *January*, one thousand seven 'hundred and sixty-nine: And whereas it is necessary that the Time mentioned in the said Provision should 'be enlarged; now therefore, for amending the same in that Particular,' be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing in the said Act contained shall extend, or be prejudicial to any Right, Title, or Claim, which his Majesty then had, or now hath to any of the Premises therein and herein before mentioned, so as such Right, Title, or Claim be prosecuted by Bill, Plaint, Information, or other Suit or Proceeding, in some of his Majesty's Courts of Record at *Westminster*, within the Space of two Years, from the first Day of *January*, one thousand seven hundred and seventy-one; any Thing therein contained to the contrary notwithstanding.

shall not be prejudicial to any Claim which the Crown then had to Messuages, &c. within the Savoy.

II. Provided

II. Provided always, That nothing in this Act contained ſhall in any reſpect extend to affect or influence the Conſtruction of the Clauſe contained in the ſaid recited Act, whereby a Liberty is given to Grantees of the Crown, to proſecute with Effect their Claims within a certain Time therein mentioned. Nothing herein contained to affect Clauſe 9 Geo. 3. whereby Grantees of the Crown may proſecute their Claims.

CAP. V.

An Act for granting an Aid to his Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year one thouſand ſeven hundred and ſeventy-one.

CAP. VI.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

CAP. VII.

An Act for the Regulation of his Majeſty's Marine Forces, while on Shore.

CAP. VIII.

An Act to continue for a further Time an Act made in the eighth Year of his preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act made in the fifth Year of the Reign of his preſent Majeſty, intituled*, An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time.

'WHEREAS an Act was made in the fifth Year of his preſent Majeſty's Reign, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time:* And whereas an Act was made in the eighth Year of his preſent Majeſty's Reign, to continue and amend the ſaid firſt-mentioned Act; and for allowing the Importation of ſalted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time: And whereas by two Acts made in the ninth and tenth Years of the Reign of his preſent Majeſty, the ſaid laſt-mentioned Act was continued until the firſt Day of *March*, one thouſand ſeven hundred and ſeventy-one: And whereas it is expedient that the Importation of all the ſaid Goods and Commodities ſhould be allowed for a longer Time;' may it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act made in the eighth Year of his preſent Majeſty's Reign, intituled, 'An Act to continue and amend an Act made in the fifth Year of the Reign of his preſent Majeſty, intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time*,' ſhall continue, and be in full Force and Effect, until the firſt Day of *March*, one thouſand ſeven hundred and ſeventy-two. Preamble. Act 5 Geo. 3. Act 8 Geo. 3. and Acts 9 and 10 Geo. 3. further continued till March 1, 1772.

CAP. IX.

An Act for the better paving, repairing, cleanſing, lighting, and watching the Streets and other publick Paſſages within the City of *Wincheſter*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hide*, *Saint John's in the Soke*, *Saint Peter's Cheeſehill*, *Saint Swithin* and *Saint Michael in the Weſt Soke*, in the Suburbs of the ſaid City; and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.

'WHEREAS the Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages within the City of *Wincheſter*, in the County of *Southampton*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hyde*, *Saint John's in the Soke*, *Saint Peter's Cheeſehill*, *Saint Swithin* and *Saint Michael in the Weſt Soke*, are in a very ruinous Condition, and in general very ill paved, repaired, cleanſed, lighted, and watched, and the Paſſages thereof are greatly obſtructed by various Nuiſances and Annoyances: And whereas ſeveral of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages are, in ſome Parts thereof, too narrow, and extremely incommodious for the paſſing of Carriages and Perſons: And whereas it would tend greatly to the Health, Safety, and Advantage of the Inhabitants of the ſaid City and Suburbs thereof, and be of great publick Utility to all Perſons reſorting thereto, if the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages were properly paved, repaired, cleanſed, lighted, and watched, and widened where neceſſary, and the ſaid Nuiſances, Obſtructions, and Annoyances were removed for the future; but as the ſame cannot be effected without the Aid of Parliament,' may it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Recorder, and Aldermen of the City of *Wincheſter* for the Time being; the Honourable and Reverend *Saint Andrew* Preamble. Commiſſioners Names.

Andrew Saint John, Sir *Villars Chernocke* Baronet, Sir *Peter Rivers Gay* Baronet, *Charles Abbot* Eſquire, *Nicholas Baconneau* Surgeon, the Reverend *Thomas Balguy* D. D *Joſeph Barker* Surgeon, *John Barton* and *John Bidden* Carpenters, *Peter Binſteed* Joiner, the Reverend *Charles Blackſtone*, *John Bradburn* Wine-merchant, *John Brereton* Apothecary, *Thomas Brereton* Upholder, *John Burdon* Bookſeller, the Reverend *John Burton* D D. *John Burcher* Barber, *Charles Carter* Glazier, *Robert Clarke* and *William Clarke* Gentlemen, *Naſſau Jervoice Coleman* Draper, the Reverend *Thomas Collins*, *David Compigne* Grocer, *Charles Wolfran Cornwall* Eſquire, the Reverend *Reynell Cotton*, *James Crick* Innholder, *John Collins* Brewer, *William Collins* Tailor, *John Crabb* Upholder, *Charles Darking* Peruke-maker, the Reverend *John Dennis*, *James Dibſdale* Innholder, *John Doſwell* ſenior, Butcher, *John Dowling* Maltſter, *George Durnford* Eſquire, *John Duthy* Eſquire, *Timothy Denham* Wool-ſtapler, *William Edwards* Joiner, *George Earl* Fellmonger, *Thomas Earl* Confectioner, *Peter Fuſſell* ſenior, Gentleman, the Reverend *Timothy Gabell*, *Carew Gauntlett* and *Peter Gauntlett*, Wine-merchants, *Edward Grace* Gentleman, *Edward Gater* Butcher, *William Goſſe* Mercer, *William Grenville* Bookſeller, *Harry Green* Silverſmith, *Robert Hayes* Mercer, *William Hays* Upholder, *William Hammond* Eſquire, *John Hayes* Cabinet-maker, *Richard Holloway* Gentleman, *John Hooper* Watch-maker, *William Hooper* Merchant, *Samuel Kent* Glazier, the Reverend *Lancelot Kirby*, *Cranley Thomas Kirby* Eſquire, *William Kernot* Bricklayer, *Berrington King* Surgeon, *William Knapp* ſenior, Brazier, *Charles Knott* Gentleman, *William Lavender* Draper, *Robert Leverſuch* Stone-maſon, the Reverend *Harry Lee* D. D. Warden of *Winton* College, *Thomas Lipſcombe* Apothecary, *Charles Lyford* Surgeon, *Charles Lover* Innholder, *William Meader* Merchant, the Reverend *William Mence*, *Stephen Minchin* Miller, the Reverend *Newton Ogle* D. D. Dean of the Cathedral Church of *Wincheſter*, *Philip Newbolt* Druggiſt, the Reverend *John Monk Newbolt*, *Henry Penton* Eſquire, *Nevinſon Pool* Eſquire, *James Poulſome* Parchment-maker, *George Powlett* Eſquire, *John Puſſer* Grocer, the Reverend *Rice Price*, the Reverend *Edmund Pyle* D. D. *James Pyle* Eſquire, *Edward Pyott* Merchant, *George Rogers* Coach-maker, *Paulet Saint John* Eſquire, *James Serle* Gentleman, *Daniel Shaw* Eſquire, the Reverend *Robert Shipman* LL. D. *Roger Shipman* Gentleman, *John Silver* ſenior, Mercer, *Nicholas Purdue Smith* Wine-merchant, *Richard Smith* Saddler, *John Smyth* M. D. *Henry Sparſhott* Draper, *James Spearing* Gentleman, *John Spencer* ſenior, School-maſter, *John Spencer* junior, Gentleman, *Thomas Stoner* Eſquire, the Reverend *John Sturges*, *Francis Swanton* Eſquire, *William Thomas* Apothecary, *Thomas Waldron* Gentleman, *Samuel Walldin* Stone-maſon, *Thomas Goodridge Waller* Mercer, the Reverend *Joſeph Warton* D. D. the Reverend *Richard Wavell*, *James Welſh* M. D. *Joſeph Whatley* Merchant, *James White* Gentleman, *William Woodward* ſenior, Merchant, *John Wool* Druggiſt, *Thomas Wools* Draper, *Henry Wiltſhire* Butcher, and *Nicholas Wake* Woolſtapler, and their Succeſſors (to be elected in Manner herein after mentioned) ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the above Commiſſioners, or ſome or one of them, or of removing their Reſidence from the ſaid City and Pariſhes aforeſaid, or of their Refuſal or Neglect to act for the Space of one whole Year, or in caſe either of them ſhall be choſen Mayor or Alderman for the City aforeſaid, it ſhall and may be lawful for the ſurviving Commiſſioners, or any nine or more of them, from time to time, by Writing under their Hands and Seals, to elect ſome other Perſon, qualified in the Manner after mentioned, in the Place or Stead of the Commiſſioner ſo dying, removing, neglecting, or refuſing to act, or being choſen Mayor, or Alderman, ten Days Notice of the Time and Place of Meeting for every ſuch Election being given in Writing, ſigned by the Clerk to the ſaid Commiſſioners for the Time being, and affixed to ſome publick Place within the ſaid City; and every Perſon ſo elected, ſhall, from the Time of his Election, have the ſame Power and Authority for putting this Act into Execution, as if he had been expreſsly named and appointed a Commiſſioner by this Act.

How new ones are to be appointed.

II. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant of, or Reſident within, the ſaid City or Pariſhes aforeſaid, or ſome or one of them, and ſhall be in his own Right, or Right of his Wife, in the actual Poſſeſſion and Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of twenty Pounds, ariſing within the ſaid City or Suburbs thereof, or ſhall be poſſeſſed of a perſonal Eſtate of the Value of one thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of his Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, or more than one Imparlance ſhall be allowed; and the Perſon ſo ſued ſhall prove that he was ſo qualified at the Time he acted, or otherwiſe ſhall pay the ſaid Penalty, without any Proof being given, other than that he acted as a Commiſſioner in the Execution of this Act.

Qualification of Commiſſioners.

Perſons acting who are not qualified, to forfeit 50 l.

III. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act during the Time that he ſhall hold any Office under the ſaid Commiſſioners, except the Office of Treaſurer, or during ſuch Time as he ſhall enter into, be engaged in, or have the Benefit of any Contract, or ſhall have any Intereſt in any Contract whatſoever; or after he ſhall have made and delivered in, or cauſed to be delivered in, any Propoſals to the ſaid Commiſſioners, to enter into, or be engaged in any Contract, or to have any Share or Intereſt in any Contract, ſuch Propoſals having been accepted or rejected by the ſaid Commiſſioners, or any ſeven or more of them.

No Officer or Contractor to act as a Commiſſioner.

IV. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, ſhall and may, and they are hereby impowered and required, to meet at the County Hall in the ſaid City on *Monday* Fortnight next after the paſſing this Act, between the Hours of ten and eleven in the Forenoon, and proceed to the Execution of this Act; and then, from time to time, afterwards to adjourn themſelves, and meet at any Place within the ſaid City, as often as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper

First Meeting.

Power of Adjournment.

proper for putting this Act in Execution: Provided that two Commiſſioners be ſufficient for the Purpoſe of Adjournment only; and in caſe two Commiſſioners ſhall not meet, then the Clerk to the Commiſſioners ſhall and may adjourn ſuch Meeting, provided that no Adjournment whatever ſhall be for more than twenty-eight Days: And if it ſhall happen that there ſhall not appear at ſuch firſt Meeting hereby appointed to be held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to adjourn to any other Day; or if at any future Meeting of the ſaid Commiſſioners a ſufficient Number of Commiſſioners ſhall not meet or appear to adjourn, and the Clerk to the ſaid Commiſſioners ſhall neglect or omit to adjourn, or if any Adjournment ſhall be made for a longer Space of Time than twenty-eight Days, or any wrong Adjournment ſhall be made, then, and in every or either of ſuch Caſes, the ſaid Commiſſioners, or any ſeven or more of them, may, by public Notice in Writing under their Hands, to be affixed at each Gate to the ſaid City, of the Time and Place of ſuch Meeting, appoint the ſaid Commiſſioners to meet at the Place where the then laſt Meeting was held, or appointed to be held, at any Time not leſs than three Days, or more than ſix Days, next after any ſuch Notice ſhall be given, as aforeſaid; and the ſaid Commiſſioners ſhall and may meet accordingly at the Time and Place mentioned in the ſaid Notice, and proceed to the Execution of this Act; and ſhall and may make ſuch Orders, Rules, and Regulations as to them, or the Majority of them, preſent at any ſuch Meeting, ſhall appear neceſſary, for the better and more effectual carrying this Act into Execution; and the Commiſſioners ſhall, at all their Meetings, pay their own Charges and Expences.

Commiſſioners to pay their own Expences.

V. And be it enacted, That at every Meeting of the ſaid Commiſſioners to be held by virtue of this Act, the Powers and Authorities hereby granted ſhall be carried into Execution by the major Part of the Commiſſioners preſent, ſo as ſuch major Part ſhall always conſiſt at leaſt of the reſpective Numbers of Commiſſioners by the ſeveral Clauſes of this Act directed, for the reſpective Purpoſes therein mentioned; and ſuch one of the ſaid Commiſſioners preſent as the major Part of them ſhall appoint, ſhall preſide, and be called *Preſident*; and in caſe of Equality of Voices (including his own) ſuch Preſident ſhall, upon all Occaſions, have another and deciſive Vote.

Regulations for Buſineſs done at their Meetings.

VI. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, ſhall, at any Meeting, make, vary, alter, or make void any ſuch Orders, Rules, or Regulations, in ſuch Manner as they ſhall think needful and proper: Provided always, that no Order, Rule, or Regulation, made by the Commiſſioners as aforeſaid, ſhall be revoked, varied, altered, or made void, unleſs the Commiſſioners preſent to revoke, vary, alter, or make void the ſame, ſhall exceed in Number the Commiſſioners who were preſent and concurred in making ſuch Order, Rule, or Regulation; and no Act or Order of the ſaid Commiſſioners ſhall be valid, unleſs done at ſome Meeting to be held in purſuance of this Act: And the ſaid Commiſſioners, or any ſeven or more of them, ſhall cauſe to be provided and kept Books, wherein the ſeveral Meetings and Names of the Commiſſioners attending ſuch Meetings, and the Nomination of all Officers and Perſons who ſhall be employed in the Execution of this Act; and all Orders and Rules, and other Proceedings of the ſaid Commiſſioners at ſuch Meetings, ſhall, from time to time, be fairly written and entered by their Clerk, or by ſuch other Perſon as the Preſident at any Meeting, in caſe of the Abſence or Diſability of the Clerk, ſhall appoint; and the Commiſſioners preſent and concurring in ſuch Orders and Proceedings, together with the ſaid Clerk or other Perſon, ſhall ſubſcribe their Names at the End of the Proceedings of every ſuch Meeting; and all ſuch Entries, ſo ſigned, ſhall be deemed Originals, and ſhall be admitted to be read in Evidence in all Cauſes, Suits, and Actions, touching any thing to be done in purſuance of this Act; and all ſuch Books ſhall, at every ſuch Meeting of the ſaid Commiſſioners, be liable to the Inſpection of any Perſon rated, and paying to the Rates which ſhall be made in purſuance or by virtue of this Act.

Commiſſioners may alter any Order under certain Reſtrictions.

Books to be kept for entering their Proceedings.

VII. And be it further enacted, That the ſaid Commiſſioners, or any nine or more of them, ſhall and may, from time to time, nominate and appoint one or more Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, of the Monies to be raiſed by virtue and for the Purpoſes of this Act; and alſo one or more Surveyor or Surveyors, and ſuch other Officer and Officers as the ſaid Commiſſioners, or any nine or more of them, ſhall think neceſſary to employ in the Execution of this Act; and the ſaid Commiſſioners, or any eleven or more of them, may remove or diſplace all or any of the ſaid Officers, or other Perſons, and nominate and appoint ſuch other Perſon or Perſons in the Room of him or them who ſhall be ſo removed, or ſhall die, provided twelve Days Notice of their Intention to remove or diſplace ſuch Officer or Officers, and to appoint one or more Perſon or Perſons in his or their Room, be given in Writing, by affixing the ſame upon ſome public Place within the ſaid City; and the ſaid Commiſſioners, or any nine or more of them, ſhall, and they are hereby required to take ſuch Security, from time to time, for the due Execution of the ſaid Offices reſpectively, as the ſaid Commiſſioners, or any nine or more of them, ſhall think proper; and the ſaid Commiſſioners, or any nine or more of them, may, and they are hereby impowered, out of the Rates to be collected by virtue of this Act, to make ſuch Allowances to ſuch Officer or Officers, or to ſuch other Perſon or Perſons, as ſhall be aiding and aſſiſting in and about the Execution of this Act, as to the ſaid Commiſſioners, or any nine or more of them, ſhall ſeem reaſonable; and every Officer and other Perſon ſo to be appointed, ſhall, under his Hand, at ſuch time and times, and in ſuch Manner as the ſaid Commiſſioners, or any nine or more of them, ſhall direct, deliver to the ſaid Commiſſioners, or any nine or more of them, or to ſuch Perſon or Perſons as they, or any nine or more of them, ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by him received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed by Order of the ſaid Commiſſioners, or any ſeven or more of them, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in his Hands to the ſaid Commiſſioners, or any ſeven or more of them,

Commiſſioners may appoint Officers.

Officers to account.

or to ſuch Perſon or Perſons as they, or any ſeven or more of them, ſhall appoint; and every Officer and Perſon accounting as aforeſaid, ſhall, upon Oath, (which Oath the ſaid Commiſſioners, or any two or more of them, are hereby impowered and required to adminiſter) verify his Account, if required by any ſeven or more of the ſaid Commiſſioners ſo to do; and if any ſuch Officer ſhall not make and render, or ſhall refuſe to verify upon Oath, any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, then, and in either of the Caſes aforeſaid, any one or more Juſtice or Juſtices of the Peace for the ſaid City or County of *Southampton*, upon Complaint thereof made to him or them by the ſaid Commiſſioners, or any ſeven or more of them, may, and is and are hereby authoriſed and required to iſſue a Summons, under his or their Hand and Seal, or Hands and Seals, requiring ſuch Officer or Perſon ſo refuſing or neglecting to appear before him or them, at ſuch Time and Place as ſhall in ſuch Summons be appointed; which Summons ſhall be directed to and ſerved by one of the Conſtables or Beadles of any or either of the Pariſhes, Wards, or Places aforeſaid, by giving it to, or leaving it at the Houſe or uſual Place of Abode of ſuch Officer or Perſon; and upon ſuch Officer or Perſon appearing or making Default, or not being to be found, the ſaid Juſtice or Juſtices ſhall and may hear and determine the Matter of ſuch Complaint in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of one or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter) it ſhall appear to ſuch Juſtice or Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to be directed as aforeſaid, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer and Perſon; and if the Goods and Chattels of ſuch Officer or Perſon ſhall not be ſufficient to anſwer and ſatisfy the ſaid Money and the Charges of diſtraining and ſelling the ſame, then, and in either of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit ſuch Offender to the common Gaol of the ſaid City or County, until he ſhall make a true and perfect Account and Payment, as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners, or any ſeven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any ſeven or more of them, are hereby impowered to make.

Penalty for not accounting.

Pavement, Lamps, and Watch-houſes veſted in the Commiſſioners.

VIII. And be it further enacted, That from and after the paſſing of this Act, the Property of the Lamps, Lamp Irons, Lamp Poſts, Watch-houſes, and Stands, to be purchaſed, erected, and fixed as herein after mentioned, and all the Materials to the ſame reſpectively belonging, and the Property of all the preſent and future Pavement, as well in the Foot Ways and Carriage Ways, and all the preſent and future Poſts in all and every the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages within the ſaid City of *Winchester*, and within the ſeveral Pariſhes and Suburbs aforeſaid, and of all Materials, Implements and other Things to be purchaſed for the Purpoſes of this Act, and all the Soil of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, and of all the Seſſpools, Bunnies, Watercourſes, and Sewers therein, or belonging thereunto, (except as herein after is particularly mentioned) and of all Aſhes, Cinders, and Rubbiſh, to be taken and carried away from all the Houſes in the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners; and they, or any ſeven or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any one or more of them, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any Part or Parts thereof, or any other Matter or Thing veſted in the ſaid Commiſſioners as aforeſaid; and the ſaid Commiſſioners, or any ſeven or more of them, ſhall have full Power and Authority to ſell and diſpoſe of all or any of the old and uſeleſs Materials to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing therefrom ſhall, at the Diſcretion of the ſaid Commiſſioners, be applied to ſuch and the ſame Purpoſes or ſome of them, as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made, are directed to be applied; and the ſaid Commiſſioners, or any ſeven or more of them, may, and are hereby impowered, from time to time, and at all times hereafter, as they ſhall think proper and neceſſary, to ſell and diſpoſe of all or any of the Soil of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, and of all the ſaid Seſſpools, Bunnies, Watercourſes, and Sewers, and of all or any of the Cinders, Aſhes, and Rubbiſh, to be taken and carried away from the Houſes or elſewhere within the City and Pariſhes aforeſaid, and to contract with any Perſon or Perſons for the Sale thereof, at any Meeting to be held in purſuance of this Act; but previous to ſuch Contract, ſuch Notice ſhall be given of the Intention of the ſaid Commiſſioners to enter into ſuch Contract, at ſuch Meeting, as before directed to be given, for diſplacing or removing any Officer or Officers under this Act, and the Perſon contracting for or purchaſing the ſame ſhall have full Power and Authority to ſell, carry away, and diſpoſe thereof for his own proper Uſe and Benefit, and the Money ariſing from the Sale thereof ſhall be applied at the Diſcretion of the ſaid Commiſſioners, to the ſame Purpoſes, or ſome of them, as the Rates hereafter mentioned are directed to be applied.

Perſons authoriſed to ſell their own Cinders and Aſhes.

IX. Provided, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to deprive any of the Inhabitants of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages from keeping, uſing, ſelling, or diſpoſing of their own Cinders or Aſhes within their reſpective Houſes, Yards, or Gardens, in or out of the ſaid City and Pariſhes aforeſaid, or any Dung, Soil, or Manure, ariſing from Horſes or other Cattle, or their Litter or Fodder, as they ſhall have Occaſion, or think proper: And the ſaid Commiſſioners, or any nine or more of them, ſhall have full Power and Authority to buy or rent Land, within or without the ſaid City, for the depoſiting of the Soil, Aſhes, Cinders, and Rubbiſh, in

caſe they ſhall think proper ſo to do; and the Purchaſe-money or Rent thereof ſhall be paid out of the ſaid Rates, and the Property thereof ſhall be and is hereby veſted in the ſaid Commiſſioners, for the Purpoſes of this Act.

Commiſſioners may appoint a Scavenger.

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any ſeven or more of them, to contract with ſuch Perſon as they ſhall think proper to act as Scavenger of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, with ſuch Salary, Wages, or Reward as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper; but, previous to ſuch Contract, ſuch Notice ſhall be given of the Intention of the ſaid Commiſſioners to enter into ſuch Contract, as herein before is directed to be given, for diſplacing or removing any Officer or Officers under this Act; and the Perſon appointed Scavenger by the ſaid Commiſſioners, or any ſeven or more of them, ſhall, at leaſt twice in every Week, or oftener, if the ſaid Commiſſioners, or any ſeven or more of them, ſhall ſo direct or appoint, bring or cauſe to be brought, by himſelf, or his Servants or Agents, ſuch Sort of Cart or Carts, or other Carriages, as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct or appoint, into all and every the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, where ſuch Carts or Carriages can paſs; and ſhall, at or before his or their Approach, by Sound of Bell, Horn, or Clapper, give Notice to the Inhabitants of their coming, and give the like Notice in every Court or other Place in which the ſaid Carts or Carriages cannot paſs, and ſhall abide and ſtay a convenient Time in or near the ſaid Places reſpectively, to the Intent that all Perſons concerned may bring forth their reſpective Dirt, Aſhes, and Filth, to the Doors of their reſpective Houſes, or other Premiſes, wherefrom the ſaid Scavenger, his Servants or Agents, ſhall take and put up the ſame into ſuch Cart or Carriage, and ſhall carry, or cauſe to be carried away, the ſame to ſuch Places as the ſaid Commiſſioners ſhall appoint as aforeſaid; and every Perſon acting as a Scavenger for the time being, ſhall cauſe all and every the Carts and Carriages, to be employed for the Purpoſes aforeſaid, to have painted, in large Roman Letters, in the Front or moſt conſpicuous Part thereof, THE SCAVENGER'S CART, or ſuch other Words or Letters as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct or appoint; and no Perſon or Perſons whomſoever, except ſuch Scavenger, his Servants or Agents, ſhall take or carry away, or cauſe to be taken or carried away, any Soil, Aſhes, Duſt, Dirt, Muck, Dung, or Manure, from any Houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages (except ſuch Dung, Soil, or Manure, as ſuch Perſon, or his Maſter or Principal, ſhall lawfully and *bona fide* purchaſe and receive of ſuch Perſons as are intitled to ſell the ſame by virtue of this Act) or drive any Cart or Carriage through any or either of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, with or without a Bell, Horn, or Clapper, for that Purpoſe, or with the Words, SCAVENGER'S CART, or ſuch other Words or Letters as the ſaid Commiſſioners, or any ſeven or more of them, ſhall at any time direct or appoint to be painted on the Scavenger's Carts or Carriages, painted thereon, or call for any Aſhes, Duſt, Dirt, Muck, Dung, or Manure, at any Houſe or Place within the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, with an Intent to take or carry away the ſame, (except for ſuch Dung, Soil, or Manure, as ſuch Perſon, or his Maſter or Principal ſhall lawfully and *bona fide* have purchaſed of ſuch Perſons as are intitled to ſell the ſame by virtue of this Act) upon Pain of forfeiting for every ſuch Offence the Sum of twenty Shillings: And if any Inhabitant of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, ſhall deliver, or cauſe, permit, or ſuffer to be delivered, his, her, or their Aſhes, Cinders, Dung, Duſt, Dirt, Soil, Manure, or Rubbiſh (except ſuch as they are hereby authoriſed to ſell or diſpoſe of as aforeſaid) to or for any Perſon or Perſons who ſhall come or call for the ſame with any Cart or Carriage, not having the Words, THE SCAVENGER'S CART, or ſuch other Words or Letters as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct or appoint, painted thereon, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings.

Scavenger's Buſineſs.

Penalty on Perſons not authoriſed acting as Scavengers.

Perſons delivering their Aſhes to any but Scavengers to forfeit 10 s.

Streets to be ſwept, under Forfeiture of 10 s.

XI. And be it further enacted, That the ſaid Scavenger ſhall, when and as often as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct or appoint, cauſe as well the Foot-ways as Carriage-ways of all and every the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other public Paſſages, to be raked, ſcraped, ſwept, and cleanſed in ſuch Manner as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper; and the Dirt, Soil, and Rubbiſh then and there found, collected, or being, ſhall take and carry away, or cauſe to be taken and carried away, immediately, or within ſuch Time as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct or appoint, upon Pain of forfeiting, for every ſuch Offence, the Sum of ten Shillings: And in caſe ſuch Scavenger, his Servants or Agents, ſhall not well and truly do, perform, and execute, or cauſe to be done, performed, and executed, all and every the Articles, Matters, and Things in this Act particularly directed to be done and performed by him, his Servants or Agents, and alſo all and every ſuch Matters and Things as he ſhall contract or agree to do in his Articles or Contracts with the ſaid Commiſſioners, or any ſeven or more of them, or which ſhall be mentioned for him or them to do in his Appointment under the ſaid Commiſſioners, or any ſeven or more of them, ſuch Scavenger ſhall, for every Omiſſion of himſelf, or his Servants or Agents, for which no particular Penalty is herein before inflicted, forfeit and pay the Sum of twenty Shillings: And in caſe the Perſon purchaſing the Aſhes, Duſt, Dirt, Muck, Dung, Soil, or Manure, of the ſaid Commiſſioners, or any ſeven or more of them, ſhall happen to be the Scavenger (which it ſhall and may be lawful for him to be) ſuch Perſon ſhall nevertheleſs be liable to all and every the Penalties aforeſaid, as well for the Omiſſion of himſelf, as of his Servants or Agents, in ſuch and the ſame Manner as if he was the Scavenger only, and had not bought, purchaſed, or contracted for the ſaid Aſhes, Duſt, Dirt, Muck, Dung, Soil, or Manure.

Scavenger for neglecting his Duty, to forfeit 20 s.

Pavements to be made and repaired.

XII. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, and at all times, when and ſo often as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper, to order or direct all or any of the Pavements in the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages now in being, or hereafter to be made within the City or Pariſhes aforeſaid, or any Part or Parts of ſuch Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, as well thoſe Parts uſed by Carriages as thoſe uſed by Foot-paſſengers, to be taken up, and the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, to be paved, relayed, repaired, raiſed, lowered, or altered, in ſuch Manner as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper (except as herein after is particularly mentioned); and the Perſon or Perſons authoriſed or directed by them to do the ſame, are hereby authoriſed and impowered to do the ſame accordingly: And all the Foot-ways, where practicable, ſhall be paved with Flatners or ſmooth Pavement, at the Diſcretion of the ſaid Commiſſioners, or any ſeven or more of them; and all the Horſe and Carriage-ways with good Rag-ſtones, Pebbles, or other Materials, as the ſaid Commiſſioners, or any ſeven or more of them, ſhall ſee fit and proper.

The High Street to be firſt paved, lighted, and watched.

XIII. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, and at all times, when and ſo often as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper, to order and direct all or any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages in the City or Pariſhes aforeſaid, or any Part or Parts of ſuch Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, to be lighted, watched, and cleanſed, in ſuch Manner as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper; and the Perſon or Perſons authoriſed or directed to do the ſame, hath and have hereby full Power and Authority to do the ſame accordingly; any Thing in this Act contained to the contrary thereof in any wiſe notwithſtanding: And the ſaid Commiſſioners are hereby authoriſed and required to pave, light, watch, repair, and cleanſe the *High Street* of the ſaid City as ſoon as conveniently may be after paſſing this Act, and before any other Street, Square, Lane, Alley, Court, or other public Paſſage in the City or Pariſhes aforeſaid.

Commiſſioners to pave, &c. if proper.

XIV. Provided always, That nothing in this Act ſhall be conſtrued to oblige or impower the ſaid Commiſſioners to make any Pavement in any other Street, Square, Lane, Alley, Court, or other public Paſſage in the City or Pariſhes aforeſaid, except in the *High Street* of the ſaid City, unleſs the Majority of the Owners or Proprietors of Houſes, Lands, Tenements, or Hereditaments (computing the ſame according to the Value of ſuch Houſes, Lands, Tenements, or Hereditaments, and not according to the Number of Perſons) ſtanding and being within any or either of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, ſhall be deſirous to have the ſame paved, and ſhall ſignify the ſame under their Hands to the ſaid Commiſſioners, or any ſeven or more of them, and the ſaid Commiſſioners, or any ſeven or more of them, ſhall approve thereof; whereupon the ſaid Commiſſioners, or any ſeven or more of them, ſhall and may direct the ſame to be paved, in ſuch Manner and Form as to them ſhall ſeem proper: And all the Powers and Authorities by this Act granted, ſhall extend and have relation to the ſaid Proprietors of ſuch Houſes, as fully and effectually as if the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages ſo deſired to be paved, had been herein before inſerted and directed to be paved; any Thing herein contained to the contrary notwithſtanding.

Commiſſioners may contract for paving, &c.

giving previous Notice thereof.

XV. And be it further enacted, That the ſaid Commiſſioners, or any nine or more of them, may, and they are hereby impowered, from time to time, as Occaſion ſhall require, to contract with any Perſon or Perſons for paving, relaying, repairing, raiſing, lowering, or altering all or any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, and the paving and pitching the ſame reſpectively; and alſo the paving and pitching under or through any of the public Gates of the ſaid City; and alſo for the keeping the ſame, or any of them, in good and ſufficient Repair for ſuch Time as the ſaid Commiſſioners, or any nine or more of them, ſhall think proper: But, previous to the making any ſuch Contract, ſuch Notice ſhall be given of the Intention of the ſaid Commiſſioners to enter into the ſame, as is herein before directed to be given for diſplacing or removing any Officer or Officers under this Act, in order for any Perſon or Perſons willing to undertake the ſame, to deliver in Propoſals for that Purpoſe, as the ſaid Commiſſioners, or any nine or more of them, ſhall direct or appoint.

Extent of the High Street.

XVI. And be it further enacted, That for the Purpoſe of making a Rate or Rates for defraying the Expences of paving, lighting, watching, repairing, and cleanſing the *High Street* of the ſaid City, the Limits and Extent of the *High Street* of the ſaid City ſhall be deemed to extend to and include the Eaſt End of the *Soke Bridge* on the Eaſt; and alſo to extend to and include a certain Meſſuage or Tenement, with the Garden, Stable, and Premiſes thereunto belonging, now in the Tenure or Occupation of *Edmund Elliot* Clerk; and alſo to the Weſt End of the Gate, called the *Weſt Gate*, of the ſaid City; together with a Houſe commonly called or known by the Sign of the *Fighting Cocks*; and the Garden, Stable, and Premiſes, now in the Tenure or Occupation of *Samuel Foſter*, on the Weſt.

Water Lane, &c. to be paved and repaired.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, and at all times, when and ſo often as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper, to order and direct all or any of the Carriage-ways of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages within the ſaid City (which at the Time of paſſing this Act ſhall not be pitched or paved) to be altered, cleanſed, and put in Repair, in ſuch Manner as to the ſaid Commiſſioners, or any ſeven or more of them, ſhall ſeem proper; and alſo to order and direct all or Part of a certain Lane, called or known by the Name of *Water Lane*, in the *Eaſt Soke*, to be altered, repaired, and cleanſed, in ſuch Manner as to the ſaid Commiſſioners, or

any

any ſeven or more of them, ſhall ſeem proper; any Law, Statute, or Uſage to the contrary thereof in any wiſe notwithſtanding.

XVIII. Provided, That none of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, except the ſaid *High Street*, ſhall be pitched or paved without ſuch Requeſt of the Owners or Proprietors of Houſes, Lands, Tenements, or Hereditaments ſituated therein, as is herein for that Purpoſe before required. No Streets to be paved without Requeſt of Proprietors.

XIX. Provided alſo, That nothing in this Act contained ſhall be conſtrued to impower or oblige the ſaid Commiſſioners to alter, repair, or cleanſe, unleſs for the Purpoſes of making a good and convenient Foot-way and Croſſings, any Carriage-way of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, being Part of any Turnpike Road within the Pariſhes aforeſaid. Not to extend to any Turnpike Road, &c.

XX. And be it further enacted, That the paying and defraying the Coſts and Charges of the paving, pitching, altering, cleanſing, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages within the City and Pariſhes aforeſaid; and of purchaſing a ſufficient Number of Glaſs Lamps, and of fixing the ſame; and alſo of building and providing Watch-houſes and Stands for the ſame; for the firſt Time ſhall be a Charge on, and ſhall be raiſed and paid by the ſeveral Owners or Proprietors of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments within the ſaid City and Pariſhes aforeſaid, having ſuch Aid for that Purpoſe as is herein after provided: And that for the paying and defraying the ſame, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any fourteen or more of them, (from and after the paſſing this Act) to make, aſſeſs, and impoſe one or more equal Pound-rate or Rates at their Diſcretion, to be collected annually at ſuch Time or Times in the Year as to them ſhall ſeem meet, and to endure and have Continuance for ſuch Term or Number of Years as they ſhall think proper, on all and every the Houſes, Lands, Tenements, and Hereditaments which are rated or rateable to the Poor Rates within the City or Pariſhes aforeſaid, according to the yearly Value of the ſame reſpectively; except a certain Meſſuage or Dwelling-houſe, together with the Barns, Stables, Buildings, Out-houſes, and Grounds thereunto belonging, ſituate and being in the Pariſh of *Saint Bartholomew Hyde*, now in the Tenure or Poſſeſſion of *Samuel Tewkeſbury*, called or known by the Name of *Barton Farm*. Charges to be paid by the Proprietors. Exception.

XXI. Provided always, That nothing in this Act contained ſhall be conſtrued to impower the ſaid Commiſſioners to rate or aſſeſs any Arable, Meadow, or Paſture Lands within any of the Pariſhes aforeſaid, unleſs the ſame are ſituate within the Walls of the City aforeſaid. No Aſſeſſments to be made without the City.

XXII. Provided alſo, That the Site of the College, the Cloſe, Deanry, and Prebendal Houſes, Stables, Yards, Gardens, Buildings, and Appurtenances thereunto belonging, and alſo the Church-yard belonging to the Cathedral Church of the City aforeſaid, and all Houſes, Hoſpitals, and other public Buildings, ſet apart for the Purpoſes of public Charity, be not included within any of the Clauſes and Proviſions contained in this Act; and that the ſame, and every Part thereof, be exempt from all Rates, Aſſeſſments, and Impoſitions, which ſhall be made for carrying this Act into Execution. The Cloſe and College exempted.

XXIII. Provided alſo, That nothing in this Act contained ſhall be conſtrued to impower the ſaid Commiſſioners to rate or aſſeſs any Houſes, Lands, Tenements, or Hereditaments in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages in the City or Pariſhes aforeſaid, (except Lands, Stables, Outhouſes, Buildings, and Tenements contiguous and belonging to the Houſes in the *High Street* of the ſaid City) more than two third Parts of the Sum which they would be liable to be rated and aſſeſſed if the ſame were ſituated in the *High Street* of the ſaid City, until the ſame ſhall be required to be paved by the Majority of the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments ſituate therein, in Manner before mentioned; after which the ſaid Commiſſioners, or any fourteen or more of them, ſhall reſpectively rate and aſſeſs the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, ſituate in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, which the Majority of the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, ſhall require to be paved as aforeſaid, in ſuch Manner as is herein before mentioned. No more than Two-thirds to be rated on Houſes, &c. not in the High Street.

XXIV. And be it further enacted, That the ſaid Charges and Expences, to be aſſeſſed and raiſed as aforeſaid, ſhall be paid to the Collector for the time being, appointed by the ſaid Commiſſioners, or any ſeven or more of them, by the Tenants or Occupiers of the ſaid Houſes, Buildings, Lands, Tenements, and Hereditaments, (except as aforeſaid); and ſuch Tenants or Occupiers ſhall be at Liberty, and they are hereby impowered to deduct and retain out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money as they ſhall reſpectively pay on account thereof, for the Owners or Proprietors of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents, any Leaſe or Contract to the contrary notwithſtanding: And if any Tenant or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, within the City or Pariſhes aforeſaid, ſhall neglect or refuſe to pay ſuch Charges within ten Days after the ſame ſhall become due, and after Demand thereof, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to or at the Dwelling-houſe of ſuch Tenant or Occupier, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any one or more Juſtice or Juſtices of the Peace for the ſaid City, returning the Overplus (if any) after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods or Chattels ſo diſtrained, on Demand: And where any Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall be let or demiſed to more than one Tenant or Tenants, Occupier or Occupiers, any one or more of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purpoſes of this Act; and the ſaid Charges ſhall be levied by Diſtreſs and Sale of all or any the Goods or Chattels in ſuch Houſe, Building, Yard, Garden, Piece Expences of paving, lightings, and watching, for the firſt Time, how to be recovered. Occupier liable for the Purpoſe of collecting the Tax,

Piece of Land, Tenement, or Hereditament; and in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall remove out of ſuch Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, before ſuch Charges ſhall be paid by him, her, or them; or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deficient to defray ſuch Charges, or if it ſhall happen that any of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be empty at the Time the ſaid Pavements ſhall be begun, then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be, and the ſame are hereby made a Security for, and chargeable with all ſuch Charges, and the ſame ſhall and may be levied by Diſtreſs and Sale, by Warrant as aforeſaid, of any Goods or Chattels which ſhall after be found upon the ſame Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in caſe ſuch Owner or Owners ſhall neglect or refuſe to pay the ſame for the Space of twenty Days next after the ſame ſhall be demanded of him, her, or them, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to, or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Owners, in caſe ſuch Owner or Owners ſhall then live within the ſaid City or Pariſhes aforeſaid; and in caſe ſuch Owner or Owners ſhall not live within the ſame, then under the Hand and Seal, or Hands and Seals of any one or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place where ſuch Owner or Owners ſhall reſide; and in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall pay to the ſaid Collector more Money on account of the ſaid Charges than ſhall be due from him, her, or them, for the Rent of his, her, or their Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof ſhall and may be levied on the Owner or Owners of ſuch Houſe, Building, Land, Tenement, or Hereditament, by Diſtreſs and Sale of the Goods or Chattels of ſuch Owner or Owners, by Warrant under the Hand and Seal, or Hands and Seals of any one or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place where ſuch Goods or Chattels ſhall be, ſuch Owner or Owners having refuſed or neglected to pay the ſame for the Space of ten Days after Demand made thereof by ſuch Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent for that Purpoſe appointed.

Commiſſioners may borrow Money on the Credit of the Rates and Tolls.

XXV. And be it further enacted, That the ſaid Commiſſioners, or any fifteen or more of them, at any Meeting, may, and are hereby impowered to borrow, and to take up at Intereſt, any Sum or Sums of Money not exceeding the Sum of ſeven thouſand Pounds, upon the Credit of the Rates, Aſſeſſments, and Turnpike Tolls, payable by virtue of this Act, for the Purpoſe of defraying the Charges of the paving, pitching, altering, cleanſing, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, and of purchaſing and fixing Lamps, and building Watch-houſes for the firſt Time, as aforeſaid, and to aſſign over the ſame, or any Part or Parts thereof, and the Powers given by this Act for collecting and recovering the ſame, by any Writing or Writings under their Hands and Seals; the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Rates, Aſſeſſments, and Tolls reſpectively, to any Perſon or Perſons that ſhall advance or lend their Monies thereon, as Securities for the ſeveral Sums that ſhall be borrowed, and the Intereſt thereof as aforeſaid; and Copies of all ſuch Aſſignments and Conveyances ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners; and all and every Perſon and Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, is and are hereby impowered, from time to time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Securities, or by any other Writing or Writings under his or their Hand or Hands, and Seal or Seals, which ſhall be executed in the Preſence of two or more credible Witneſſes, to aſſign over or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer within thirty Days after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignment, containing the Date, Names of the Parties, and Sums of Money therein mentioned, to be aſſigned and transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments, and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and ſuch Aſſignee may in like Manner aſſign and transfer again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies thereon due.

Aſſignments to be transferred.

Fourteen Days Notice to be given of borrowing Money.

XXVI. Provided always, and be it enacted, That after the firſt Meeting no Money ſhall be borrowed upon the Credit of this Act, unleſs fourteen Days Notice, under the Hand of the Clerk, ſhall be given in ſome public News-paper, and alſo fixed on the Doors of the County and City Halls in or near *Wincheſter* aforeſaid, ſpecifying the Time and Place of the Meeting of the ſaid Commiſſioners for that Purpoſe, and the Sum and Sums of Money to be from time to time borrowed thereon.

All Creditors to be deemed equal in Degree.

XXVII. And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of advancing ſuch Sum or Sums; but that all Perſons to whom any Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall, in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Commiſſioners to appoint Toll-gatherers.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to appoint a proper and fit Perſon at the ſeveral Turnpike-gates now ſtanding and being, or hereafter to be erected, or at the ſeveral Places where the ſame now are, or hereafter ſhall be, within one Mile of the ſaid City; and alſo to erect, or cauſe to be erected, a convenient Toll or Turnpike-gate, either in the Pariſh of *King's Worthy*, or *Abbot's Worthy*, in the County of *Southampton*,

as

as to the ſaid Commiſſioners ſhall ſeem proper, and appoint a fit Perſon thereat, to demand, receive, and take, at each of the ſaid Toll-gates or Turnpikes, in every Year, during the following Days; *videlicet*, From the Morning of the Day next before the firſt Day of the Races, commonly called the *Wincheſter* Races, during that and the five following Days; From the Morning of the Day next but one before *Magdalen Hill* and *Giles's Hill*, and the two *Wincheſter* Fairs, for that and the four following Days; From the *Monday* Morning to *Saturday* Night in the Week in which the Election of the College near *Wincheſter* ſhall be holden, the ſeveral Tolls herein after mentioned, before any Horſe, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay, At each Toll or Turnpike-gate aforeſaid, except at the ſaid *King's Worthy* or *Abbot's Worthy Gate)* any Toll or Tolls not exceeding the ſeveral and reſpective Tolls paid at the ſeveral and reſpective Turnpike-gates aforeſaid, at the Time of paſſing this Act, and at the ſaid *King's Worthy* or *Abbot's Worthy Gate*, any Toll or Tolls, not exceeding the Tolls now taken at the Turnpike-gate now erected at or near the End of *Hyde-Street*, in the ſaid Pariſh of *Saint Bartholomew Hyde*; which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and for a Street Toll, over and above, and excluſive of all other Tolls which are or ſhall be authoriſed to be taken and collected by virtue of any Act or Acts of Parliament now ſubſiſting for repairing of Roads; and the ſaid Tolls, when collected by virtue of this Act, ſhall be applied in the Manner herein more particularly ſet forth: And the ſaid Commiſſioners, or any nine or more of them, are hereby impowered, by themſelves, or by any Perſon or Perſons by them, or any nine or more of them, thereunto authoriſed at any Meeting, to levy the Toll hereby required to be paid, upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, or deny or hinder any Paſſage through any of the ſaid Turnpikes until Payment thereof; which ſaid Toll ſhall and may be levied by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which the Toll is by this Act impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and all ſuch Horſes, Cattle, or Goods, may be detained until ſuch Toll, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and it ſhall be lawful for the Perſon or Perſons ſo diſtraining, after the Space of five Days after ſuch Diſtreſs made or taken, to ſell the Horſe or Horſes, Cattle, Goods or Chattels ſo diſtrained, rendering to the Owner or Owners thereof the Overplus upon Demand, after Satisfaction of the ſaid Toll, and the reaſonable Charges in making ſuch Diſtreſs, Keeping and Sale, ſhall be fully paid and ſatisfied.

Tolls may be levied by Diſtreſs.

XXIX. Provided always, and be it enacted, That no Perſon or Perſons ſhall be liable to pay the ſaid Street Toll more than once for paſſing at any Time or Times on the ſame Day with the ſame Cattle and Carriage; but all and every Perſon and Perſons, after having paid ſuch Toll once as aforeſaid, and who ſhall return the ſame Day before Twelve of the Clock at Night, ſhall paſs Toll-free, with the ſame Cattle and Carriage, through the Gate or Turnpike at which any ſuch Toll was paid, upon producing a Note or Ticket denoting the Payment of ſuch Toll; which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give *gratis* on Receipt of ſuch Tolls.

Toll to be paid but once a Day.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any eighteen or more of them, at a Meeting to be called for that Purpoſe, whereof fourteen Days Notice ſhall be given in ſome public News-paper, and alſo fixed on the Turnpike-gates aforeſaid, from time to time, as they ſhall ſee Occaſion, to vary, alter, leſſen, or reduce, when and in ſuch Manner and Proportion as they ſhall think proper, the Tolls aforeſaid; and afterwards to raiſe and augment the ſame, ſo as not to exceed the Tolls or Sums hereby granted: And ſuch Tolls, Rates and Aſſeſſments, ſo varied, altered, leſſened, and reduced, or ſo raiſed and augmented, ſhall and may be collected and levied, mortgaged and aſſigned, in ſuch Manner, and applied to ſuch Purpoſes as, and in Aid of the Rates and Aſſeſſments hereby granted for the Purpoſes of defraying the Charges of the paving, pitching, altering, cleanſing and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, and of purchaſing and fixing Lamps, and building Watch-houſes, for the firſt Time, as aforeſaid, are directed to be recovered, levied and applied, mortgaged and aſſigned, until the Charges and Expences incurred for the Purpoſes laſt mentioned ſhall be defrayed and ſatisfied; and afterwards ſhall be applied in Aid of all or any the Rates or Aſſeſſments which by virtue of this Act are to be paid and defrayed by the Tenants and Occupiers of Houſes, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid.

Commiſſioners may alter the Tolls.

XXXI. And be it further enacted, That the Charges and Expences attending the paving, relaying, repairing, lighting, watching, and keeping in Repair, the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, now in being or hereafter to be made, within the City and Pariſhes aforeſaid, after the reſpective Pavements therein ſhall have been completed for the firſt Time by virtue of this Act; and alſo the Charges and Expences attending the ſweeping and cleanſing, lighting and watching the ſame, from and after the paſſing of this Act; and alſo of the defraying the Salaries and Wages of all Officers and other Perſons to be appointed and employed by virtue hereof, and all incidental Charges and Expences attending the Execution of this Act, and of the Powers herein granted, ſhall be a Charge on and be raiſed and paid by the Tenants and Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, within the ſaid City and Pariſhes aforeſaid (except all Arable, Meadow, and Paſture Land without the Walls of the ſaid City); and alſo ſave and except all that Meſſuage or Dwelling-houſe, together with the Barns, Stables, Buildings, Outhouſes, and Grounds thereunto belonging, ſituate and being in the Pariſh of *Saint Bartholomew Hyde*, now in the Tenure or Poſſeſſion of *Samuel Tewkeſbury*, called or known by the Name of *Barton Farm*: And for defraying ſuch Charges and Expences, it ſhall and may be lawful for the ſaid Commiſſioners, or any ſeven or more of them, once in every Year after the paſſing of this Act, or oftener, if they, or any ſeven or more of them, ſhall think neceſſary, the firſt Year to be computed from ſuch one of the Feaſts of the Annunciation of the Bleſſed Virgin *Mary*, the Nativity of *Saint John* the Baptiſt, *Saint Michael* the Archangel, and *Saint Thomas* the Apoſtle, as ſhall firſt happen next

Expences of repairing and cleanſing the Streets, &c. to be paid by Tenants and Occupiers.

next after the paſſing of this Act, and every ſucceeding Year from the ſaid Feaſt Day, happening as aforeſaid, to make one or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the City and Pariſhes aforeſaid (except as before excepted) according to the yearly Value thereof reſpectively, to be ſettled and aſcertained by the ſaid Commiſſioners, or any ſeven or more of them, and in the Manner and Proportion herein before mentioned, reſpecting the Mode of rating and aſſeſſing the Lands, Houſes, Yards, Tenements, and Hereditaments, in the City and Pariſhes aforeſaid, for paving, cleanſing, lighting, and watching the *High Street*, and other Streets of the City and Pariſhes aforeſaid, for the firſt Time: And the Monies ſo rated and aſſeſſed ſhall be collected, raiſed, and levied, by the ſame Ways and Means, and in ſuch Manner as is herein before preſcribed for the collecting, raiſing, and levying the Rates or Aſſeſſments herein before directed to be made for the paving, pitching, and putting in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other public Paſſages, and purchaſing the Lamps, and procuring a ſufficient Number of Watch-houſes for the firſt Time.

Tenants renting under 5 l. per Annum exempted from being rated.

XXXII. Provided always, That nothing in this Act contained ſhall be conſtrued to impower the ſaid Commiſſioners to rate and aſſeſs towards keeping in Repair, cleanſing, lighting, and watching the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages in the City or Pariſhes aforeſaid, any Tenant or Occupier of any Dwelling-houſe which ſhall not be of the yearly Value of five Pounds, but that it ſhall and may be lawful to rate and aſſeſs the Landlord and Owner inſtead and in lieu of the Tenant or Occupier thereof; and where the Landlord or Owner is ſo rated, the Sum aſſeſſed upon him may be paid by or levied upon the Tenant, in the ſame Manner as if the Tenant himſelf had been rated; and all Sum or Sums of Money paid by or levied upon ſuch Tenant, may be deducted by him out of the Rent to be paid by him to ſuch Landlord, who is hereby required to allow the ſame.

Commiſſioners to appoint and remove Watchmen.

XXXIII. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, may, and they are hereby impowered to appoint a ſufficient Number of fit and able-bodied Men, not exceeding eight, to watch and guard the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages in the City and Pariſhes aforeſaid, in the Night-time; and alſo to make ſuch Allowances to ſuch Watchmen for their Attendance, out of the Rates to be raiſed for the Purpoſe of keeping in Repair the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, and lighting and watching the ſame; and to give ſuch Orders and Directions concerning the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid Service, as the ſaid Commiſſioners, or any ſeven or more of them, ſhall judge reaſonable and expedient; and from time to time to remove any of the ſaid Watchmen, and appoint others in their Stead.

New Buildings not to be rated till occupied.

XXXIV. Provided always, and be it further enacted, That no Meſſuage, Tenement, or other Building, unoccupied or newly erected, and no new Buildings whatſoever which ſhall at any Time hereafter be erected or built, or become unoccupied, in the ſaid City or Pariſhes, liable to be rated or aſſeſſed by virtue of this Act, ſhall be rated or aſſeſſed by virtue hereof, to any Rate or Aſſeſſment hereby directed to be a Charge on the Tenants or Occupiers, until the ſame ſhall reſpectively have been uſed or occupied; and that where any Houſe or other Building, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, ſhall be rebuilt, the ſame ſhall be built in ſuch Manner that the Fronts thereof ſhall not project farther into any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, than the old Foundation, and ſo as that no Bulk or Bow-window on the Ground-floor be ſet up or erected before the Front of ſuch Houſe or Building, without Conſent in Writing of the Majority of the ſaid Commiſſioners at a General Meeting to be held for that Purpoſe, ſuch Majority to conſiſt of eighteen Commiſſioners at leaſt.

Bulks and Bow-windows to be taken away in narrow Streets.

XXXV. And be it further enacted, That no Bulk, Bow-window on the Ground-floor, projecting Window, Porch, Rails, or Pent-houſes, ſhall be permitted in any Part of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, which ſhall not be twenty-four Feet in Width: And the ſaid Commiſſioners, or any nine or more of them, are hereby impowered to take down any Bulk, Bow-window on the Ground-floor, projecting Window, Porch, Rails, or Pent-houſes, which ſhall be ſet up, erected, or built contrary to the Intent of this Act, and to ſet the ſame Fines and Penalties as are herein directed and provided, for removing and taking down any projecting Spout or Sign.

Commiſſioners may raiſe Rates upon Perſons under-rated.

XXXVI. Provided always, That if the ſaid Commiſſioners, or any ſeven or more of them, ſhall, at any time or times hereafter, in any Rates or Aſſeſſments by them to be made by virtue or in purſuance of this Act, neglect or omit to rate or aſſeſs any Perſon or Perſons liable to ſuch Rates or Aſſeſſments, or ſhall under-rate or aſſeſs any Perſon or Perſons liable to ſuch Rates or Aſſeſſments, and therein rated or aſſeſſed; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any fourteen or more of them, to rate and aſſeſs ſuch Perſon or Perſons ſo omitted or under-rated, in ſuch Manner as to the ſaid Commiſſioners, or any fourteen or more of them, ſhall ſeem juſt; and ſuch Addition or Alteration ſhall be as valid to all Intents and Purpoſes whatſoever, as if the ſame had been Part of the original Rates or Aſſeſſments; any Statute, Law, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

Money loſt by Inſolvency to be made good.

XXXVII. And be it further enacted, That in caſe any of the Monies collected by virtue of this Act ſhall be loſt by Inſolvency, or otherwiſe, the ſaid Commiſſioners, or any ſeven or more of them, ſhall and may make an additional Rate or Aſſeſſment for ſupplying and making good ſuch Deficiencies and Charges occaſioned by or on account of the ſame; which additional Rate or Aſſeſſment ſhall be recovered in the ſame Manner as the original or annual Rates or Aſſeſſments herein before enacted are directed to be made or recovered; any Thing herein contained to the contrary thereof notwithſtanding.

XXXVIII. And

Ground-rents not chargeable.

XXXVIII. And whereas ſome Doubts may hereafter ariſe who ſhould be deemed the Owner or Owners, Proprietor or Proprietors, of the ſeveral Houſes, Buildings, Yards, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid; for removing whereof, be it further enacted, That ſuch Perſon or Perſons, or Body or Bodies Politic or Corporate, as now have, or hereafter ſhall have, the immediate beneficial Eſtate or Intereſt in Poſſeſſion, or as now are, or hereafter ſhall be, in the Perception of the Rents and Profits of and in the ſaid ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, ſhall, during the Continuance of ſuch their Eſtate or Intereſt, be deemed and accounted the Owner or Owners, Proprietor or Proprietors, of the ſame reſpectively, in proportion to ſuch their reſpective Intereſt therein, other than and except ſuch Body or Bodies Politic or Corporate, Eccleſiaſtical or Civil, or ſuch Leſſor or Leſſors, or other Owner or Owners of any Quit-rent, Fee-farm Rent, or other Rent reſerved or iſſuing out of the ſame Houſes, Buildings, Lands, Tenements, or Hereditaments, which ſhall not amount to one third Part of the full Improved or Rack Rent thereof. Proprietors.

Commiſſioners may order Materials to be brought into the Streets,

XXXIX. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, may cauſe to be dug, carted and carried out of, or brought into, the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, or into any or either of them, ſuch Gravel, Stones, or other Materials; and employ ſuch Artificers, Carters, and others; and do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any ſeven or more of them, ſhall judge neceſſary or conducive to the accompliſhing the Ends and Deſigns of this Act.

ſet up Poſts and Rails,

XL. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, ſhall and may cauſe to be ſet up Poſts of Wood or Stone in ſuch Part or Parts of all or any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, as they ſhall judge neceſſary; and alſo may ſet up Poſts and Rails for preventing of Accidents or Caſualties; and the Expences thereof ſhall be borne and defrayed by the ſaid Commiſſioners, or any ſeven or more of them, out of the Monies ariſing from the ſaid Rates or Aſſeſſments, or any of them.

make Gutters and Drains,

XLI. And be it further enacted, That, for the better carrying this Act into Execution, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to make, or cauſe to be made, Seſſpools, Bunnies, Watercourſes, Drains, and Sewers; and for that Purpoſe to enter by themſelves, or by any Perſon or Perſons employed by them, on the Lands of any Perſon or Perſons which ſhall be deemed neceſſary for that Purpoſe; and to dig, ſink, and build, and from time to time, whenever it ſhall be neceſſary, to repair the ſame, doing as little Damage as may be, and making good all ſuch Damages as ſhall be done; and to cut through any Wall or Walls, or otherwiſe, into old Seſſpools, Bunnies, Ditches, Drains, and Sewers, if the ſame ſhall be found neceſſary and proper, and to enlarge or alter the ſame; and the Expences attending the building, making, and keeping in Repair, from time to time, all ſuch Seſſpools, Bunnies, Watercourſes, Drains, and Sewers; and the ſaid other Works, and the Damages occaſioned thereby, ſhall be paid and defrayed out of the Rates and Aſſeſſments, or ſome of them, to be raiſed as aforeſaid; and the ſame ſhall for ever thereafter be deemed public Seſſpools, Bunnies, Watercourſes, Drains, Sewers, and Works; any Law, Statute, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding.

and may alter the Courſe of Gutters.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, to direct and cauſe the Courſe of any Gutter or Channel running in or through the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, or either of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Gates already placed or hereafter to be placed over any Sewer, to be removed and replaced, in ſuch Manner, and at ſuch Place and Places, as they ſhall think proper; all which ſhall, from time to time, be done at the Expence of the ſaid Commiſſioners, and paid for by them, or any ſeven or more of them, out of the Money ariſing from the Rates or Aſſeſſments to be made by virtue of this Act, or ſome of them, any Law, Uſage, or Cuſtom to the contrary notwithſtanding: And all Gutters or Watercourſes from the Houſes to the Carriage-ways ſhall be made under the Foot-ways where practicable, and be conſtructed or made in ſuch Manner, and with ſuch Materials, as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct or appoint.

Power to dig Gravel on private Ground;

making Satisfaction to the Owners.

XLIII. And be it further enacted, That for the more effectual carrying this Act into Execution, the ſaid Commiſſioners, or any ſeven or more of them, or any Surveyor or other Perſon to be employed by them, or any Perſon or Perſons to be appointed or employed by ſuch Surveyor or other Perſon, ſhall and may, and they are hereby impowered to dig for, take, and carry away, any Gravel, or other Materials, fit and proper for the paving and covering the Pavements, and pitching of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, or which they ſhall adjudge neceſſary or fitting to be uſed in or about the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other public Paſſages, or for any other Purpoſe whatſoever in the Execution of this Act, or any of the Powers and Authorities herein contained, in, upon, and out of, and from and out of the Lands, Fields, or Grounds, of any Perſon or Perſons, where the ſame may be had or found, to be uſed, diſpoſed of, and applied in or towards the raiſing, making, widening, and repairing the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, and other public Paſſages (ſuch Lands, Fields, and Grounds, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or incloſed Ground planted with any Avenue of Trees for the Ornament of any Houſe) they the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Perſon or Perſons, having an Order from the ſaid Commiſſioners, or any ſeven or more of them, for ſo doing, filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, and paying, or offering to pay, to the reſpective Owners or Occupiers of ſuch Lands, Fields or Grounds, ſuch Damages for the cutting, digging, gathering, taking, and carrying away ſuch Materials as aforeſaid, and for carrying the ſame over their Grounds, as the ſaid Commiſſioners, or any ſeven or more of them, ſhall adjudge reaſonable; and in caſe

case of any Difference concerning the same, any two or more Justices of the Peace of the said County of *Southampton* shall and may, on ten Days Notice thereof to be given by the said Commissioners, or their Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Commissioners, or any two or more of them, or to their Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or one of their respective Families, hear, settle, and determine the Matters in Dispute, and ascertain what Damages shall be paid; and the Order and Determination of the said Justices shall be final and conclusive to all Parties.

Persons altering the Form of the Pavement, to forfeit 40s.

XLIV. And be it further enacted, That from and after the passing of this Act, no Person or Persons shall make, or cause to be made, any Alteration in the Form of any of the Pavements of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, or any Part or Parts thereof, without the Consent and Direction of the said Commissioners, or any seven or more of them, under their Hands, upon Pain of forfeiting for every such Offence, the Sum of forty Shillings, over and above all Expences incurred, or to be incurred, in reinstating the same.

Upon Complaint of two Housekeepers, Commissioners may repair Streets once paved by virtue of this Act.

XLV. And be it further enacted, That if any two Housekeepers within the City and Parishes aforesaid shall make Complaint, in Writing under their Hands, to the said Commissioners, or any seven or more of them, of any Defect or Want of Repair in any of the Pavements of any of the said Streets, Squares, Lanes, Alleys, Courts, Ways, or other public Passages, after the same shall have been new paved or repaired by virtue of this Act; then, and in every such Case, the said Commissioners, or any seven or more of them, shall forthwith cause the Pavement so complained of to be inspected by some Person or Persons, to be appointed by them for that Purpose; and if the same shall by him or them be found defective, and so reported to be to the said Commissioners, the said Commissioners, or any seven or more of them, shall forthwith give Orders to their Contractor or Pavior to repair the same; and if the Contractor or Pavior to the said Commissioners, to whom such Order shall be given, shall not, within four Days next after the Receipt thereof, repair the said defective Pavements; then, and in every such Case, the said Contractor or Pavior shall forfeit and pay the Sum of twenty Shillings for every Day that the said defective Payment shall remain unrepaired after the Expiration of the said four Days.

Streets to be watered.

XLVI. And be it further enacted, That the said Commissioners, or any seven or more of them, shall have full Power and Authority to cause the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages, to be watered as often as they shall think fit; and also to cause any Pump or Pumps, Conduit or Conduits, now standing in any or either of the public Streets or Passages of the said City, to be removed and placed, and set up in more convenient Places, and to defray the Expences thereof out of the Monies to be raised by virtue of the Rates and Assessments by this Act directed to be made, or some of them.

Names of Streets to be fixed at the Corners, and Houses to be numbered.

XLVII. And be it further enacted, That the said Commissioners, or any seven or more of them, shall and may describe and determine the Limits and Extent of the several Streets, Squares, Lanes, Alleys, and other public Passages within the City and Parishes aforesaid, for all the Purposes of this Act, and shall and may cause to be engraved, painted, or otherwise to be placed on a conspicuous Part of any one or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of each of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, the Name by which each respective Street, Square, Lane, Alley, Court, or other public Passage, is usually called or known; and may also cause every House, Shop, Warehouse, or Building, in each of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, to be marked or numbered in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface any such Name, Description, Mark, or Number, or any Part thereof, or cause or procure the same to be done, every Person so offending shall, for every such Offence, forfeit and pay the Sum of twenty Shillings.

Persons obliterating the Number, &c. to forfeit 20s.

Signs and Bulks to be removed.

XLVIII. And be it further enacted, That the said Commissioners, or any seven or more of them, shall and may, at any Time after the passing of this Act, cause Notice to be given to the respective Owners or Occupiers of the several Houses, Buildings, Yards, Gardens, Lands, Tenements and Hereditaments, in the said City and Parishes aforesaid, to take down, remove, alter, or regulate all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, Sign-posts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Blocks, Chopping-blocks, Cellar-windows, Trees, and Posts, projecting into, or standing or being in any of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, and all other Incroachments, Nuisances, or Annoyances whatsoever, projecting into, or standing or being in any of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, in such Manner as they shall think proper; and to cause all Signs, or other Emblems as aforesaid, Shew-boards, Spouts, and Gutters, or such Part thereof as they shall think fit, to be affixed or placed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong or were before affixed, and not otherwise: And in case the respective Owners or Occupiers shall refuse or neglect so to do for the Space of ten Days next after such Notice shall be given to him, her, or them respectively, (which Notice shall be given in Writing under the Hand of the said Collector for the Time being, and delivered to, or left at the Dwelling-house or usual Place of Abode of such Owner or Occupier) it shall and may be lawful to and for the said Commissioners, or any seven or more of them, to cause such Signs, Emblems, Sign-posts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Blocks, Chopping-blocks, Cellar-windows, Trees, and Posts, and all other Incroachments, Nuisances, or Annoyances whatsoever, to be taken down, removed, altered, and regulated, in such Manner as they shall think proper; and shall cause all Signs or other Emblems aforesaid, Shew-boards, Spouts, and Gutters, or such Parts thereof as they shall think fit, to be affixed or placed on the Fronts of the Houses, Shops, Warehouses,

Signs to be affixed to the Fronts of Houses.

Warehouſes, or Buildings, whereunto they reſpectively belong or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned to their reſpective Owners, to be left on the Spot, or ſo near as conveniently may be, for ſuch Owner or Owners, ſo much of ſuch Signs or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Incroachments, Nuiſances, or Annoyances whatſoever, as ſhall not be affixed or put up, or otherwiſe made uſe of, in the Alterations directed by this Act; and the Charges and Expences attending the ſame ſhall and may be recovered of the Owner or Occupier thereof reſpectively, in the ſame Manner as the Charges and Expences of paving the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, for the firſt Time, are herein directed to be recovered: And if any Perſon or Perſons ſhall, at any Time or Times thereafter, hang, place, erect, or build, any Sign-poſt or other Poſt, Sign-iron, Shew-board, Spout, Gutter, Shed, Butchers Gallows, Pen, Sand-pen, Dung-pen, Pump, Shamble, Block, Chopping-block, Cellar-window, Tree, or Poſt, or other Incroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds, and the further Sum of twenty Shillings for every Day ſuch Nuiſance or Annoyance ſhall continue; and the Maſter Workman employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of five Pounds; and it ſhall and may be lawful for the ſaid Commiſſioners, or any ſeven or more of them, to order the ſame to be taken down, removed, altered, or regulated, in ſuch Manner as they, or any ſeven or more of them, ſhall think proper; and the Perſon or Perſons ſo ordered to take down, remove, alter, or regulate the ſame, ſhall have hereby full Power and Authority to take down, remove, alter, or regulate the ſame accordingly, without any Notice or Warning to be given to the Owner, Tenant, or Occupier, to take down, remove, alter, or regulate the ſame; and where any Bulks, Pent-houſes, and Erections ſhall appear to have been made, erected, and ſet up, before the Front or Fronts of any or either of the ſaid Houſes or Buildings, within ſix Months next before the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to cauſe the ſame to be removed, taken down, and regulated, in the ſame Manner as is hereby provided and enacted concerning all, or any, or either of the Nuiſances, Annoyances, Obſtructions, and Incroachments herein before ſpecifically named.

Perſons making Incroachments to forfeit 5 l.

Power to remove and regulate them.

XLIX. Provided always, and be it further enacted, That if no Spout or Gutter ſhall be fixed to any Houſe, Shop, Warehouſe, or other Building, for conveying the Waters from the Roofs, Caves, Cornices, and Pent-houſes of the ſaid Houſe, Shop, Warehouſe, or other Building, and ſo into the common Channels or Drains, by proper and ſufficient Pipes or Trunks, to be fixed to the Side of ſuch Houſe, Warehouſe, Shop, or other Building, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to cauſe fourteen Days Notice to be given to the Tenants or Occupiers of ſuch Houſe, Shop, Warehouſe, or Building, by Writing under the Hand of any one or more of the Officer or Officers to be appointed by the ſaid Commiſſioners; and ſuch Notice ſhall be left at or affixed upon the moſt conſpicuous Part of ſuch Houſe or Building, to affix a good and ſufficient Spout, Pipe, Trunk, or Gutter, or good and ſufficient Spouts, Pipes, Trunks, or Gutters, to ſuch Houſe, Shop, Warehouſe, or other Building, in ſuch Manner as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper, for conveying the Water from ſuch Houſe, Shop, Warehouſe, or other Building, down by the Side of the ſaid Houſe, Shop, Warehouſe, or other Building, and ſo into the common Channel or Drains; and in caſe ſuch Spout, Pipe, Trunk, or Gutter, Spouts, Pipes, Trunks, or Gutters, ſhall not be affixed, or the Drips from ſuch Houſes, Shops, Warehouſes, and other Buildings, ſhall not be ſtopped and prevented within fourteen Days next after the leaving or fixing ſuch Notice, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to cauſe a Spout, Pipe, Trunk, or Gutter, Spouts, Pipes, Trunks, or Gutters, to be affixed to ſuch Houſe, Shop, Warehouſe, or other Building, and the ſaid Drips to be altered, ſtopped, and regulated; and the Expences attending the ſame ſhall be borne and defrayed by the Owner or Owners of ſuch Houſe, Shop, Warehouſe, or Building, and ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the Tenant and Occupier of ſuch Houſe, Shop, Warehouſe, or other Building, rendering the Overplus (if any) to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or it ſhall and may be lawful for ſuch Tenant or Occupier to fix up ſuch Spouts, Pipes, Trunks or Gutters, and to deduct and retain the Charges and Expences thereof, and alſo the Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier aforeſaid, out of his or her Rent, and every Owner, Proprietor, or Landlord is required to allow the ſame accordingly.

If Spouts are not affixed to the Fronts of Houſes by the Owners, Commiſſioners may affix them;

and the Owners to defray the Expences.

L. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on any Flap, Window-ſhutter, or other Thing whatſoever, moveable or fixed, projecting into any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, beyond the preſent Bulk, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Goods not to be expoſed to Sale on Windows, &c. projecting.

LI. And be it further enacted, That if any Perſon or Perſons whomſoever, except in Caſes of abſolute Neceſſity, ſhall hoop, cleanſe, waſh, or ſcald any Caſk; or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair any Wheel; or ſhoe or bleed, clean or dreſs, or turn or drive looſe any Horſe; or wet, ſlack, or mix any Lime; or wet, mix, or make any Mortar; or throw or ſcale at any Cock or Fowl, in the Manner called Cock-ſcaling; or ſet up any Cock or Fowl to be thrown or ſcaled at; or ſhall make, or aſſiſt in the making any Fire or Fires, commonly called Bonfires; or ſhall ſet fire to, or let off, or throw any Squib, Serpent, Rocket, or Firework whatſoever, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other public Paſſages; or ſhall ſet, place, or

No Perſon to hoop any Caſk in any Street, &c.

expoſe to Sale, or cauſe, or permit, or ſuffer to be ſet, placed or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on the Foot or Carriage-way of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, or any Part or Parts thereof; or hang up or expoſe any Goods, Wares or Merchandiſes, or any Matter or Thing, ſo as to obſtruct or incommode the Paſſage of the Foot-way or Carriage-way of any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other public Paſſages; every Perſon ſo offending, in either of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Goods not to be expoſed to Sale on the Pavement,

Bonfires not to be made, nor Squibs, &c. thrown on Penalty of 20 s.

LII. And be it further enacted, That if any Perſon or Perſons whomſoever, except in Caſes of abſolute Neceſſity, ſhall hoop, cleanſe, waſh, or ſcald any Caſk; or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood or Timber; or bind, make, or repair, any Wheel; or ſhoe or bleed, clean or dreſs, or turn or drive looſe any Horſe; or wet, ſlack, or mix, any Lime; or wet, mix, or make, any Mortar; or throw or ſcale at any Cock or Fowl, in the Manner called Cock-ſcaling, or ſet up any Cock or Fowl to be thrown or ſcaled at; or ſhall make, or aſſiſt in the making any Fire or Fires, commonly called Bonfires; or ſhall ſet fire to, or let off, or throw any Squib, Serpent, Rocket, or Firework whatſoever; or ſhall break, pull down, damage, or deſtroy, any Lamp or Lamps, or any the Poſts, Iron, or other Furniture belonging thereto; or ſhall put out or extinguiſh any Lamp or Lamps, or cauſe or procure the ſame to be done; or cauſe any other Nuiſance or Annoyance to be committed or remain; or ſhall ſet, place, or expoſe to Sale, or cauſe, or permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, in the Cathedral Church yard; every Perſon ſo offending, in either of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings, to be recovered before any one Juſtice of the Peace for the County of *Southampton*, in ſuch and the ſame Manner as the other Penalties and Forfeitures are by this Act directed to be recovered; which Penalty or Forfeiture, when recovered, ſhall be paid into the Hands of the Treaſurer of the ſaid Cathedral Church for the Time being, as a Satisfaction for any Injury had, done, or ſuffered, in the ſaid Cathedral Church-yard by reaſon of the Offences aforeſaid.

Fairs and Markets to be held.

LIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, adjudged, or taken to extend, to prevent the holding the Fairs and Markets in the ſaid Town, in ſuch and the ſame Places, and in the ſame Manner, as the ſaid Fairs and Markets by Law are now intitled to be held; or to charge any Perſon or Perſons with any Penalty or Penalties in this Act contained, for ſetting up any Stalls, or for ſetting, placing, or expoſing to Sale any Goods, Wares, or Merchandiſes, in ſuch Fairs or Markets, or the Place or Places appointed for the holding of the ſame, during the Time the ſaid Fairs or Markets is or ſhall be appointed to be held; this Act, or any Thing herein contained to the contrary notwithſtanding.

No Cattle to be killed, under Penalty of 20 s.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, dreſs or cut up, or cauſe to be killed, ſlaughtered, ſinged, ſcalded, dreſſed, or cut up, any Beaſt, Swine, Calf, Sheep, or other Cattle, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other public Paſſages; or hang up, or cauſe to be hung up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other public Paſſages, every Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings: And if any Swine ſhall be found wandering about the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other public Paſſages, the Owner or Owners thereof ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings: And it ſhall and may be lawful to and for any Officer or Officers of the ſaid Commiſſioners, or any other Perſon or Perſons whomſoever, to impound ſuch Swine in the common Pound, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any ſeven or more of them; and the ſame to detain in the ſaid Pound or Place until the ſaid Sum of ten Shillings, and the Expence of impounding ſuch Swine, ſhall be fully paid and ſatisfied; and if, in ſuch Caſe, ſuch Penalty and Expences ſhall not be paid within ſix Days after ſuch Swine ſhall be ſo impounded, it ſhall and may be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any ſeven or more of them, for that Purpoſe, to ſell, or cauſe ſuch Swine to be ſold, and the Overplus, if any be, to be paid to the Owner or Owners thereof: Provided, that whether ſuch Swine ſhall be ſo impounded or not, the Owner or Owners thereof ſhall nevertheleſs forfeit and pay the ſaid Sum of ten Shillings.

nor Swine be permitted to wander in the Streets under Penalty of 10 s. Power to impound them.

Annoyances by Hogſties, &c. to be removed on three Days Notice on Penalty of 10 s. per diem.

LV. And be it further enacted, That in caſe any Hogſtye, Layſtall, Neceſſary-houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any of the Aſhes, Cinders, or Rubbiſh, preſerved by Perſons, by virtue of the Proviſo in this Act for that Purpoſe contained, or any other noiſome Matter whatſoever ſhall be offenſive to any Perſon in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, the ſame ſhall be deemed a Nuiſance, and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any ſeven or more of them, upon Complaint thereof made to them by ſuch Perſon, by Notice in Writing under their Hands, or under the Hand of their Collector, to order ſuch Nuiſance or Offence to be removed by the Perſon or Perſons who ought to remove the ſame; and in caſe the ſame ſhall not be removed within three Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of ten Shillings daily, for every Day the ſame ſhall continue unremoved after the Expiration of the ſaid three Days.

Neceſſary-houſes to be emptied between 12 at Night and 4 in the Morning,

LVI. And be it further enacted, That if any Neceſſary-houſe or Bog-houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, ſhall be emptied at any Time except between the Hours of twelve at Night and four in the Morning, or the Soil thereof ſhall be laid in any other Place than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any ſeven or more of them, by any Perſon or Perſons; then, and in either of the ſaid Caſes, as well the Perſon or Perſons knowingly employ-

ing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings; and if any Perſon or Perſons, ſhall wilfully or negligently ſpill any Soil of any Neceſſary-houſe or Bog-houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other public Paſſages, every Perſon ſo offending ſhall forfeit and pay the Sum of forty Shillings. Penalty of 40s.

LVII. And be it further enacted, That if any Perſon or Perſons, who ſhall contract with the ſaid Commiſſioners, or any ſeven or more of them, to cleanſe the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages as aforeſaid, or any of them, or who ſhall purchaſe the Soil thereof of the ſaid Commiſſioners, or any ſeven or more of them, or any of his, her, or their Servants or Agents, or if any Perſon or Perſons whomſoever ſhall ſift any Aſhes, Duſt, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howſoever, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings. Penalty for ſifting Aſhes in the Streets, 20s.

LVIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall throw, caſt, or lay, or cauſe, or permit, or ſuffer to be thrown, caſt or laid any Aſhes, Duſt, Dirt, Dung, Soil, Filth, or Rubbiſh, or the Refuſe of any Garden-ſtuff, or any Blood, Offal, or Carrion, or any other noiſome or offenſive Matter or Thing whatſoever, into or in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other public Paſſages, every Perſon ſo offending ſhall, for the firſt Offence, forfeit and pay the Sum of five Shillings; for the ſecond Offence, the Sum of ten Shillings; and for the third, and every other Offence, the Sum of twenty Shillings. For Aſhes, &c. thrown in the Street, First Offence, 5s. Second Offence, 10s. Third 20s.

LIX. Provided always, and be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons whomſoever, to erect or ſet up in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, any Incloſures, Poſts, Bars, or Rails, or other Matters or Things for the Purpoſe of making Mortar, or depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works, every ſuch Perſon and Perſons leaving, or cauſing to be left, convenient Room for Carriages, and alſo a convenient Footway in a direct Line with the Foot Pavement for Paſſengers to paſs and repaſs, the Owner or Owners of ſuch Houſe or Building cauſing the ſame to be removed out of the ſaid Street, Square, Lane, Alley, Court, or other public Paſſage, together with all Rubbiſh occaſioned thereby, or by ſuch Building, within a reaſonable Time, and ſetting up and maintaining a ſufficient Light upon or againſt the ſame every Night, during the whole Night from the Time it becomes dark, to prevent Accidents: And if any Perſon or Perſons ſhall erect or ſet up any ſuch Incloſure, Poſts, Bars, or Rails, or any other Matter or Thing whatſoever, for the Purpoſes aforeſaid, in any other Manner than is hereby directed, or ſhall not remove the ſame, together with ſuch Rubbiſh as aforeſaid, within a reaſonable Time, or ſhall not ſet up ſuch Light as aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings. Perſons may erect Incloſures for depoſiting Bricks, &c. for Buildings.

LX. And, for the more ſpeedy Removal of ſuch Nuiſances and Obſtructions in the City and Pariſhes aforeſaid, it is hereby further enacted, That if, after the paſſing of this Act, any Cart, Waggon, Dray, or other Carriage ſhall be left, or ſuffered to ſtand or continue, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate ways, or other public Paſſages, or in any Part or Parts thereof, with or without Horſes or other Cattle, other than for the neceſſary loading or unloading thereof; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things whatſoever, ſhall be laid or placed and left in any ſuch Street, Square, Lane, Alley, Court, Gateway, or other public Paſſage, longer than ſhall be neceſſary for the houſing or removing the ſame; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Cart, Waggon, Dray, or other Carriage, or of any ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings, and the ſame ſhall moreover be deemed Nuiſances; and any Perſon whoſoever may, either in the Day with a Peace Officer, but if in the Night may, without ſuch Peace Officer, ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, or other Carriage, ſo placed, or ſuffered to ſtand or continue, contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed, if any, or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things, ſo laid or placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to the common Pound, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any ſeven or more of them, there to be kept and detained, until the Owner or Owners thereof, or his, her, or their known Servant or Servants ſhall claim the ſame, and pay to the Perſon or Perſons, in whoſe Cuſtody the ſame ſhall then be, the Sum of twenty Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of twenty Shillings and the Charges paid within the Space of ſix Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to cauſe the ſame to be appraiſed and ſold, and the Monies ariſing therefrom ſhall be applied to the ſame Uſes and Purpoſes as the Money ariſing from the Rates or Aſſeſſments are hereby directed to be applied. No Cart, &c. to be left in the Streets longer than neceſſary for loading and unloading. on Penalty of 20s.

LXI. Provided, That if any Cart, Waggon, Dray, or other Carriage ſhall be ſo placed, or ſuffered to ſtand or continue as aforeſaid; or any Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall be ſo laid or placed as aforeſaid, and the ſame ſhall not be ſeized and impounded as aforeſaid; the Owner or Owners of ſuch Cart, Waggon, Dray, or other Carriage, or of ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall, nevertheleſs, forfeit and pay the Sum of twenty Shillings for every Offence by ſuch Cart, Waggon, Dray, or other Carriage, being ſo placed, or ſuffered Penalty to be paid, if not impounded.

ſuffered to ſtand or continue, or ſuch Timber, Goods, Wares, or Merchandiſes, Bricks, Materials, or Things, being ſo laid or placed, or left as aforeſaid.

No Wheel-barrow, &c. to be driven on the Foot-pavement.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time after the paſſing of this Act, run, drive, or carry, or cauſe to be run, driven, drawn, carried, or placed on any of the Foot-pavements in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages, any Wheel or Wheels, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage whatſoever; or ſhall roll any Caſk; or wilfully ride, drive or lead, or cauſe to be rode, driven, or led, any Horſe or other Cattle, on any of the ſaid Foot-pavements, to be made in purſuance of this Act, other than in Caſes of Neceſſity, ſuch Perſon or Perſons ſhall forfeit and pay for the firſt Offence the Sum of ten Shillings, for the ſecond Offence the Sum of twenty Shillings, and for the third and every other Offence the Sum of forty Shillings; provided that no Perſon or Perſons ſhall be liable to ſuch Penalties for rolling any Caſk on the ſaid Foot-pavements, unleſs the ſame ſhall have been rolled thereon for the Space of forty Yards or upwards.

No Cart to be drove faſter than a Foot Pace, nor without ſome Perſon leading the Thill Horſe.

LXIII. And be it further enacted, That if any Perſon ſhall, at any Time after the paſſing of this Act, drive any Cart, Dray, Waggon, Truck, or other Carriage for the Conveyance of Goods, in or through any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages faſter than a Foot Pace, or without ſome Perſon on Foot leading the Shaft or Thill Horſe, by a Halter or Rein affixed to the Head of ſuch Horſe, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings.

Cellar-windows at Night to be ſufficiently lighted.

LXIV. And be it further enacted, That if any Cellar-window or Windows ſhall be left open in the Evening, or in the Night, without the ſame being ſufficiently lighted, to prevent Accidents happening therefrom; or if any ſuch Cellar-window, or Cellar-windows, ſhall, at any Time, be left open ſo as to obſtruct the Foot-ways in any or either of the ſaid Streets, the Occupier or Occupiers of ſuch Houſe or Cellar ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings.

Penalty for obſtructing Gate-ways.

LXV. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, obſtruct any of the Gate-ways, or narrow Streets or Lanes of the City or Pariſhes aforeſaid, by overloading any Carriage, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Commiſſioners to buy Land, and make a Pound.

LXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any fourteen or more of them, for the Purpoſes of this Act, to buy or rent any Piece or Parcel of Land they ſhall think moſt convenient, within or out of the ſaid City, for the building and erecting a common Pound for the Purpoſes of this Act; and to build ſuch Pound or Pounds thereon, either open or covered, as the ſaid Commiſſioners, or any fourteen or more of them, ſhall think proper, and the Expences thereof ſhall be defrayed out of the Monies ariſing from the Rates or Aſſeſſments by this Act directed to be made; and the ſaid Lands ſhall be veſted in the ſaid Commiſſioners for the Purpoſe of ſuch Pound or Pounds, according to the Terms of the Conveyance to them made.

They may buy Houſes, &c. for widening Streets,

LXVII. And whereas it may happen that the ſaid Commiſſioners, or any fourteen or more of them, may think it neceſſary for enlarging, widening, or rendering more commodious the ſaid Streets, Squares, Lanes, Alleys, Courts, Gate-ways, and other public Paſſages, to take down ſome Houſe or Houſes, Sheds, or other Buildings, or ſome Part or Parts thereof; or to take in ſome Piece or Parcel of Land or Ground, which they may not be enabled to effectuate by all or any of the Powers and Authorities herein before contained; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any fourteen or more of them, to contract and agree with the Owner or Owners, Proprietor or Proprietors, of any Houſe, Shed, or other Building, or any Part or Parts of any Houſe, Shed, or other Building, or with the Owner or Owners, Proprietor or Proprietors of any Piece or Parcel of Land or Ground, for the Purchaſe of the ſaid Houſe, Shed, or Building, or ſuch Part or Parts thereof, or of ſuch Piece or Parcel of Land or Ground for the Uſe of the Publick, paying for the ſame out of the Monies ariſing from the ſaid Rates or Aſſeſſments, ſuch Sum or Sums of Money as ſhall be agreed upon by and between the ſaid Commiſſioners, or any fourteen or more of them, and ſuch Owner or Owners, Proprietor or Proprietors; and in caſe they cannot agree, paying a reaſonable Recompence and Satisfaction, to be aſcertained by and upon the Oaths of twelve indifferent Men of the City and Pariſhes aforeſaid (which Oath any two or more of the ſaid Commiſſioners are hereby impowered to adminiſter) and the ſaid Commiſſioners, or any ſeven or more of them, are hereby impowered and required, from time to time, to iſſue a Summons, under the Hands and Seals of any ſeven or more of them, requiring an indifferent Jury of twenty-four Men of the City or Pariſhes aforeſaid, to attend at ſuch Time and Place as ſhall be expreſſed in ſuch Summons: And the ſaid Commiſſioners, or any two or more of them, ſhall, at ſuch Time and Place, ſwear, or cauſe to be ſworn, twelve of the twenty-four, who ſhall be drawn by Ballot by the Clerk to the ſaid Commiſſioners, which twelve ſhall be a Jury for aſcertaining the Value of ſuch Houſe, Shed, or other Building, whoſe Valuation therein ſhall be binding and concluſive to all Parties and Perſons whatever: And the ſaid Commiſſioners, or any fourteen or more of them, ſhall order ſuch Houſe, Shed, or other Building, or ſuch Part or Parts of ſuch Houſe, Shed, or other Building, to be taken down and removed, and the Expences attending the taking down and removing the ſame, ſhall be paid by the ſaid Commiſſioners, or any fourteen or more of them, out of the Monies ariſing from the ſaid Rates or Aſſeſſments; and the Scite of ſuch Houſe, Shed, or Building, or of ſuch Part or Parts of ſuch Houſe, Shed, or Building, and ſuch Piece or Parcel of Land or Ground ſo purchaſed by the ſaid Commiſſioners, or any fourteen or more of them, ſhall be laid into the ſaid Streets, Squares, Lanes, Alleys, Courts, and other public Paſſages, for the widening, enlarging, and rendering more commodious the ſame; or otherwiſe diſpoſe of the ſame as the ſaid Commiſſioners, or any fourteen or more of them, ſhall think proper; and ſhall for ever after be deemed and taken to be Part of

Jury to aſcertain the Value, if Perſons cannot agree with the Commiſſioners.

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the ſaid public Streets, Squares, Lanes, Alleys, Courts, Gate-ways, and other public Paſſages; and ſhall be paved, repaired, ſwept, and cleanſed, in ſuch and the ſame Manner as the other Streets, Squares, Courts, Ways, Roads, Lanes, Alleys, Gate-ways, and other public Paſſages, in the City and Pariſhes aforeſaid, are in and by this Act directed to be paved and repaired, ſwept and cleanſed; and ſhall be ſubject to all and every the Powers and Authorities in this Act contained, relative to the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages in the City and Pariſhes aforeſaid.

Charges of purchaſing Houſes, &c. to be collected as other Rates.

LXVIII. And be it further enacted, That the Coſts and Charges of purchaſing all or any Land, Houſes, Sheds, or other Buildings, within the Term of ſeven Years after paſſing this Act, ſhall be deemed and taken to be a Charge on the Owners and Proprietors of Houſes, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid, to be collected in the ſame Manner as the other Rates on the Owners and Proprietors of Houſes, Lands, Tenements, and Hereditaments, are herein before directed; and from and after the ſaid Term of ſeven Years the ſame ſhall be a Charge on the Tenants and Occupiers of Houſes, Lands, Tenements, and Hereditaments, within the City and Pariſhes aforeſaid, to be raiſed and collected in the ſame Manner, and to be under the ſame Reſtrictions, Proviſoes, and Exceptions, as all other Tenants Dues, Duties, Taxes, and Impoſitions, are herein directed.

Bodies Politic impowered to ſell.

LXIX. And whereas it may happen that ſome Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, or others, are or may be ſeiſed or poſſeſſed of the ſaid Houſes, Sheds, Buildings, Lands, or Hereditaments, and ſuch Perſon or Perſons, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of ſuch Houſes, Sheds, Buildings, Lands or Hereditaments, but may be incapable of granting or conveying the ſame by reaſon of Infancy or other Diſability; be it therefore further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the ſaid Commiſſioners, or any fourteen or more of them, for the Purchaſe of ſuch Houſes, Sheds, Buildings, Lands, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, for the Purpoſe aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof in any wiſe notwithſtanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

No Perſon ſhall act as a Commiſſioner where intereſted.

LXX. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in any Caſe relating to the contracting for, or purchaſing any Houſes, Sheds, Buildings, Lands, or Hereditaments, wherein he ſhall be perſonally concerned in Intereſt.

Penalty for obſtructing the Works; for the firſt Offence 20 s. for the ſecond 40 s. and for the third 3 l.

LXXI. And be it further enacted, That if any Perſon or Perſons ſhall, at any time or times hereafter, obſtruct, hinder, or moleſt any Officer or Officers, or other Perſon or Perſons whomſoever, who ſhall be employed in the Execution of this Act, in the Performance or Execution of his or their Duty; every ſuch Perſon or Perſons ſo offending ſhall, for the firſt Offence, forfeit and pay the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third, and every other Offence, the Sum of three Pounds: And if any Perſon or Perſons ſhall ſtrike or aſſault any ſuch Officer or Officers, or other Perſon or Perſons, in the Performance or Execution of his or their Duty under this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds.

And for damaging Works, the firſt Offence 40 s; and for future Offences 5 l.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the Works when done or doing in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending ſhall, for the firſt Offence, forfeit and pay the Sum of forty Shillings, and for the ſecond, and every other Offence, the Sum of five Pounds.

No Scavenger or Highway Rate.

LXXIII. And be it further enacted, That from and after the paſſing of this Act, no Perſon or Perſons, who ſhall be included by virtue of this Act to make any Rate or Aſſeſſment for the Purpoſes of altering, repairing, cleanſing, and mending any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, or other public Paſſages in the City or Pariſhes aforeſaid by virtue of this Act, ſhall be liable or be ſubject to any Scavenger's Rate, Duty, or Labour, to be done upon any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, or other public Paſſages; or be ſubject or liable to contribute to any Highway Rate or Duty for the repairing, cleanſing, altering, or amending any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Roads, or Highways; any Law, Statute, or Uſage to the contrary thereof notwithſtanding.

Power to license and regulate Hackney Chairs.

LXXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, and they are hereby impowered and required, under their Hands and Seals, to license all ſuch Hackney Chairs which, from and after the firſt Day of *Auguſt*, one thouſand ſeven hundred and ſeventy-one, ſhall be kept and uſed for Hire within the City and Pariſhes aforeſaid, and ſhall and may fix and aſcertain ſuch Rates and Prices for the Carriage of the ſame, as to the ſaid Commiſſioners, or any ſeven or more of them, ſhall ſeem proper; and if any Hackney Chairman ſhall refuſe to go at, or ſhall exact more for his Hire than the Sums limited by the ſaid Commiſſioners, or ſhall keep or uſe any Chair for Hire, unleſs licenſed as aforeſaid, he ſhall forfeit for ſuch Offence not leſs than ten Shillings, nor more than forty Shillings.

Penalty for taking more than Rates allowed, 10 s. nor more than 40 s.

LXXV. And

Bread Wheels to be uſed.

LXXV. And be it further enacted, That from and after the twenty-ninth Day of *September*, one thouſand ſeven hundred and ſeventy-one, if any Waggon, Wain, Cart, Car, or Dray, kept by any Perſon or Perſons reſiding within the City or Pariſhes aforeſaid, or kept by any other Perſon or Perſons for the carrying any Goods, Wares, Merchandiſes, or other Commodities, from one Part of the City or Pariſhes aforeſaid to another (except all Carriages belonging to his Majeſty, his Heirs or Succeſſors, and except any Carriage laden with one Piece of Stone, one Block of Marble, or one Piece of Timber) ſhall be drawn on any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other public Paſſages within the City and Pariſhes aforeſaid, which ſhall be paved, repaired, cleanſed, and amended, by virtue of this Act, the Wheels whereof ſhall be of leſs Width or Gage in the Sole or Fellies thereof than nine Inches, or bound with Iron in any other Manner than the ſaid Commiſſioners, or any ſeven or more of them, ſhall, from time to time, direct and appoint, the Owner and Owners of every ſuch Waggon, Wain, Cart, Car, or Dray, ſhall, for every ſuch Offence, forfeit not leſs than ten Shillings, nor more than forty Shillings.

Commiſſioners may, if neceſſary, prohibit Carriages from dragging.

LXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, by Writing under their Hands, to be affixed at each and every of the Turnpike Gates before mentioned, to make any Order, prohibiting all or any Waggons, Carts, Cars, Wains, Coaches, Chaiſes, Caravans, Chairs, or other Carriages, from dragging upon all or any Part of ſuch Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, and other public Paſſages within the City and Pariſhes aforeſaid, as are before included in this Act: And any Perſon offending againſt ſuch Order ſhall forfeit not leſs than ten Shillings, nor more than forty Shillings; which Forfeiture or Penalty ſhall be levied and recovered in ſuch Manner as all other Forfeitures and Penalties are herein before directed to be recovered.

Perſon removing, to pay the Rates up to the Time he ſhall remove.

LXXVII. And be it further enacted, That when any Perſon or Perſons ſhall come into or occupy any Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments aforeſaid, within the City and Pariſhes aforeſaid, out of which any other Perſon liable to the Payment of any Rate or Aſſeſſment made by virtue of this Act ſhall be removed, every Perſon ſo removing from, and every Perſon ſo coming into or occupying ſuch Premiſes, ſhall be liable to pay ſuch Rate or Aſſeſſment, in proportion to the Time that each Perſon occupied the ſame reſpectively; and in caſe any Perſon ſhall quit his or her Houſe, Building, Land, Tenement, and Hereditament, before he or ſhe ſhall have paid any Rate or proportionable Part by him or her due and payable, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall be lawful to and for the Collector or Collectors, by Warrant under the Hand and Seal, or Hands and Seals, of one or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Perſon ſhall then reſide or be found, (which Warrant ſuch Juſtice or Juſtices is and are hereby required to grant, upon due Proof thereof made before him or them upon Oath) to levy ſuch Rate or proportional Part thereof by Diſtreſs and Sale of ſuch Perſon's Goods and Chattels, rendering the Overplus, if any, on Demand, to the Perſon whoſe Goods and Chattels have been ſo diſtrained and ſold, after all Charges paid.

Collectors to diſtrain for the ſame.

Penalty for breaking Lamps.

LXXVIII. And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage any of the Lamps which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace in and for the City and County aforeſaid, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender; and, by Authority of this Act, and without any other Warrant, to deliver him or her into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence: And if the Party accuſed ſhall be convicted of ſuch Offence, either by his or her own Confeſſion, or upon Information as aforeſaid, he or ſhe ſo convicted ſhall, for the firſt Offence reſpectively, forfeit the Sum of ten Shillings for each Lamp ſo broken, thrown down, damaged, or extinguiſhed, as aforeſaid; and for the ſecond Offence the Sum of fifteen Shillings for every ſuch Lamp; and for the third and every ſubſequent Offence the Sum of twenty Shillings for every ſuch Lamp; and full Satisfaction ſhall alſo be made to the ſaid Commiſſioners, or any ſeven or more of them, or to their Treaſurer or Clerk, by ſuch Offender or Offenders, for the Damage ſo by him or her done; and in caſe ſuch Offender ſhall not, upon Conviction, pay the Forfeiture by him or her incurred, and make ſuch Satisfaction as aforeſaid, the Juſtice before whom ſuch Offender ſhall be convicted is hereby required to commit him or her to the Houſe of Correction or Common Gaol for the ſaid County, there to be kept to hard Labour for any Time not exceeding two Calendar Months; and ſuch Offender ſhall not be diſcharged before the Expiration of the Time for which he or ſhe ſhall be committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given; and one Moiety of the ſaid reſpective Forfeitures, when recovered, ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied as the Rates or Aſſeſſments to be made by virtue of this Act are directed to be applied: And if any Perſon ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not upon Demand make Satisfaction to the ſaid Commiſſioners, or any ſeven or more of them, or to their Treaſurer or Clerk, for the Damage by ſuch Perſon done as aforeſaid, it ſhall be lawful for any Juſtice of the Peace for the City or County aforeſaid, and he is hereby required, upon Complaint thereof made by any ſeven or more of the ſaid Commiſſioners, or their Treaſurer or Clerk, to ſummon the Party complained of, and, upon

Perſons accidentally breaking Lamps, to make Satisfaction.

his

his or her appearing, or making Default to appear (Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his or her Dwelling-houſe or Place of Abode, if known, or that he or ſhe could not be found) ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and, upon Proof thereof, either by Confeſſion of the Party complained of, or by the Oath of one or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party complained of, for the Damage ſo by him or her done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded (in caſe the ſame be not paid forthwith upon the making ſuch Award or Order) to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon complained of, rendering to him or her, upon Demand, the Overplus, if any be, after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be deducted.

Commiſſioners Coſts to be paid out of the Rates.

LXXIX. And be it further enacted, That all Money expended by or recovered againſt any Commiſſioner or Commiſſioners, in any Action or Proſecution hereby directed to be brought by them, or in defending any Action or Proſecution brought againſt them, or any other Perſon or Perſons employed by or under them, for any Matter or Thing done in the Execution or Performance of his or their Office or Offices, Employment or Employments, under this Act, or in purſuance of any Order or Orders of the ſaid Commiſſioners, or any ſeven or more of them (and which Money ſhall not be recovered or received again by ſuch Commiſſioner or Commiſſioners, or other Perſon or Perſons, from any ſuch Defendant or Defendants, Plaintiff or Plaintiffs) ſhall be borne and defrayed out of the Monies to be raiſed by virtue of the Rates or Aſſeſſments herein before directed to be made, or ſome of them.

Penalty on Officer not performing his Duty.

LXXX. And be it further enacted, That if the Collector of the Monies to be raiſed by virtue of this Act, or other Officer to be appointed by virtue hereof, or any Conſtable, Headborough, Tythingman, or other Peace Officer for the time being, or any or either of them, or any or either of the ſaid Watchmen, ſhall refuſe, neglect, or omit to do, perform, or execute all or any of the Articles, Matters, or Things, in and by this Act directed to be done, performed, or executed by them reſpectively, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings: Provided that nothing herein contained ſhall be conſtrued to deprive the ſaid Commiſſioners, or any of them, of any Action or Actions, Suit or Suits, againſt every ſuch Collector or other Officer, or their or either of their Securities, for the Non-performance of any Covenant or Agreement entered into by the ſaid Collector or other Officer, or their Securities.

Penalties and Forfeitures, how to be recovered and applied.

LXXXI. And be it further enacted, That all Penalties and Forfeitures by this Act incurred (the Manner of recovering whereof is not otherwiſe particularly directed) ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of one or more Juſtice or Juſtices of the Peace for the ſaid City, or for the County or Place where ſuch Offender or Offenders ſhall be or reſide, which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant, ſuch Offender or Offenders having been previouſly convicted of any Offence or Offences done or committed contrary to the true Intent of this Act, before any one or more of the ſaid Juſtice or Juſtices, upon the Oath of one or more credible Witneſs or Witneſſes; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Commiſſioners, or any ſeven or more of them, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the Purpoſes of this Act, or ſome of them, in ſuch and the ſame Manner as the Money ariſing from the Rates or Aſſeſſments herein before mentioned is directed to be applied; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he or they is and are hereby authoriſed and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol of the County or Place where the Offender or Offenders ſhall be or reſide, for any Term not exceeding one Calendar Month, or until ſuch Penalties or Forfeitures ſhall be paid; and in all Actions, Proſecutions, Informations, Cauſes and Proceedings whatſoever, relating to or concerning the Execution of this Act, any Inhabitant within the ſaid Pariſhes or Places ſhall be admitted to give Evidence, the Rate or Aſſeſſment charged as aforeſaid upon any ſuch Inhabitant by virtue of this Act notwithſtanding.

Where Diſtreſs not ſufficient,

Perſons to be committed for Non payment of Penalties.

Inhabitants may be Witneſſes.

Informations to be made within three Months.

LXXXII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences againſt this Act, unleſs Information ſhall be given of ſuch Offence or Offences within three Months next after the Offence committed, ſave and except the Penalties in and by this Act inflicted for Non-payment of the Rates or Aſſeſſments in and by this Act directed to be made.

Informers may be rewarded.

LXXXIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the Penalties and Forfeitures in and by this Act inflicted or impoſed, or any of them, as they ſhall think proper, not exceeding one Moiety of them, to and for the Uſe of the Informer or Informers of any Offence or Offences againſt this Act, or any of them; any Thing herein contained to the contrary notwithſtanding.

Form of Conviction.

LXXXIV. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſion, or any Matter in purſuance of this Act, the Form of Conviction ſhall be in the Words, or to the Effect following; that is to ſay,

or County of *to wit,*

" BE it remembered, that on this Day of in the
" Year of the Reign of *A. B.* is convicted before
" of his Majesty's Justices of the Peace for the said or County [*as the Case shall happen*] of
" having [*as the Offence shall be*] and [*I or we*] the said do adjudge
" [*him, her, or them*] to forfeit and pay for the same the Sum of

" Given under my Hand and Seal [*or our Hands and Seals*] the Day and Year aforesaid."

Offender to pay the Expence of Summons and Conviction.

LXXXV. And be it further enacted, That if any Person or Persons shall be guilty of any Offence, Neglect, or Omission against this Act, or any of the Powers or Directions herein contained, and shall be thereupon summoned before any one or more Justice or Justices of the Peace; or if any Person or Persons shall be convicted by any one or more Justice or Justices of the Peace of any such Offence, Neglect, or Omission, every such Person and Persons shall pay the Costs of such Summons or Conviction, according to the Fees herein directed to be taken by Justices of the Peace, or their Clerks; and the Distress to be taken in consequence of such Conviction shall be for such Costs, as well as the other Monies for which such Distress shall be made; any Statute, Law, Custom, or Usage to the contrary in any wise notwithstanding.

Justices allowed to take Fees.

LXXXVI. And be it further enacted, That the Fees to be taken by any Justice or Justices of the Peace, or his or their Clerk or Clerks, for any Matter or Thing to be done in the Execution of this Act, shall be as follow; that is to say, For each and every Information, Summons, or Conviction, against a single Person, one Shilling; and against more than one Person, two Shillings; for every Warrant of Distress, two Shillings; and for every Recognizance, two Shillings and Sixpence; and no greater or other Fees shall be taken by any such Justice or Justices of the Peace, or his or their Clerk or Clerks, for any Matter or Thing to be done by him or them in or about the Execution of this Act, on any Account or Pretence whatsoever.

Not to extend to Fees due for Business at the Sessions.

LXXXVII. Provided, That nothing herein contained shall be construed to extend to such Fees as shall be due for any Business to be done at the General or other Sessions of the Peace in and for the City or County aforesaid, or any Adjournment thereof; but that such Fees shall be there taken as are usually taken in the like Cases.

Constables and others to act without Fees.

LXXXVIII. Provided also, That all Matters and Things herein directed to be done, performed, or executed, by any Constable or Constables, or which, in consequence or in the Execution of this Act, or any Power or Authority herein contained, shall be necessary to be done, performed, or executed, by any Constable, Headborough, Tythingman, or other Peace Officer, shall be done, performed, and executed, by such Constable, Headborough, Tythingman, or other Peace Officer, without any Fee or Reward whatsoever.

Commissioners may act as Justices.

LXXXIX. And be it further enacted, That it shall and may be lawful to and for the Mayor of the said City for the time being, and for the other Justices of the Peace for the said City, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being appointed Commissioners.

Power to mitigate Penalties.

XC. Provided always, and be it further enacted, That it shall and may be lawful to and for the Justice or Justices of the Peace before whom any of the Penalties and Forfeitures by this Act imposed shall be recovered, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid, as he or they in their Discretion shall think fit, unless such Penalties are herein before expressly ascertained, so as that the same be not mitigated, or reduced to less than one fourth Part thereof.

Distress not unlawful for want of Form.

XCI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularities which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Costs of Suit how to be recovered.

XCII. And be it further enacted, That when the Plaintiff or Plaintiffs shall recover in any Action, he, she, or they shall be paid his, her, or their full Costs of Suit, and have the like Remedies for recovering the same as for the Recovery of Costs in other Cases by Law.

Persons may appeal to the Quarter Sessions for the County.

XCIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons shall and may, within three Calendar Months next after the Cause of Complaint shall arise, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the County of *Southampton*, such Appellant or Appellants first giving, or causing to be given, Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer to the said Commissioners, within two Days next after such Notice, entering into a Recognizance or Recognizances before some Justice of the Peace in and for the said County, with two sufficient Sureties, conditioned to try such Appeal, mentioned in such Notice, and abide the Order, and pay such Costs as shall be awarded by the Justices of the said County, and the Matter of such Appeal shall be heard and determined by the said Justices for the said City and County, at the next General Sessions of the Peace to be held in and for the said County, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said County, which of the three shall first happen next after

after the Expiration of twenty Days from the Day of giving such Notice; and the said Justices, at such Sessions or Adjournments, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive, to all Parties concerned or interested therein. Justices may give Costs.

XCIV. Provided always, That upon all Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace, where they shall see just Cause for Relief, shall and are hereby impowered to amend the same Rates and Assessments, in such Manner only as shall be necessary for giving such Relief, without altering such Rates or Assessments with respect to other Persons mentioned in the same. Rates may be altered where necessary.

XCV. Provided also, That in case the Money collected in any one Year shall not be sufficient to answer the Purposes for which the same was rated and assessed, that such Deficiency shall be supplied by or out of a Rate to be made the next following Year. Deficiency of Rates how to be made good.

XCVI. And be it further enacted, That the Charges and Expences of procuring and passing this Act shall be paid out of the first Monies which shall be raised by virtue of this Act. Charges to be paid out of first Monies.

XCVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for want of Form, nor removed by Certiorari.

XCVIII. And be it further enacted, That no Nomination, Appointment, Licence, Information, Order, Judgment, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, Justice or Justices of the Peace, or any of them, or any Conveyance to the said Commissioners, or any of them, or any other Deed or Instrument whatsoever touching this Act, or the Execution thereof, shall be charged or chargeable with any Stamp-duty whatsoever. Securities to be without Stamps.

XCIX. And be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, unless twenty-one Days Notice thereof shall be first given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plaintiffs, or unless the same shall be commenced before the Expiration of six Months next after the Fact committed, or unless Tender or reasonable Amends hath not or shall not have been made, by or in Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid and brought in the County of *Southampton*: And the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in pursuance of this Act, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before twenty-one Days Notice thereof was given in Writing to the Clerk or Treasurer of the said Commissioners, signed by the Plaintiff or Plaintiffs; or if it shall appear that such Action or Suit was not commenced before the Expiration of six Months next after the Fact committed; or if it shall appear that Tender of reasonable Amends was made by or in Behalf of the Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced or brought; or such Action or Suit shall be brought in any other County or Place than the County of *Southampton*; that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law. Limitation of Actions. This Act may be given in Evidence on the General Issue. Treble Costs.

C. Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons for any Matter or Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may, before Plea pleaded, pay into Court such Sum or Sums of Money as he, she, or they shall think proper, in the Name of a reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept of the same, together with his, her, or their Costs to that Time, to be taxed by the proper Officer; and if the Jury who try the Cause shall not find the Damages to amount to a greater Sum or Sums than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants; and such Defendant or Defendants shall have all other Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover Treble Costs, and have the like Remedy for the same, as before directed for recovering Treble Costs by any Defendant or Defendants. Money may be paid into Court.

CI. And be it further enacted, That if any Action or Actions shall be brought by Order of the said Commissioners, or any seven or more of them, against any Person or Persons for any Matter or Thing relating to this Act, or the Powers herein contained, and a Verdict shall be had and given against the Person or Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Double Costs; and the Plaintiff or Plaintiffs in such Action or Actions shall have such Remedy and Re- Persons bringing Actions by Order of Commissioners, shall recover Double Costs.

medies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Public Act. CII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. X.

An Act for carrying into Execution an Agreement made between *Peter Burrell*, Eſquire, Surveyor-general of his Majeſty's Lands, and the Truſtees of *Morden College*, in the County of *Kent*, for enabling his Majeſty, his Heirs and Succeſſors, to grant Leaſes of *Maidenſtone Hill*, in the Pariſh of *Eaſt Greenwich*, in the County of *Kent*, to the ſaid Truſtees, upon the Terms mentioned in the ſaid Agreement; and for impowering the ſaid Truſtees to increaſe the Salaries and Penſions of the Treaſurer, Chaplain, and poor Merchants, in the ſaid College.

Preamble. Letters Patent 11 Gul. III. granting in Truſt to Sir John Morden the Manor of Old-Court, &c.

By Sir John's Laſt Will, Oct. 15, 1702, are deviſed to Truſtees;

who have poſſeſſed Maidenſtone Hill, as pertaining to Old-Court, claimed by Attorney-general as Part of the Royal Manor of Eaſt Greenwich.

Surveyor-general and the Truſtees compromiſe the Matter, Dec. 11, 1770.

Articles of Agreement

'WHEREAS his late Majeſty King *William* the Third, by his Letters Patent under the Great Seal of *England*, bearing Date the fourth Day of *November*, in the eleventh Year of his Reign, for the Conſideration therein mentioned, did grant unto or in Truſt for Sir *John Morden*, Baronet, his Heirs and Aſſigns, for ever, the Manor or Lordſhip of *Old-Court*, with the Lands thereunto belonging, in the Pariſh of *Eaſt Greenwich*, in the County of *Kent*: And whereas the ſaid Sir *John Morden* intending to make ſome Proviſion for the Comfort and Support of aged and decayed Merchants, erected, at his own Expence, a large Houſe or College near *Blackheath*, in the ſaid County, for their Reception; and by his Laſt Will and Teſtament in Writing, bearing Date the fifteenth Day of *October*, in the Year of our Lord one thouſand ſeven hundred and two, gave and deviſed all his Real and Copyhold Eſtates to certain Truſtees therein named, their Heirs and Aſſigns, for ever, in Truſt, for the Uſe of his ſaid College, and for the Maintenance and Support of poor aged and decayed Merchants of *England*, whoſe Fortunes had been ruined by the Perils of the Sea, and other unavoidable Accidents; all which Real and Copyhold Eſtates are now, by virtue of divers meſne Aſſignments, Surrenders, and Conveyances in the Law, become veſted in *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Eſquires, their Heirs and Aſſigns, in Truſt for the Benefit of the ſaid Charity: And whereas the Truſtees of the ſaid Charity for the time being have, at various Times, poſſeſſed divers Parts of a certain Parcel of Land, in the Pariſh of *Eaſt Greenwich* aforeſaid, called *Maidenſtone Hill*, on an Apprehenſion that the ſame was Part of the Manor or Lordſhip of *Old-Court*, in the ſaid Letters Patent mentioned, and have at various Times granted Leaſes of ſeveral Parts of the ſame to ſundry Perſons, who have erected Houſes thereon; but the ſaid Hill having been claimed on the Behalf of his Majeſty, as being Part of his Royal Manor of *Eaſt Greenwich*, Informations of Intruſion have been exhibited by his Majeſty's Attorney-general, in the Court of *Exchequer*, againſt ſeveral of thoſe Leſſees: And whereas, in order to compromiſe the ſaid Matter, and to ſave Expence to the Charity, certain Articles of Agreement have been entered into, and duly executed, by and between *Peter Burrell* Eſquire, Surveyor-general of his Majeſty's Lands, on Behalf of his Majeſty, of the one Part, and the ſaid *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Eſquires, the ſaid Truſtees of *Morden College*, of the other Part, bearing Date the eleventh Day of *December*, one thouſand ſeven hundred and ſeventy, the Tenor whereof is in theſe Words: "Articles of Agreement indented, had, made, concluded and agreed upon, this eleventh Day of *December*, in the eleventh Year of the Reign of our Sovereign Lord *George* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord one thouſand ſeven hundred and ſeventy, between *Peter Burrell* Eſquire, Surveyor-general of his Majeſty's Lands, of the one Part, and *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Eſquires, Truſtees of *Morden College*, in the County of *Kent*, of the other Part: Whereas, in *Michaelmas* Term, one thouſand ſeven hundred and fifty-one, and in *Hilary* Term, one thouſand ſeven hundred and ſixty-eight, his Majeſty's Attorney-general filed two ſeveral Informations of Intruſion, in his Majeſty's Court of *Exchequer*, againſt *Leonard Searle* and *Joſeph Gordon*, for the Purpoſe of recovering the Poſſeſſion of a certain Piece of waſte Ground, called *Maidenſtone Hill*, within the Pariſh of *Eaſt Greenwich*, in the County of *Kent*, as being Parcel of the Waſte of, and belonging to, his Majeſty's Royal Manor of *Eaſt Greenwich*; into which ſaid Piece of waſte Ground, or Part thereof, the ſaid *Leonard Searle* and *Joſeph Gordon* had intruded, under the Colour and Sanction of certain Leaſes thereof granted to them by the Truſtees of the ſaid College, who claimed the whole of the Waſte of the ſaid Hill, as Part of and belonging to the Manor of *Old-Court*, of which they were in Poſſeſſion under certain Grants from the Crown: And whereas the ſaid two ſeveral Cauſes being at Iſſue and ready to be tried at the Bar of the ſaid Court of *Exchequer*, by ſpecial Juries of the ſaid County of *Kent*, they the ſaid *John March*, *Richard Chiſwell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, the Truſtees of *Morden College* aforeſaid, did, in *Eaſter* Term laſt, lay certain Propoſals before the Right Honourable the Lords Commiſſioners of his Majeſty's Treaſury for compromiſing and putting a final End to the ſeveral Matters in Diſpute in the above-

"mentioned

" mentioned Causes, by which said Proposals they the said Trustees did offer to admit the Right of the " Crown to the said Hill, and all other the Wastes of the said Manor of *East Greenwich*, upon being ac- " quitted of all Accounts for Arrears, and having a proper Consent for their procuring an Act of Parlia- " ment to indemnify the said Trustees, and to enable the Crown to grant, without Fine, a Lease of the " whole Hill for fifty Years, and to renew such Lease, from time to time, for any further Term (not ex- " ceeding fifty Years each); and the said Trustees, by their said Proposal, further offered one-third Part " of the net Income they now receive from the said Hill, as a Rent, and to pay one-third Part of the " net Income, which, at the Time of any such Renewal, they should receive from the same as a Rent; " and they thereby declared their Willingness to be restrained from taking any Fine for building Leases, or " for Renewals of Leases, of any Houses already built on the said Hill: And whereas the said Commission- " ers of his Majesty's Treasury having referred the said Proposals to the said *Peter Burrell* for his Con- " sideration, he, the said *Peter Burrell*, reported to their Lordships in favour thereof, submitting it to " their Lordships, whether it might not be proper to grant the Terms proposed, subject however to the " Restrictions therein and herein after mentioned, and which Restrictions the said *Peter Burrell* reported, " had been agreed to by the said Trustees before him; and the said Lords Commissioners of his Majesty's " Treasury have thereupon been pleased to approve of the said Proposals, subject to the Restrictions in the " said Report, and herein after-mentioned, and to direct that the same shall be carried into Execution, as " far as the same may, or ought to be before such Act of Parliament be procured: And whereas the Trials " of the said Causes have, by divers Orders of the said Court of *Exchequer*, been adjourned till next *Hilary* " Term, in order that this present Agreement might be completed in the mean time; now therefore, in " pursuance of the said Proposals, and the Approbation thereof by the said Lords Commissioners of his " Majesty's Treasury, on Behalf of his Majesty, and for the Purpose of carrying the same into Execution, " it is hereby agreed, by and between the said *Peter Burrell*, and the said *John March*, *Richard Chiswell*, " *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, the Trustees of the said " College, in Manner and Form following; that is to say, they the said Trustees have agreed to admit, " and do, for themselves and their Successors, hereby admit the Right of his said Majesty, of, in, and to " all and singular the said Piece or Parcel of Ground called *Maidenstone Hill*, and every Part thereof, as " being Parcel of, and belonging to his Majesty's Royal Manor of *East Greenwich*; in Consideration of " which Admission, he, the said *Peter Burrell*, as Surveyor-general for and on Behalf of his said Majesty, " doth hereby agree with the said Trustees and their Successors, that they shall be released, acquitted, and " discharged, of and from all Accounts, Claims, and Demands whatsoever, for or in respect of any Rent, " Profit, or Advantage, which may have been heretofore made by them the said Trustees, or any Trustees " of the said College for the time being, for or in respect of the said Ground, during the Time they have " been in Possession thereof, down to the Day of the Date of these Presents: And further, the said *Peter* " *Burrell*, for and on Behalf of his said Majesty, as aforesaid, doth hereby further agree with the said " Trustees, that an Act of Parliament shall and may be applied for by the said Trustees, at their Expence, " for establishing the said Agreement, and for indemnifying them the said Trustees against all Suits, " Actions, Costs, Charges, Damages, and Expences, for or on account of their, or any of their Prede- " cessors in the said Trust, having, without any legal Title, entered into the Possession of the said " Ground, and used Acts of Ownership therein; and also for enabling the Crown to grant to the said " Trustees a Lease of the said waste Ground, and the Houses thereon erected, for the Term of fifty Years, " without Fine, and to renew such Lease thereof, from time to time, for any further Term or Terms, not " exceeding fifty Years each: And further, That on such Act of Parliament being obtained, such Lease of " the said Premises, with apt and proper Descriptions to ascertain the Quality and Boundaries thereof, " shall be granted to the said Trustees, for the Term aforesaid, reserving in such Lease, as a Rent, one " third Part of the net annual Income which the said Trustees now receive from the said Premises; and in- " case his Majesty, or his Heirs and Successors, shall be pleased to renew such Lease, that one third Part " of the net annual Income, which the Trustees of the said Charity for the time being shall then receive, " shall be reserved in such renewed Lease or Leases as a yearly Rent: And it is hereby agreed between all " the said Parties to these Presents, That in the said Lease or Leases shall be contained proper Covenants " or Clauses for restraining the said Trustees, and their Successors, from erecting any Buildings whatso- " ever, on any Part of the Top or Plain of the said Hill called *Maidenstone Hill*, or inclosing any Part of " the said Top or Plain, without the Consent and Approbation of the Crown; signified in Writing by the " Lords Commissioners of his Majesty's Treasury for the time being; and also for restraining the said " Trustees from digging and carrying away any of the Soil, Chalk, Lime-stone, or Gravel, of the said " Hill or waste Ground, or any Part thereof; and also for restraining the said Trustees from taking any " Fine or Fines for Building Leases, or for Renewals of any Leases of any Houses already built upon the " said Hill or Waste. And lastly, it is hereby agreed by and between the said Parties, That these Presents " shall be made a Rule of his Majesty's Court of *Exchequer*, in the above-mentioned Causes, and that " thereupon all further Proceedings in the said Causes shall be stayed. In Witness whereof, the several " Parties before named have hereunto, interchangeably, set their Hands and Seals, the Day and Year first " above written. *Peter Burrell*,——*John March*, *Richard Chiswell*, *William Clarke*, *William Cooper*, " *Samuel Smith*, *William Ewer*, *James Lee*." And whereas your Majesty hath been most graciously " pleased to signify your Consent that the said Articles of Agreement may be carried into Execution:' May it therefore please your most Excellent Majesty, (at the humble Request of the said Trustees) that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

ratified and established.

the Authority of the same, That the said recited Articles of Agreement be, and the same are hereby ratified, confirmed, and established.

Trustees acquitted, released, and indemnified against all Actions.

II. And be it further enacted, That, in consideration of the said Trustees admitting the Right of his said Majesty, of, in, and to all and singular the said Piece or Parcel of Ground called *Maidenstone Hill*, and every Part thereof, as being Parcel of, and belonging to his Majesty's said Royal Manor of *East Greenwich*, in the County of *Kent*; they the said Trustees, their Heirs and Assigns, and all other Person and Persons who have heretofore been, or shall hereafter be Trustees of the said College, their and each and every of their Heirs, Executors, and Administrators, shall be, and they are hereby released, acquitted, and discharged, as against his said Majesty, his Heirs or Successors, of and from all Accounts, Claims, and Demands whatsoever, for or in respect of any Rent, Profit, or Advantage, which hath been, or may have been made or had by the said present Trustees, or any of them, or any Treasurer, or other Officer appointed by them, or any Person acting by or under their Authority, or by any former Trustee or Trustees of the said College for the time being, or by any Treasurer or other Officer by them appointed, or any Person acting by or under their Authority for, or from, or in respect of the said Hill called *Maidenstone Hill*, or any Part thereof, during the Time that he the said Sir *John Morden*, or any Person claiming under him, or the Trustees of the said Charity for the time being, or their Tenant or Tenants, has or have been in the Possession or Occupation thereof, previous to, and until the Day of the Date of the said Articles of Agreement; and that the said present Trustees, and every of them, and their Treasurer, and all and every other Officer and Person employed by them, or any of them, or acting by or under their Authority, shall be and are, and is and are hereby indemnified and saved harmless against all Suits, Actions, Costs, Charges, Damages, and Expences, for or on account of their, or any of their Predecessors in the Trust of the said Charity, or any Person employed by them, or acting by or under their Authority, having, without any legal Title, entered into Possession of the said Hill called *Maidenstone Hill*, and received the Rents, Issues, and Profits thereof, or exercised Acts of Ownership therein; and also against all Suits, Actions, Costs, Charges, and Demands, which may be commenced, had, or made against them, or any of them, touching, or by Means of their having entered into the said Agreement, and all Acts done or to be done by them, or any of them, in pursuance thereof.

Trustees for the time being, to pay one third Part of the clear net annual Income, by Quarterly Payments, into the Exchequer, viz.

III. And be it further enacted, by the Authority aforesaid, That it shall be lawful to and for the King's most Excellent Majesty, his Heirs or Successors, at any Time or Times hereafter, by any Letters Patent, Indenture or Indentures, under the Great Seal of *Great Britain*, hereafter to be made, to grant and demise unto the said *John March*, *Richard Chiswell*, *William Clarke*, *William Cooper*, *Samuel Smith*, *William Ewer*, and *James Lee*, Esquires, the said present Trustees of the said College, or unto the Trustees of the said College for the time being, all that the said Waste or Hill called *Maidenstone Hill*, and the Houses and other Buildings erected thereon, to hold to them the said Trustees and their Assigns for the Term of fifty Years, without any present Fine to be set, imposed, or paid to his said Majesty, his Heirs or Successors, for the same, yielding and paying therefor yearly to his said Majesty, his Heirs or Successors, as a Rent, one third Part of the clear net annual Income which they now receive for the said Premises; the same to be paid by the said Trustees, their Heirs and Assigns, by even Quarterly Payments; that is to say, on the twenty-fourth Day of *June*, the twenty-ninth Day of *September*, the twenty-fifth Day of *December*, and the twenty-fifth Day of *March*, in each and every Year during the said Term, into the Receipt of his Majesty's *Exchequer* at *Westminster*, or into the Hands of the King's Bailiff or Receiver-general of the County of *Kent* for the time being; and that it shall also be lawful to and for the King's most Excellent Majesty, his Heirs or Successors, at any Time or Times hereafter, by any other Letters Patent, Indenture or Indentures, under the Great Seal of *Great Britain*, hereafter to be made, to grant and demise unto the Trustees of the said College for the time being, the said Waste or Hill called *Maidenstone Hill*, and the Houses and other Buildings erected, or to be erected thereon, to hold for any further Term or Terms of Years, not exceeding fifty Years each: the said Trustees yielding and paying therefor yearly, and every Year, during the further several and respective Term or Terms of Years for which such Grant or Demise shall respectively be made, unto his said Majesty, his Heirs and Successors, one third Part of the clear net annual Income, which at the respective Time or Times of the making any such subsequent Grant or Demise the then Trustees of the said College shall receive for the said Premises, the same to be paid at the Times and in Manner before mentioned; which said respective yearly Rent or Rents shall be, during his present Majesty's Life, carried to, and made Part of, the General and Aggregate Fund, established by the Act made in the first Year of the Reign of his Majesty King *George* the First; and be, during the said Term, issued and applied to the Uses to which the said Fund is or shall be made applicable.

On June 24. Sept. 29. Dec. 25, and March 25.

to be carried to Aggregate Fund 1 Geo. 1.

Restrictions.

IV. Provided nevertheless, That in every such Lease or Demise so to be granted as aforesaid, there shall be contained proper Covenants or Clauses for restraining the said Trustees, and the Trustees of the said College for the time being, from erecting any Buildings whatever on any Part of the Top or Plain of the said Hill called *Maidenstone Hill*, and from inclosing any Part of the said Top or Plain without the Consent and Approbation of his Majesty, his Heirs or Successors, signified in Writing by the High Treasurer, or any three or more of the Commissioners of the Treasury for the time being; and also for restraining them from digging and carrying away any of the Soil, Chalk, Lime-stone, or Gravel, of the said Hill or waste Ground, or any Part thereof; and also for restraining them from taking any Fine or Fines for Building Leases, or for Renewals of any Leases of any Houses already built, or to be built on the said Hill or Waste, or any Part thereof.

1 Annæ notwithstanding.

V. And be it further enacted, by the Authority aforesaid, That such Grant or Grants, Demise or Demises of the said Waste or Hill called *Maidenstone Hill*, and of the Houses and other Buildings erected thereon,

on, as shall be made by his Majesty, his Heirs or Successors, by any Letters Patent, Indenture or Indentures, under the Great Seal of *Great Britain*, in pursuance of this Act, shall be, and is and are hereby enacted to be good and effectual in the Law, according to the Tenor and Purport thereof in the said Letters Patent, or Indenture or Indentures, to be expressed, notwithstanding any Restriction, or Matter, or Thing contained in an Act of Parliament made in the first Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for the better Support of her Majesty's Household, and of the Honour and Dignity of the Crown*, or any other Law or Statute, or any Mis-recital, Non-recital, Omission, or other Defect in the said Letters Patent, Indenture or Indentures hereafter to be made, in any wise notwithstanding.

'VI. And whereas the said Sir *John Morden*, by his said last Will and Testament, ordered and directed, that there should be placed in his said College so many poor Merchants as the then yearly Rents and Revenue of his Estates would maintain, allowing to each Merchant twenty Pounds a Year, to be laid out in Provisions and Necessaries, as is therein particularly prescribed, and that a Treasurer should be appointed to collect and get in the Rents, Issues, and Profits of his real Estates, and to sett and lett the same, and to pay the clear Produce in the Manner directed by the said Will; and that there should also be a resident Chaplain, to officiate daily in the Chapel of the said College; and by his said Will directed, that the yearly Sum of forty Pounds should be paid to the said Treasurer, and the Sum of thirty Pounds yearly to the Chaplain, for their Pains, Labour, and Attendance, in the due Execution of their respective Offices: And whereas the said Testator, by a Codicil annexed to his said Will, reduced the Pension payable to each poor Merchant to fifteen Pounds a Year: And whereas it has been found by Experience, that the said yearly Sums directed to be paid to the said Treasurer and Chaplain are by no Means adequate to the Care, Pains, and Attendance which a due Execution of the said Offices will necessarily require, and that the said Pensions of fifteen Pounds a Year are too small and inadequate to induce Merchants of a liberal Education, who have fallen to Decay by unavoidable Accidents and unforeseen Events, and are aged and infirm, to apply to partake of the said Charity; for Remedy whereof, and to the End that proper Persons may be encouraged to apply for Admission into the said College, and the pious charitable Intentions of the said Sir *John Morden* more effectually carried into Execution;' Be it further enacted, That it shall and may be lawful, at any Time or Times hereafter, to and for the Trustees of the said College for the time being, and they are hereby authorised and impowered to increase the Salaries payable to the said Treasurer and Chaplain respectively to such Sum and Sums of Money as they shall think proper and reasonable, not exceeding fifty Pounds yearly; and also to increase the Pensions payable to each poor Merchant admitted, or to be admitted into the said College, to such Sum or Sums of Money as they shall think proper and reasonable, not exceeding the Sum of forty Pounds to each poor Merchant yearly; any Restriction contained in the Will or Codicil of the said Sir *John Morden* to the contrary thereof in any wise notwithstanding.

Allowance by the Founder's last Will,

not adequate to Attendance of the said Officers.

VII. Saving to all and every Person and Persons whatever, their Heirs, Executors, and Administrators, and all Bodies Politic and Corporate, and their Successors, (other than and except the King's most Excellent Majesty, his Heirs and Successors, and the Trustees of the said College for the time being, all such Estate, Right, Title, and Interest of, in, to, or out of the said Premises called *Maidenstone Hill*, and every or any Part thereof, as they or any of them have or might have had if this Act had not been made.

Exception.

CAP. XI.

An Act for further continuing two Acts made in the sixth and ninth Years of his Majesty's Reign, for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters, in his Majesty's Dominions in *America*.

CAP. XII.

An Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, in that Part of *Goodman's Fields*, which lies in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, in the County of *Middlesex*, and also *Red Lion Street* and *White Lion Street*, lying contiguous to the said *Fields*, and for removing and preventing Nuisances, Annoyances, and Obstructions therein.

'WHEREAS the Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, in that Part of *Goodman's Fields*, (being Part of the Manor or reputed Manor of *Barnes*, in the County of *Middlesex* and City of *London*) which lies in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, in the said County of *Middlesex*, and the Streets called *Red Lion* and *White Lion* Streets, lying contiguous to the said Fields, are very ill paved and ruinous, and the Passage thereof is greatly obstructed by many Nuisances and Annoyances therein: And whereas it would be of great Benefit and Advantage to the Inhabitants of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, and to all Persons resorting thereto, or passing through the same, if the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, were properly paved, and all Nuisances, Annoyances, and Obstructions therein were removed and prevented for the future; and the Inhabitants of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, are willing to pave the same at their own Expence, but as the same cannot be effected without the Aid of Parliament:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Harry Akerman*, *William Complin*, *Richard* Commissioners appointed.

Preamble.

Richard Cole, *John Coverley*, *Thomas Dickaſon*, *Thomas Farrer*, *William Garrett*, *George Garrett*, *Edward Hawkins*, *Samuel Hawkins*, *George Hayley*, *Edward Hopkins*, *John Hawes*, *John Harris*, *Thomas Jordan*, *Leonard Lefevre*, *William Loney*, *Joſeph Langfer*, *John Lafont*, *John Long*, *Job Mathew*, *Abraham de Mattos Mocata*, *Thomas Maſſa*, *William Mills*, *Robert Newcome*, *John Pott*, *George Prior*, *Caſten Rhode*, *Charles Raikes*, *William Reynolds*, *George Ruſſell*, *Joſeph Rickards*, *Robert Cartwright Smith*, *William Scullard*, *David Samuda*, *Claude Scott*, *Thomas Slack*, *John Spieker*, *Abjohn Taylor*, *John Townſend*, *Samuel Wood*, *John Willes*, *Stephen Wear*, *Robert Wilſon*, *James Waller*, and *Peter Walker*, and their Succeſſors, being Inhabitants of ſome or one of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, to be elected in Manner herein after-mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe any of the ſaid Commiſſioners ſhall happen to die, or ſhall neglect or refuſe to act for the Space of one Year, or ſhall remove out of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any ten or more of them, from time to time, by Writing under their Hands and Seals, to elect one other Perſon or Perſons, to be a Commiſſioner or Commiſſioners, in the Room and Stead of the Commiſſioner or Commiſſioners ſo dying or refuſing to act, or removing, ten Days Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of *Saint Mary Whitechapel*, and alſo by Advertiſement in ſome or one of the public News Papers; and every Perſon or Perſons ſo elected ſhall be, and is and are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon or Perſons in whoſe Place he or they ſhall be elected, was or were veſted with.

In caſe of Death, Refuſal, or Removal,

other Commiſſioners to be choſen.

II. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant of ſome or one of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, and unleſs he ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments of the clear yearly Value of forty Pounds, or poſſeſſed of or intitled to a perſonal Eſtate of the Value of one thouſand Pounds; and if any Perſon not being ſo qualified ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of fifty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed, and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Qualification of Truſtees.

Perſon acting not qualified, to forfeit 50 l.

No Victualler to act as a Commiſſioner.

III. And be it further enacted, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous or Fermented Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

First Meeting.

IV. And be it further enacted, That the ſaid Commiſſioners, or any five or more of them, ſhall meet together at the Veſtry Room of the ſaid Pariſh at ten of the Clock in the Forenoon, on the third *Thurſday* next after the paſſing of this Act, and ſhall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from time to time, to meet at the ſame Place, or at ſuch other Place in the ſaid Pariſh of *Saint Mary Whitechapel*, as the ſaid Commiſſioners, or any five or more of them, ſhall, from time to time, think fit; and if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act or adjourn to another Day, or in caſe the ſaid Commiſſioners ſo aſſembled ſhall omit, neglect, or refuſe to adjourn themſelves, then, and in every ſuch Caſe, any two of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners to be held, within ſeven Days after, at the ſame Place; public Notice whereof ſhall be given by affixing the ſame in Writing on the principal Door of the Pariſh Church aforeſaid, at leaſt four Days before ſuch Meeting.

Commiſſioners how to adjourn.

Manner of adjourning.

No Order valid unleſs at a public Meeting, nor ſhall any Commiſſioner enjoy Offices.

V. Provided always, That no Order or Determination of the ſaid Commiſſioners, or any of them, ſhall be valid unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Commiſſioners may appoint Officers;

VI. And be it further enacted, That the ſaid Commiſſioners, or any five or more of them, ſhall and may, by any Writing under their Hands and Seals, appoint one or more Clerk or Clerks, Surveyor or Surveyors, or Inſpector, and ſuch other Officers for the Execution of this Act as they ſhall think proper, and from time to time remove him or them, and appoint others as they ſhall find neceſſary or convenient; and by and out of the Money to be raiſed by virtue of this Act, pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners, or any five or more of them, ſhall take ſuch Security for the Execution of the reſpective Offices, by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any five or more of them, ſhall think proper; and all and every ſuch Perſon and Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame, to ſuch Perſon or Perſons as ſhall from time to time be appointed to collect or receive the ſame, as herein after mentioned; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Times and in ſuch Manner as the ſaid Commiſſioners, or any five or more of them, ſhall direct, deliver to ſuch Commiſſioners true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and

who ſhall give Security.

Perſons ſubject to be rated to pay the ſame to ſuch Officers.

who are to account upon Oath if required.

and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any two or more of them, are hereby impowered to adminiſter) verify their ſaid Accounts; and if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make ſuch Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any two or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within ſeven Days after being thereunto required, by Notice in Writing under the Hands of any two or more of the ſaid Commiſſioners, all Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands to the ſaid Commiſſioners, or any two or more of them, or as they ſhall direct or appoint; then, and in any of the Caſes aforeſaid, the ſaid Commiſſioners, or any five or more of them, may and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Names of the ſaid Commiſſioners, or in the Names of any two or more of them, againſt the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any two or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons ſo refuſing or neglecting, to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any one or more credible Witneſs or Witneſſes upon Oath, before ſuch Juſtice or Juſtices, (which Oath he or they are hereby impowered to adminiſter) it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and he and they is and are hereby authoriſed and required, upon the Nonpayment thereof, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of ſuch Diſtreſs and Sale; or in caſe it ſhall appear to ſuch Juſtice or Juſtices by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter, that any Books, Papers, or Writings relating to the Execution of this Act ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver the ſame as aforeſaid, then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any five or more of them, are hereby impowered to make; and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any five or more of them.

Commiſſioners impowered to adminiſter Oaths to Officers.

Officers refuſing to account upon Oath, or delivering Books on ſeven Days Notice, or refuſing to pay the Balance of the Account, ſubject to be ſued.

On Complaint, Juſtices may call ſuch Officer before them.

and proceed in a ſummary Way.

Money found by ſuch Juſtices ſo unaccounted for by the Officers, to be levied by Diſtreſs.

In caſe Diſtreſs not ſufficient, &c.

ſuch Officer refuſing to deliver Books, &c. to be committed,

until Delivery of Books, &c. or of Compoſition with the Commiſſioners.

VII. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be committed for any Term longer than ſix Months.

Commitment to be no longer than ſix Months.

VIII. And be it further enacted, That upon the Death of any ſuch Officer, or other Perſon to be appointed as aforeſaid, his Executors or Adminiſtrators ſhall, within twenty-one Days next after ſuch Deceaſe, deliver to the ſaid Commiſſioners under this Act, or any two or more of them, an Account in Writing, under his, her, or their Hand or Hands, of the Monies collected or received by the Perſon ſo deceaſed, for the Purpoſe of this Act; and ſhall alſo deliver all Books, Papers and Things concerning his Office to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, by Writing under their Hands, ſhall appoint to receive the ſame; and ſuch Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Perſon ſo deceaſed, in Preference to and before any of his or their other Debts are paid or ſatisfied.

Executors to account,

and the Money in their Hands belonging to the Truſt to be paid in Preference.

IX. And be it further enacted, That if any Perſon or Perſons who ſhall be employed by the ſaid Commiſſioners as a Clerk, Surveyor, or any other Officer or Servant in the putting this Act, or any of the Powers herein contained, in Execution, ſhall exact, take, or accept, by any Ways or Means whatſoever, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any account whatſoever, relative to the putting this Act in Execution, or ſhall be, by any Ways or Means, concerned or intereſted in any Bargain, Contract, or Agreement made, or to be made by the ſaid Commiſſioners, or any five or more of them, for the Purpoſes of putting this Act in Execution, every ſuch Perſon or Perſons ſo offending, ſhall be diſqualified, and be for ever incapable of ſerving or being employed by or under the Commiſſioners appointed by this Act, and ſhall forfeit and pay the Sum of one hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts

Officers taking other Fees than allowed, or being concerned in any Bargain, to be diſqualified, and forfeit 100 l.

Action to be brought within 6 Months.

of Record, within six Calendar Months after the Offence committed; in which no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Pavements vested in Commissioners.

X. And be it further enacted, That from and after any or either of the Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, which by this Act are to be repaved, relayed, or repaired, shall actually be begun to be repaved, relayed, or repaired, the Property of all the present and future Pavements in the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, as well in the Footways as Carriage-ways, and of all Materials, Implements, and other Things, to be purchased for the Purposes of this Act, shall be, and the same are hereby vested in the said Commissioners, and they, or any five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any two or more of them the said Commissioners, or in the Name of their Treasurer or Clerk, or to prefer any Bill or Bills of Indictment, in any such Name or Names, as the Case shall require, against any Person or Persons whomsoever, who shall steal, purloin, or by any Ways or Means carry away, spoil, injure, or destroy, or cause to be stolen, purloined, taken, carried away, spoiled, injured, or destroyed, the same, or any Part or Parts thereof; and the said Commissioners, or any five or more of them, shall have full Power and Authority to sell and dispose of all or any Part or Parts of the old and useless Materials, to such Person or Persons as shall be willing to purchase the same, at such Price or Prices as the said Commissioners, or any five of them, shall think reasonable; and the Money arising therefrom shall be applied to such and the same Purposes as the Monies arising from the Rates and Assessments in and by this Act directed to be made, are to be applied.

Streets to be paved.

XI. And be it further enacted, That the said Commissioners, or any five or more of them, shall have full Power and Authority, from time to time, to cause, order, and direct, all or any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, to be new paved, repaired, relayed, raised, lowered, or altered, when and as often, and in such Manner and Form, and with such Materials as the said Commissioners, or any five or more of them, shall think fit; and also to be freed from all Annoyances, Nuisances, Incroachments, and Obstructions whatsoever; and for such Purposes may, from time to time, cause to be dug, carted, and carried out of, or brought into the same, or any of them, such Gravel, Stones, and other Materials as they shall judge necessary; and may likewise cause the Water-pipes, which now lie, or hereafter shall be laid under Ground, to be taken up and new-laid in such Places, Manner, and Form, as they the said Commissioners, or any five or more of them, shall judge best, and to employ such Artificers, Workmen, and other Persons, and to issue such Money on those Accounts, and to do all and every such other Acts and Things as the said Commissioners, or any five or more of them, shall judge necessary, fit, or reasonable, for effectually carrying the Purposes of this Act into Execution.

Commissioners may make Contracts,

XII. And be it further enacted, That the said Commissioners, or any five or more of them, may, and are hereby impowered, from time to time, and at all times hereafter, as Occasion shall require, to contract with any Person or Persons, for paving, relaying, repairing, raising, lowering, amending, altering, and keeping in Repair, all or any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, and for the several Works hereby directed to be performed, or any of them; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof; and such Contract or Contracts shall be signed by the said Commissioners, or any five or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract, ten Days Notice shall be given in some public News-paper, expressing the Intention of such Contract, in order that any Person or Persons willing to undertake the same, may make Proposals for that Purpose to the said Commissioners, at a certain Time and Place in such Notice to be mentioned.

giving ten Days Notice in the public News-paper.

Paviors, Carters, &c. to be appointed.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, from time to time, to employ such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the respective Works aforesaid, as they shall judge necessary for the due Execution of such Works; and no Person or Persons shall, for any Act done in consequence of his or their being so employed by order of the said Commissioners, be subject or liable to any Action, Indictment, or Information, upon the Statute made in the fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices.*

Disputes about Wages of Workmen, how settled.

XIV. And be it further enacted, That if any Dispute shall arise with respect to the Wages of such Paviors, Artificers, Workmen, or Labourers employed on or about the said Pavement, it shall and may be settled by any one of his Majesty's Justices of the Peace for the County of *Middlesex*, or for the Liberty of his Majesty's Tower of *London*, in a summary Way, whose Determination shall be final.

Penalty on obstructing Workmen.

XV. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whomsoever, who are or shall be employed by virtue of this Act, in the Performance or Execution of his or their Duty, every such Person so offending shall, for the first Offence, forfeit the Sum of five Pounds, for the second Offence the Sum of ten Pounds, and for the third, and every other Offence, the Sum of twenty Pounds.

Water Pipes breaking, how to be repaired.

XVI. And be it further enacted, That when and so often as any Pipe or Pipes belonging to any Water Companies who do or shall furnish any Part of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages with Water (which now lie, or hereafter shall be laid under Ground, shall break, burst, or decay, so as to require Reparation) the Surveyor for the time being to the Commissioners, or such other Person as the said Commissioners, or any five or more of them, shall appoint for that Purpose, shall forthwith give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends

ſuch Pipe or Pipes does, do, or may belong, who is hereby required to take up the Pavement and open the Ground at or near the Place where ſuch Reparation ſhall appear to be wanting; and if, upon taking up of the Pavement and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken, burſt, or decayed, do not or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement and opened ſuch Ground, then and in every ſuch Caſe the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice in Writing to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode, and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong, is hereby required to repair the ſame, and fill in, and well and ſufficiently ram the Ground, within two Days after ſuch Notice given or left as aforeſaid; and ſhall alſo, within twenty-four Hours after ſuch Pipe ſhall be repaired and the Ground filled in, give Notice in Writing to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode; and in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt, broken, or decayed, do or doth not belong to the Company to whom he is Pavior, that then and in ſuch Caſe the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong, ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement and opened ſuch Ground for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement and open ſuch Ground, ſhall neglect or refuſe to do the ſame within twenty-four Hours after Notice given, he ſhall for the firſt Offence forfeit and pay the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third, and every other Offence the Sum of four Pounds; and in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or decayed ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in and well and ſufficiently ram the Ground ſo taken up, for the Space of twenty-four Hours next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid, ſuch Pavior ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third, and every other Offence, the Sum of four Pounds; and if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within twenty-four Hours after ſuch Notice given to him as aforeſaid, or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor or other proper Perſon or Perſons of ſuch Notice, then and in every ſuch Caſe the Perſon or Perſons ſo offending ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third, and every other Offence, the Sum of four Pounds.

Company having no Pavior, Notice to be given to the Clerk.

XVII. Provided always, That if it ſhall happen that at any Time there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe ſuch Notice as aforeſaid ſhall be delivered to or left at the Office of the Clerk or Secretary of ſuch Company reſpectively, who ſhall in every ſuch Caſe be ſubſtituted in the Room of ſuch Pavior to all the Intents and Purpoſes aforeſaid.

Paviors of Water Companies to give Notice where they live.

XVIII. And be it further enacted, That every Pavior now appointed, or hereafter to be appointed, by the ſaid ſeveral Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, ſhall, and he is hereby required, within the Space of one Month next after the paſſing of this Act, or within the Space of ſeven Days next after he ſhall be appointed Pavior to ſuch Company or Companies, and within the Space of three Days next after every Removal of his Abode, to give Notice in Writing to the Surveyor or Clerk for the time being to the ſaid Commiſſioners, of his the ſaid Pavior's Name and Place of Abode, and to what Company he is Pavior; and in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Pavior ſo offending in either of the ſaid Caſes, ſhall, for the firſt Offence, forfeit the Sum of ten Shillings, for the ſecond Offence the Sum of twenty Shillings, and for the third and every other Offence the Sum of forty Shillings.

Notice of taking up Pavement for repairing Sewers, &c. or laying Water Pipes, to be given to the Commiſſioners; and the Pavement to be repaired by them, and Parties taking up the Pavement to reimburſe Expences of relaying it.

XIX. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, arched Cellar, or Drain, or of laying, altering, or amending any Water Pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall, within twenty-four Hours, give Notice thereof to the Inſpector, Surveyor, or Clerk for the time being of the ſaid Commiſſioners, in order that the ſame may, with all convenient Speed, be laid down and repaired by and under the Direction of the ſaid Inſpector, Surveyor, or Clerk, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, or any five or more of them, and the ſaid Commiſſioners ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may compound with Commiſſioners of Sewers and Water Companies.

XX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, from time to time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, ſhall think reaſonable, in lieu and inſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Commissioners of Sewers, Water Companies, or other Persons, neglecting or refusing to pay the Monies expended for repairing the Pavements after Notice,

may be sued in the Name of Clerk to the Commissioners.

Persons neglecting to give Notice of taking up such Pavement to forfeit 5l.

Commissioners may alter Pipes and Plugs, paying for the same.

XXI. And be it further enacted, That in case such Person or Persons, Companies of Water-works, or Commissioners of Sewers respectively, shall neglect or refuse to pay the Monies which the said Commissioners shall have so paid and disbursed, or what shall be due upon such Contract or Composition as aforesaid, within two Months next after Notice thereof, to be left by the said Surveyor or Clerk at the Dwelling-house or last Place of Abode of such Person or Persons, or of the Secretary or Secretaries, Clerk or Clerks, of such Companies of Water-works, or Commissioners of Sewers respectively, which Notice shall be in Writing, and signed by the Clerk or Surveyor for the time being of the Commissioners for putting this Act in Execution, by Order of the said Commissioners, or any five or more of them, and annexed to the Bill, containing an Account of the Expence of such Repair or Money due upon such Compositions, it shall and may be lawful to and for the said last-mentioned Commissioners, or any five or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of their Clerk, or two or more of the said Commissioners for the time being, for the Recovery of such Sum or Sums of Money respectively; and in case such Person or Persons hereby directed to give such Notice to the Surveyor or Clerk for the time being of the Commissioners for putting this Act in Execution, as is before directed, shall neglect so to do for the Space of two Days after such Pavement shall be so taken up, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of five Pounds.

XXII. And be it further enacted, That if, for the Purposes of this Act, it shall at any Time be found necessary to raise, sink, or otherwise alter the Position of any of the Pumps, Pipes, or Plugs laid down or placed by any of the said Companies, or by any Person or Persons, or of any of the Leaden or other Pipes which shall be laid into or from any of the said Companies Pipes, the said Commissioners, or any five or more of them, shall and may, and they are hereby impowered to cause the same to be done, from time to time, and in such Place or Places as they, or any five or more of them, in their Discretion, shall think proper; and the same shall be paid for out of the Monies arising by virtue of this Act, and shall be done with as little Detriment or Inconvenience to the said Companies, and other Persons, as the Circumstances of the Case will admit of.

For procuring Water in Time of Fire.

Names of the Turncocks to be delivered in.

Penalty for every Neglect therein.

XXIII. And, for the more easy obtaining of Water in Cases of Fire, be it further enacted, That the several Water Companies who shall supply any of the Inhabitants of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, with Water, shall, from time to time, within the Space of thirty Days after the passing of this Act, or within seven Days after the Appointment of any Turncock or Turncocks, give Notice in Writing to the said Commissioners of the Names and Places of Abode of their respective Turncocks, distinguishing the Districts to which they respectively belong; and if any of the said Companies shall neglect to give such Notice within the Times aforesaid, they shall, for every such Neglect, forfeit the Sum of five Pounds; and the said Commissioners shall, and they are hereby required yearly to cause to be printed and distributed among the Householders and Inhabitants of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, a List of the Names and Places of Abode of the several Turncocks of such Water Companies respectively.

Penalty of breaking up Pavements, or laying Obstructions in the Streets.

XXIV. And be it further enacted, That if any Person shall, without Authority from the said Commissioners, or any five or more of them, or (in case of Exigency) from their Clerk or Surveyor for the time being, take up or alter, or cause to be taken up or altered, any Part of the Pavement of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, or any of them, when new paved, relayed, or repaired by the said Commissioners, for any Purpose whatsoever, every Person so offending shall, for every such Offence, forfeit and pay the Sum of five Pounds, and shall also pay the Expences of relaying and reinstating the same, according to the Directions of the said Commissioners, or any five or more of them, or of the Surveyor for the time being, and the said Forfeiture and Expence shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, in the Names of any two or more of the said Commissioners, or in the Name of their Treasurer or Clerk, to be commenced within six Months next after such Offence committed; in which Action or Suit no Protection, Essoin, or Wager of Law, or more than one Imparlance, shall be allowed.

Course of Gutters to be turned, if necessary.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, from time to time, to direct and cause the Course of any Gutter or Channel running in, through, or cross the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, or any of them, to be turned or altered in such Manner as they shall think proper, and to direct any Grate or Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in such Manner, and at such Place and Places as they shall think most proper; all which shall, from time to time, be done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act; any Law, Usage, or Custom to the contrary notwithstanding.

Where necessary to make new Grates, or repair old ones, Commissioners of Sewers to pay the Expence.

XXVI. And be it further enacted, That when and so often as there shall be Occasion to make new or additional Grate or Grates over any Sewer or Sewers within the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, or to repair or alter any old Grate or Grates belonging to the Commissioners of Sewers, or any other Person or Persons, in the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, the same shall be made new, repaired, or altered, by and at the Expence of the said Commissioners of Sewers, or such other Person or Persons to whom the same doth or shall belong; and the same, when so made new, repaired, or altered, shall be laid down in such Place and Places, and in such Manner and Form, as shall be directed by the Surveyor or Clerk to the Commissioners for putting this Act in Execution, at the Expence of the said Commissioners of Sewers, or such other Person or Persons as aforesaid: And in case the said Commissioners of Sewers, or such other Person or Persons as aforesaid, shall neglect or refuse so to do for the Space of fourteen Days next after Notice given or left in Writing

Writing with their Clerk or Clerks for the time being, or with such other Person or Persons as aforesaid, it shall and may be lawful to and for the said Commissioners appointed by this Act, or any five or more of them, or their Surveyor, to cause such Grate or Grates as shall be necessary to be made new, repaired, altered, and laid down, to be so made new, repaired, altered, and laid down, the Expence whereof shall be reimbursed and paid by the said Commissioners of Sewers, or such other Persons as aforesaid, or recovered of him, them, or any of them, in like Manner as the Charges and Expences of relaying Pavements is herein before authorised to be recovered.

Sewers, &c. to be repaired by the Commissioners of Sewers.

XXVII. And be it further enacted, That when and so often as any Sewer or Drain which shall be situate in or communicate with any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, shall require to be made new, repaired, altered, cleansed, or emptied; then, and in every such Case, the said Commissioners of Sewers, or such other Person or Persons to whom such Sewer or Drain shall belong, shall, within fourteen Days after Notice in Writing given to, or left for the Surveyor or Clerk for the time being of the Commissioners of Sewers, or such other Person or Persons as aforesaid, at his or their last or usual Place of Abode, by the said Commissioners appointed to put this Act in Execution, or any one or more of them, or by the Surveyor or other Person authorised by them, make new, effectually repair, cleanse, or empty such Sewer or Drain, as the Case may require; and in Default thereof, it shall and may be lawful to and for the said Commissioners appointed by this Act, or any five or more of them, or their Surveyor for the time being, to cause such Sewer or Drain to be made new, repaired, or altered, cleansed, or emptied, as the Case may require, or so much thereof as shall be necessary, the Charges and Expences whereof shall be paid by the Commissioners for putting this Act in Execution, who shall be reimbursed the same by the Clerk or Treasurer for the time being to the said Commissioners of Sewers, or by such other Person or Persons as aforesaid: And in case the said Clerk or Treasurer to the said Commissioners of Sewers, or such other Persons as aforesaid, shall neglect or refuse to pay what shall have been so paid and disbursed, within two Months next after Notice thereof shall be left at the Dwelling-house or last Place of Abode of such Clerk or Treasurer, or other Person, which Notice shall be in Writing, and signed by the Clerk to the Commissioners for putting this Act in Execution, and annexed to the Bill, containing an Account of such Charges and Expences; it shall and may be lawful to and for the Commissioners for putting this Act in Execution, or any five or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name of any two or more of the said Commissioners, or of their Clerk for the time being, against such Clerk or Treasurer of the said Commissioners of Sewers for the time being, or such other Person or Persons as aforesaid, for the Recovery of such Sum or Sums of Money as they shall have so expended for the Purposes aforesaid; in which Action or Actions no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Commissioners to pay for altering Sewers or Drains.

XXVIII. Provided always, That if it shall be necessary to new-make, alter, or remove any Sewer, Drain, or Grate, in any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, that shall not be public Sewers, Drains, or Grates, but belonging to private Persons, such New-making, Alteration, or Removal, shall be paid for by the Commissioners for putting this Act into Execution out of the Monies to be raised by virtue of this Act.

Streets to be watered.

XXIX. And be it further enacted, That the said Commissioners, or any five or more of them, shall have full Power and Authority to cause the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, or any of them, to be watered as often as they shall think fit; and also to cause any Well or Wells to be dug and sunk, in such Places as they shall think proper; and also any Pump or Pumps to be erected in or near such Places; and also any Pump or Pumps now standing in any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, to be removed or altered as they shall think fit, and to defray the Expences thereof out of the Monies to be raised by virtue of, and for the Purposes of this Act.

Foot-paths to be swept every Day, except Sunday.

XXX. And be it further enacted, That every Occupier of any House or Tenement within the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, shall, from and after one Month next after the passing of this Act, sweep and clean, or cause to be swept and cleansed, the Foot-paths before their respective Houses, Buildings, and Walls, once in every Day, between the Hours of Six and Ten of the Clock in the Forenoon (*Sundays* excepted) upon Pain of forfeiting for every Neglect therein the Sum of five Shillings.

Waggons shall not stand longer than while loading or unloading;

XXXI. And, for the more speedy Removal of sundry Nuisances and Obstructions in the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, be it further enacted, That if any Cart, Waggon, Dray, or other Carriage, shall be suffered to stand or continue in any Part of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, longer than is necessary for the loading or unloading thereof; or if any Coach, Chariot, or other Carriage, or any Goods, Materials, or Things whatsoever, shall stand, be placed, laid, and left in any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, so as to obstruct the free Passage thereof; then, and in every such Case, any one or more of the said Commissioners, or any one or more of their Officers, shall and may seize, or cause to be seized, the Cart, Waggon, Dray, Coach, Chariot, or other Carriage so placed, or suffered to stand or continue, contrary to the true Intent and Meaning of this Act, together with the Horse or Horses thereunto belonging, or the Goods, Materials, or Things so laid or placed, and left as aforesaid; and remove the same, or cause the same to be removed to such Place or Places, as by the said Commissioners, or any five or more of them, shall be appointed for that Purpose, there to be kept until the Owner or Owners thereof, or his, her, or their known Servant or Servants, shall and do claim the same, and pay to the Person or Persons in whose Custody the same shall then be, the Sum of ten Shillings, together

and any Coach, Carriage, or other Matter, obstructing the Passage, may be taken and kept till the Owners shall pay 10s. and Charges, and in Default of Payment.

within five Days, to be ſold.

together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of ten Shillings and Charges paid, within the Space of five Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to cauſe the ſame to be ſold, and the Monies ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on driving Wheel-barrows or Caſks on the Foot-way.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall lead, run, ride, drive, draw, or cauſe to be led, run, driven, or drawn, any Horſe, Mule, or other Beaſt; or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Caſk, Wheel barrow, or any other Carriage whatſoever, on any Part of the Foot Pavements of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, every ſuch Perſon or Perſons ſhall forfeit, for the firſt Offence, the Sum of ten Shillings, for the ſecond Offence the Sum of twenty Shillings, and for the third and every other Offence the Sum of forty Shillings.

Incloſures may be made for the Purpoſe of Building.

XXXIII. Provided always, and be it further enacted, That any Perſon or Perſons ſhall and may erect or ſet up, or cauſe to be erected or ſet up, in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, or any of them, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials for building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave under the Hand of the Surveyor or Clerk for the time being of the ſaid Commiſſioners, which he is hereby impowered to give, by their Permiſſion, ſigned by two or more of them; but if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected or ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding five Shillings for every Hour ſuch Incloſure, Matter, or Thing, as aforeſaid, ſhall remain and continue.

Houſes to be numbered, and Names of Streets painted.

XXXIV. And be it further enacted, That the ſaid Commiſſioners, or any five or more of them, may order and direct the Houſes or other Buildings within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, or any of them, to be numbered with Figures, placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes and Buildings reſpectively as they the ſaid Commiſſioners, or any five or more of them, ſhall think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of each of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, the Names by which ſuch reſpective Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, are uſually or properly called or known; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe and procure the ſame to be done, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of one or more credible Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace acting in and for the County, Liberty, or Place, where ſuch Offence ſhall be committed; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Penalty on defacing the ſame.

XXXV. And be it further enacted, That from and after the firſt Meeting of the ſaid Commiſſioners, the ſaid Commiſſioners, or any five or more of them, ſhall and may cauſe all Signs, or other Emblems to denote the Trade or Calling of any Perſon or Perſons which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, to be fixed or placed on the Fronts of ſuch Houſes, Shops, Warehouſes, or Buildings reſpectively, whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-poſts, Sign-irons, Poſts, Boards, Spouts, Gutters, Pent-houſes, Butchers Gallowſes, or other Things occaſioning any Obſtruction, Nuiſance, or Annoyance in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, or any of them, to be taken down, removed, or altered, in ſuch Manner as the ſaid Commiſſioners, or any five or more of them, ſhall think moſt proper and convenient: And that for the future all Signs, Emblems, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, as the ſaid Commiſſioners, or any five or more of them, ſhall direct, and not otherwiſe: And if any Perſon or Perſons ſhall, at any Time thereafter, hang, place, erect, or build, any Sign, Sign-poſt, or Sign iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than aforeſaid, or ſhall in any Manner occaſion any Obſtruction, Incroachment, Nuiſance, or Annoyance in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, every ſuch Perſon ſhall, for the firſt Offence, forfeit and pay the Sum of five Pounds; for the ſecond Offence, the Sum of ten Pounds; and for the third and every other Offence, the Sum of twenty Pounds; together with all Coſts, Charges, and Expences, which ſhall be paid or laid out by the ſaid Commiſſioners for removing or altering the ſame; ſuch Coſts, Charges, and Expences, to be recovered by Bill, Plaint, or Information, in any of his Majeſty's Courts of Record, or in the Court of Requeſt for the Liberty of the *Tower Hamlets*.

Signs to be removed, and placed in the Front of the Houſes.

Nuiſances.

Penalty on placing Signs otherwiſe, and on Annoyances, firſt Offence 10 l. &c.

Unuſed Sign-irons to be returned.

XXXVI. Provided always, and be it further enacted, That if any Sign, Sign-iron, or Poſt, Board, Gutters, Spout, Pent-houſe, or other Projection, or any Part thereof, ſhall remain unuſed after the Alteration made thereto as before directed, the ſame ſhall be returned to, and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps and Slopes to be removed.

'XXXVII. And whereas the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, are in ſome Parts thereof greatly obſtructed, and made dangerous to Foot Paſſengers, by Steps or Slopes being brought out from Houſes, and by Steps and Doors going down into Cellars, Vaults, or other Places, and by Shew-glaſſes, Shew-boards, or other Matters or Things projecting from Shops or Houſes, over and beyond the Area belonging to ſuch Houſe, or into the Foot-ways;' Be it therefore further enacted,

That

That from and after the first Meeting of the Commissioners appointed by this Act, all such Steps or Slopes projecting into the Foot-ways of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any House, Warehouse, Shop, Cellar, or other Building, which do or shall cause or occasion any Nuisance, Annoyance, Incroachment, or Obstruction in the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, or any of them (either in the Foot or Carriage Way thereof) shall be at the Expence of the said Commissioners from time to time removed, fixed, placed, or altered, in such Manner and Form as shall be approved of by the said Commissioners, or any five or more of them, or by their Surveyor.

Time of emptying Bog-houses.

XXXVIII. And be it further enacted, That if any Person or Persons whomsoever shall come with any Cart or Carts, or begin to empty any Bog-house or Bog-houses, Sesspool or Sesspools, or to take away any Night Soil from any House or Houses within any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, before the Hour of Eleven of the Clock in the Night, or shall continue to take away the same after the Hour of Six of the Clock in the Morning from *Michaelmas* to *Ladyday*, or after the Hour of Five of the Clock in the Morning from *Ladyday* to *Michaelmas*; or if any Person shall put or cast, or cause to be put or cast out of any Cart, Tub, or otherwise, in or near any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, any such Night Soil; it shall and may be lawful to and for any Constable, Beadle, or Watchman (and they are hereby strictly required and directed so to do) or any other Person or Persons whomsoever, to apprehend and carry him or them, guilty of either of the said Offences, to the Watch-house of the said Parish, and from thence, as soon as conveniently may be, before some Justice of the Peace for the County, Liberty, or Place where the same shall happen, who, upon Oath made of such Offence or Offences, as aforesaid, which Oath such Justice is hereby impowered and required to administer, shall and may fine such Person or Persons so offending in any Sum not exceeding the Sum of five Pounds, and not less than the Sum of forty Shillings; and in Default of immediate Payment thereof, shall and may commit such Person or Persons guilty of any of the said Offences to the common Gaol for the said County, Liberty, or Place, for any Time not exceeding one Month, nor less than five Days, there to be kept to hard Labour: And it shall and may be lawful to and for the said Commissioners, or any five or more of them, at any Meeting to be held in pursuance of this Act, to order any Sum not exceeding ten Shillings, nor less than two Shillings and Sixpence, to be paid to the Person who shall detect, apprehend, and convey before any such Justice or Justices of the Peace, any such Person or Persons guilty as aforesaid, to be paid out of the Fine hereby before inflicted; or in case the Offender shall be committed, out of the Rates to be raised by virtue of this Act.

Inhabitants to give Notice to Surveyors when Pavements want Repair.

XXXIX. And be it further enacted, That when and as soon as any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, shall actually be repaved, relayed, or repaired by the said Commissioners, by virtue of this Act; if any Householder or Householders shall make Complaint in Writing under his, her, or their Hand or Hands, and shall leave the same at the last or usual Place of Abode of the Surveyor or Surveyors, Clerk or Clerks to the said Commissioners, of any Defect or Want of Repair in any of the Pavements of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages; then, and in every such Case, the said Surveyor or Surveyors shall view the said Pavement, and report the Condition thereof to the said Commissioners, at their next Meeting; and if the said Surveyor or Surveyors, to whom such Notice shall be given or left as aforesaid, shall, upon such View, find the Pavement complained of to be bad and defective (unless it shall appear to arise from a Defect relating to the Water Pipes lying under such Pavement) the said Commissioners, or any five or more of them, shall give Orders to their Contractor or Contractors, Pavior or Paviors, to repair the same within such Time as they shall judge necessary for the Repair thereof, which Time shall be specified in such Order; and if the Contractor or Contractors, Pavior or Paviors, to whom such Order shall be given, shall not repair and amend such Pavement within such Time as he or they shall be directed by the said Commissioners to repair and amend the same; then, and in every such Case, the said Contractor or Contractors, Pavior or Paviors, shall forfeit and pay the Sum of twenty Shillings for every Day that the said defective Pavement shall remain unrepaired after the Time limited by the said Commissioners, in their said Order: And one Half of every such Penalty shall be applied and paid to such complaining Inhabitant, for his or her Loss of Time and Trouble in and about the Premises, and the other Half for the Purposes of this Act.

Assessment to be made yearly.

XL. And, for defraying the Charges and Expences attending the Execution of the several Powers by this Act granted, be it further enacted, That from and after the passing of this Act, a Rate or Assessment (over and above all Rates and Assessments now payable) shall once in every Year, or oftener, if it shall be thought needful by the said Commissioners, or any seven or more of them, be made, laid, and assessed by the said Commissioners, or any seven or more of them, upon all and every Person or Persons who do or shall inhabit, hold, occupy, possess or enjoy any Land, House, Shop, Warehouse, Cellar, Vault, or other Tenements or Hereditaments, within any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, for raising such competent Sum and Sums of Money as the said Commissioners, or any seven or more of them, shall, from time to time, think needful and direct; so as such Rate or Assessment, Rates or Assessments, do not in any one Year exceed in the Whole the Sum of one Shilling and Two-pence in the Pound of the yearly Rents or yearly Value of such of the said Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively, as shall be situate in any of the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, the greater Part or Parts of which said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages respectively, shall be actually begun to be paved with new or other Stones of a flat Surface, by virtue or in pursuance

ſuance of this Act, and not exceeding Nine-pence in the Pound of the yearly Rents or yearly Value of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, which ſhall be actually begun to be new-paved; the Foot-ways whereof ſhall be conſtructed with new or flat Stones, and the Carriage-ways thereof with the old Stones which ſhall be taken up in the ſame, or any other of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, by virtue or in purſuance of this Act, and not exceeding Sixpence in the Pound of the yearly Rents or yearly Value of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, which ſhall only be repaired by virtue or in purſuance of this Act.

Houſes in different Streets in Poſſeſſion of the ſame Perſon, to be rated ſeparately.

'XLI. And whereas it may happen, that the ſame Perſon or Perſons may hold or occupy a Dwelling-houſe, Warehouſe or Shop, or other Premiſes, ſituate in ſome one of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, which may be rated at the firſt or ſecond Mode of Aſſeſſment; and may alſo hold and occupy a Houſe, Shop, or Warehouſes, or other Premiſes, ſituate in another of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, and lying behind or contiguous to the firſt-mentioned Houſe, Shop, or Warehouſe, or other Premiſes, which may be rated at the ſecond or third Mode of Aſſeſſment;' Be it therefore further enacted, That diſtinct and ſeparate Rates ſhall, by the ſaid Commiſſioners, or any ſeven or more of them, be made of ſuch reſpective Houſes, Shops, Warehouſes, Buildings, or other Premiſes, according to the Rate impoſed or raiſed on the reſpective Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, in which ſuch Houſes, Shops, or Warehouſes, or other Premiſes, ſhall be ſituated, or be eſteemed to belong, notwithſtanding ſuch Houſes, Shops, Warehouſes, or other Premiſes, ſhall be in the joint Poſſeſſion of the ſame Perſon or Perſons.

Corner or adjoining Houſes how to be rated.

'XLII. And whereas ſeveral Houſes, Warehouſes, Shops, or other Buildings in the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, are partly ſituate within the ſame, and are partly ſituate in, or do adjoin to or abutt upon other Streets, Lanes, Ways, or Paſſages, which are not within or Part of the aforeſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages intended to be paved by virtue or in purſuance of this Act; and the Holders and Occupiers of ſuch Houſes or Warehouſes, Shops, or other Buildings, are or may be obliged to pave the ſaid Streets, Lanes, Ways, or Paſſages, or are or may be ſubject to be rated and taxed towards paving or repairing ſuch other Streets, Lanes, Ways, or Paſſages, in which the ſame are partly ſituate, or do thereto adjoin or abutt:' Be it therefore further enacted, That ſuch Houſes, Warehouſes, Shops, and other Buildings, ſhall be only rated and taxed for the Purpoſes in this Act, at ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think reaſonable, not exceeding one Half of the Rate they would have been rated and taxed at, if ſuch Houſes, Warehouſes, Shops, or other Buildings, had ſtood wholly within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages intended to be paved or repaired by virtue of this Act.

Commiſſioners may compound with Perſons for not leſs than Half.

'XLIII. And whereas it may be reaſonable to excuſe ſome Perſons from the Payment of the aforeſaid Rates or Aſſeſſments in Part, on account of their Poverty;' for Relief therefore in ſuch Caſe, be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, and they are hereby authoriſed and impowered to grant to ſuch Perſon or Perſons ſuch Relief in the Payment of the ſaid Rate or Aſſeſſment as they the ſaid Commiſſioners ſhall think proper, ſo as the Reduction doth not exceed one Half of the Aſſeſſment payable by ſuch Perſon or Perſons.

Houſes let in Tenements to be taxed.

'XLIV. And whereas many Houſes within the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, are, by the ſeveral Owners and Proprietors thereof, let out in Lodgings and Tenements to divers Tenants, whereby it will be difficult to rate or aſſeſs the ſaid Tenants, in reſpect of ſuch Houſes, or to recover ſuch Rates and Aſſeſſments when made;' for Remedy whereof, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to rate and aſſeſs the Owner or Owners, Proprietor or Proprietors of ſuch Houſes or Tenements, as ſhall be let to or occupied by two or more Tenants; which Rate or Aſſeſſment ſhall be paid by the Occupier or Occupiers of any Part or Parts of ſuch Houſes or Tenements, and the Occupier or Occupiers of ſuch Houſes or Tenements is and are hereby authoriſed and required to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed upon the Owner or Owners, Proprietor or Proprietors thereof (the ſame being duly demanded of ſuch Occupier or Occupiers) and to deduct the ſame out of his, her, or their reſpective Rents; and the Owner or Owners, Proprietor or Proprietors of ſuch Houſes or Tenements, is and are hereby directed and required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of his, her, or their Rents; and every ſuch Occupier paying ſuch Aſſeſſment or Aſſeſſments ſhall be acquitted and diſcharged for ſo much of his or her Rent as the ſaid Aſſeſſment or Aſſeſſments ſo paid by him or her ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons to whom his or her Rent ſhall be due and payable; and in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors thereof, by Action of Debt, Bill, Plaint, or Information in any of his Majeſty's Courts of Record at *Weſtminſter*, or in the Court for the Recovery of ſmall Debts within the *Tower Hamlets*, to be commenced and proſecuted by and in the Name or Names of two or more of the ſaid Commiſſioners, or of the Collector or Collectors to be appointed by virtue of this Act; in which Action or Suit, no Protection, Eſſoin, or Wager of Law, or more than one Imparlance, ſhall be allowed.

XLV. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, or any seven or more of them, from time to time, to compound with the Owner or Owners, Proprietor or Proprietors of any such Houses or Tenements, the annual Rent or Value whereof shall be under ten Pounds, for the Rate by this Act authorised to be laid upon such Houses or Tenements, so as in such Composition there be not remitted to any such Owner or Owners, Proprietor or Proprietors respectively, more than one third of the Rate or Assessment by this Act laid upon such Houses or Tenements respectively. Power to compound.

'XLVI. And forasmuch as it is reasonable that all public Buildings, and all Dead Walls, and void 'Spaces of Ground, within or adjoining to the said Streets, Squares, Lanes, Courts, Alleys, Ways, and 'other public Passages, or any of them, should be rated and assessed in a due Proportion towards the paving 'the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages;' Be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, and they are hereby required to rate and assess all Churches, Church-yards, Chapels, and other public Buildings whatsoever, and all Dead Walls and void Spaces of Ground within the said Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, or any of them, at such Rate as the said Commissioners, or any seven or more of them, shall judge reasonable, for every square Yard of such Churches, Church-yards, Chapels, and public Buildings, and Dead Walls, and void Spaces of Ground, not exceeding the Rate of Sixpence for every square Yard of Pavement belonging to every such Church, Church-yard, Chapel, or public Buildings, Dead Walls, and void Spaces of Ground; and such Rate or Rates, Assessment or Assessments, so to be from time to time made upon any Church, Church-yard, or Chapel, shall be paid by the respective Church or Chapel Wardens; and such Rate or Rates, Assessment or Assessments, so to be from time to time made upon any public Building, or upon any Dead Wall, or void Space of Ground, shall be paid by the respective Owner or Owners, Proprietor or Proprietors thereof. Public Buildings, &c. to be rated.

'XLVII. And whereas several Meeting-houses within the said Streets, Squares, Lanes, Courts, Alleys, 'Ways, or other public Passages, are uninhabited and unoccupied, except at and during the Times of 'public Worship, whereby it will be difficult to rate and assess the same, towards the Purposes of this Act, 'and to recover the Rate and Assessment thereon when made:' For Remedy whereof, be it further enacted and declared, That the Rate or Rates, Assessment or Assessments, so to be from time to time made upon any Meeting-houses within the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, shall and may be demanded of the Minister or Deacons, or other Person usually officiating therein; and such Minister or Deacons, or other Person, is and are hereby required to pay the same upon Demand to the Collector or Collectors of the said Rates and Assessments for the time being, by whom the same shall be demanded; and if such Minister, Deacon, or other Person, of whom such Rate or Rates, Assessment or Assessments, shall be so demanded, shall refuse or neglect to pay the same upon such Demand, then, and in every such Case, such Rate or Rates, Assessment or Assessments, shall and may be recovered of and from the Person or Persons so required to pay the same, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Requests for Recovery of small Debts for the *Tower Hamlets*, to be commenced and prosecuted by and in the Name or Names of two or more of the said Commissioners, or of the Collector or Collectors, who shall have so demanded the same; in which Action or Suit, no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and in Default of Payment of such Rate or Rates, Assessment or Assessments, the same shall be and remain a Charge upon such Meeting-house, and be paid by the Landlord or Owner thereof. Rates on Meeting-houses, to be paid by the Minister or Deacon.

XLVIII. And be it further enacted, That if it shall happen that any of the Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements within the said Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Passages, shall at the Time of making any of the said Rates or Assessments be empty, untenanted, or unoccupied; then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any seven or more of them, to rate and assess the said Premises; and in such Case, as well as in the Case the said Premises shall, after the making of such Rate or Rates, Assessment or Assessments, become empty, untenanted, or unoccupied, one Half of such Rate or Assessment shall be a Charge on such Premises respectively, and be paid by the first Tenant or Occupier thereof, who shall and may, and is hereby authorised to deduct and retain the same out of his, her, or their Rents; and the Landlord or Landlords, Owner and Owners of such Premises, is and are hereby required to allow such Deduction and Abatement upon the Receipt of the Residue of his, her, or their respective Rents; and the Tenant or Occupier shall be and is hereby acquitted and discharged of and from so much of his or her Rent as the Rate or Assessment so paid by him or her shall amount unto. Untenanted Houses to be rated.

XLIX. And be it further enacted and declared, That if any Person or Persons who shall be rated or assessed by virtue or in pursuance of this Act, shall refuse or neglect to pay the Money so rated or assessed for the Space of fourteen Days next after the same shall be due, and demanded by the Collector or Collectors authorised and appointed to collect and receive the same (such Demand being either personally made of the respective Person or Persons so charged, or left in Writing at his, her, or their respective House or Houses, or Place or Places of Abode) then, and in every such Case, it shall and may be lawful to and for such Collector or Collectors, every or any of them, having a Warrant under the Hand and Seal of any Justice of the Peace for the County of *Middlesex*, or for the Liberty of his Majesty's *Tower* of *London*, (which Warrant the said Collector and Collectors is and are hereby required to apply for, and the Justice so applied to is hereby authorised and required to grant) with the Assistance of a Constable, or other Peace Officer of the Parish where the Person or Persons so refusing or neglecting shall reside, to enter into the House or Houses, Apartment or Apartments of the Person or Persons so refusing or neglecting as aforesaid, Manner of Recovery.

and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid within five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to ſell and diſpoſe of ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods or Chattels (the ſaid Coſts and Charges to be ſettled and allowed by ſuch Juſtice who ſhall have granted ſuch Warrant or Warrants reſpectively); and in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the ſaid Collector or Collectors, ſo that he or they cannot diſtrain the ſame, then, and in either of the ſaid Caſes, upon Information thereof given to any Juſtice of the Peace, acting in and for the ſaid County or Liberty, it ſhall and may be lawful for ſuch Juſtice, and he is hereby required to commit the Perſon or Perſons ſo aſſeſſed, and refuſing or neglecting to pay the ſaid Rates, to the common Gaol for the County, Liberty, or Place where ſuch Perſon or Perſons ſhall reſide, or ſhall be found, there to remain without Bail or Mainprize for any Time not exceeding two Months, or until the Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Nonpayment thereof.

Occupiers quitting without paying Rates, may be followed.

L. And be it further enacted, That when any Perſon or Perſons, who hath or have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame, that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hand and Seal of any Juſtice of the Peace, acting in and for the ſaid County, or for the Liberty of his Majeſty's *Tower of London* (which Warrant the ſaid Juſtice is hereby authoriſed and required to grant to any Place within his Juriſdiction, or out of the Limits thereof; ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made) to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell and diſpoſe of, rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale.

Agreement between Landlord and Tenant touching the paving, &c. not vacated, and in caſe of Diſpute, to be determined by Commiſſioners.

LI. Provided always, and be it further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant, touching or concerning the paving of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Paſſages, or any Part of them; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, or keep in Repair, any Part of the ſaid Streets, Squares, Lanes, Courts, Alleys, Ways, or other public Paſſages, or any of them, ſhall in lieu thereof be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any ſeven or more of them, be deemed juſt and reaſonable, according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during ſuch Time as ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners, or any ſeven or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Commiſſioners impowered to borrow Money upon the Credit of the Rates.

LII. And for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act in the moſt expeditious Manner, it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any ſeven or more of them, and they are hereby impowered, from time to time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money not exceeding four thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any ſeven or more of them, to aſſign the ſaid Rates and Aſſeſſments, or a competent Part thereof, to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame, which Intereſt ſhall be payable and paid by the ſaid Commiſſioners half-yearly, out of the Monies to ariſe by or from the Rates or Aſſeſſments to be made by virtue of this Act.

For borrowing Money by Annuities on Lives.

LIII. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities to be ſecured upon, and payable out of the ſaid Rates and Aſſeſſments; be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any ſeven or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the whole the Sum of four thouſand Pounds, for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by, or on Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of nine Pounds by the Hundred by the Year, and ſo in Proportion for any greater or leſſer Sum, to be paid as aforeſaid, and ſo as the ſaid Annuities to be purchaſed in purſuance of this Act, do not at any Time exceed in the whole the Sum of four thouſand Pounds.

If Annuitants die, any Perſon may purchaſe Annuities for their Lives.

LIV. Provided always, and it is hereby further enacted, That the better to enable the Commiſſioners to raiſe Money to pay the Money borrowed on the ſaid Rates, and until the ſaid Sum of four thouſand Pounds to be borrowed by virtue of this Act ſhall be fully paid and ſatisfied, that when and as often as any ſuch Annuitant or Annuitants ſhall die, it ſhall and may be lawful for any Perſon or Perſons to purchaſe of the

ſaid Commiſſioners, or any ſeven or more of them, one or more Annuity or Annuities, in the Room of ſuch Annuitant or Annuitants ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner as above mentioned; ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act, ſhall, at no one Time, exceed the ſaid Sum of four thouſand Pounds.

Annuities charged upon the Rates.

LV. And be it further enacted, That all and every Annuity or Annuities ſo to be purchaſed, under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from time to time, out of the Monies ariſing by the Rates and Aſſeſſments aforeſaid; and all and every the Contributor and Contributors, upon the Credit of this Act, duly paying the Conſideration or Purchaſe-money as aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, and be entitled, by virtue of this Act, to have, receive, and enjoy the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates or Aſſeſſments by this Act appointed for the Payment thereof, as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, and Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall now, or hereafter, be ſubject or liable to the Tax charged, or to be charged upon Land by Authority of Parliament; and that every Contributor for the Purpoſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe-money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment (which may be made without any Stamp) for Payment of the ſaid Annuity or Annuities, for and by half-yearly Payments, which Order ſhall be ſigned by the ſaid Commiſſioners, or any five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

LVI. And be it further enacted, That the Clerk of the ſaid Commiſſioners for the time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Monies borrowed, or Annuities granted, by virtue or in purſuance of this Act; and all Aſſignments or Transfers thereof, expreſſing in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of all ſuch Perſons as ſhall from time to time be intitled to ſuch Securities, and the Sums received upon ſuch Securities, and alſo the Name, Surname, Addition, Place of Abode, and other Deſcription of every Perſon for whoſe Life any Annuity ſhall be granted by virtue of this Act, and the Days whereon the ſaid Annuity ſhall be payable; to which Book and Books the Perſon and Perſons intitled to, and poſſeſſed of ſuch Annuity, and all and every the Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall at all reaſonable Times have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

For Aſſignment of Securities.

LVII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo *toties quoties*; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk of the ſaid Commiſſioners in Manner aforeſaid, (which he is hereby required to do without Fee or Reward) ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Money veſted in Commiſſioners.

LVIII. And be it further enacted, That all Monies raiſed or collected by virtue, or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Expences of the Act.

LIX. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Penalties not otherwiſe provided for, how to be levied.

LX. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the County, Liberty, or Place, where the Offence ſhall be committed; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of one or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods or Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Clerk or Treaſurer to the ſaid Commiſſioners for the time being, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County or Liberty where ſuch Offence ſhall be committed, or where ſuch Offender ſhall be convicted, there to remain without Bail or Mainprize, for any Time not exceeding two Months, nor leſs than one Week, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Part of Penalties may be paid to the Informers.

LXI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures as they ſhall think proper, not exceeding one half thereof, to

and for the Use of the Informer or Informers; any Thing herein contained to the contrary thereof notwithstanding.

Power to administer Oaths.

LXII. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person, for his or their more certain Information in the Matters then depending.

Justices may act although Commissioners.

LXIII. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Middlesex*, or for any Justice or Justices for the Liberties of his Majesty's *Tower of London*, although such Justices shall be Commissioners for the Purposes of this Act, to hear and determine any Offences arising within their respective Jurisdictions, which are made punishable by virtue of this Act.

Commissioners to pay their own Expences.

LXIV. And be it further enacted, That the said Commissioners shall, at all their Meetings under this Act, pay and defray their own Expences.

Distress not unlawful for want of Form.

LXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be hereafter done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Case.

Plaintiff not to recover if Tender of Amends be made.

LXVI. Provided always, That no Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by, or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may, at any Time before Issue joined, pay into the Court such Sum of Money as he or they shall think fit; whereupon such Proceedings, or Orders, and Judgements, shall be had, made, and given in and by such Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LXVII. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Commissioner, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only signed by, any other Person or Persons whomsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Orders, &c. to be entered in Books.

LXVIII. And be it further enacted, That the Orders and Proceedings of the said Commissioners, or any of them, at all their Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered, shall be signed by the Clerk to the said Commissioners, and such Orders and Proceedings so signed shall be deemed to be Originals; which said Book and Books shall and may be produced and read in Evidence in all Courts whatsoever.

Appeals may be made to the Quarter Sessions.

LXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act, such Person or Persons shall and may, within three Months next after the Cause of Complaint shall arise, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the County of *Middlesex*, or Liberty of his Majesty's *Tower of London*, such Appellant or Appellants first giving, or causing to be given, Notice in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer to the said Commissioners, and within one Month next after such Notice, entering into a Recognizance or Recognizances before some Justice of the Peace in and for the said County or Liberty, with two sufficient Sureties conditioned to try such Appeal mentioned in such Notice, and abide the Order, and pay such Costs as shall be awarded by the said Justices; and the Matter of such Appeal shall be heard and determined by the said Justices, at the next General Sessions of the Peace to be held in and for the said County or Liberty, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said County or Liberty, which shall first happen next after the Expiration of one Month from the Day of giving such Notice; and the said Justices, at such Sessions or Adjournment, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive, to and upon all Parties concerned or interested therein.

Justices to amend Rates appealed against without altering the other Rates.

LXX. Provided always, That upon all Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace, where they shall see just Cause of Relief, shall and are hereby impowered to amend the same Rates and Assessments, in such Manner only as shall be necessary for giving Relief to the Person or Persons so appealing, without altering such Rates or Assessments with respect to any other Persons mentioned in the same.

Proceedings not to be quashed for Want of Form.

Not removed by Certiorari.

LXXI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

LXXII. And

LXXII. And be it further enacted, That no Action or Suit ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs thirty Days Notice thereof ſhall be firſt given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or unleſs the ſame ſhall be commenced before the Expiration of ſix Months next after the Fact committed, or unleſs Tender of reaſonable Amends hath not, or ſhall not have been made by or on Behalf of the Defendant or Defendants in ſuch Action or Suit, nor unleſs ſuch Action or Suit ſhall be laid and brought in the County of *Middleſex*; and the Defendant or Defendants, in any Action or Suit, to be commenced for any Thing done in purſuance of this Act, ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the Matter or Thing for which ſuch Action or Suit ſhall be brought, was done in purſuance, and by the Authority of this Act; and if ſuch Matter or Thing ſhall appear to have been ſo done; or if it ſhall appear that ſuch Action or Suit was brought before thirty Days Notice thereof was given in Writing to the Clerk or Treaſurer of the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs; or if it ſhall appear that ſuch Action or Suit was not commenced before the Expiration of ſix Months next after the Fact committed; or if it ſhall appear that Tender of reaſonable Amends was made by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, before ſuch Action or Suit was commenced or brought; or ſuch Action or Suit ſhall be brought in any other County or Place than the County of *Middleſex*; that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become non-ſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

LXXIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Public Act.

CAP. XIII.

An Act to explain a Clauſe in an Act of the laſt Seſſion of Parliament, *for better ſupplying the City of* Worceſter, *and the Liberties thereof with Water*; *and for better paving and lighting the ſaid City*; *and for removing and preventing all Obſtructions and Annoyances therein.*

'WHEREAS an Act was made in the laſt Seſſion of Parliament, intituled, An Act for better ſupplying the City of *Worceſter*, and the Liberties thereof with Water; and for the better paving and lighting the ſaid City; and for removing and preventing all Obſtructions and Annoyances therein: And whereas, by a Clauſe or Proviſo in the ſaid Act, it is, amongſt other Things, provided, That no Perſon ſhould be rated or aſſeſſed for any Houſe, Warehouſe, Building, Tenement, or Hereditament, that hath no Part thereof ſituated upwards of thirty Yards from any main Pipe, laid, or to be laid, for ſupplying the ſaid City with Water: And whereas the Commiſſioners appointed by the ſaid Act cannot carry the ſame into Execution, the Intention of the Act being, that only ſuch Houſes, Warehouſes, Buildings, Tenements, and Hereditaments, as had ſome Part thereof ſituated within thirty Yards of a main Pipe, ſhould be rated and aſſeſſed:' In order therefore to explain the ſaid Clauſe or Proviſo, and to enable the Commiſſioners to carry the Purpoſes of the ſaid Act into Execution; may it pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this preſent Act, ſo much of the ſaid Clauſe or Proviſo, in the ſaid former Act, as provides that no Perſon ſhall be rated or aſſeſſed for any Houſe, Warehouſe, Building, Tenement, or Hereditament, that hath no Part thereof ſituated upwards of thirty Yards from any main Pipe, laid, or to be laid, for ſupplying the ſaid City with Water, ſhall be repealed. Preamble. Clauſe in the ſaid Act repealed.

II. Provided nevertheleſs, and it is hereby declared, That no Perſon whatſoever ſhall be rated or aſſeſſed for or on account of any Houſe, Warehouſe, Building, Tenement, or Hereditament, for any of the Purpoſes of the ſaid Act, unleſs ſuch Houſe, Warehouſe, Building, Tenement, or Hereditament, hath ſome Part thereof ſituated within thirty Yards of ſome main Pipe already laid, or which ſhall be hereafter laid, within the ſaid City or Liberties, for ſupplying the ſame with Water; any Thing in the ſaid Act to the contrary hereof notwithſtanding. Proviſo.

III. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and all other Perſons whomſoever, without ſpecially pleading the ſame. Public Act.

CAP.

CAP. XIV.

An Act for better regulating the Poor within the City of *Oxford*.

Preamble.

'WHEREAS the Poor in the City of *Oxford* are very numerous, and are maintained and ſupported at a great Expence by their reſpective Pariſhes and Places: And whereas the granting of proper Powers for the better Government and Regulation of the Poor of the ſaid City, and providing a Place for their general Reception, will tend to the more effectual Aſſiſtance and Relief of ſuch as by Age, Infirmities, or Diſeaſes, are rendered incapable of ſupporting themſelves by their Labour, to the better Employment of the Able and Induſtrious, to the Correction and Puniſhment of the Profligate and Idle, and to the Education of Poor Children in Religion and Induſtry; and thereby the Poor, inſtead of being wholly ſupported by the Public, may contribute to the Support, Aſſiſtance, and Relief, mutually of each other, and be of ſome Advantage to the Community, to which they have hitherto been only a heavy and grievous Burthen:' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Recorder, Aldermen, Aſſiſtants, Town Clerk, and Solicitor of the ſaid City, for the time being, and alſo ſuch charitable Perſons who ſhall, from time to time, be elected under the Powers herein contained, and alſo the reſpective Numbers following, of the Inhabitants of the ſaid City, to be elected in Manner herein after directed; (that is to ſay) For the Pariſh of *All Saints*, three; *St. Aldate*'s, four; *St. Abby*, two; *Holywell*, three; *St. Martin*'s, three; *St. Mary Magdalen*, four; *St. Mary the Virgin*, three; *St. Michael*'s, three; *St. Peter le Bailey*, two; *St. Peter in the Eaſt*, three; and the Pariſh of *St. Thomas*, four; all reſident within the ſaid Pariſhes, or ſo many of ſuch Inhabitants, who ſhall from time to time be ſo elected, ſhall be, and are hereby declared to be incorporated by the Name of *The Guardians of the Poor within the City of* Oxford; and ſhall for ever, in Name and Fact, be one Body Politic and Corporate in Law, to all Intents and Purpoſes, and ſhall have a perpetual Succeſſion, and a Common Seal, and ſhall be and be called *Guardians of the Poor within the City of* Oxford; and ſhall be enabled to ſue and plead, and be ſued by that Name in all Courts and Places of Judicature within that Part of *Great Britain* called *England*; and by that Name ſhall and may, without Licence in Mortmain, purchaſe, take, or receive, any Lands, Tenements, or Hereditaments, of the Gift, Alienation, or Demiſe, of any Perſon or Perſons, for any Eſtate or Intereſt whatſoever, and who are hereby enabled to convey or deviſe the ſame, and to give or bequeath any Money, Goods, and Chattels whatſoever, for the Uſe and Benefit of the Corporation aforeſaid; and by that Name the ſaid Corporation may and are hereby impowered to convey, aſſign, releaſe, transfer, or diſpoſe of any ſuch Lands, Tenements, or Hereditaments, Money, Goods or Chattels, for the Benefit and Uſe of the ſaid Corporation, as there ſhall be Occaſion: And the ſaid Guardians ſhall have, and are hereby declared to have Power and Authority, from time to time, at any ſpecial Court or Aſſembly, to be held in purſuance of this Act, to make and ordain ſuch Bye Laws, Rules, and Ordinances, and alſo to vary, alter, change, or repeal the ſame, or any Part thereof, for the better governing ſuch Corporation, and the Poor which ſhall be under their Care, and for carrying on any Trade, Buſineſs, or Manufacture that ſhall be ſet on foot by ſuch Corporation, for the Employment of the ſaid Poor, and other the Ends and Purpoſes of this Act, as by the major Part of the Guardians preſent at ſuch Court or Aſſembly ſhall be thought proper; which ſaid Bye Laws, Rules, and Ordinances ſo made, ordained, varied, altered, or changed, ſhall, at each ſuch Court, be fairly entered in a Book to be kept for that Purpoſe, which ſhall be called *The Book of Statutes*; and all ſuch Bye Laws, Rules, and Ordinances, when entered as aforeſaid, ſhall be ſubſcribed by the Guardians, or the major Part of them preſent, and all ſuch Bye Laws, Rules, and Ordinances, ſhall, until repealed, varied, or altered by ſome ſucceeding Special Court, be binding to all Parties hereby intended to be affected by the ſame.

Guardians.

Bye Laws, &c.

to be entered in Books.

Time of Meeting to elect Guardians in each Pariſh;

II. And be it further enacted, by the Authority aforeſaid, That on the firſt *Sunday* after the twenty-fourth Day of *June*, one thouſand ſeven hundred and ſeventy-one, immediately after divine Service in the Forenoon or Afternoon, and ſo in like Manner on every *Sunday* next following the twenty-fourth Day of *June* in every Year, for ever, or on ſome other Day, within ten Days next after every ſuch twenty-fourth Day of *June*, the Pariſhioners of the ſaid reſpective Pariſhes herein before named, or any ſeven or more of them, (who ſhall by Law have Power to vote in Veſtry) ſhall and may meet in the Veſtry-room in and belonging to each of the ſaid Pariſh Churches, or in ſome Part of each ſuch Church, and elect ſo many of the Inhabitants of the ſaid City, qualified as herein after is mentioned, to repreſent each ſuch Pariſh, and to act as Guardians of the Poor of the ſaid City, who ſhall ſeverally continue in, and execute ſuch Office, until others ſhall be choſen in their Places; and in caſe any of the ſaid Guardians, to be elected as aforeſaid, ſhall die or refuſe to act, ſome other ſuch Inhabitant or Inhabitants of the ſaid City, ſo qualified as aforeſaid, ſhall be elected in his or their Stead, within ten Days after the Death or Refuſal to act of each ſuch former Guardians, by ſuch the Pariſhioners of the proper Pariſh, not being leſs than three, who ſhall and hereby have Power to meet together in Veſtry, for ſuch Purpoſe: And all ſuch Veſtries ſhall be called and held at and within the reſpective Times aforeſaid, for and in reſpect of the ſaid ſeveral Pariſhes: And the Churchwardens and Overſeers of the Poor of each and every ſuch Pariſh ſhall, and are hereby required to call and hold the ſame with the Pariſhioners who ſhall be there aſſembled, and cauſe previous Notice of each ſuch Veſtry to be given in their reſpective Pariſh Church, on *Sunday* after Service, at leaſt one Week before

before such intended Meeting, to the Intent the Parishioners may and shall attend every such Vestry: And in case any such Churchwardens or Overseers shall neglect or refuse to call and hold, and to give such previous Notice of every Vestry directed to be called as aforesaid, or to attend the same themselves unless prevented by Illness, or any extraordinary Occasion, to be allowed of by the Majority of Persons present, every such Churchwarden or Overseer shall, for every such Neglect or Refusal, forfeit and pay, out of their own Estate, the Sum of five Pounds, for the Use of the said Corporation, within twenty Days after each such Forfeiture shall be incurred: And in case at the holding of any such Vestries as aforesaid, so many of the Parishioners shall not attend there as before directed, besides the said Churchwardens or Overseers, or any two or more of them; then, and in every such Case, the said Churchwardens and Overseers, or any two or more of them, together with so many of such Parishioners as shall attend, or for Want of any such Parishioners, then the said Churchwardens and Overseers alone, or the Majority of them then present, shall and may, and they are hereby impowered, in every such Case, to nominate, elect, and chuse so many Inhabitants of the said City to represent the same Parish as Guardians, as shall be then wanting to be chosen, as fully and effectually as if all the Churchwardens and Overseers, and so many of the Parishioners of the same Parish as are before directed to compose each such Vestry, had then and there attended, and been present. and Penalty for refusing to call a Vestry.

III. Provided always, and be it further enacted, That no Person shall be capable of being elected, or of acting as a Guardian under this Act, unless he shall then rent an Estate of the yearly Rent or Value of ten Pounds or upwards, or be intitled to an Estate in the said City of the yearly Value of ten Pounds or upwards, for which he shall pay or allow Taxes for the time being, towards the Relief of the Poor, in his own Right. Qualification of Guardians.

IV. And be it further enacted, That the said Guardians, so elected as aforesaid, or any thirteen or more of them, shall meet on the second *Monday* in *July*, one thousand seven hundred and seventy-one, or within six Days next following, in the Council Chamber, or in some other convenient Place in the said City; and, being so assembled, shall proceed to the Execution of this Act, and elect and constitute out of and from among themselves, the said Guardians, the several Officers to act in and as Part of the said Corporation, as follows; that is to say, one Governor, two or more Deputy-governors, one or more Treasurer or Treasurers, and one or more Auditor or Auditors, and such other Officers by such Name and Names, to continue in such respective Offices from thenceforth for one Year, and from the End of such one Year, so often as the Case shall require, until other such like Officers are chosen, as hereafter directed; and from and after such first Election of such several Officers, the said Guardians, or any thirteen or more of them, shall, and hereby have full Power to assemble in the House of Industry for the time being, and there to elect and constitute, out of and from amongst the whole Number of the said Corporation for the time being, on the second *Monday* in *July* in every Year for ever, or within six Days next after every such second *Monday* in *July*, one Governor, and such Deputy-governors and other Officers as are before named, to continue in their respective Offices for one Year, or until others shall be chosen within the Time, and according to the Directions aforesaid; and the said Guardians, or any thirteen or more of them, shall, and are hereby impowered, in case of the Death of any such Officer or Officers so chosen before the Expiration of his or their said Office, within thirty Days next afterwards, to meet in the House of Industry for the time being, and elect such other or others of the said Corporation, in the Place of him or them so dying, to hold the said Office respectively, for the Remainder of the Term such deceased Officer would have held the same; and the said Guardians, or any thirteen or more of them, are hereby authorised, for just Cause, at any Special or Monthly Court or Courts, to remove and displace any of the aforesaid Officers out of their Office, and thereupon to elect and constitute from amongst themselves, a fit Person to supply the Office for the Time each such removed Person would have continued therein, in case he had not been removed. First Meeting. Guardians to elect Officers. Annual Governors to be chosen.

V. Provided always, and be it further enacted, That the Guardians, before they shall take upon themselves the Execution of any of the Powers or Authorities hereby given, other than the administering the Oath following to one another, shall severally take the following Oath; (that is to say,) Guardians to take the following

'I *A. B.* will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Trusts, Powers, and Authorities, as a Guardian, and also of the Office of (as the Case shall be) appointed in pursuance of an Act, passed in the eleventh Year of King *George* the Third, for better regulating the Poor within the City of *Oxford*: Oath.

So help me GOD.'

Which Oath the said Guardians, or Members of the said Corporation, or any one or more of them, is and are hereby required and impowered to administer, at their first Meeting or Court, or at any subsequent Meeting or Court, to be from time to time had and held in pursuance of this Act.

VI. And be it further enacted, by the Authority aforesaid, That every Person who, from and after the said second *Monday* in *July*, shall be duly qualified, elected, and constituted into the Trust or Office of a Guardian, Governor, Deputy-governor, Treasurer, Auditor, or of any other nominal Office of and belonging to the said Corporation, by virtue of and according to the Tenor of this Act, and shall, after ten Days Notice thereof in Writing, signed by the Governor, or any one Deputy-governor, or any three Guardians for the time being of the said Corporation, given to him, or left at his own House or Place of Abode, wilfully and obstinately, and without reasonable Cause to be by him shewn, and to be approved of by the said Corporation, or the Majority thereof present at their next Court, to be held in pursuance of this Act, after the Expiration of such ten Days, refuse or neglect to accept of, and to take upon him such Trust Penalty on Refusal to act.

Truſt or Office; or in caſe of accepting the ſame, ſhall refuſe or neglect to act therein, from time to time, for and during the Term mentioned for that Purpoſe in this preſent Act, and as the Duty of ſuch Truſt and Office may require, ſhall reſpectively forfeit and pay to the Uſe of the ſaid Corporation, the Sums of Money following; that is to ſay, each ſuch Perſon to be duly elected Governor of the ſaid Corporation, the Sum of twenty Pounds; each ſuch Perſon to be duly elected Deputy-governor thereof, the Sum of fifteen Pounds; each ſuch Perſon to be duly elected Treaſurer thereof, the Sum of twelve Pounds and ten Shillings; each ſuch Perſon to be duly elected Auditor, or any other nominal Officer from amongſt the ſaid Guardians, the Sum of twelve Pounds and ten Shillings; and each ſuch Perſon hereby, or to be duly appointed or elected a Guardian of the ſaid Corporation for the time being, the Sum of five Pounds: And in caſe of any ſuch Refuſal or Neglect to accept any ſuch Truſt or Office as aforeſaid, ſome other qualified and fit Perſon or Perſons ſhall, with all convenient Speed, be duly, and according to the Directions of this Act, elected and conſtituted, as in the firſt Inſtance, in the Stead of him or them ſo refuſing or neglecting as aforeſaid.

No Perſon liable to ſerve again within 5 Years after the firſt Election and acting;

nor to ſerve, if he is 60 Years of Age.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon who ſhall be elected or conſtituted as aforeſaid a Guardian, Governor, Deputy-governor, Treaſurer, Auditor, or any other nominal Officer of the ſaid Corporation, and ſhall take upon him the ſaid Truſt or Office, and ſhall act therein, from time to time, for and during the Time herein expreſſed for that Purpoſe, and as the Duty of ſuch Truſt or Office may require, ſhall, upon any Re-election of him within the Space of five Years next after the End of ſuch Time he was elected, and ſo acted, be thereupon compellable to take upon him, or to act in the ſaid re-elected Truſt or Offices, or any of them, without his own free Conſent, or be liable to any Penalty or Forfeiture whatſoever for refuſing or neglecting ſo to do: And that no Perſon, of the Age of ſixty Years and upwards, ſhall be compellable to take upon him, or to act in any of the Truſts or Offices aforeſaid.

Guardians to hold weekly Courts;

a General monthly Board;

VIII. And be it further enacted, by the Authority aforeſaid, That the ſaid Guardians for the time being, or any five or more of them, ſhall have Power, and are hereby enjoined and required, from time to time, from and after the End of ten Days immediately following the ſaid ſecond *Monday* in *July*, one thouſand ſeven hundred and ſeventy-one, to meet and to hold a Court or Aſſembly of the ſaid Corporation, in the Council Chamber, or ſome other convenient Place, till a proper Workhouſe or Houſe of Induſtry is provided, and then in the ſaid Houſe of Induſtry for the time being on *Thurſday* in every Week for ever, between the Hours of three and ſeven in the Afternoon; and that the ſaid Guardians for the time being, or any nine or more of them, whereof the Governor or one Deputy-governor ſhall be one, ſhall, and are hereby required, from and after the ſaid ſecond *Monday* in *July*, to hold a Special Court or Aſſembly in the ſaid Council Chamber, or in ſuch Houſe of Induſtry, to be called *A General Board*, on the firſt *Thurſday* in every following Month for ever, between the ſame Hours as are before appointed for the holding of each weekly Court: And alſo that the Governor for the time being, or all the Deputy-governors, or any two or more of them, without the ſaid Governor for the time being, ſhall, and hereby hath and have Power and Authority, at any ſuch Time or Times as to him or them ſhall ſeem meet, to ſummon, aſſemble, and hold any other Special Court or Aſſembly of the ſaid Corporation, to conſiſt of nine of the Members thereof at leaſt, upon two Days Notice excluſive being given, under the Hand or Hands of ſuch Governor or Deputy-governor ſo calling the ſame, to the ſaid ſeveral Guardians for the time being, or left at each of their Places of Abode in the ſaid City of *Oxford*, expreſſing the Time of holding ſuch Court or Aſſembly: And in caſe any thirteen of the ſaid Guardians for the time being, upon any Emergency, ſhall ſignify it under their Hands to the ſaid Governor, or in his Abſence from the ſaid City of *Oxford*, to the ſaid Deputy-governors, or any two of them for the time being, that it is their Deſire that an extraordinary Court or Aſſembly of the ſaid Corporation may be called and held, which ſhall always conſiſt of twenty-one of the ſaid Guardians at leaſt, the ſaid Governor, or in ſuch his Abſence, the ſaid Deputy-governors, or any two of them ſhall, and are hereby enjoined and required to ſummon, call, and hold ſuch Court or Aſſembly at ſuch Time as the ſaid thirteen Guardians ſhall ſo deſire; and on Refuſal or Neglect of the ſaid Governor, after any ſuch Requeſt to him, the ſaid Deputy-governors for the time being, or one of them, on receiving ſuch Signification from any thirteen of the ſaid Guardians, ſhall be bound, and are and is hereby likewiſe enjoined and required to ſummon, call, and hold any ſuch Special Court or Aſſembly, at ſuch other Time as the ſame thirteen Guardians ſhall then require; and on the Neglect or Refuſal of ſuch Deputy-governor, and of ſuch Deputy-governors, then thirteen of the ſaid Guardians ſhall, and hereby have Power under their Hands to ſummon, aſſemble, and hold any ſuch Court or Aſſembly, at ſuch Time, within ſeven Days next following ſuch Refuſal or Neglect of the ſaid Deputy-governor or Deputy-governors, as they ſhall appoint; at all which ſaid laſt-mentioned Courts or Aſſemblies after ſuch Summons, all and every the Member and Members of the ſaid Corporation for the time being are hereby enjoined to appear and be preſent: And that the ſaid Governor, or, in caſe of his Abſence or Refuſal, any one Deputy-governor; and in caſe of all their Abſence or Refuſal, any two Juſtices of the ſaid City ſhall, and hereby have Power, when and ſo often as he and they ſhall think proper, by Summons under his or their Hands, to require all or any of the ſaid Guardians to appear and attend any of the ſaid weekly, monthly, or other Courts or Aſſemblies; and that all and every the Members of the ſaid Corporation, who ſhall appear and be preſent at any of the ſaid Courts (whether by any Summons or not) ſhall not depart from the ſame without the Permiſſion of the major Part of the ſame Court or Aſſembly; and in caſe any of ſuch Members, after he or they ſhall have been ſummoned to attend any of the ſeveral Courts as aforeſaid, ſhall refuſe or neglect to appear and attend accordingly, or any of the ſaid Members ſo appearing at any of the ſaid Courts, whether by ſuch Summons or not, ſhall quit the ſaid Court without ſuch Permiſſion thereof as aforeſaid, every ſuch Member ſhall, for every ſuch Offence, forfeit and pay ſuch reaſonable Sum and Sums of Money, not exceeding

and extraordinary Courts may be called alſo.

To depart without Leave, Forfeiture not under 5 s.

ceeding five Shillings, nor under two Shillings, to the Uſe of the ſaid Corporation, as by the ſame Court or Aſſembly, or any ſucceeding Court or Aſſembly, ſhall be ordered and directed, unleſs each ſuch Perſon having ſo offended ſhall ſhew ſome juſt and reaſonable Excuſe, to be allowed of by any ſuch Court or Aſſembly; and the ſaid Governor, or in his Abſence, or on his Refuſal, any Deputy-governor, at or before the holding of any the ſaid Courts, and for Want of any ſuch Governor or Deputy-governor, or on his or their Refuſal, the major Part of the ſaid Guardians being aſſembled to ſuch Number, and compoſing any of the ſaid Courts as aforeſaid, ſhall have, and are hereby ſeverally impowered, by Summons under his or their Hands reſpectively, to require any Perſon or Perſons whatſoever within the ſaid City to appear before any ſuch Court, then and there to anſwer on Oath (which Oath any of the Members at any ſuch Court have hereby Power to adminiſter) any Matters or Things relating to the ſaid Corporation; and every ſuch Perſon ſo ſummoned, is hereby required to appear and anſwer accordingly, on Pain of each ſuch Perſon offending forfeiting and paying for each Offence to the Uſe of the ſaid Corporation, ſuch Sum as the ſame, or any future Court ſhall order, not exceeding five Shillings, nor under two Shillings; unleſs ſuch Perſon ſhall, at the ſame or next following Court, ſhew good Cauſe to ſuch Court, and to be there allowed of to the contrary.

Preſident

IX. Provided always, and be it further enacted, by the Authority aforeſaid, That at all ſuch weekly, monthly, or other Courts, the Governor, if preſent, or, in his Abſence, any one Deputy-governor preſent, who ſhall be then named by the Majority of Guardians preſent at ſuch Court, if more Deputy-governors than one ſhall attend; or for Want of the Governor, or any of the Deputy-governors being preſent at any ſuch Court, then any one of the Guardians who ſhall be appointed by the Majority of the Guardians preſent at any ſuch Court, ſhall preſide at each ſuch Court, and take the Chair as Preſident of ſuch Court: And in caſe of an Equality of Voices on any Tranſaction at any ſuch Court, including the Voice of the Preſident, the Preſident, or the Perſon ſo preſiding, ſhall have another and the caſting Voice.

has a caſting Voice.

Guardians may purchaſe Ground, &c. for Houſe of Induſtry.

X. And it is hereby further enacted, by the Authority aforeſaid, That the ſaid Guardians ſhall, and hereby have full Power and Authority, at or by the Order of any the ſaid Monthly or other Special Courts or Aſſemblies, to contract and agree for and by, and out of the Money to be raiſed as hereafter mentioned, to purchaſe or hire for any Term of Years, or to purchaſe for ever, any Houſe or Houſes, and to fit up and repair the ſame; or to purchaſe any Ground, and to erect and build thereon any Houſe or Houſes, Building or Buildings whatſoever, within the ſaid City of *Oxford*, or Suburbs thereof, as and for a Workhouſe, or Houſe of Induſtry; and to aſſign and fix on any Building, Room, or Apartment, for a Place of Correction: And it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, and Committees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infant Wards, Ceſtuique Truſts, Lunaticks, Idiots, or Perſons of unſound Memory and Underſtanding; and to and for all Femes-covert, who are or ſhall be ſeiſed or intereſted in their own Right; and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of or intereſted in any ſuch Houſe or Houſes, Land or Ground, to contract with the ſaid Guardians, or any five or more of them, for the Letting or Sale of ſuch Houſe or Houſes, Land or Ground, for the Purpoſes aforeſaid: And all Contracts, Lettings, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid, to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding: And all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Guardians, Truſtees, Committees, and all other Perſons, ſhall be, and are hereby indemnified for what they ſhall do by virtue of this Act.

Corporations may ſell or lett.

If Parties do not agree,

XI. And be it further enacted, That if any ſuch Corporation or Perſon, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Place of Abode of ſuch Perſon, or of the Head Officer of ſuch Corporation, or at the Houſe of the Tenant in Poſſeſſion of the Houſes, Buildings, Lands, or Hereditaments aforeſaid, ſhall, by the Space of thirty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Guardians, or any five or more of them, ſhall cauſe to be inquired into, aſcertained, and aſſeſſed (by and upon the Oaths of a Jury of twelve indifferent Men of the City of *Oxford*, or Suburbs thereof, which Oath any five or more of the Guardians are hereby impowered to adminiſter) what Damages will be ſuſtained by, and what Recompence ſhall be made to ſuch Owners, Proprietors, Occupiers, or other Perſons intereſted therein; and, in order thereto, the ſaid Guardians, or any five or more of them, are hereby impowered, from time to time, as Occaſion ſhall be, to ſummon before the ſaid Jury, and examine upon Oath, any Perſon whomſoever as a Witneſs concerning the Premiſes (which Oath any five or more of the ſaid Guardians are hereby impowered to adminiſter): And they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, as they the ſaid Guardians, or any five or more of them, ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and aſſeſſed ſuch Damage and Recompence, they the ſaid Guardians, or any five or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in the ſaid Houſes, Buildings, Lands, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had or made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, Idiots, Lunaticks, Ceſtuique Truſts, and Perſons under any other Diſability whatſoever, Corporations Aggregate or Sole, Eccleſiaſtical, Civil, or Eleemoſynary, as well as all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors,

Guardians to ſummon a Jury.

whoſe Verdict ſhall be final.

and Occupiers, and all and every Perſon and Perſons intereſted in ſuch Houſes, Buildings, Lands, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby and from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Guardians, or any five or more of them, are hereby impowered to iſſue out their Warrant to the Bailiffs of the City of *Oxford*, thereby commanding them to impanel, ſummon, and return, twenty-four indifferent Perſons to appear before the ſaid Guardians, or any five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Bailiffs, their Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Guardians, or any five or more of them, ſhall ſwear, or cauſe to be ſworn, twelve, to be drawn by Ballot out of the ſaid twenty-four; and in Default of a ſufficient Number of Perſons ſo impanelled, the ſaid Bailiffs, or their Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, who ſhall be ſworn in like Manner, till the Number of twelve be completed; which twelve ſhall be the Jury for the Purpoſes aforeſaid; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Guardians, or any five or more of them, acting in the Premiſes, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Bailiffs, or their Deputy or Deputies, or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, ſhall refuſe to give or not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn, and give Evidence; and from time to time to recover, levy, and apply, ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty is by this Act directed to be recovered, levied, and applied, ſo as that no ſuch Fine ſhall exceed the Sum of ten Pounds upon any one Perſon for one Offence.

Penalty on Jurymen, &c. neglecting their Duty.

Expences of Jury how to be paid.

XII. And be it further enacted, That in caſe any ſuch Jury ſhall give in, and deliver a Verdict or Aſſeſſment for more Monies, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons, in any ſuch Houſes, Buildings, Lands, or Hereditaments, or for any ſuch Loſs or Damage than what ſhall have been agreed to and offered by the ſaid Guardians, or any five or more of them, before the ſummoning or returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the ſaid Guardians, out of the Rates or Aſſeſſments hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment, for no more, or for leſs Monies than ſhall have been agreed to, and offered by the ſaid Guardians, or any five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in, or Loſs or Damage as aforeſaid; that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Guardians ſhall have ſuch Controverſy or Diſpute; which Coſts ſhall and may be deducted and retained by the ſaid Guardians, or any five or more of them, out of the Monies ſo aſſeſſed by the ſaid Jury, as the Value of the ſaid Premiſes.

Guardians may purchaſe Stock and Materials,

and provide for the Poor.

XIII. And be it further enacted, by the Authority aforeſaid, That it ſhall be lawful for the ſaid Guardians, or any five or more of them, at or by the Order of any of the ſame Courts, or at or by the Order of any of the ſaid weekly Courts, to purchaſe and provide ſuch Goods, Cattle, Chattels, Proviſions, Clothing, Utenſils, and Materials whatſoever, by and out of the Money to be raiſed as hereafter mentioned, as ſhall by any of ſuch reſpective Courts be thought proper for the effectual ſetting to Work, receiving, employing, maintaining, and clothing of the Poor, under the Care and Power of the ſaid Guardians, of what Sex, Age, or Condition ſoever they be: And that the ſaid Guardians ſhall have, and are hereby empowered to have the Care and Power over, and ſhall provide for the Maintenance and Employ, and other Management, according to this Act, of all the Poor of the ſeveral Pariſhes and Places in the ſaid City of *Oxford*, wanting, or ſeeking Relief; and of ſuch other Poor who ſhall be taken and received into the ſaid Houſe of Induſtry, or under the Care of the ſaid Guardians, purſuant to any Power hereby given (except ſuch Poor of the ſaid ſeveral Pariſhes who ſhall be otherwiſe ſufficiently provided for by the charitable Gifts of others, or in private Hoſpitals or Alms-houſes within the ſaid City): And the ſaid Corporation ſhall, and hereby have Power and Authority to receive, and to order and compel all and every idle and diſorderly Perſon, who, by reaſon of their idle and diſorderly living, ſhall neglect or refuſe to maintain, or ſhall leave, or threaten to leave and deſert their Families, not being afterwards able to maintain themſelves; and alſo all other People who ſhall beg, ſeek, or want Relief for the time being, and who ſhall belong to, and ought, according to this Act, or by any Law in Force, to be relieved and provided for by any of the ſaid ſeveral Pariſhes or Places within the ſaid City of *Oxford*, to come into, work, dwell, and inhabit in the ſaid Houſe of Induſtry, hereby veſted in, or any other ſuch Houſe as ſhall belong to the ſaid Corporation for the time being, by virtue of this Act; and to detain, keep, maintain, and employ, all ſuch reſpective poor Perſons therein, ſo long as it ſhall not appear to the ſaid Guardians on the Part of any ſuch poor Perſons, that any of them reſpectively are of Ability, or can otherwiſe be ſufficiently maintained and provided for without the Aid and Proviſion of the ſaid Corporation; and to employ, ſet, and compel all ſuch Poor who ſhall be ſo received, or come in to dwell, and be in the ſaid Houſe of Induſtry during ſuch their Abode and Reſidence there, and whilſt maintained by the ſaid Corporation as aforeſaid, to do, execute, and perform

Diſorderly Perſons may be compelled to be ſet to work in the Houſe of Induſtry.

form such Work, Labour, Business, and Employ, as the said Guardians, or any five or more of them, shall think and judge such respective Poor are and shall be able and fit to do and perform for the Use of the said Corporation, and to detain and keep all such idle and disorderly Persons who shall have so deserted, threatened to leave, neglected, or refused to maintain his or their Families, and to set each of them to work in such House of Industry during such Time, and until each such Person, by his or her Work and Labour there, shall have got and raised so much Money above their Maintenance as shall be sufficient to repay and reimburse to the said Corporation the Charges and Expences they shall have sustained in the maintaining and providing for every such idle or disorderly Person, and his or her Family: And in case any such idle or disorderly Person shall not, by his or her Work and Labour, be able to get so much Money as shall be sufficient to reimburse the said Corporation the Charges and Expences of having maintained him or her, or any of his or her Family as aforesaid; then, and so often as the said Guardians, or any five or more of them, shall, and they hereby have Power to detain and keep such idle and disorderly Person within their House of Correction, to such hard Labour as he or she can undergo, for the Space of thirty Days, and there to cause him or her to be whipped during such thirty Days, so often, not exceeding three times, as the said Guardians, or any five or more of them, shall think proper.

Guardians, &c. not to be concerned in Contracts, &c.

XIV. And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Governor, Guardian, Treasurer, or other Officer, under this Act, during such Time as he shall be concerned in any beneficial Contract made by virtue of this Act; nor shall any Governor, Deputy-governor, Guardian, Treasurer, or other Officer, under this Act, provide, furnish, or supply, for his own Profit, any Goods, Materials, or Provisions, for the Use of the said House of Industry, or otherwise, on account of the Poor to be provided for under this Act.

Poor may be searched for,

XV. And be it further enacted by the Authority aforesaid, That for the better providing for and discovering all such Poor in and belonging to the said several Parishes, it shall be lawful for the said Guardians, or any Person or Persons to be appointed by them, at any of their said Courts, taking a Constable of the said City, or of the Parish where the Search is intended to be made, to enter any House or other Building in the said City where any such Poor shall dwell, or be known to lodge or be, and to examine, search, and see what of such poor Persons there are come into, inhabiting, or residing within any of the said several Parishes within the said City of *Oxford*, who shall want, have begged, or shall seek Relief, and ought to be relieved by any of the said several Parishes for the time being; and upon any of such poor Person or Persons refusing, on such Examination, to come into the said House of Industry, and to accept and conform to the Provision and Rules of the said Corporation; then, by Order of any of the said Courts, or by such Ways and Means as the said Guardians in any Court shall judge most reasonable and proper, to remove and convey, and cause to be removed and conveyed, every such poor Person so refusing, into the said House of Industry, to be there employed and maintained pursuant to the Powers hereby given: And also, that the said Guardians shall, and hereby have Power and Authority, by Order of any of their said Courts, or by such other Means as to them in any Court shall appear most proper, to apprehend, or cause to be apprehended, all Rogues, Beggars, Vagrants, or idle or disorderly Persons, coming, or being, or wandering, or begging within the said City, or the Liberties thereof, and not having any lawful Employment, or reasonable Means of getting his or her Livelihood; and to cause every such Person to be brought into, and to be set and kept at Work in the said House of Industry, or otherwise to be employed under the Direction and for the Use of the said Corporation, and subject to such corporal or other Punishment as the other Poor therein are hereby made subject to for Misbehaviour or otherwise, according to the Government of such Corporation; or to be kept to hard Labour and whipped in the Place of Correction belonging to the said Corporation, as the Law directs in the Case of Vagrants, as the said Guardians in any Court shall direct; and so to detain every such apprehended Person, for any Time not less than thirty Days together, nor longer than one Year together, in the Judgment of the said Guardians, and then to be dismissed at some outer Gate of the said City, as the Guardians shall direct; during all which Time, every such apprehended Person shall be reasonably maintained and provided for by the said Guardians, at the Costs of the said Corporation; and that all such Costs above the Profit to arise from each such Person's Work and Labour, which shall be set against the same rateably, according to the Charge *per* Head of all the other Poor provided for by the said Corporation for the time being, shall be paid for by all the said several Parishes in the said City.

and removed into the House,

and be punished for Misbehaviour.

Poor Children may be bound Apprentices.

XVI. And it is hereby further enacted by the Authority aforesaid, That all poor Children who at any time shall be maintained by the said Guardians, shall be and remain under their Government till they arrive at the Age of fourteen Years; and that after such Children shall attain the Age of fourteen Years respectively, or sooner, if the said Guardians think fit, the said Guardians shall, and hereby have Power, at any Monthly or Special Court, by Writing under their Common Seal, without Stamp, to bind and put forth any of such Children Apprentices to any reputable Person in *England*, or to any two of the said Guardians, as Trustees, for the Benefit of, and to be employed under the said Corporation, to learn and to be employed in any Art, Trade, Mystery, or Occupation, or in any Handicraft Business or Manufacture, or in the Sea Service, as the Guardians, or any five or more of them, shall think most fit and proper; such Boy to be so bound for any Term not exceeding his Age of twenty-two Years, and such Girl for any Term not exceeding eighteen Years; and that every such Writing (where the Apprentice shall not be bound to such two Guardians) shall be mutually binding as an Indenture between the Master, Mistress, and Apprentice; and the Apprentice shall gain, and be intitled to gain a Settlement; and if to a Freeman, be intitled to his Freedom under the same, and shall in all Respects be enforced according to the Laws in Force concerning the binding out of poor Children Apprentices, whose Parents are not able

to provide for them; and that the ſaid Guardians ſhall, and hereby have full Power to maintain and provide for every ſuch Apprentice, and hereby have full Power and Property over any ſuch Apprentice who ſhall be ſo bound to any ſuch two Guardians as their lawful Apprentice, whoſe Work and Labour ſhall go and be to the Uſe of the ſaid Corporation, and the Benefit of the ſaid ſeveral Pariſhes; and in caſe he, ſhe, or they ſhall deſert, or not duly perform ſuch Service and Apprenticeſhip, the ſaid Guardians ſhall, and hereby have Power, by Warrant under the Seal of the ſaid Corporation, to apprehend each ſuch Apprentice in any City, County, or Place in *Great Britain*, where he, ſhe, or they ſhall or may be found, and thereupon every ſuch Apprentice ſhall be brought back to the ſaid Houſe of Induſtry, in order to fulfil the ſame Apprenticeſhip; and the ſaid Guardians may, and hereby have full Power to confine and inflict ſuch moderate Puniſhment on him, her, or them, for any ſuch Miſdemeanor, as the ſaid Guardians, or any five or more of them, ſhall think moſt ſuitable to the Caſe: And the ſaid Guardians, or any five or more of them, may, and hereby have Power to aſſign or turn over any ſuch Apprentice, or wholly to releaſe or diſcharge him or her from ſuch Apprenticeſhip, by any Writing under their Common Seal, as they ſhall in any Court think fit to order and direct; and alſo that the ſaid Guardians, or any five or more of them, ſhall, and hereby have Power to diſcharge out of the ſaid Houſe, or to hire out, either before, or as ſoon as may be after ſuch Age of fourteen Years, any of the ſaid poor Children of the ſaid ſeveral Pariſhes or Places, to be Servants in Huſbandry, Houſewifery, or otherwiſe, for one whole Year at the leaſt, for ſuch Child's own Benefit; and alſo before ſuch Age to hire out any of ſuch poor Children, and alſo any of the other Poor within the ſaid Houſe, to work and labour in the Time of Hay and Corn Harveſt, or at any other Time, for the Benefit of the ſaid Corporation, with any Farmer, Tradeſman, or Perſon, under ſuch Payment by ſuch Farmer, Tradeſman, or Perſon, to ſuch Corporation, and for ſuch Term and Time as the ſaid Guardians, or any five or more of them, ſhall appoint; all of which poor Perſons ſo hired out ſhall do and perform the Work and Labour to be contracted for by the ſaid Guardians, or any five or more of them, to the beſt of each of their Power; and after the Expiration of ſuch Contract, ſhall immediately return with his, her, or their Apparel, with which he, ſhe, or they ſo went out to work, Allowance being made for the neceſſary Wear of ſuch Apparel to the ſaid Houſe of Induſtry; or in Default thereof, ſhall and may be apprehended, by Warrant under the Hand and Seal of two of the Juſtices of the ſaid City, in any County or Place whatſoever, and conveyed back to the ſaid Houſe, there to be employed and provided for as aforeſaid; and on every ſuch Perſon being ſo apprehended and brought back, the ſaid Guardians, or any five or more of them, may and hereby have Power to inflict ſuch reaſonable Puniſhment, and of ſuch Sort, on each Perſon apprehended, as they at any Court ſhall direct; and that in each and every Caſe or Occurrence whatſoever, wherein any of the Poor, under the Care and Management of the ſaid Guardians, ſhall not work and labour, and obey and perform the Powers hereby given, and the Rules and Ordinances of the ſaid Corporation, from time to time, the ſaid Guardians, or any five or more of them, ſhall, and hereby have Authority, at any Court, to order ſuch poor Perſon or Perſons ſo miſbehaving to be whipped in the Houſe of Correction, and to do ſuch Taſk-work, or to inflict ſuch Confinement or other reaſonable Puniſhment on him, her, or them ſo miſbehaving, as any ſuch Court ſhall think fit and reaſonable.

Power to aſſign Apprentice.

Poor may be let out to Harveſt Work, &c.

and puniſhed if they do not return with Apparel, &c.

Puniſhment for Miſbehaviour.

Contracts to be entered in Books.

XVII. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians ſhall cauſe all Contracts made for the Purchaſe or Hire of any Houſe or Houſes, or with or by the Artificers and Workmen or others employed or to be employed in or about the ſaid Houſe of Induſtry, and all Receipts, Payments, Debts, and Credits, and any Matter or Thing relating thereto, and all other their Proceedings concerning the ſame, to be fairly written and entered in a Book or Books to be provided for that Purpoſe.

Money to be raiſed by granting Annuities.

XVIII. And, in order to raiſe a proper Fund to enable Guardians to carry into Execution the ſeveral Truſts hereby in them repoſed, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Treaſurer or Treaſurers ſo to be annually appointed as aforeſaid, any Sum or Sums of Money not exceeding in the Whole the Sum of ten thouſand Pounds, for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of ſuch reſpective Contributor, at the Time of Payment of his or her reſpective Contribution Money; which Annuity or Annuities ſhall not exceed the Rate of nine Pounds *per Annum* for every one hundred Pounds, and ſo in proportion for any greater or leſs Sum, to be advanced and paid as aforeſaid; and ſhall be payable and paid by the ſaid Treaſurer or Treaſurers as herein after directed, in the ſaid Council Chamber, or in ſuch Place in the ſaid City as he or they ſhall for that Purpoſe appoint, by four equal quarterly Payments in the Year; the firſt of ſuch Payments to begin and be made to the reſpective Purchaſers, and their Aſſigns, at the Expiration of the firſt three Calendar Months next after Payment of his or her reſpective Purchaſe Money; which Annuities ſhall be publickly ſold by the ſaid Guardians of the ſaid Poor, in the ſaid Council Chamber, or ſome other public Place, to the beſt Bidder for the ſame, on twenty-one Days Notice thereof being firſt given in the *London Gazette*, or other public News-paper, and a like Notice affixed upon the Town Hall, and ſuch other public Places as ſhall be thought proper, ſignifying ſuch Intention.

Treaſurer to pay the Annuities.

XIX. And, for the better aſcertaining and regulating the Payment of the ſaid Annuities, be it further enacted by the Authority aforeſaid, That the ſaid Guardians, or any nine or more of them, ſhall, by Warrants under their Hands and Seals (directed to ſuch Perſon or Perſons as ſhall be choſen and appointed Treaſurer and Treaſurers, in Manner herein before mentioned) order and direct, from time to time, the ſeveral quarterly Payments of the ſaid Annuities to the reſpective Proprietors, as the ſame ſhall become due; which ſaid Treaſurer or Treaſurers is and are hereby required, upon Receipt of ſuch Warrant or Warrants, forthwith to pay the ſame out of the firſt Monies which ſhall be in his or their Hands, in purſuance

of

of this Act, and arising by the respective Rates on the several Parishes; which Warrants shall be allowed in account to him or them, on making up his or their Accounts with the Guardians, as herein after mentioned.

Annuitants Names to be entered in Books.

XX. And it is hereby further enacted by the Authority aforesaid, That there shall be provided by the said Guardians, and kept in the House of Industry, or in such Place in the said City as they the said Guardians, or any five or more of them, shall appoint, a Book or Books, in which shall be fairly written, in Words at length, the Names and Surnames, with the proper Additions and Places of Abode, of all such Persons who shall be Purchasers of any of the Annuities aforesaid; and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon the Credit of this Act; and also the Sum and Sums so paid for the Purchase of such Annuity or Annuities, and the respective Days of Payment thereof; and also an Account of the Interest that shall be paid to the said Annuitant or Annuitants, from time to time, and by whom received; to which Book and Books it shall be lawful for the said respective Purchasers, their Executors, Administrators, and Assigns, Agent or Agents, and to and for any Person or Persons who shall be liable to pay any Assessments to be made by virtue of this Act, from time to time, and at all seasonable Times, to have Recourse to, and inspect the same, without Fee or Reward.

Annuities charged upon the Rates.

XXI. And be it further enacted by the Authority aforesaid, That all and every the Annuities so to be purchased under and by virtue of this Act, shall be and are hereby charged upon, and shall be paid and payable, from time to time, out of the Monies arising by the respective Rates on the several Parishes made by virtue of this Act; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase Money for any such Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Assigns, shall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy the said respective Annuity or Annuities, during the Term of the natural Life of the Person to be nominated by each such Purchaser or Contributor as above mentioned; and that all and every such Purchaser and Purchasers, and their Assigns respectively, shall have good, sure, absolute, indefeasible personal Estates and Interests in the Annuities so by them respectively purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall be subject and liable to the Tax charged upon Lands by Authority of Parliament, or to any other Parliamentary or Parochial Tax whatsoever.

Contributors to have Receipts for their Money.

XXII. And be it further enacted by the Authority aforesaid, That every Contributor upon this Act, for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase Money for the same, or any Part or Proportion thereof, shall have one or more Receipt or Receipts from the Person or Persons receiving the same, importing the Receipt of so much Purchase Money as shall be so paid; and upon Payment of the Remainder of such Purchase Money, if any, every such Contributor, his or her Assigns respectively, shall have an Order on Parchment or Vellum for Payment of the said Annuity or Annuities, for and during the Life of such Person as shall be nominated by such Contributor or Purchaser as aforesaid; which Order shall be signed by the Guardians, or any nine or more of them, at any Meeting assembled, such nine being a major Part of them assembled at such Meeting; and after signing thereof, the same shall be firm, good, valid, and effectual in the Law, according to the Purport and true Meaning of this Act.

Annuities may be assigned.

XXIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, and their Executors, Administrators, or Assigns, at any time or times, by Writing under his, her, or their Hands and Seals, without any Stamp thereon, to assign such Annuity or Annuities, or any Part thereof, or Interest therein, to any Person or Persons whatsoever, and so *toties quoties*; and a Memorandum or Entry of all such Assignments, and of the respective Days the same were brought to be so entered, shall be made in a Book, which is hereby required to be kept for that Purpose, at the Charge of the said Guardians, in the House of Industry, or in the Council Chamber belonging to the said City, or in such Room or Place as shall be appointed in the said City for that Purpose; which Entry or Memorandum shall be made *gratis*, and may, at all seasonable Times, be inspected by any Person or Persons interested therein.

Proviso.

XXIV. Provided always, That no such Assignment shall be deemed good and effectual, until such Memorandum or Entry shall be made in the said Book, in Manner aforesaid.

Former Poor Rates to be discontinued.

XXV. And be it further enacted by the Authority aforesaid, That the Churchwardens and Overseers of the Poor of the said several Parishes herein before mentioned, or any of them for the time being, from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, shall not by virtue of any Law now in being make, save as hereafter mentioned, and they and every of them are hereby disabled to make, or cause to be made, any other Rate, Assessment, or Taxation whatsoever; or to rate, collect, or gather any other Sum or Sums of Money, within any of the said several Parishes, or from the Inhabitants thereof, or otherwise, for the Relief, Maintenance, and Employment of the Poor of, within, and belonging to the said several Parishes, other than such Rates or Taxation, for the clothing, maintaining, employing, and otherwise providing for the Poor of and belonging to the said several Parishes, as shall and may, from time to time, be ordered and directed to be rated and raised by the said Corporation, pursuant to the Powers herein given, and for the Purposes herein expressed, save and except all such Rates or Sums of Money which the said Churchwardens and Overseers, or any of them, now are or shall, by any special Law, be obliged and directed to pay, and to raise by Taxation, for the Relief and Provision of the Families of any Militia Men, or for any other particular Purposes arising within and falling to the Part of each such Parish, and particularly directed by other Acts of Parliament: And that none of the said Churchwardens or Overseers of the said several Parishes for the time being shall pay, expend, or apply any Money to be rated, collected, and raised in the said several Parishes by them, or any of them, pursuant to

Except as excepted.

any

any of the Powers hereby given to or for the Relief of any of the Poor of or in any of the ſaid ſeveral Pariſhes, or to or for any other Uſe or Purpoſe, or to any Perſon or Perſons, other than ſuch as is and are herein after appointed, or ſhall be directed, purſuant to the Powers herein contained, ſave and except ſo much and ſuch Part of any ſuch Money to be ſo collected, and when remaining in the Hands of the Perſon impowered and having collected the ſame, as any five of the ſaid Guardians, not being Churchwarden or Overſeer for the time being, by Writing under their Hands, intervening the Time of holding any of the ſaid Courts: And, in caſe of Neceſſity, or ſo much of ſuch Monies as any of the ſaid Courts, which they are hereby ſeverally impowered to do, ſhall order to be paid by any ſuch collecting Churchwarden or Overſeer, or other collecting Officer for the time being, to be impowered, by virtue of this Act, in and for the Relief and Support of any Perſon not able to ſupport him or herſelf, and incapable of being moved into the ſaid Houſe of Induſtry, who by Accident, Sickneſs, or otherwiſe, ſhall fall, and be caſually in Want in any ſuch Pariſh, or for the Burial of any poor Perſon dying therein, or in the removing of any Pauper to his or her Place of Settlement, or in trying the Right of any Pauper's Settlement, or for any other ſuch urgent and neceſſitous Caſe: And in the Caſes of all ſuch directed Payments, the ſaid Churchwardens and Overſeers of the ſaid ſeveral Pariſhes, or other Perſon collecting and paying the ſame, ſhall keep a ſeparate Account of all the Money to be by them reſpectively expended and laid out for any the aforeſaid excepted and ſpecial Purpoſes; and ſhall, from time to time, deduct the ſame out of the Money they ſhall be reſpectively required to rate, collect, and raiſe in each Pariſh, under the Directions of this Act; and upon his or their paying the Overplus of the Money ſo directed to be raiſed, to the Treaſurer, or ſuch other Perſon, for the Uſe of the ſaid Corporation, as is herein after directed and appointed, he or they ſhall at the ſame time deliver in to ſuch Treaſurer, or other Perſon, a fair Copy of every Rate to be ſo made, and of all the Money to be ſo collected, and of all Payments for any of the ſaid excepted or ſpecial Purpoſes, at the Time herein appointed for the Return of every ſuch Rate and Payment of all Money to be collected by virtue of the Powers hereby given; to the Intent that every ſuch Churchwarden or Overſeer, or other ſuch collecting Officer of every ſuch Rate, ſhall, on every ſuch Payment, balance his Accounts and Collections, and have no further Account open or depending with the ſaid Corporation, or relative to the Poor under their Care.

Poor Perſons not capable of being removed into the Houſe of Induſtry, to be relieved.

Collectors to keep ſeparate Accounts of Money expended.

Furniture, &c. veſted in the Corporation.

XXVI. And be it further enacted by the Authority aforeſaid, That the Property of all and every the Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, and Wearing Apparel, Tools, Utenſils, and Materials whatſoever, to be from time to time had, bought, uſed, procured, and in the Poſſeſſion, Uſe, and Employ of the ſaid Corporation, for the time being; and alſo all Debts due to the Corporation for the Poors Work, or otherwiſe, ſhall be and are hereby abſolutely veſted in the ſaid Guardians, for the Uſe of the ſaid Corporation, who are hereby authoriſed and impowered, by their ſaid Name of Incorporation, to bring Actions for the Recovery thereof, and alſo to make any Accuſation before any Juſtice of the Peace, who ſhall thereupon cauſe any ſuch Perſon accuſed to be apprehended as a Felon; and alſo to proſecute Indictments, as in the Caſe of, and which is hereby declared to be Felony, againſt any Perſon or Perſons, and alſo againſt any of the ſaid Poor provided for and under the Care of the ſaid Guardians, who ſhall ſteal, take, carry away, ſell, imbezzle, pawn, pledge, or wilfully deſtroy or ſpoil any ſuch the aforeſaid Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, and Materials whatſoever: And as to any of the ſaid Poor who ſhall be found guilty of any ſuch Offences in the Judgment of the ſaid Guardians, in any of their ſaid Courts, it ſhall be lawful for the ſaid Guardians then and there to order ſuch Confinement and corporal Puniſhment of any ſuch Offender, in the Houſe of Correction, inſtead of any Proſecution for Felony as aforeſaid, as they ſhall think proper: And in caſe he or ſhe ſhall have abſconded, by Warrant under the Seal of the ſaid Corporation, to cauſe ſuch Perſon to be apprehended in any City, County, or Place, and to be conveyed to ſuch Houſe of Induſtry, there to be confined and puniſhed, as aforeſaid: And in caſe any Perſon or Perſons ſhall knowingly buy or receive, or cauſe to be bought or received, or ſhall otherwiſe take into his, her, or their Cuſtody or Power, any ſuch of the aforeſaid Goods, Cattle, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, and Materials whatſoever before named, from or by Means or Contrivance of any of the Poor under the Care and Management of the ſaid Guardians, or from any other Perſon or Perſons, without the Privity and Conſent of the ſaid Guardians in ſome of their ſaid Courts; and in caſe any Perſon or Perſons ſhall knowingly receive, entertain, keep, or conceal any of the ſaid Poor under the Care of the ſaid Guardians, who ſhall have abſconded, eloped, or deſerted from the ſaid Houſe of Induſtry, without the Privity and Conſent of the ſaid Guardians, every ſuch Perſon or Perſons ſo offending, and being convicted of any of the Offences aforeſaid, on his or her own Confeſſion in Writing, or upon the Oath of any one Witneſs, or upon the Oath of any ſuch poor Perſon having ſo ſold, pawned, or delivered any of ſuch Goods, Cattle, Chattels, Apparel, or Materials aforeſaid, or having ſo eloped as aforeſaid, before any one Juſtice of the Peace of the ſaid City, or of the Place where the Offender ſhall dwell, which Oath any ſuch Juſtice hath hereby Power to adminiſter, ſhall forfeit and pay for every ſuch Offence the Sum of five Pounds, over and beſides the Value of the Goods, Cattle, Chattels, Apparel, or Materials ſo bought, received, or taken into his, her, or their Cuſtody, to be eſtimated at the Price the ſame were originally bought when new, for the Uſe of the ſaid Corporation; to be levied by Diſtreſs and Sale of the proper Goods, Cattle, and Chattels of every ſuch Offender or Offenders, together with the Charges of ſuch Diſtreſs and Sale, by Warrant for that Purpoſe to be forthwith granted under the Hand and Seal of ſuch Juſtice before whom any ſuch Conviction ſhall be; and, for want of ſuch ſufficient Diſtreſs, it ſhall be lawful for the ſame or any other Juſtice having Juriſdiction, by Warrant under his Hand and Seal, to apprehend any ſuch Offender or Offenders, and to commit him, her, or them, to the Common Gaol of the City or County where ſuch Perſon ſhall be apprehended, there to remain without Bail or Mainprize until Payment

Perſons embezzling to be puniſhed.

Receiver to forfeit 5l. and the Value of the Goods.

Payment of each such Penalty, with the Charges of Recovery thereof, and of the Pursuit and Commitment of such Offender, to be fixed and ascertained by such Justice, or until such Person shall have compounded for the same, and paid such Composition; which Composition the said Guardians, or any five or more of them, are hereby impowered to make; and each or any of such Convictions, and also all and every other Convictions for any Penalties whatsoever, in pursuance of this Act, and relating to the said Corporation in any wise, shall be drawn up in the following Manner, or in Words to the same Effect, and shall not be quashed or vacated, or any Advantage taken thereof, for want of Form.

City [*or*] County of } "BE it remembered, That on the Day of in the Year of his Majesty's Reign, is [*or are*] convicted before in the Sum of for [*specifying the Offence and Facts as the Case shall be*]. Form of Conviction.

"Given under Hand and Seal [*or Hands and Seals*] the Day and Year "aforesaid."

XXVII. And be it further enacted by the Authority aforesaid, That the said Guardians, or any five or more of them, shall, and hereby have Power and Authority, in any of their said Courts or Assemblies, to nominate, appoint, and employ, from time to time, such Person and Persons as they shall think proper, to be and officiate as Clerk, Assistant, Master, Matron, Beadle, or Porter, or in any other Office or Place which shall be thought needful by the said Guardians, and, from time to time, to remove and displace such Person or Persons as they shall find Cause; and upon the Death or Removal of them, or any of them, to chuse others in their Place, and to make, pay, and allow out of the Stock of the said Corporation, and the Rates to be raised as herein after mentioned, such reasonable Salary or Allowance to any such Clerk, or other Officer or Person, as the said Guardians, or any five or more of them, shall think fit. Guardians to appoint Masters, Matrons, &c.

XXVIII. And it is hereby further enacted, That the Treasurer and Treasurers of the said Corporation for the time being, before he or they shall respectively act in such Office or Place, shall give Bond, in a sufficient Penalty, with Sureties, duly to pay and account with the said Corporation, and to act in any such Office according to the Tenor of the Trust, pursuant to this Act; and the said Treasurer or Treasurers for the time being, and also the Clerk, and every other Officer or Person who shall belong to the said Corporation or House of Industry, shall, from time to time, account before such Person or Persons, or before the said Auditor or Auditors, as the said Guardians, or any five or more of them, shall for such Purposes appoint, for all such Sums of Money, Stock, Goods, and other Things whatsoever, belonging to the said Corporation, or the said House of Industry, which shall come to their respective Hands, or be under their respective Care, upon every reasonable Warning or Notice thereof, not being less than three Days exclusive, to be to them respectively given, or left at his or their Place of Abode, by the Order of the said Guardians, or any five or more of them; and in case any such Treasurer, or other Officer or Person, shall neglect or refuse to account as aforesaid, it shall and may be lawful for any one Justice of the Peace in and for the said City of *Oxford*, on Proof thereof made to him on the Oath of any one Person, under the Direction of the said Corporation, by Warrant under his Hand and Seal, to cause any such Treasurer, or other Officer or Person, to be apprehended in the said City, and to commit him or them to the Common Gaol of the said City, there to remain without Bail or Mainprize, until he or they shall conform and account as before directed: And if any such Treasurer, or other Officer or Person so neglecting or refusing to account, shall go or be out of the Jurisdiction of the said City, so that such the aforesaid Warrant against him cannot be executed, it shall be lawful for any one Justice, in any other County or Place where it shall be suspected such Treasurer or other Officer shall be, to indorse his Name on any such Warrant, which shall be full Power to any Constable, or other Person having such Warrant, to execute the same in any such County or Place, of which such Justice so indorsing the same hath Jurisdiction; to the Intent, that from and after any such Offender shall be taken, he shall be conveyed before any one Justice of the said City of *Oxford*, to be by him committed for such Offence as aforesaid: And if upon any Account made with the said Corporation by any Treasurer, or other Officer or Person, there shall appear and be any Money, Goods, or other Effects, in his or their Hands, due and belonging to the said Corporation, he and they shall pay and deliver over the same to such Person or Persons, and at such Time, as the said Guardians, or any five or more of them, shall direct, or shall give such Security for the same as the said Guardians, or any five or more of them, shall approve of; and in Default of such Payment, or giving such Security, according to such Direction or Approbation, every such Treasurer, or other Officer or Person, shall immediately thereupon forfeit and pay to the said Guardians double the Value of such Money, Goods, or other Effects, so being in his or their Hands; to be recovered by the said Guardians by Action of Debt, Bill, Plaint, or Information, in any Court of Record in *Great Britain*, in which no Protection, Essoin, or Wager of Law, or more than one Imparlance, shall be allowed: And in the Case of every such Forfeiture, upon Affidavit made thereof by any Person on Behalf of the said Guardians, it shall be lawful for the said Guardians, or any five or more of them, by virtue of some proper Writ or Plaint out of any such Court of Record in *Great Britain*, to arrest any such Treasurer, or other Officer or Person so offending, in order to hold him or them to Bail in the said Action, for the Recovery of any such Penalty. Treasurer to give Security, and account.

XXIX. Provided always, and be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not in any wise extend to give the said Guardians any Power or Authority over any Alms-house or Hospital, or any other charitable Building, or other special Donation whatsoever, within the said City, already or hereafter to be given, settled, or erected, nor to give any Power or Authority Guardians not to have Power over particular Charities.

thority over any of the Poor dwelling therein, or having the Benefit of any such private Donations or Charities for the time being; any Thing herein contained to the contrary notwithstanding.

Sums necessary for the Maintenance of the Poor, how to be apportioned.

'XXX. And whereas the keeping separate Accounts of the Poor, and apportioning the Sums necessary 'for their Support and Employment in each respective Parish, would be attended with great Trouble and 'Perplexity; and that incorporating the said Poor of the several and respective Parishes herein before men-'tioned into one Family would remedy the said Inconveniencies;' Be it therefore further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, or as soon after as a House can be provided for the Reception of the said Poor, the several and respective Sums necessary to be raised for their Maintenance, Relief, and Employment, shall be raised by a regular Pound Rate, to be assessed without Distinction throughout each of such respective Parishes within the City of *Oxford*: And that the said Guardians, or any thirteen or more of them, shall, and hereby have Power, at any of their Monthly or other Special Courts or Assemblies, to be for ever afterwards held from time to time as there shall be Occasion, and as they shall think proper, to set down and ascertain what Sum or Sums of Money shall be needful to be raised by such regular and equal Pound Rate as aforesaid, for the maintaining and employing the Poor, and for other the Uses of the said Corporation, pursuant to the Design of this Act: And the Guardians, or any thirteen or more of them, shall and hereby have Power and Authority, at every or any such Monthly or Special Courts or Assemblies, as aforesaid, to issue, and, as soon as may be, to send out and to direct their Precept and Certificate, under their Common Seal, to the Churchwardens and Overseers of the Poor of each of the said several Parishes for the time being, expressing the Money so fixed and ascertained by each such Court to be raised as aforesaid; and thereby requiring the said Churchwardens and Overseers of each such Parish, or any one or more of them, to rate and assess, as soon as may be, and within thirty Days exclusive from the Date thereof, to collect and receive, and to cause the same respective Sums to be raised and levied by Taxation, equally and in proportion, as near as may be, of and upon the several Householders and Inhabitants, and every Occupier in respect of and for, and of and upon all Lands, Houses, Tithes, Stocks, and Estates real and personal, in the said several Parishes, which by any Law now in Force are rateable and liable to pay to, and for the setting on Work and Relief of the Poor, according to the respective Worth and Values of all such Estates: And that every such Churchwarden and Overseer to whom any such Precept and Certificate shall be so directed, shall obey the same in all respects; and is and are hereby required, and shall and hereby have and hath full Power and Authority, in pursuance thereof, to make every such Rate as soon as may be, not exceeding six Days inclusive from the Receipt of every such Precept, and to collect and receive, and cause to be raised and levied within the Time aforesaid, by such Taxation as aforesaid, and by virtue of the Powers hereby given, every such Sum and Sums of Money, to be so set down and directed in and by every such Precept and Certificate; and on the *Sunday* next after his or their Receipt thereof, shall cause Notice to be given, immediately after divine Service, in the Parish Church of each such Parish, declaring the Sum intended to be raised; and immediately after he or they shall have so made every such Rate, the same shall be fairly entered and set down by him or them so making and levying the same, in a Book to be kept and provided by and on the Behalf of each such Parish, and shall be subscribed by each such Churchwardens and Overseers, and by him or them brought, as soon as may be, to any two Justices of the Peace in and for the said City, who shall and are hereby impowered and required, at such Time, to subscribe and sign his or their Allowance of such Rate, taking only one Shilling for each such Allowance: And in case of Non-payment of each and every such Rate by the Person taxed and rated, or by the Occupier of the Premises so taxed, whether the Party shall be rated by Name or as the Occupier, or the Premises so occupied shall be only rated, the same Rate being first lawfully demanded from the Party occupying the Premises in Person, or by Notice left at the Premises by any one of such Churchwardens or Overseers, or other Person appointed by them, or any of them, it shall be lawful for any one Justice of the Peace in and for the said City, and on the respective Neglect or Refusal of any six of such Justices, then for any two Guardians of the said Corporation representing any other Parish, and not being Justices, upon Proof of such Nonpayment, after Demand, by the Oath of any one such Churchwarden and Overseer, or other Person directed by him or them to make such Demand, or to give such Notice, within two Days exclusive after such Demand, but not sooner, to issue his or their Warrant, under his or their Hand and Seal, or Hands and Seals, and who are hereby severally required to issue the same accordingly, and thereby to authorise and impower the said Churchwardens and Overseers of such Parish, or any of them, or any other Person to be named therein, to levy and raise, as soon as may be, such Money so in Arrear and unpaid, together with the Costs attending the same, to be ascertained by the Person or Persons so granting such Warrant, by Distress and Sale of the Goods, Cattle, and Chattels of every such Person or Persons so in Arrear, or not having paid any such Rate as aforesaid, restoring the Overplus of any such Distress and Sale to the Party so distrained, or leaving the same at his, her, or their Place of Abode: And in case no such sufficient Distress can be found, then any such one Justice, or after the Neglect or Refusal of so many of them as aforesaid, any such two Guardians as aforesaid shall, and hereby have like Power, and are hereby required to issue such his or their Warrant to apprehend and thereby to commit any such Person so not paying, and offending as aforesaid, to the common Gaol of the said City, there to remain without Bail or Mainprize, until such Rate or Rates, and all Costs and Charges attending such Proceedings as aforesaid, to be fixed by the Person or Persons granting such Warrant, shall be paid or compounded for; which Composition the said Guardians, or any thirteen or more of them, are hereby impowered to make: And the said Churchwardens and Overseers of each of the said several Parishes who shall be so required, and shall collect and gather any such Rates as aforesaid, shall and are hereby ordered, from time to time, to pay the whole Money to be so by them respectively rated, collected, and received, when and so often as they shall receive the same, if the said Guardians shall in any Monthly

If no Distress can be had, Offenders to be committed.

or Special Court ſo direct; but for Want of ſuch Direction, then within three Days excluſive after the Expiration of the ſaid thirty Days, to be named in every ſuch Precept and Certificate at the Return thereof as aforeſaid, to the Treaſurer or Treaſurers of the ſaid Corporation, or to ſome other Perſon or Perſons, to be from time to time appointed by the ſaid Guardians, or any thirteen or more of them, to receive the ſame for the Uſe of the ſaid Corporation, and to the Account of every ſuch ſeparate Pariſh from whence each ſuch Rate ſhall be raiſed; and ſhall, and is and are hereby required, at the Time of making every ſuch Payment of ſuch Money ſo collected, to deliver over to the Perſon or Perſons ſo impowered to receive the ſame, a true and exact Copy or Duplicate of each ſuch Aſſeſſment, founding every ſuch Payment, with an Account underwrote, of any Money therein rated and unavoidably loſt through the Inſolvency of the Party, or otherwiſe, through his or her Defect; and of any Money ſuch Churchwardens or Overſeers may have expended out of that Rate, by Order of the ſaid Guardians or otherwiſe, as is herein before mentioned and excepted as to caſual Purpoſes: And in caſe any ſuch Churchwardens or Overſeers, to whom any ſuch Precept and Certificate, under Seal of the ſaid Corporation, ſhall be directed as aforeſaid, ſhall neglect or refuſe to receive and obey every ſuch Precept, and to make every ſuch Rate, or to collect the Money thereby required to be raiſed by ſuch Taxation, and in all Reſpects before mentioned to enforce the raiſing thereof, and afterwards to pay over ſuch Money when collected, and to deliver over ſuch Copy of every ſuch Aſſeſſment, within, at ſuch Times, and with ſuch Account underwrote, as is and are herein mentioned and directed; every ſuch Churchwarden and Overſeer ſo offending in any of the Matters aforeſaid, in the Judgement of the ſaid Guardians, in any of their ſaid Weekly, Monthly, or Special Courts, ſhall forfeit and pay for each ſuch Offence the Sum of ten Pounds, for the Uſe of the ſaid Corporation; and for Want of ſuch Payment on Demand made by Order of any ſuch Court, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods, in Manner herein before mentioned, as to the Recovery of pecuniary Penalties or Forfeitures: And in caſe any ſuch Churchwardens or Overſeers ſhall, after his or their collecting any ſuch Rates, or any Part thereof, become inſolvent, or otherwiſe unable to pay over any ſuch Money ſo by him collected, or ſhall die inſolvent in the Judgement of the ſaid Corporation aſſembled in any Monthly or Special Court; then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Corporation in any ſuch of their ſaid Courts, after ſuch Neglect or Refuſal, or after ſuch Inſolvency or Inability, by the like Precept under their common Seal, to appoint any other or others of the Churchwardens or Overſeers, or any two ſubſtantial Houſeholders in any ſuch Pariſh, to rate, collect, and receive, and cauſe to be raiſed and levied, ſuch Sum or Sums of Money, ſo required to be raiſed by each ſuch Pariſh in any ſuch former Precept, ſo being neglected or refuſed to be obeyed by any ſuch the Churchwardens or Overſeers of the ſame Pariſh, or ſo much thereof as any of ſuch Churchwardens or Overſeers ſhall have collected, and afterwards become unable to pay over by the Means aforeſaid, and ſhall not have paid over the ſame to the ſaid Treaſurer or other Perſon, for the Uſe of the ſaid Corporation, in like Manner, and with the ſame Effect, and with the ſame Power for the Recovery of every Rate or Taxation, to be made in purſuance thereof; and which Precept ſuch Houſeholders ſhall, and hereby are ſeverally required to obey, and to execute and fulfil the Purport and Effect thereof, in all ſuch Caſes as fully and effectually in all Reſpects, and ſhall be ſubject to the like Penalty for Diſobedience in any Part, with ſuch Remedy for Recovery thereof as is and are hereby before given and directed, in caſe ſuch Precept had been originally iſſued to, and executed by, or refuſed to be obeyed and executed in the whole or in Part by any ſuch the Churchwardens or Overſeers of any of the ſaid ſeveral Pariſhes: And ſo in caſe any ſuch other Churchwardens or Overſeers, or ſuch two Houſeholders in any ſuch Pariſhes, ſhall alſo neglect or refuſe to obey any ſuch further Precept, and to make ſuch Rate, and to collect and raiſe ſuch Money as ſhall be thereby required, or ſhall after his or their collecting the ſame, or any Part thereof, become inſolvent, or otherwiſe unable to pay over any ſuch Money ſo by him collected, in the Judgement of the ſaid Corporation, then and in every ſuch Caſe, it ſhall be lawful for the ſaid Corporation, at any ſuch like Court, to appoint any two Guardians from among themſelves, or any two other Perſons (not ſo before appointed) by another ſuch like Precept, under their common Seal, to make and collect ſuch Rate, and to raiſe and levy ſuch Money, or ſo much thereof as ſhall be ſo wanting to be raiſed by and out of any ſuch Pariſh, in ſuch Manner, and with ſuch Powers as is and are before mentioned, had ſuch Precept been originally executed in all Reſpects by any the Churchwardens and Overſeers of the Poor of the ſame Pariſh, having been firſt ſo appointed as aforeſaid, and ſubject to the like Penalty for Diſobedience, or defective Execution thereof, by ſuch Guardians, or either of them, in every Inſtance, as is before appointed, as to every firſt or original Precept.

Penalty on Churchwardens, &c. neglecting their Duty.

XXXI. And it is hereby further enacted, by the Authority aforeſaid, That in caſe any of the Perſons who ſhall be ſo appointed to rate, raiſe, and collect, any of the ſaid Sums of Money directed by the ſaid Guardians to be raiſed in and by any of the ſaid Pariſhes as aforeſaid, ſhall, after he, they, or any of them ſhall have ſo collected and received all or any of ſuch Monies, embezzle or expend the ſame; or ſhall refuſe or neglect to pay over the ſame Money, and to account to the ſaid Treaſurer of the ſaid Corporation, or to ſuch other Perſon as is herein, or as the ſaid Corporation ſhall direct as aforeſaid; it ſhall be lawful for any one Juſtice of the ſaid City, on Complaint thereof to him made by the ſaid Guardians, by any Order of any ſubſequent Court, by Warrant under his Hand and Seal, and who is hereby required to grant the ſame, to cauſe ſuch Money to be forthwith levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon or Perſons, with the Coſts of ſuch Diſtreſs and Sale, to be allowed of by ſuch Juſtices: And in caſe no ſuch ſufficient Diſtreſs can be had and made, then, by ſuch like Warrant, to cauſe ſuch Perſon or Perſons ſo offending, to be apprehended, and to commit him or them to the Common Gaol of the ſaid City; there to remain without Bail or Mainprize, until he or they ſhall pay all ſuch Money and Charges, and ſhall account and conform according to the Effect of ſuch Precept, for making any ſuch Rate, and according to the Tenor of this Act, or have compounded for ſuch Money; which Compoſition

Perſons embezzling Money collected.

the ſaid Guardians, or any nine or more of them, are hereby impowered to make: And in caſe any ſuch Perſon ſhall abſcond and depart from the ſaid City with or without making ſuch Payments of any Money ſo by him collected, or ſhall compound for the ſame in manner aforeſaid, or ſhall ſo ſecrete himſelf as to avoid being apprehended and committed as aforeſaid; it ſhall be lawful for the ſaid Corporation, although the ſame may have been collected again, or made up by Means of any ſubſequent or intervening Rate in any ſuch Pariſh, by the Order and to the Uſe of the ſaid Corporation, in either or any ſuch Caſe, to ſue for, and to recover the ſame Money ſo collected, and every Part thereof, againſt each and every ſuch Perſon, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in *Great Britain*, without Limitation of Time; wherein no Eſſoin, or Wager of Law, or any Imparlance ſhall be allowed: And upon a Verdict for the ſaid Corporation, they ſhall recover treble the Amount of the Money ſo collected, and Treble Coſts of Suit, and have ſuch Remedy for the ſame as any Plaintiff or Plaintiffs hath or have in any other Caſes by Law: And which Money and Coſts, after deducting all other Coſts expended by the ſaid Guardians in or by reaſon of any ſuch Suit, when received by them, ſhall be placed to the Credit and to the Account of the particular Pariſh, from whence and in reſpect whereof ſuch Money ſo recovered had been originally collected; and in order to charge every ſuch Perſon with the Receipt of ſuch Money to be ſo by him collected as aforeſaid, the ſeveral and reſpective Perſons paying any ſuch Money, or any Part thereof, ſhall, and are hereby declared to be good and competent Witneſſes to prove any of ſuch Payment by him, her, or them.

Damages and Coſts.

Perſons paying the Money to be competent Witneſſes.

On Death of Collector, Survivor to proceed.

XXXII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That in caſe any Perſon to whom any ſuch Precept to make and collect any ſuch Rates within any ſuch Pariſh, for the Uſe of, and under the Seal of the ſaid Corporation as aforeſaid, ſhall happen to die before all or any Part of ſuch Money to be ſo rated ſhall be collected by him, the Whole, or ſo much thereof as ſhall remain uncollected by the Perſon ſo dying, ſhall be collected and levied by the ſurviving Perſon or Perſons to whom each ſuch Warrant or Precept ſhall from time to time be directed; and he or they ſhall afterwards execute the ſame in all Reſpects herein directed; and all ſuch Money as ſhall or may, at the Death of any ſuch Perſon, have been collected and received by him under any ſuch Rate, and remaining in his Hands, ſhall within ten Days after ſuch his Deceaſe, be paid by his legal Repreſentative or Repreſentatives, or Perſon poſſeſſing his late Eſtate and Effects, to the ſurviving Perſon or Perſons, or any of them to whom the particular Precept, by virtue whereof ſuch Money had been received, was ſo directed, who ſhall be anſwerable to pay over the ſame to the Treaſurer, or other Perſon hereby impowered to receive the ſame, for the Uſe of the ſame Corporation, under the like Penalty for Diſobedience, and ſubject to the like Remedies againſt him or them for Recovery thereof by the ſaid Guardians, as if he or they had originally collected any ſuch Money: And in caſe any ſuch Repreſentative or Repreſentatives of any ſuch deceaſed Perſon, or the Perſon poſſeſſing his late Eſtate and Effects as aforeſaid, ſhall neglect or refuſe, upon the Demand of ſuch ſurviving Collector, or of any other Perſon to be directed by the ſaid Guardians to pay over to ſuch ſurviving Collector, or to any other Perſon whom the ſaid Guardians ſhall appoint, all the Money having been ſo collected by, and remaining in the Hands of any ſuch deceaſed Perſon at his Death, it ſhall be lawful for any one Juſtice of the ſaid City, upon Complaint to him thereof made by Order of the ſaid Corporation, by Warrant under his Hand and Seal, to levy all ſuch Money by Diſtreſs and Sale of the Goods and Chattels, late of the Perſon ſo deceaſed, with the Coſts of ſuch Diſtreſs and Sale: And for Want of ſuch Diſtreſs, it ſhall be lawful for the ſaid Guardians to ſue for and recover any of ſuch Money, although the Deficiency thereof may have been again raiſed and collected by ſuch Pariſh by Order of the ſaid Guardians, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in *Great Britain*, againſt the Heir at Law, or perſonal Repreſentative of the Perſon or Officer being dead; whoſe real and perſonal Effects are hereby made ſeverally liable and ſubject thereto: And upon a Verdict for the ſaid Guardians, they ſhall recover Treble Coſts of Suit, and have ſuch Remedy for the ſame, as any Plaintiff or Plaintiffs hath or have in any other Caſes by Law; and which Money and Coſts, after deducting thereout all the other Coſts expended in ſuch Suit by the ſaid Guardians, when received, ſhall be placed to the Credit and Account of the Pariſh, from which ſuch Money, ſo recovered, had been originally rated and collected: And any Perſon or Perſons having paid any Part of ſuch Rates or Money ſo having been collected by any ſuch deceaſed Perſon before his Death, ſhall, and are hereby declared to be good and competent Witneſſes to prove any of ſuch Payments by him, her, or them.

Perſonal Repreſentatives liable to pay Monies collected by their Teſtator Inteſtate.

Perſons whoſe Houſes are lett into Lodgings to be rated.

'XXXIII. And whereas there may be ſome Houſes in the ſaid City, which are lett out in ſeparate 'Apartments, and others lett ready furniſhed to Lodgers;' Be it therefore further enacted, That every Perſon, whether Landlord or Tenant, who letts out his or her Houſe in ſeparate Apartments, or ready furniſhed, ſhall, for the Purpoſes of this Act, be deemed the Occupier thereof, and may be rated or aſſeſſed accordingly; and ſhall be liable and ſubject to the Payment of the Sum ſo rated or aſſeſſed.

Goods of Lodgers liable to the Rate.

XXXIV. Provided always, and be it enacted, That the Goods and Chattels of every Perſon renting or occupying any ſeparate Apartment in any ſuch Houſes, or renting or occupying any ready-furniſhed Houſe, ſhall be liable to be diſtrained and ſold, for the Payment of the Rate or Aſſeſſment; and that each and every Perſon who ſhall pay ſuch Rate or Aſſeſſment, ſo charged on his or her reſpective Landlord or Landlords, or upon whoſe Goods and Chattels the ſame ſhall be levied in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent due and payable to his, her, or their Landlord or Landlords, ſo letting the ſame; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to the Landlord or Landlords, for ſo much Money as he or ſhe ſhall have ſo paid, or as ſhall have been ſo levied on his or her Goods and Chattels, in purſuance of this Act.

For mortgaging the Rates,

XXXV. And be it further enacted, by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Guardians, or any nine or more of them, at any of their public Meetings, to borrow and take up at

at Intereſt, any Sum or Sums of Money, which they ſhall think neceſſary for the Purpoſes of this Act, and by Writing or Writings under their Hands and Seals, to aſſign over the Rates and Aſſeſſments to be made by virtue of this Act, or any Part or Proportions thereof, to the Perſons lending the ſame, for ſecuring the Repayment of any ſuch Sum and Sums of Money, and Intereſt thereupon; and in Default of the Payment of ſuch Intereſt, at the Expiration of every ſix Calendar Months, if the ſame ſhall be demanded; or upon Default of the Payment of ſuch principal Money within twelve Calendar Months after Notice ſhall be given, demanding Payment thereof, to the ſaid Guardians, or any nine or more of them, at ſome or one of their public Meetings, by the Perſon or Perſons reſpectively intitled to the ſame, ſuch Perſon and Perſons ſhall have the ſame Powers, Rights, and Privileges for the Recovery thereof, as the Annuitants are by this Act inveſted with for Recovery of their reſpective Annuities; but no more principal Money ſhall be borrowed upon the Credit of this Act, either by Annuities or Aſſignments of the Rates or Aſſeſſments as aforeſaid, than the Sum of ten thouſand Pounds.

Manner of recovering Principal and Intereſt.

10,000l. to be raiſed by Annuities and Mortgage of Rates.

XXXVI. Provided always, and it is hereby further enacted and declared, That ſuch Sum and Sums of Money as ſhall be raiſed by Annuities in Manner herein mentioned, and applied to the Diſcharge of the Money ſo borrowed upon the Credit of the ſaid Rates and Aſſeſſments, and the Intereſt for the ſame, ſhall not be deemed or taken to be any Part of the ſaid ten thouſand Pounds.

Annuities no Part thereof.

Perſons aggrieved by the Rates may appeal.

XXXVII. Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall apprehend him, her, or themſelves, to be unequally taxed, charged, or rated, by any Rate or Aſſeſſment made within any of the ſaid ſeveral Pariſhes, purſuant to the Powers hereby given, the Churchwardens or Overſeers, or other Perſon or Perſons appointed to make and collect any ſuch Rate for the time being, ſhall, and is and are hereby required, upon the Requeſt of any Perſon or Perſons apprehending him, her, or themſelves, to be ſo aggrieved, to produce and ſhew to him, her, or them, any ſuch Precept directing any ſuch Rate, and any ſuch Rate or Aſſeſſment made in purſuance thereof, and ſhall permit him, her, or them, to inſpect or take any Copy or Extract thereof: And it ſhall be lawful for any ſuch Perſon or Perſons, within ten Days after the Date of every ſuch Precept for making of ſuch Rate, or within three Days excluſive after ſuch Rate made on any ſuch Perſon or Perſons, ſhall be demanded to be paid, to make Complaint to any two Juſtices of the Peace of the ſaid City, who ſhall and are hereby required to iſſue their Summons thereupon to the Churchwardens and Overſeers, or other Perſon or Perſons having made, or being appointed to make, any ſuch Rate, requiring them, and every of them, within five Days next afterwards excluſive, at ſome Hour of the Day, and Place to be therein named, to appear before any three Juſtices of the Peace of the ſaid City, whereof the Mayor or the Recorder of the ſaid City for the time being to be one, and any two or more of the ſaid Guardians to be joined with them, not being Guardians for or in reſpect of the ſame Pariſh, and then and there to produce the Precept for making every ſuch Rate, with the Rate and Aſſeſſment made in purſuance thereof; at which Time and Place ſuch three Juſtices, and any two of ſuch Guardians, not being Juſtices, who ſhall be appointed by the Majority of Guardians then preſent, if more than two, not being Juſtices, or any three of them, ſhall and hereby have full Power to hear each Complaint, and to examine all Parties and their Evidence thereon upon Oath, by way of and as the Appeal of the Parties ſo complaining; and ſhall then and there make ſuch final Order in the Premiſes, as ſhall be binding to the Appellant, and all Parties rated or liable to be rated in any ſuch Aſſeſſment; and to all other Perſons as to them, or any three of them, ſhall appear juſt and reaſonable.

Books of the Corporation to be inſpected.

XXXVIII. Provided always, and it is hereby further enacted, by the Authority aforeſaid, That all and every the Books, Papers, and Accounts whatſoever, of and belonging to the ſaid Corporation, ſhall, at any of their ſaid Courts, upon reaſonable Notice being firſt given, be produced to and inſpected, during ſuch Time, by any Inhabitant or other Perſon, being rated to, or paying, in reſpect to his, her, or their Eſtate, in any of the ſaid Pariſhes in the ſaid City, to the Relief of the Poor thereof, who ſhall then and there be at Liberty, and have Power to proteſt and declare his, her, or their Objection or Obſervations to or upon any particular Charges, Rates, Matters, or Proceedings whatſoever, which ſhall then be heard and taken into Conſideration by ſuch Court; and in caſe the ſame Court cannot ſettle and end ſuch Grievance to the Satisfaction of the Party or Parties ſo making the ſame Objection, ſuch his, her, or their Objection ſhall be adjourned over to, and heard at the next following Monthly or Special Court of the ſaid Corporation, when ſuch Order to be made therein by ſuch Court ſhall be final.

Charities given how to be applied, if not otherwiſe appropriated.

XXXIX. And it is hereby further enacted, by the Authority aforeſaid, That all Gifts, Donations, Benefactions, and Sums of Money whatſoever, now payable, or which ſhall hereafter become payable for and to the Uſe of the Poor of, and belonging to any of the ſaid ſeveral Pariſhes, not being directed or liable to be applied for the Support of any private or particular Poor or Charity, or by the Donation particularly appropriated, not being ſacramental Money, ſhall, from time to time, from and after the holding of the firſt Court of the ſaid Corporation under the Powers aforeſaid, be had and received by the Churchwardens and Overſeers of the Poor of each ſuch Pariſh, or one of them, or by ſome Perſon to be appointed by the ſaid Corporation, on the Default of ſuch Churchwardens and Overſeers, at the uſual and proper Times of Payment; and ſhall as ſoon afterwards as may, from time to time, be paid over by him or them to the Treaſurer, or other Perſon to be appointed by the ſaid Guardians, or any five or more of them, for the Uſe of the ſaid Corporation, and to the Credit and Account of all the ſaid Pariſhes: And in caſe any ſuch Churchwarden or Overſeer ſhall refuſe or neglect to receive in any of ſuch Money, and pay over the ſame as aforeſaid, within ten Days after Demand made thereof by Order of the ſaid Guardians to each ſuch Churchwarden and Overſeer; every ſuch Churchwarden and Overſeer ſo neglecting or refuſing, and not ſhewing reaſonable Cauſe for the ſame to the next following Court, ſhall ſeverally forfeit and pay, to the Uſe of the ſaid Corporation, any Sum not exceeding ten Pounds, nor under five Pounds, as the ſaid Guardians, at any following Court, ſhall order and appoint.

Churchwardens not paying over Charities, to forfeit not exceeding 10l. nor under 5l.

Charities to be applied according to the Will of the Donor.

XL. And it is hereby further enacted, by the Authority aforeſaid, That all Gifts, Grants, and other charitable Benefactions whatſoever, to, or to the Uſe of the ſaid Corporation, ſhall be laid out and applied by the ſaid Guardians according to the Direction of every Donor and Benefactor; and where there ſhall be no ſuch particular Direction, then to the Uſe of the Poor of all the ſaid ſeveral Pariſhes, according to the Rules herein preſcribed; and that the ſaid Guardians ſhall and may, and have hereby full Power, at any Special Court or Aſſembly, to elect or chuſe any ſuch charitable Perſon or Benefactor, his or her Heir, Executor, or Adminiſtrator, or next of Kin, after his or her Deceaſe, to be a Guardian of the Poor; and who ſhall be and act as one of the ſaid Body Corporate, for ſuch Time as the ſaid Corporation ſhall, at ſuch Court, or at any following Special Court, appoint.

Guardians may contract for the Poor of any other Pariſh.

XLI. And be it further enacted, by the Authority aforeſaid, That the ſaid Guardians may, if they think proper, at any of their ſaid Monthly or Special Courts, and the Churchwardens and Overſeers of the Poor, or other Perſon or Perſons having the Care of the Poor of any Pariſh, Townſhip, or other Place, may contract and agree together for the maintaining and employing of the Poor of any ſuch Pariſh, Townſhip, or Place, by the ſaid Guardians in the ſaid Houſe of Induſtry, and under the Management of the ſaid Guardians in all Reſpects, according to the Powers hereby given over the Poor of the ſaid ſeveral Pariſhes herein mentioned, for and during ſuch Time together, not leſs than one Year, and under ſuch Payments to the ſaid Guardians as they and ſuch other contracting Parties ſhall mutually agree upon; all of which Poor ſhall be compellable to go into the ſaid Houſe of Induſtry, and ſhall not during each ſuch Contract be otherwiſe relieved; and ſhall be ſubject, in all Reſpects, to the Rules and Powers of the ſaid Corporation, and to the like Puniſhments and Proſecutions as the Poor of the ſaid ſeveral Pariſhes are hereby ſubjected to; and ſhall be ſeverally liable to be diſmiſſed and diſcharged out of the ſaid Houſe, and from under the Care of the ſaid Guardians, and to be ſent to his, her, or their proper Pariſh, Townſhip, or Place, there to be again relieved and provided for according to Law, for any Breach of ſuch Contract by the Contractors, on their Part, or for any Miſbehaviour, Non-conformance, or other Offence in any of ſuch Poor, when, and as the ſaid Guardians, or any nine or more of them, ſhall think proper, and, by the Order of any Monthly or Special Court, ſhall direct: And that each and every Churchwarden and Overſeer, or other Perſon having the Care of the Poor of every ſuch Pariſh, Townſhip, or Place, ſhall, and hereby have Authority to raiſe and levy, by Taxation in each ſuch Pariſh, Townſhip, or Place, in the ſame Manner, within ſuch Time, and by ſuch Ways and Means, and with all and every ſuch Power of Diſtreſs, and other Powers as are herein before given and appointed as to rating, levying, and raiſing the Money for the Relief and Employ of the Poor in the ſaid ſeveral Pariſhes, all and every ſuch Sum and Sums of Money for the Maintenance and Employ of all ſuch their reſpective Poor as the ſaid Guardians ſhall, from time to time, direct and apportion to be paid for all ſuch Poor, according to the Tenor of every ſuch Contract or Agreement; ſaving and reſerving, nevertheleſs, to any Perſon rated, or liable to pay any ſuch Rate, Power and Liberty, to appeal againſt the ſame to any two Juſtices of the Peace reſiding next the Pariſh or Place, within ſuch Time, after ſuch Notice, and in ſuch Form as is herein preſcribed as to Appeals againſt any of the Rates to be made in any of the ſaid other Pariſhes for the Relief of the Poor thereof; and which two Juſtices ſhall, and hereby have full Power to ſettle and finally determine ſuch Appeal in ſuch ſummary Way as aforeſaid: And in caſe any ſuch contracting Churchwarden, Overſeer, or other Perſon, on Behalf of any ſuch Pariſh, Townſhip, or Place, ſhall neglect or refuſe to raiſe and levy, and to pay all ſuch Sums of Money ſo directed by the ſaid Corporation to be paid to them in purſuance of every ſuch Contract, every ſuch Churchwarden and Overſeer, or other Perſon or Perſons having ſo contracted with the ſaid Corporation, ſhall, within ten Days after the Time for every ſuch Payment ſhall be expired, be and is and are hereby made ſeverally liable to pay and make good every ſuch Payment to the ſaid Corporation, by and out of his and their own proper Goods and Effects; and in Default thereof, after Demand made to any one of them, on Behalf of and by Order of the ſaid Corporation, it ſhall be lawful for any one Juſtice, having Juriſdiction there, on Complaint to him made by Order of the ſaid Corporation, certified to him from any Court, by Warrant under his Hand and Seal, to levy all ſuch Arrears, and every ſuch Sum and Sums of Money, by Diſtreſs and Sale of the proper Goods and Chattels of each or any ſuch Churchwardens or Overſeers, or other Perſon or Perſons having ſo contracted with the ſaid Guardians on the Behalf of any of ſuch Poor, together with the Charges of every ſuch Diſtreſs; and for Want of ſuch Diſtreſs, by like Warrant under the Hand and Seal of any one Juſtice, to apprehend, and thereby to commit every ſuch Churchwarden and Overſeer, or other ſuch contracting Perſon, to the common Gaol of the proper City or County, there to remain without Bail or Mainprize, until all ſuch Arrears and Sums of Money, with the Charges attending any of ſuch Proceedings aforeſaid, to be aſcertained by any ſuch Juſtice, ſhall be fully paid and ſatisfied to the ſaid Guardians, or compounded for; which Compoſition the ſaid Guardians, or any nine or more of them, are hereby impowered to make.

Proviſion as to Settlement for Baſtards.

XLII. And be it further enacted, by the Authority aforeſaid, That no Baſtard born on the Body of any poor Woman, whoſe legal Settlement is in any of the Pariſhes intended to be incorporated within this Act, other than ſuch Pariſh in which the ſaid Houſe of Induſtry is or ſhall be ſituate, or in any of the Pariſhes, Townſhips, or Places only, with the Overſeers of the Poor whereof the ſaid Guardians ſhall at any Time contract for the Maintenance of the Poor thereof, under the Powers given by this Act, and who is under the Care and Government of the ſaid Guardians for the time being, ſhall gain or be intitled to any Setttlement in the Pariſh in which the ſaid Houſe of Induſtry is ſituate, and where ſuch Baſtard ſhall be born, unleſs the ſame ſhall happen in the proper Pariſh where the Settlement of the Mother ſhall then be; but that the Settlement of each ſuch Baſtard ſhall follow that of the Mother as fully as if ſuch Baſtard had been born in ſuch Pariſh, Townſhip, or Place, to which the Settlement of ſuch Mother ſhall belong, and ſhall be deemed as one of the Poor thereof by the ſaid Guardians, and to every other Intent and Purpoſe; with

Power,

Power, nevertheleſs, and that it ſhall be lawful for the Churchwardens and Overſeers of the Poor of every ſuch Pariſh, Townſhip, or Place, to which the Settlement of every ſuch Woman ſhall belong, to have and take, and they are hereby intitled to have ſuch Remedy againſt the Mother and the Father of any ſuch Baſtard reſpectively, for the indemnifying the ſame Pariſh, Townſhip, or Place, by reaſon of ſuch Baſtard Child, and otherwiſe in all reſpects as the Law directs in the Caſe of Baſtards, and as fully as if ſuch Baſtard had been actually born in the Pariſh, Townſhip, or Place, to which the Mother's Settlement ſhall ſo belong: And alſo that any two or more of the ſaid Guardians, being Juſtices of the Peace, ſhall and may, and have hereby Authority, at the End of one Calendar Month from the Time any ſuch Woman ſhall be ſo delivered of any Baſtard, and at any Time after ſhe ſhall have declared on Oath, as the Law in ſuch Caſes directs, who is the Father of ſuch Child, in caſe he ſhall be one of the Poor under the Care of the ſaid Guardians, to ſet and inflict ſuch reaſonable Puniſhment on ſuch Mother and ſuch Father, either by Whipping, Confinement, or hard Labour, or by diſtinguiſhing him or her with ſome Badge or Token of the Offence, to be fixed on the moſt conſpicuous Part of his or her outſide Garment, as the ſaid Guardians, being Juſtices of the Peace, ſhall think fit and proper.

For applying the Surplus of the Poors Earnings.

XLIII. Provided alſo, and be it further enacted, by the Authority aforeſaid, That in caſe it ſhall ever hereafter happen, that by reaſon of the Employment and Induſtry of the Poor of the ſaid ſeveral Pariſhes in the ſaid City of *Oxford*, by virtue of the Powers hereby given, there ſhall be made and reſult ſuch Benefit, Profit, and Increaſe, from the Labour and Induſtry of ſuch Poor, of which the ſaid Guardians ſhall wholly judge and determine, as will, at and for any certain Time to come, not leſs than one Year, be more than ſufficient to maintain and employ all ſuch Poor, and to anſwer the Purpoſes of the ſaid Corporation; then, and ſo often, and for ſuch Time as the ſaid Guardians, or any nine or more of them, ſhall find there ſhall be ſuch clear Benefit, Profit, and Increaſe, there ſhall not be any Sums of Money rated or collected in the ſaid ſeveral Pariſhes, for the Uſe of the ſaid Corporation, or the Poor under the Government thereof, by virtue of any Precept from the ſaid Guardians or otherwiſe: And that all ſuch Benefit, Profit, and Increaſe, ſo from time to time to ariſe, ſhall be, and is hereby veſted in the ſaid Guardians, with Power to place all ſuch Surpluſage of Profit at Intereſt, or to lay out the ſame in the Purchaſe of Lands of Inheritance, and again to call in and aſſign, and to alienate any ſuch Lands, or otherwiſe to manage the ſame, for the future Maintenance and Employ of the Poor of the ſaid ſeveral Pariſhes, and the Uſes of the ſaid Corporation, as they ſhall, from time to time, think moſt proper.

Recovery of Penalties,

XLIV. And it is hereby further enacted, by the Authority aforeſaid, That all pecuniary Penalties and Forfeitures inflicted, directed, and made payable to the Uſe of the ſaid Corporation, as herein is and are mentioned and expreſſed, except in ſuch Caſes where it is hereby otherwiſe ordered, and alſo all other pecuniary Penalties and Forfeitures whatſoever herein mentioned, or which ſhall be inflicted and appointed by any Bye-law or Ordinance to be made by the ſaid Corporation, purſuant to the Powers hereby given, ſhall and may be ſeverally recovered, and are hereby directed and impowered to be ſeverally recovered, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon having incurred any ſuch Forfeitures, and ſo offending, by virtue of a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any one or more Juſtice or Juſtices of the Peace for the ſaid City of *Oxford*; together with the Coſts of Diſtreſs to be aſcertained by ſuch Juſtice or Juſtices, who are hereby ſeverally impowered, and are hereby ſo required, upon the Application of any Perſon, by Order of the ſaid Guardians, or of any other Perſon claiming ſuch Penalty, or any Part thereof, to iſſue and grant ſuch Warrant or Warrants; and in caſe ſuch ſufficient Diſtreſs ſhall not be found, then it ſhall be lawful for any Juſtice or Juſtices of the ſaid City, by Warrant under his or their Hand or Hands, upon the like Application, to apprehend any ſuch Offender or Offenders in the ſaid City of *Oxford*, or in any other County or Place in *Great Britain*, although out of the original Juriſdiction of ſuch Juſtice or Juſtices; and by virtue of ſuch Warrant, and by Words in the Body thereof, to commit, and to direct ſuch Offender or Offenders to be committed, when ſo apprehended, to the common Gaol of the City, County, or Place, wherein he, ſhe, or they ſhall be ſo apprehended, there to remain without Bail or Mainprize for ſuch Space of Time as the ſaid Juſtice or Juſtices by ſuch Warrant ſhall appoint, not exceeding ſix, nor leſs than three Calendar Months, unleſs he or they ſhall ſooner pay ſuch Penalty or Forfeitures, with all the Charges attending the Proceedings againſt him or them, to be aſcertained by any one Juſtice of the ſaid City: And ſuch of the aforeſaid Penalties and Forfeitures as ſhall be ſo recovered for the Uſe of the ſaid Corporation, ſhall be paid to the Treaſurer of the ſaid Corporation, or to ſome other Perſon, for the Uſe of the ſaid Corporation, as the ſaid Guardians, or any nine or more of them, ſhall appoint.

and Application.

Expences of this Act to be firſt paid.

XLV. And be it further enacted, by the Authority aforeſaid, That all Charges and Expences incurred in and about procuring and paſſing this Act, ſhall be paid out of the firſt Monies which ſhall ariſe by virtue of this Act.

Not to vary the Limits of the Pariſhes.

XLVI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act or any Thing herein contained, ſhall not vary, alter, or affect, the Limits or Juriſdiction of any of the ſaid ſeveral Pariſhes in the ſaid City of *Oxford*; or to unite or affect the ſame in any Manner further or otherwiſe than is mentioned and expreſſed in and by this Act: And that the Churchwardens and Overſeers of the Poor of and in each of the ſaid ſeveral Pariſhes, ſhall be choſen in and out of each of the ſaid ſeveral Pariſhes, from time to time, as the Law now directs; but that they and every of them, when ſo choſen, ſhall act and be ſubſervient in all Reſpects in Manner herein directed, and purſuant to the Powers and Authorities hereby given and enacted.

Diſtreſs not deemed unlawful for Want of Form.

XLVII. And be it further enacted, by the Authority aforeſaid, That where any Diſtreſs and Sale ſhall be made for any Sum or Sums of Money directed to be levied, or any Perſon or Perſons ſhall be arreſted, or apprehended and committed, by Force of this Act, or by virtue of any Clauſe therein contained, or by

or

or in consequence of any Power hereby given, from the Beginning to the End hereof, either to the said Corporation, or to the said Commissioners, or to any Justice or Justices of the Peace, or otherwise howsoever; no such Distress, Sale, Arrest, or Commitment, shall be deemed unlawful, nor the Party or Parties making or doing the same respectively, be deemed a Trespasser or Trespassers, on account of, or by reason of any Defect or Want of Form, or other Irregularity in any Summons, Conviction, Order, Warrant, or other Proceeding or Proceedings whatsoever, relating to, or concerning any such Distress, Sale, Arrest, or Commitment; nor shall the Party or Parties making or doing the same Distress, Sale, Arrest, or Commitment respectively, be deemed or construed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done or transacted in any such Case by him or them; but the Person or Persons aggrieved by any such Irregularity, shall and may recover Satisfaction for the Special Damages only, and shall have no more Costs than Damages in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

XLVIII. Provided always, and be it further enacted, by the Authority aforesaid, That no Order made touching or concerning any of the Matters in this Act contained, or any other Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Part thereof, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record whatsoever, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

XLIX. Provided also, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done or to be done in pursuance of this Act, or any Clause, Power, or Thing herein contained, from the Beginning to the End thereof, until after ten Days Notice thereof in Writing, signed by the Party aggrieved, shall be given to the Treasurer or the Clerk of the said Corporation, or to the Treasurer or Clerk of the said Guardians for the time being, under whose Power and Authority the Grievance shall have most immediately arisen; nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties so alledging him, her, or themselves to be aggrieved; nor after six Calendar Months next following such Grievance, and the Fact committed: And every such Action shall be laid in the County of *Oxford*, and be tried in the said County, and not elsewhere: And the Defendant and Defendants in every such Action or Suit shall and may plead at his Election specially, or the General Issue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance of this Act, or by Force of some or one of the Powers and Authorities hereby given: And if the same shall appear to be so done, or that such Action or Suit shall be brought before ten Days Notice had been thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought or tried in any other County than as aforesaid; then the Jury, in any such Case, shall find for the Defendant or the Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Public Act.

L. And be it further enacted, by the Authority aforesaid, That this Act, and every Thing herein contained, shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

CAP. XV.

An Act for the better paving that Part of the *High Street*, in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, which lies in the County of *Middlesex*, and for removing Obstructions and Annoyances therein.

Preamble.

'WHEREAS that Part of the *High Street*, in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, which lies in the County of *Middlesex*, is extremely ill paved, and the Passage through the same greatly obstructed by Posts and Projections, and annoyed by Signs, Spouts, and Gutters projecting into and over the same, whereby, and by the deep Channels cross many Parts of the said Street, the same is rendered incommodious and dangerous to Persons passing through the same; and the present Methods prescribed by Law are ineffectual for removing such Obstructions and Annoyances, and for the proper paving of the said Street, and keeping such Pavement in sufficient Repair:' May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Reverend Doctor *Robert Markham*, *Thomas Deming*, *Thomas Price*, *Joseph Rust*, *James Peter Johnson*, *Jeremiah Hergest*, *John Fry*, *John Adams*, *John Stephens*, *Thomas Hodges*, *William Craswell*, *William Thoyts*, *John Rex*, *William Read*, *Frederick Ryder*, *John Coope*, *John Christian Subrin*, *William Hamilton*, *Francis Lauson*, *Thomas Empson*, *Redburn Tomkins*, *William Quarril*, *Isaac Colnett*, *William Claxton*, *Luke Alder*, *James Spalding*, *Thomas Hawes*, *Eugen Allen*, *William Bond*, *Thomas Law*, *Thomas Read*, shall be, and they and their Successors, to be elected in Manner hereafter mentioned, are hereby appointed Commissioners for putting this Act in Execution: And in case of the Death or Removal of any of the said Commissioners, or Refusal to act, it shall be lawful for the surviving or remaining Commissioners, or any five or more of them, from time to time, by Writing under their Hands and Seals, to elect one other Person to be a Commissioner in the Room and Stead of the Commissioner

Commissioners Names.

Other Commissioners to be chosen.

miſſioner ſo dying or refuſing to act; ten Days public Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, aforeſaid; and every Perſon ſo elected ſhall be and is hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon in whoſe Place he ſhall be elected was veſted with.

Qualification of Commiſſioners.

II. And be it further enacted, by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments of the clear yearly Value of forty Pounds, or poſſeſſed of or intitled to a perſonal Eſtate of the Value of five hundred Pounds; and if any Perſon not being ſo qualified ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of fifty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information; wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed, and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

No Victualler to act as a Commiſſioner.

III. Provided always, and be it further enacted, by the Authority aforeſaid, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous or Fermented Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

First Meeting of Commiſſioners; how to adjourn.

IV. And be it further enacted, by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, ſhall meet together at the Veſtry Room of the ſaid Pariſh on the firſt *Monday* after the paſſing of this Act, and ſhall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from time to time, to meet at the ſame Place, or ſuch other Place in the ſaid Pariſh of *Saint Mary Matfellon*, otherwiſe *Whitechapel*, as the ſaid Commiſſioners ſhall, from time to time, think fit: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act or adjourn to another Day, or in caſe the ſaid Commiſſioners ſo aſſembled ſhall omit, neglect, or refuſe to adjourn themſelves, then, and in every ſuch Caſe, any two of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners to be held, within ten Days after, at the ſame Place; public Notice whereof ſhall be given by affixing the ſame in Writing upon the principal Door of the aforeſaid Pariſh Church, at leaſt ſix Days before ſuch Meeting.

Manner of adjourning.

No Order valid unleſs at a public Meeting, nor ſhall any Commiſſioner enjoy Offices.

V. Provided always, That no Order or Determination of the ſaid Commiſſioners, ſhall be valid, unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Commiſſioners may appoint Officers;

VI. And be it further enacted, by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, ſhall and may, by any Writing under their Hands and Seals, appoint one or more Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers for the Execution of this Act, as they ſhall think proper, and from time to time remove him or them, and appoint others as they ſhall find neceſſary or convenient; and by and out of the Money to be raiſed by virtue of this Act, may pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners, or any five or more of them, ſhall take ſuch Security for the Execution of the reſpective Offices, by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any five or more of them, ſhall think proper; and ſuch Perſon and Perſons as is or are hereby made liable to pay the ſeveral Tolls, Rates, or Sums of Money hereby granted, ſhall pay the ſame, to ſuch Perſon or Perſons as ſhall from time to time be appointed to collect or receive the ſame, as herein after mentioned: And all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Times and in ſuch Manner as the ſaid Commiſſioners, or any five or more of them, ſhall direct, deliver to ſuch Commiſſioners true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the Commiſſioners, or any five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required (which Oath the ſaid Commiſſioners, or any two or more of them, are hereby impowered to adminiſter) verify their ſaid Accounts; and if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify, upon Oath, any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within ten Days after being thereunto required, by any five or more of the ſaid Commiſſioners, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or any five or more of them, or as they ſhall direct or appoint; then, and in any of the Caſes aforeſaid, ſuch Commiſſioners, or any five or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of ſuch Commiſſioners, or in the Name or Names of any one or more of them, againſt the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies

who ſhall give Security

and to account.

that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtice may, and is hereby authoriſed and required, by a Warrant or Warrants under his Hand and Seal, to cauſe the Officer or Officers, Perſon or Perſons ſo refuſing or neglecting, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authoriſed and required, upon the Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons offending in the Premiſes reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtice, by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners, or any five or more of them, are hereby impowered to make) and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction, in reſpect thereof, to the ſaid Commiſſioners, or any five or more of them.

Perſons committed not to be detained longer than 6 Months. Executors to account.

VII. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be detained in Priſon for any Term longer than ſix Months.

VIII. And be it further enacted, That upon the Death of any ſuch Officer or other Perſon to be appointed as aforeſaid, his Executors or Adminiſtrators ſhall, within twenty-one Days next after ſuch Deceaſe, deliver to the ſaid Commiſſioners under this Act, or any five or more of them, an Account of the Monies collected or received by the Perſon ſo deceaſed for the Purpoſes of this Act; and ſhall alſo deliver all Books, Papers, and Things concerning his Office to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall appoint to receive the ſame; which Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Perſon ſo deceaſed, in Preference to and before any of his or their other Debts are paid or ſatisfied.

Officers taking Rewards, or concerned in any Bargain, diſqualified, and ſhall forfeit 100l.

IX. And be it further enacted, by the Authority aforeſaid, That if any Perſon who ſhall be employed by the ſaid Commiſſioners as a Clerk, Surveyor, or any other Officer or Servant, in the putting this Act, or any of the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever relative to the putting this Act in Execution; or ſhall be any Ways concerned in Intereſt, in any Bargain or Contract made or to be made by the ſaid Commiſſioners, or any five or more of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon ſo offending ſhall be incapable of ever ſerving or being employed under this Act, and ſhall forfeit the Sum of one hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record, within ſix Calendar Months after the Offence committed; in which no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed.

Streets to be paved.

X. And be it further enacted, by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, ſhall have full Power and Authority, from time to time, to cauſe, order, and direct the ſaid Street to be new paved, repaired, raiſed, ſunk, or altered, when and as often, and in ſuch Manner, and with ſuch Materials as the ſaid Commiſſioners ſhall think fit; and for ſuch Purpoſes may, from time to time, cauſe to be dug, carted, and carried out of, or brought into the ſame, ſuch Gravel, Stones, and other Materials as they ſhall judge neceſſary; and may likewiſe cauſe the Water-pipes, which now lie, or hereafter ſhall be laid under Ground, to be taken up and new-laid in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners, ſhall judge beſt, and to employ ſuch Artificers, Workmen, and other Perſons, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any five or more of them, ſhall judge neceſſary for accompliſhing the Purpoſes of this Act.

Commiſſioners may make Contracts.

XI. And be it further enacted, by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, may, and they are hereby impowered, from time to time, to contract with any Perſon or Perſons, for paving and keeping in Repair the ſaid Street, and in and about the ſeveral Works hereby directed to be performed, or any of them; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Work ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof; and ſhall be ſigned by the ſaid Commiſſioners, or any five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; but previous to the making of any ſuch Contract, fourteen Days Notice ſhall be given in ſome public News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing

willing to undertake the ſame, may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Carriages with Hay and Straw to ſtand as the Commiſſioners ſhall direct.

XII. And be it further enacted, by the Authority aforeſaid, That during all ſuch Time as the new Pavement ſhall be carrying on and making in the ſaid Street, and until ſuch new Pavement ſhall be completed, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order and direct all and every ſuch Carts and Waggons loaded with Hay or Straw, as ſhall be brought for Sale into the ſaid Pariſh on the uſual Market Days, to be placed and ſtand in ſuch of the Streets or other Places in the ſaid Pariſh, and in ſuch Manner and Form, as the ſaid Commiſſioners, or any five or more of them, ſhall, from time to time, direct or appoint; and that when ſuch Pavement ſhall be completed and finiſhed, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order and direct all and every ſuch Carts and Waggons loaded with Hay or Straw, as ſhall be brought into the ſaid Pariſh for Sale on the uſual Market Days, to be placed and ſtand in or near the Middle of the ſaid Street, at ſuch Diſtances, and in ſuch Manner and Form, as the ſaid Commiſſioners, or any five or more of them, by Writing under their Hands, to be publickly affixed in ſome conſpicuous Part or Parts of the ſaid *High Street*, ſhall, from time to time, direct and appoint: And if the Owner or Owners, Driver or Drivers of any ſuch Cart or Carts, Waggon or Waggons, loaded with Hay or Straw, as ſhall be brought into the ſaid Pariſh for Sale on the uſual Market Days as aforeſaid, ſhall neglect or refuſe to place his or their Cart or Carts, Waggon or Waggons, according to the Directions of the ſaid Commiſſioners, to be notified as aforeſaid, or ſhall permit or ſuffer any ſuch Cart or Carts, Waggon or Waggons, to ſtand on either Side of the ſaid Street, ſo as to obſtruct the free Paſſage for Carriages therein, it ſhall and may be lawful to and for any Perſon or Perſons whomſoever who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him or them before ſome Juſtice of the Peace acting in and for the ſaid County, and ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes, who ſhall appear or be produced to give Information touching ſuch Offence (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter): And if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his or their own Confeſſion, or upon ſuch Information as aforeſaid, he or they ſo convicted ſhall forfeit and pay the Sum of ten Shillings; and in caſe ſuch Offender or Offenders ſhall not on Conviction pay ſuch Forfeiture, ſuch Juſtice is hereby required to commit him or them to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding fourteen Days; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he or they ſhall be ſo committed, unleſs ſuch Forfeitures ſhall be ſooner paid.

Penalty on diſobeying their Directions.

Property of Materials veſted in Commiſſioners.

XIII. And be it further enacted, by the Authority aforeſaid, That the Property of the Pavements, and all Materials and Things which ſhall be provided and made uſe of for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and they, or any five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any one or more of them, or to prefer, or order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any Part of ſuch Materials or Things, or diſturb them in the Poſſeſſion thereof.

Penalty on interrupting Workmen.

XIV. And be it further enacted, by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons whomſoever, who is, are, or ſhall be employed by virtue of this Act, in the Performance or Execution of their Duty, every ſuch Perſon ſo offending ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third, and every other Offence, the Sum of three Pounds.

Commiſſioners may ſell old Materials, &c.

XV. And be it further enacted, by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, ſhall have full Power and Authority, from time to time, to ſell and diſpoſe of all or any Part of the old Pavement, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money for the Purpoſes of this Act.

Notice to be given of taking up Pavements, &c. for repairing any Vault, Drain, &c.

XVI. And be it further enacted, by the Authority aforeſaid, That when and ſo often as any Part of the Pavement of the ſaid Street ſhall be taken up, for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or mending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall, within twenty-four Hours, give Notice thereof to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired under the Inſpection of the ſaid Surveyor; and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners may compound with Commiſſioners of Sewers.

XVII. Provided always, and be it further enacted, by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, from time to time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, ſhall think reaſonable, in lieu and inſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

How Money ſhall be recovered.

XVIII. And be it further enacted, by the Authority aforeſaid, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay what

the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within two Months next after Notice thereof, to be left by the Surveyor or Clerk appointed or to be appointed by the ſaid Commiſſioners, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any five or more of them, and annexed to the Bill, containing an Account of the Expence of ſuch Repair or Money due upon ſuch Compoſition, it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk, for the time being, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Commiſſioners to pay for altering Pipes.

XIX. And be it further enacted, by the Authority aforeſaid, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes, which the ſaid Commiſſioners, or any five or more of them, are hereby impowered to cauſe to be done as often, and in ſuch Places, as they ſhall think proper, the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit of.

Where any of the Water Companies Pipes break, Notice to be given to ſuch Companies.

XX. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Companies ſhall break or burſt in the ſaid Street, it ſhall and may be lawful to and for the Surveyor for the time being to the Commiſſioners for putting this Act in Execution, or ſuch other Perſon as the ſaid Commiſſioners, or any five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do or may belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode; and if, upon taking up of the Pavement and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt do not or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement and opened ſuch Ground, that then and in ſuch Caſe the Surveyor or other Perſon as aforeſaid ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within two Days after ſuch Notice given or left as aforeſaid; and alſo within twenty four Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broken, do or doth not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong, ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid two Days after Notice given, he ſhall for the firſt Offence forfeit and pay the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third, and every other Offence, the Sum of three Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or burſt ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid, ſuch Pavior ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within two Days after ſuch Notice given to him as aforeſaid; or if the Surveyor, or other Perſon to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds.

Expences of relaying the Pavement to be paid.

Paviors to Water Companies to give Notice to the Surveyor or Clerk of their Names and Abodes.

XXI. And be it further enacted by the Authority aforeſaid, That every Pavior now appointed, or hereafter to be appointed, by the ſaid ſeveral Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under the ſaid Street, ſhall and is hereby required, within the Space of eight Days next after the paſſing of this Act, or within the Space of three Days next after he ſhall be appointed Pavior to ſuch Company or Companies, and within the Space of three Days next after every Removal of his Abode, to give

give Notice in Writing to the Surveyor or Clerk for the time being to the ſaid Commiſſioners, of his the ſaid Pavior's Name and Place of Abode, and to what Company he is Pavior: And in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Pavior ſo offending in either of the ſaid Caſes, ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of three Pounds.

No Alteration to be made in the Form of the Pavements without Conſent of Commiſſioners.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of any of the Pavements of the ſaid Street, or of any Part thereof, without the Conſent and Direction of the ſaid Commiſſioners, or any five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every ſuch Offence, the Sum of five Pounds, over and above all Expences incurred, or to be incurred, in reinſtating the ſame.

Courſe of Gutters to be turned, if neceſſary.

XXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, to direct and cauſe the Courſe of any Gutter or Channel running in or through the ſaid Street to be turned or altered in ſuch Manner as they ſhall think proper, and to direct any Grate or Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper; all which ſhall, from time to time, be done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Where neceſſary to make new Grates, or repair old ones, Commiſſioners of Sewers to pay the Expence.

XXIV. And be it further enacted by the Authority aforeſaid, That when and ſo often as there ſhall be Occaſion to make new or additional Grate or Grates over any Sewer or Sewers within the ſaid Street, or to repair or alter any old Grate or Grates belonging to the Commiſſioners of Sewers, or any other Perſon or Perſons, in the ſaid Street, the ſame ſhall be made new, repaired, or altered, by and at the Expence of the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons to whom the ſame doth or ſhall belong; and the ſame, when ſo made new, repaired, or altered, ſhall be laid down in ſuch Place and Places, and in ſuch Manner and Form, as ſhall be directed by the Surveyor to the Commiſſioners for putting this Act in Execution, at the Expence of the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid: And in caſe the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe ſo to do, for the Space of ſix Days next after Notice given or left with their Clerk or Clerks for the time being, or with ſuch other Perſon or Perſons as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any five or more of them, or their Surveyor, to cauſe ſuch Grate or Grates as ſhall be neceſſary to be made new, repaired, altered, and laid down, to be ſo made new, repaired, altered, and laid down; the Expence whereof ſhall be reimburſed and paid by the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, or recovered of him, them, or any of them, in like Manner as the Charges and Expences of relaying Pavements is herein before authoriſed to be recovered.

How it ſhall be recovered in caſe of Neglect.

Sewers, &c. to be repaired by the Commiſſioners of Sewers.

XXV. And be it further enacted by the Authority aforeſaid, That when and ſo often as any Sewer or Drain which ſhall be ſituate in or communicate with the ſaid Street, ſhall require to be made new, repaired, altered, cleanſed, or emptied; then, and in every ſuch Caſe, the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons to whom ſuch Sewer or Drain ſhall belong, ſhall, within ſix Days after Notice given to or left for the Surveyor or Clerk for the time being of the Commiſſioners of Sewers, or to or for ſuch other Perſon or Perſons as aforeſaid, at his or their laſt or uſual Place of Abode, by the ſaid Commiſſioners appointed to put this Act in Execution, or any five or more of them, or by the Surveyor or other Perſon authoriſed by them, make new, effectually repair, clean, or empty ſuch Sewer or Drain, as the Caſe may require; and in Default thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any five or more of them, or their Surveyor for the time being, to cauſe ſuch Sewer or Drain to be made new, repaired, or altered, cleanſed, or emptied, as the Caſe may require, or ſo much thereof as ſhall be neceſſary; the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting this Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the time being to the ſaid Commiſſioners of Sewers, or by ſuch other Perſon or Perſons as aforeſaid: And in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within two Months next after Notice thereof ſhall be left at the Dwelling-houſe or laſt Place of Abode of ſuch Clerk or Treaſurer, or other Perſon, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and annexed to the Bill containing an Account of ſuch Charges and Expences; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk for the time being, againſt ſuch Clerk or Treaſurer of the ſaid Commiſſioners of Sewers for the time being, or ſuch other Perſon or Perſons as aforeſaid, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo expended for the Purpoſes aforeſaid; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Foot Pavements to be ſwept every Day, except Sundays.

XXVI. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Street ſhall, from and after the ſecond *Monday* next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes and Buildings, once in every Day, between the Hours of Six and Nine in the Forenoon (*Sundays* excepted) upon Pain of forfeiting five Shillings for every Neglect therein.

Penalty on obstructing the Streets, &c. by Carriages, Timber, &c.

XXVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the said second *Monday* next after the passing of this Act, set out, leave, or lay any Cart, Dray, Waggon, or other Carriage, Wheels, Timber, Stones, or other Materials, Matters, or Things, which may occasion any Annoyance, Nuisance, or Obstruction whatsoever in the said Street, so as to obstruct, incommode, or endanger any Person or Persons, Carriage or Carriages whatsoever, passing thereon; or if any Cart, Waggon, or other Carriage, shall be suffered to stand in any Part of the said Street, longer than is needful and proper for the necessary loading or unloading thereof respectively; or if any such Cart, Dray, or other Carriage, shall be placed or set across any Part of the said Street, for the Purposes of loading or unloading the same, it shall and may be lawful, in any of such Cases, for the said Commissioners, or any five or more of them, either at any Meeting in pursuance of this Act, or without any such Meeting, to cause the said Carts, Waggons, or other Carriages, together with the Horse and Horses, and Loading and Loadings belonging thereto, and such other Matters and Things respectively, making or occasioning such Annoyance, Nuisance, or Obstruction, to be removed, taken, carried away, and deposited in such Place or Places as the said Commissioners, or any five or more of them, shall direct or appoint, there to remain until the Offender or Offenders shall have paid and discharged all Costs, Charges, and Expences attending the carrying away and depositing the same as aforesaid, as also such Sum as the said Commissioners, or any five or more of them, shall adjudge, not exceeding forty Shillings for each such Offence.

Penalty on driving Wheelbarrows, &c. on Foot Pavements.

XXVIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall lead, run, ride, drive, draw, or cause to be led, run, driven, or drawn, any Horse, Mule, or other Beast; or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Cask, Wheel-barrow, or any other Carriage whatsoever, on any Part of the Foot Pavements of the said Street, every such Person or Persons shall forfeit, for the first Offence, the Sum of five Shillings, for the second Offence the Sum of ten Shillings, and for the third and every other Offence the Sum of fifteen Shillings.

Inclosures may be made for the Purpose of Building.

XXIX. Provided always, and be it further enacted by the Authority aforesaid, That any Person or Persons shall and may erect or set up, or cause to be erected or set up, in the said Street, any Inclosure, Posts, Bars, or Rails, or other Matters or Things for the Purpose of making Mortar, and depositing Bricks, Lime, or other Materials for building or repairing any Houses, Buildings, or other Works; every such Person or Persons first obtaining Leave under the Hand of the Surveyor or Clerk for the time being to the said Commissioners, which he is hereby impowered to give, by their Permission, signed by five or more of them; but if any Person or Persons shall erect or set up, or cause to be erected or set up, any such Inclosures, Posts, Bars, or Rails, or any other Matter or Thing for the Purposes aforesaid, without such Leave first had and obtained, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding ten Shillings for every Hour such Inclosure, Matter, or Thing, as aforesaid, shall remain and continue.

Houses to be numbered.

XXX. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, may order and direct the Houses within the said Street to be numbered with Figures, placed or painted on the Doors thereof, or on such other Part of the said Houses respectively as they the said Commissioners, or any five or more of them, shall think proper; and if any Person or Persons shall wilfully or maliciously destroy, injure, obliterate, or deface any such Number or Figure, or any Description, or any Part thereof, or cause or procure the same to be done, and shall be convicted thereof by his or their own Confession, or by the Oath of one or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace acting in and for the County or Place where such Offence shall be committed; every such Person so offending shall, for every such Offence, forfeit and pay the Sum of forty Shillings.

Commissioners may remove Signs and other Annoyances.

XXXI. And be it further enacted by the Authority aforesaid, That from and after the said second *Monday* next after the passing of this Act, the said Commissioners, or any five or more of them, shall cause all Signs which then or at any time after shall be placed or hung in any Part of the said Street, to be fixed or placed on the Fronts of such Houses respectively whereunto the same shall belong; and also shall and may cause all Sign-irons, Posts, Boards, Spouts, Gutters, Pent-houses, or other Things occasioning any Obstruction or Annoyance in the said Street, to be removed or altered, in such Manner as the said Commissioners, or any five or more of them, shall think most proper and convenient; and that for the future all Signs, Boards, Spouts, or Gutters, shall be placed or fixed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong, as the said Commissioners, or any five or more of them, shall direct, and not otherwise; and if any Person or Persons shall at any Time hereafter hang, place, erect, or build any Sign, Sign-post, or Iron, Board, Spout, or Gutter, or cause the same to be done, in any other Manner than as aforesaid, or shall in any Manner occasion any Incroachment or Annoyance in the said Street, every such Person shall, for every such Offence, forfeit and pay the Sum of five Pounds.

Signs, &c. remaining unused, to be returned to the original Proprietor.

XXXII. Provided always, and be it further enacted by the Authority aforesaid, That if any or any Part of any such Sign, Sign-iron, or Post, Board, Gutter, Spout, Pent-house, or other Projection, shall remain unused after the Alteration made thereto, as before directed, the same shall be returned to and be the Property of the Person to whom the same belonged before such Removal or Alteration.

Steps, &c. projecting too far, to be removed.

'XXXIII. And whereas the said Street is, in some Parts thereof, greatly obstructed, and made dangerous to Foot Passengers, by Steps being brought out from Houses, Steps and Doors going down into Cellars, Vaults, and other Places, and by Shew-glasses, Shew-boards, and other Matters or Things projecting from Shops or Houses over and beyond the Area belonging to such Houses, or into the Foot-ways': Be it therefore enacted by the Authority aforesaid, That from and after the said second *Monday* after the passing of this Act, all such Steps projecting into the Foot-ways of the said Street, and all Steps and

Doors

Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Shop, Warehouſe, or Tenement, as likewiſe all Shew-glaſſes or Shew-boards projecting over and beyond the Areas, or into the Foot-ways, and all and every other Material, Matter or Thing belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction in the ſaid Street (either in the Foot or Carriage Way thereof) ſhall be, at the Expence of the ſaid Commiſſioners, from time to time removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any five or more of them, or their Surveyor, by their Direction.

An Aſſeſſment to be made.

XXXIV. And, for defraying the Charges and Expences attending the Execution of the ſeveral Powers 'by this Act granted,' be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, a Rate or Aſſeſſment (over and above all Rates and Aſſeſſments now payable) ſhall, once in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any five or more of them, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any five or more of them, upon all and every Perſon or Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement within the ſaid Street, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners ſhall, from time to time, judge needful and direct; ſo as ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, do not in any one Year exceed in the Whole the Sum of one Shilling and Sixpence in the Pound of the yearly Rents or yearly Values of ſuch Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively; and that all and every Tenant of every Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement or Hereditament, ſhall and may deduct One-third of ſuch Sum as ſhall be ſo aſſeſſed as aforeſaid, out of his, her, or their Rents, and the Landlord or Landlords, Owner or Owners of ſuch Premiſes, is and are hereby required to allow ſuch Deduction or Abatement upon the Receipt of the Reſidue of his, her, or their reſpective Rents; any Agreement or Contract between Landlord or Tenant, or any Uſage, Cuſtom, or Law to the contrary notwithſtanding.

Rate on South Side of the Street.

XXXV. Provided always, and be it further enacted, That no Perſon ſhall be liable to be rated or pay more than Five-ſixth Parts of ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, for or in reſpect of any Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement, ſituate on the South Side of the ſaid Street, between *Red Lion Street* and the Liberty of the City of *London*; and that the Proprietors and Occupiers of any ſuch Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement, ſhall be and are hereby abſolutely acquitted and diſcharged from any and every Claim that may or can ariſe in reſpect of the Appropriation of any Toll or Tolls on Hay heretofore received by them, or any of them.

Manner of Recovery.

XXXVI. And be it further enacted and declared, That if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall refuſe or neglect to pay the Money ſo rated or aſſeſſed for the Space of ten Days next after the ſame ſhall be due, and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame (ſuch Demand being either perſonally made of the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode) then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace of the ſaid County (which Warrant or Warrants the ſaid Juſtice, upon Application of the ſaid Collector and Collectors, is hereby authoriſed and required to grant) and ſuch Collector or Collectors, taking to his or their Aſſiſtance a Conſtable, or other Peace Officer of the Pariſh or Place where the Perſons ſo refuſing or neglecting ſhall reſide, to enter into the Houſe or Houſes of the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid within five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to appraiſe and ſell ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods or Chattels (the ſaid Coſts and Charges to be ſettled and allowed by ſuch Juſtices who ſhall have granted ſuch Warrant or Warrants reſpectively); and in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the ſaid Collector or Collectors, ſo that he or they cannot diſtrain the ſame, then, and in either of the ſaid Caſes, upon Information thereof given to any one Juſtice of the Peace, acting in and for the ſaid County, it ſhall and may be lawful for ſuch Juſtice, and he is hereby required to commit the Perſon or Perſons ſo aſſeſſed, and refuſing or neglecting to pay the ſaid Rates, to the common Gaol for the County or Place where ſuch Perſon or Perſons ſhall reſide, or ſhall be found, there to remain without Bail or Mainprize for any Time not exceeding the Space of one Month, or until the Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Non-payment thereof.

Occupiers quitting without paying Rates, may be followed.

XXXVII. And be it further enacted, by the Authority aforeſaid, That when any Perſon or Perſons, who hath or have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame, that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hands and Seals of any two Juſtices of the Peace, acting in and for the ſaid County (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant) to enter into any Place within their Juriſdictions, or out of the Limits thereof; ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty, where the Diſtreſs is to be made;

made; and to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale.

Toll on Hay.

'XXXVIII. And whereas there is due, and has been accuſtomed to be received, for every Cart or Waggon loaded with Hay brought into the ſaid Pariſh, and ſold on the uſual Market Days, the Sum of Six-pence, Two-pence whereof is due and of Right belonging to the Lord of the Manor of *Stebonheath*, otherwiſe *Stepney*, in the County of *Middleſex*, as Owner or Proprietor of the ſaid Market, and has accordingly, from time to time, been paid to and received by him; and the further Sum of Two-pence, other Part of the ſaid Sum of Six-pence, is due and of Right belonging to the ſaid Pariſh, for the cleanſing and taking away the Dirt and Filth occaſioned by ſuch Carts and Waggons, and has been paid to and received by the ſeveral Houſeholders and Inhabitants before whoſe Doors ſuch Carts and Waggons have ſtood, and been ſold on the uſual Market Days as aforeſaid, for the Uſe of the ſaid Pariſh; and the further Sum of Two-pence, the Remainder of the ſaid Sum of Six-pence, is due and has been received by the ſaid ſeveral Houſeholders and Inhabitants againſt whoſe Doors the ſaid Hay ſo expoſed to Sale ſtood:' To the End therefore that the uſeful Purpoſes of this Act may be the better and more ſpeedily carried into Execution, and for and towards increaſing the Fund for defraying the Charges of the ſame, Be it further enacted by the Authority aforeſaid, That from and after the firſt *Monday* next after the paſſing of this Act, there ſhall be paid to the Receiver or Receivers, Collector or Collectors, to be for that Purpoſe nominated and appointed by the ſaid Commiſſioners, or any five or more of them, by any Writing under their Hands and Seals, for every Cart or Waggon loaded with Hay which ſhall be brought into the ſaid Pariſh for Sale on the uſual Market Days, and ſold or expoſed to Sale, the aforeſaid Sum of Six-pence in lieu of all other Tolls which are or ſhall be authoriſed to be taken and collected, the ſaid Receiver or Receivers, Collector or Collectors, paying thereout to the Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the time being, or ſuch Perſon or Perſons as ſhall be appointed by him or them to receive the ſame, the Sum of Two-pence, clear of all Charges and Expences, for every Cart or Waggon loaded with Hay which ſhall be brought into the ſaid Pariſh, and ſold or expoſed to Sale on the uſual Market Days as aforeſaid.

Power to compound with the Lord of the Manor.

XXXIX. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound and agree for the ſame with the ſaid Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the time being, for a certain Sum of Money by the Year or otherwiſe, for any Term not exceeding three Years, as the ſaid Commiſſioners, or any five or more of them, ſhall think reaſonable.

Tolls may be levied by Diſtreſs.

XL. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby impowered, by themſelves, or any Perſon or Perſons by them thereto authoriſed, to levy the ſaid Toll hereby required to be paid upon any Owner or Owners, Driver or Drivers of any Cart or Waggon loaded with Hay as aforeſaid, who ſhall neglect or refuſe to pay the ſame as aforeſaid; which ſaid Toll ſhall and may be levied by Diſtreſs of any Part of ſuch Hay with which ſuch Cart or Waggon ſhall be ſo loaded as aforeſaid, or upon any of the Goods or Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and ſuch Diſtreſs or Diſtreſſes ſhall and may be detained until ſuch Toll, with the reaſonable Charges of ſuch Diſtreſs or Diſtreſſes, ſhall be paid: And it ſhall and may be lawful to and for the Perſon or Perſons ſo diſtraining, after the Space of five Days from the Time of making ſuch Diſtreſs, to ſell ſuch Hay, or other Goods or Chattels ſo diſtrained, rendering to the Owner or Owners thereof the Overplus (if any) upon Demand, after the ſaid Toll, and the reaſonable Charges in and about the making ſuch Diſtreſs, Keeping, and Sale, ſhall be fully ſatisfied.

Act 31 Geo. II.

'XLI. And whereas by an Act of Parliament made and paſſed in thirty-firſt Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act to aſcertain the Weight of Truſſes of Straw, and to puniſh Deceits in the Sale of Hay and Straw in Truſſes in* London, *and within the Weekly Bills of Mortality, and within the Diſtance of thirty Miles thereof; and to prevent common Saleſmen of Hay and Straw from buying the ſame, on their own Account, to ſell again; and alſo to reſtrain Saleſmen, Brokers, or Factors in Cattle, from buying, on their own Account, to ſell again, any Live Cattle in* London, *or within the Weekly Bills of Mortality, or which are driving up thereto*; it is, amongſt other Things, enacted, That there ſhall be kept in every Hay-market, within the Limits of the ſaid Weekly Bills of Mortality, where Hay or Straw is or ſhall be allowed to be ſold, a Book or Regiſter for entering and regiſtering therein an Account of all Hay and Straw which ſhall be ſold in any ſuch Hay-market reſpectively; and that ſuch Book or Regiſter ſhall be kept by the Clerk or Toll-gatherer of every Hay-market within the ſaid Limits, or his or their Deputy or Deputies: And whereas the Toll upon every Load of Hay which ſhall be brought into the ſaid Pariſh for Sale, and ſold or expoſed to Sale on the uſual Market Days, is by this preſent Act directed and appointed to be paid to the Receiver or Receivers, Collector or Collectors, to be for that Purpoſe nominated and appointed by the ſaid Commiſſioners, or any five or more of them;' Be it therefore further enacted, That it ſhall and may be lawful to and for ſuch Perſon or Perſons as ſhall be appointed Receiver or Receivers, Collector or Collectors of the ſaid Toll, to keep a Book or Regiſter for entering and regiſtering therein an Account of all Hay and Straw which ſhall be ſold in the ſaid Hay-market; and that ſuch Receiver or Receivers ſhall duly account for, and pay to the Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the time being, or ſuch Perſon or Perſons as ſhall be appointed by him or them to receive the ſame, all ſuch Sum and Sums of Money as ſhall be received by ſuch Receiver or Receivers, Collector or Collectors, by virtue or on account of the keeping ſuch Book or Regiſter as aforeſaid, clear of all Charges and Expences whatſoever.

Receivers may collect the Money for regiſtering.

XLII. Provided

XLII. Provided always, That it shall and may be lawful for the said Commissioners, or any five or more of them, from time to time, to compound and agree for the same with the said Lord of the Manor, or such other Person as shall be Owner or Proprietor of the said Market for the time being, for a certain Sum of Money, by the Year or otherwise, for any Term not exceeding three Years, as the said Commissioners, or any five or more of them, shall think reasonable. Commissioners may compound with the Lord of the Manor.

'XLIII. And whereas by the said Act made in the thirty-first Year of his late Majesty King *George* the Second, intituled, *An Act to ascertain the Weight of Trusses of Straw, and to punish Deceits in the Sale of Hay and Straw in Trusses in* London, *and within the Weekly Bills of Mortality, and within the Distance of thirty Miles thereof*; *and to prevent common Salesmen of Hay and Straw from buying the same on their own Account to sell again*; *and also to restrain Salesmen, Brokers, or Factors in Cattle, from buying on their own Account, to sell again, any Live Cattle in* London, *or within the Weekly Bills of Mortality, or which are driving up thereto*; it is, amongst other Things, enacted, That from and after the twenty-ninth Day of *September*, one thousand seven hundred and fifty-eight, no Person or Persons shall permit or suffer his or their Waggon, Cart, or Car, loaden with Hay or Straw for Sale, to stand or be in the Hay-market in *Smithfield*, in *London*, or in any Hay-market within the Weekly Bills of Mortality, from *Ladyday* to *Michaelmas*, after Four of the Clock in the Afternoon; and from *Michaelmas* to *Ladyday*, after Three of the Clock in the Afternoon: And whereas the keeping open the Hay-market in the *High Street*, in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, to such late Hours, has been found very inconvenient, not only to the Farmers and Consumers of Hay and Straw, but likewise to all Passengers who have Occasion to pass through the said *High Street*, and some further Regulation is likewise necessary with respect to the said Hay-market;' Be it therefore enacted by the Authority aforesaid, That from and after the passing this Act, so much of the above-recited Act as directs the Time when the Hay-market held in the said *High Street* shall end, and the standing of Waggons, Carts, or Cars, in the said Market, be, and the same is hereby repealed; and that, for the future, the said Market shall be held, from *Ladyday* to *Michaelmas*, from Seven in the Morning till One of the Clock in the Afternoon; and from *Michaelmas* to *Ladyday*, from Eight in the Morning till Twelve of the Clock at Noon, and at no other Time or Times; and if any Person or Persons shall at any time continue or suffer his or their Waggon, Wain, Cart, or Car, laden with Hay, Straw, or Fodder, to stand or be in any Part or Parts of the said *High Street* or Hay-market, otherwise than as above mentioned, every such Person shall, for every such Offence, forfeit and pay the Sum of five Shillings; to be recovered and applied in such and the same Manner as, by the said recited Act, the Penalties for offending against the said Act are to be recovered and applied. Act 31 Geo. II. Hay-market when to be held.

'XLIV. And, for the more effectually enabling the said Commissioners to execute the Purposes of this Act in the most expeditious Manner;' Be it further enacted, That it shall and may be lawful for the said Commissioners, or any seven or more of them, and they are hereby impowered, from time to time, when they shall judge it necessary for the Purposes aforesaid, to borrow and take up at Interest any Sum or Sums of Money not exceeding four thousand Pounds, upon the Credit of the Rates or Assessments to be made and payable by virtue of this Act, and upon the said Toll upon Hay; and by any Writing or Writings upon Vellum or Parchment, signed by them, to assign the said Rates or Assessments, and the said Toll, or either of them, to any such Person or Persons who shall advance or lend such Money thereon, as a Security or Securities for the several Sums so borrowed, with legal or lower Interest for the same; which Interest shall be payable and paid Half-yearly by the said Commissioners out of the Monies to arise by or from the said Rates or Assessments, and the said Toll respectively. Commissioners may borrow 4000 l. on the Credit of the Act.

'XLV. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, to be secured upon, and payable out of the said Rates and Assessments, and the said Toll respectively;' Be it therefore further enacted, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, or any seven or more of them, or such Person or Persons as they shall appoint for the Purposes of this Act, any Sum or Sums of Money, not exceeding in the whole the Sum of three thousand Pounds, for the absolute Purchase of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Persons as shall be nominated by or on the Behalf of such respective Contributors, at the Time of Payment of their respective Contribution-monies; which Annuity or Annuities shall not exceed the Rate of eight Pounds *per Centum per Annum* for every one hundred Pounds, and so in proportion for any greater or lesser Sum, to be advanced and paid as aforesaid: All which Annuities so to be purchased shall be payable and paid by the said Commissioners out of the Monies to arise by or from the said Rates and Assessments and Toll respectively, by quarterly Payments, the first Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of the first Quarter after Payment of their respective Purchase-monies; the Rate whereof shall be settled and adjusted by a public Sale of the said Annuities by the said Commissioners to the best Bidder for the same. Persons may advance to purchase Annuities not exceeding 3000 l.

'XLVI. And whereas the said Part of the said Street directed to be paved by this Act is the great Avenue to the City of *London* from the County of *Essex*, and other Eastern Counties of this Kingdom, and ought to be paved, and the Work completed in the same or like substantial Manner as that Part thereof is done which lies in the City of *London*: And whereas the Trustees appointed to put in Execution the several Acts of Parliament made for repairing the Turnpike Road adjoining to the said *High Street*, leading from the Stones End at *Whitechapel* Church, in the County of *Middlesex*, to *Shenfield*, and other Places in the County of *Essex*, are willing to contribute, advance, and pay the Sum of one thousand Pounds for that Purpose out of the Tolls and Duties arising by their said Turnpike Acts;' Be it therefore enacted by the Authority aforesaid, That the Trustees appointed or to be appointed under the said Turnpike Acts, or any seven or more of them, shall and may, and they are hereby authorised and required to pay, or cause to be paid, Trustees to pay 1000 l. to Commissioners.

paid, unto the ſaid Commiſſioners, or any five or more of them, or to ſuch Perſon or Perſons as they, or any five or more of them, ſhall, by Writing under their Hands and Seals, appoint to receive the ſame out of the Money ariſing or to ariſe under their ſaid ſeveral Turnpike Acts, the Sum of one thouſand Pounds of lawful Money, within the Space of ſix Calendar Months next after the paſſing of this Act; provided that Part of the ſaid *High Street* ſhall be ſo paved, completed, and finiſhed in Manner aforeſaid, the Perſon or Perſons receiving the ſame giving a due Receipt and Diſcharge for the ſame.

Truſtees to borrow 10col. on the Credit of the Act.

'XLVII. And, for the better enabling the ſaid Truſtees to raiſe and pay the Sum of Money as aforeſaid,' Be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any ſeven or more of them, from time to time, to borrow and raiſe, on the Credit of their ſaid Acts, any Sum or Sums of Money, not exceeding in the whole the ſaid Sum of one thouſand Pounds, for the Purpoſes aforeſaid, over and above all other Sum and Sums of Money already raiſed, or which ſhall hereafter be raiſed, by virtue of the ſaid Turnpike Acts, or any of them, for the particular Purpoſes of the ſame Acts; and alſo to ſecure the Repayment thereof by ſuch Means, Aſſignments, Mortgages, and Securities upon the Tolls and Duties, in ſuch Manner and at ſuch Intereſt as they are impowered by the ſaid Acts, or any of them, to raiſe and ſecure Money for the particular Purpoſes of thoſe Acts.

Money veſted in Commiſſioners.

XLVIII. And be it further enacted by the Authority aforeſaid, That all Monies raiſed or collected by virtue, or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, and to or for no other Uſe or Purpoſe whatſoever.

Expences of the Act.

XLIX. Provided always, and be it further enacted by the Authority aforeſaid, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Penalties may be mitigated.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners, or any five or more of them, ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into on account of any Breach or Non-performance of any Contract or Contracts, for ſuch Sum or Sums of Money as they, or any five or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures as aforeſaid do not extend to remit above one Moiety of the ſaid Forfeitures reſpectively.

Appeal to the Quarter Seſſions.

LI. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General or Quarter Seſſions of the Peace to be held for the County of *Middleſex*, within three Calendar Months after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, fourteen Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within two Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with two ſufficient Sureties conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General or Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizances, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch General or Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Recovery and Application of Penalties.

LII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, the Manner of levying and recovering whereof is not hereby particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace acting in and for the ſaid County of *Middleſex*; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of any one or more credible Witneſs or Witneſſes, upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Clerk to the ſaid Commiſſioners for the time being, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction for the ſaid County, there to remain without Bail or Mainprize for any Time not exceeding three Calendar Months, nor leſs than fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall think proper, not exceeding one Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the contrary thereof notwithſtanding.

Justices may administer Oaths.

LIV. And be it further enacted by the Authority aforesaid, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person for his or their more certain Information in the Matters then depending.

Commissioners who are Justices for Middlesex may act.

LV. And be it further enacted, That it shall and may be lawful to and for any two Justices of the Peace for the County of *Middlesex*, although such Justices shall be Commissioners for the Purposes of this Act, to hear and determine any of the Offences arising within their respective Jurisdictions which are made subject to and punishable by any pecuniary Penalties directed to be levied by virtue of this Act.

Orders, &c. to be kept in Books, &c.

LVI. And be it further enacted, That a Book or Books shall be prepared and kept by the said Commissioners, or by such Person or Persons as they, or any five or more of them, shall appoint, wherein shall be fairly entered, from time to time, the Names of such Persons as they, or any five or more of them, shall nominate and appoint to put in Execution the Purposes of this Act; and Copies of all Orders and Proceedings relating thereto, and also an Account of what Monies shall have been assessed, raised, levied, and paid by virtue of this Act, and how the same shall have been applied, and the Names of the Annuitant or Annuitants, and what Sum or Sums he, she, or they paid for such Annuity or Annuities respectively, and what he, she, or they, is or are to receive for the same; which Book or Books the said Annuitants, or any of them, and all Persons contributing to the said Rates or Assessments, may at all convenient Times peruse and inspect without Fee or Reward.

Commissioners to defray their own Expences.

LVII. And be it further enacted, by the Authority aforesaid, That the said Commissioners shall, at all their Meetings under this Act, pay and defray their own Expences.

Distress not unlawful for want of Form.

LVIII. And be it further enacted, by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Case.

Plaintiff not to recover if Tender of Amends be made.

LIX. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by, or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit; whereupon such Proceedings, or Orders, and Judgements, shall be had, made, and given in and by such Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LX. And be it further enacted, by the Authority aforesaid, That no Nomination, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Commissioner, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals, of, or only signed by, any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Orders, &c. to be entered in Books.

LXI. And be it further enacted, by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks at any Meeting of five or more of the said Commissioners assembled, as the Case shall require; and such Orders shall be deemed and taken to be Original Orders; which said Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Proceedings not to be removeable by Certiorari.

LXII. And be it further enacted, by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXIII. And be it further enacted, by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until twenty-one Days Notice shall be thereof given in Writing to the Clerk of the said Commissioners, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be brought; and every such Action shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials that shall be had thereupon; and that the Matter or Thing, for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or

General Issue.

Actions, or if upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Treble Costs.

Public Act.

LXIV. And be it further enacted, by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Justice as a public Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded.

CAP. XVI.

An Act to enable his Majesty to license a Playhouse in the Town of *Liverpoole*, in the County Palatine of *Lancaster*.

Preamble.

'WHEREAS a licensed Playhouse in the Town of *Liverpoole*, in the County Palatine of *Lancaster*, 'would be of Convenience to the said Town;' May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act of Parliament, made in the tenth Year of his late Majesty's Reign, intituled, 'An Act to explain and amend so much of an Act made in the twelfth Year of the Reign 'of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, 'and Vagrants, into one Act of Parliament; and for the more effectual punishing such Rogues, Vagabonds, 'Sturdy Beggars, and Vagrants, and sending them whither they ought to be sent*,' as relates to common Players of Interludes; whereby all Persons are discharged to represent any Entertainment of the Stage whatever, in virtue of Letters Patent from his Majesty, or by Licence of the Lord Chamberlain of his Majesty's Household for the time being, except within the Liberties of *Westminster*, or where his Majesty is residing for the time being, be, and the same is hereby repealed, with respect to the said Town of *Liverpoole*: And that it shall and may be lawful for his Majesty, his Heirs and Successors, to grant Letters Patent for establishing a Theatre or Playhouse within the said Town of *Liverpoole*; which shall be intitled to all the Privileges, and subjected to all the Regulations, to which any Theatre or Playhouse in *Great Britain* is intitled and subjected.

Part of Act 10 Geo. 3. relating to common Players,

repealed.

CAP. XVII.

An Act to explain and amend so much of an Act of the sixth Year of his present Majesty, *for paving the Town and Borough of* Southwark, *in the County of* Surrey, as relates to the Commissioners of Sewers; and for regulating the Manner of taxing Churches, and other public Buildings, within the Limits of the said Act.

Preamble. Act 6 Geo. 3.

'WHEREAS by an Act passed in the sixth Year of the Reign of his present Majesty King *George* 'the Third, intituled, *An Act for paving the Streets and Lanes within the Town and Borough of* 'Southwark, *and certain Places adjacent, in the County of* Surrey, *and for cleansing, lighting, and watching 'the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances 'therein*; it is, amongst other Things, enacted, That when and so often as there shall be Occasion to make 'new or additional Grates over any Sewer or Sewers within the said Streets or Lanes, or either of them, 'or to repair or alter any of the old Grates belonging to the Commissioners of Sewers in the said Streets or 'Lanes, or either of them, the same shall be made new, repaired, or altered, by and at the Expence of 'the said Commissioners of Sewers: And it is also enacted, That when and so often as any Sewer or Drain, 'which is or shall be under the Direction of the Commissioners of Sewers, and which shall be situate in, 'or communicating with the said Streets or Lanes, or either of them, shall require to be made new, re-'paired, altered, cleansed, or emptied, then, and in every such Case, the said Commissioners of Sewers 'shall, within six Days after Notice given to, or left for their Surveyor for the time being, at his last or 'usual Place of Abode, by the said Commissioners appointed to put the said Act in Execution, or any five 'or more of them, or by the Surveyor or other Person authorised by them, make new, effectually repair, 'clean, or empty such Sewer or Drain, as the Case may require; and in Default thereof it shall and may 'be lawful to and for the said Commissioners appointed by the said Act, or any five or more of them, or 'their Surveyor or Surveyors for the time being, to cause such Sewer or Drain to be made new, repaired, 'altered, cleansed, or emptied, as the Case may require, or so much thereof as shall remain unfinished; 'the Charges and Expences whereof shall be paid by the Commissioners for putting the said Act in Execu-'tion, who shall be reimbursed the same by the Clerk or Treasurer for the time being to the said Commis-'sioners of Sewers; and in case the said Clerk or Treasurer to the said Commissioners of Sewers shall neg-'lect or refuse to pay what shall have been so paid and disbursed, within ten Days next after Notice thereof 'shall be left at the Dwelling-house, or last Place of Abode of such Clerk or Treasurer, and signed by the 'Clerk to the Commissioners for putting the said Act in Execution, annexed to the Bill containing an Ac-'count of such Charges and Expences, it shall and may be lawful to and for the said last-mentioned Com-'missioners, or any five or more of them, and they are hereby authorised and impowered to bring, or cause 'to be brought, any Action or Actions in the Name of their Clerk for the time being, against such Clerk

'or

'or Treasurer of the Commissioners of Sewers for the time being, for the Recovery of such Sum or Sums of 'Money as they shall have so expended for the Purposes aforesaid: And whereas the Commissioners for 'putting the said Act in Execution for the Eastern Division, have charged the said Commissioners of Sew- 'ers, with the Sum of seven hundred and five Pounds fifteen Shillings and Ninepence Halfpenny, and the 'Commissioners for the Western Division have charged the said Commissioners with the Sum of three hun- 'dred and ten Pounds eight Shillings and Fivepence, amounting in the Whole to the Sum of one thousand 'and sixteen Pounds four Shillings and Twopence Halfpenny, for the Charges and Expences of making 'new Grates over the Sewers within the said Streets or Lanes, repairing and altering old Grates therein, 'and of making new, repairing, altering, cleansing, and emptying several Sewers or Drains within the 'said Streets or Lanes, under the Authority and in pursuance of the Directions of the said Act, and have 'brought, or caused to be brought, an Action at Law against the Clerk for the time being to the said 'Commissioners of Sewers for recovering Part of the said Monies, and which Action is still depending: 'And whereas Doubts have arisen whether the said Commissioners of Sewers are by their Commission au- 'thorised or impowered to raise Monies for the Purposes mentioned in the said recited Act: Now, to the 'End that the said Commissioners for putting the said recited Act in Execution may be reimbursed the 'Monies so by them charged to have been expended as aforesaid, together with the Costs and Charges 'which have accrued in and about the aforesaid Action, and that the Clerk for the time being to the said 'Commissioners of Sewers may be saved harmless and indemnified therefrom, and that the said Commissioners 'of Sewers may be duly authorised and impowered to raise Monies for the Purposes aforesaid:' May it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the Commissioners of Sewers, for the Limits extending from *East Mouldsey* in the County of *Surrey*, to *Ravensborne* in the County of *Kent*, or any six or more of them, three whereof are to be of the Quorum, and they are hereby authorised and required to enquire, by the Oaths of twelve or more honest and lawful Men, within the Counties of *Surrey* and *Kent* respectively, what Person or Persons hath or have, or holdeth or hold any Messuages, Lands, Tenements, or Hereditaments within the said Limits, or hath or may have any Benefit or Hurt, Loss or Disadvantage, by any Manner of Means, from the Sewers or Drains within the said Limits; and all those Persons, and every of them, to tax, assess, charge, distrain, and punish, after the Quantity of their Messuages, Lands, Tenements, Rents, and Hereditaments, and the Rate of every Person's Portion, Tenure, and Profit, for and towards the Discharge and Satisfaction of the Monies which have been so expended by the said Commissioners, for putting the said before-recited Act of the sixth Year of his present Majesty into Execution as aforesaid, and of the Costs and Charges which have accrued in and about the Prosecution and Defence of the Action aforesaid, and of the necessary Costs and Charges incidental to the Enquiry and Assessment hereby directed to be made, and also of the Costs and Charges expended and laid out in or by reason of obtaining and passing this present Act of Parliament, by such Ways and Means, and in such Manner and Form, as to the said Commissioners of Sewers, or any six or more of them, three whereof shall be of the Quorum, shall seem meet; to be done and ordained according to and in pursuance of the several Powers and Authorities vested in them by their Commission, or by virtue of an Act of Parliament made and passed in the twenty-third Year of the Reign of the late King *Henry* the Eighth, intituled, *The Bill of Sewers*, or any other Act or Acts of Parliament made, and now in Force relating to the Power and Authority of the said Commissioners of Sewers, or for the Purpose of executing their Commission.

Monies disbursed by Commissioners for paving,

and the Actions brought thereon.

Doubts concerning the power of the Commissioners of Sewers.

Intent of the Act.

Commissioners of Sewers to enquire by a Jury what Owners, &c. may be hurt, &c. from the Sewers within Southwark, and to assess them for the Purpose of this Act,

pursuant to the Powers of their Commission.

II. And be it further enacted, by the Authority aforesaid, That from and out of the Monies to be raised and collected by the Enquiry and Assessment as aforesaid, the said Commissioners of Sewers, or any six or more of them, three whereof shall be of the Quorum, shall, in the first Place, pay and satisfy unto the said Commissioners in each Division, for putting the said recited Act in Execution, or any five or more of them, the Monies so respectively expended by them as aforesaid; and in the next Place, the Costs and Charges before mentioned, and in case there shall be any Surplus remaining after such Payments, the same shall be from time to time paid and applied by the said Commissioners of Sewers, in and towards the general Charges and Expences of executing their Commission.

Application of the Monies to be raised by the Assessment.

III. And be it further enacted, by the Authority aforesaid, That in case the Commissioners for putting the said recited Act in Execution, or any five or more of them, shall at any Time or Times, from and after the passing of this Act, think it necessary, or have Occasion to make any new or additional Grates over any Sewer or Sewers, within the Streets or Lanes, or Places comprised and mentioned in the said recited Act, or any of them, or to repair or alter any of the old Grates therein, or to make new, repair, alter, cleanse, or empty any Sewer or Drain, which is or shall be under the Direction of the Commissioners of Sewers, situate in, or communicating with the said Streets, Lanes, and Places aforesaid, or any of them; then the said Commissioners for putting the said recited Act in Execution, or any five or more of them, or their Surveyor or Surveyors for the time being, within their respective Divisions, or other Person or Persons authorised by them, shall, and they are hereby directed and required to give or leave Notice in Writing, unto and for the Clerk for the time being to the said Commissioners of Sewers, at his usual or last Place of Abode, of their Intention to have any such new or additional Grates, made or placed over any Sewer or Sewers within the Limits aforesaid, or to have any such Reparation or Alteration of the old Grates therein, or to have any such Sewer or Drain made new, repaired, altered, cleansed, or emptied, as the Case may be; and the said Clerk is hereby directed and required, immediately after the Delivery of any and every such Notice as aforesaid, to summon six or more of the said Commissioners of Sewers, who shall be inhabiting or dwelling in or near the Borough of *Southwark*, three whereof shall be of the Quorum, to survey the

Directions to Commissioners for paving in future Alterations of the Sewers.

The Clerk to summon them to survey Defects, &c. on Notice.

Commissioners of Sewers directed to survey the same, and to cause Grates, Sewers, and Drains to be reformed, and to enquire by a Jury who ought to be contributory to the Expence, &c.

the Grates, Sewers, and Drains, mentioned and specified in such Notice, within ten Days next after the Receipt thereof; and they the said Commissioners are hereby required and directed to survey the same, within the Time before limited, and after such Survey shall be had and made, to cause such Grates, Sewers, and Drains to be forthwith made new, corrected, repaired, amended, altered, cleansed, emptied, or reformed, as the Case shall require, and by the Oaths of a Jury to enquire what Person or Persons are or ought to contribute to the Charges and Expences thereof in each Division, and to tax, assess, charge, distrain, and punish, all and every such Person and Persons, for the Redress and Reformation thereof, by such Ways and Means, and in such Manner and Form, as to the said Commissioners shall seem fit to be done and ordained, according to and in pursuance of the several Powers and Authorities vested in them the said Commissioners by their Commission, or by virtue of the said Act of Parliament of the twenty-third Year of the late King *Henry* the Eighth, or any other Act or Acts of Parliament made and now in Force relating to the Power and Authority of the said Commissioners of Sewers, or for the Purpose of executing their Commission.

Where two Parts in three of Monies are to be collected.

IV. Provided always, and be it further enacted, by the Authority aforesaid, That two Parts in three (the Whole into three equal Parts being to be divided) of the Monies to be raised and collected by the Enquiry and Assessment aforesaid, shall be, and the same is hereby directed to be raised and collected upon the Owners and Occupiers of all the Messuages, Lands, Tenements and Hereditaments, situate and being within the Levels or Districts, commonly called or known by the Name or Names of *Bridgehouse Sluice*, *Green Bank Mill Stream*, *Battle Bridge Mill Stream*, *Saint John of Jerusalem Sluice*, *Bare Sluice*, *Boarshead Sluice*, *Black Lyon Sluice*, and *Whitewall Sluice*, in the County of *Surrey*, and which are lying, being, or adjoining to any Part or Parts of any other Sluice, Common Sewer, or Stream, running in or through any of the Streets, Lanes, or Places comprised in the said recited Act of the sixth Year of his present Majesty; and that the other or remaining third Part of the said Monies shall be, and the same is hereby directed to be raised and collected upon the Owners and Occupiers of Messuages, Lands, Tenements, and Hereditaments, situate, lying, and being in all the other Levels or Districts within the Limits, under the Cognizance and Jurisdiction of the said Commissioners of Sewers, and not otherwise, or in any other Manner.

Commissioners to cause Grates and Sewers to be repaired;

V. And be it further enacted, by the Authority aforesaid, That in case the said Commissioners of Sewers shall neglect or refuse to cause any such Grate, Sewer, or Drain to be made new, corrected, repaired, amended, altered, cleansed, or emptied, as the Case shall require, for the Space of fourteen Days after the Delivery of every such Notice as aforesaid, that then it shall and may be lawful to and for any five or more of the said Commissioners, who are or shall be authorised to put the said recited Act of the sixth Year of his present Majesty in Execution, to cause every such Grate, Sewer, and Drain, whereof such Notice shall be given or left as aforesaid, to be made new, corrected, repaired, amended, altered, cleansed, emptied, and reformed, as the Case may require, or so much thereof as shall be neglected to be finished by the said Commissioners of Sewers, the Charges and Expences whereof shall be paid by the Commissioners authorised to put the said last-mentioned Act in Execution, who shall be reimbursed the same by the Clerk or Expenditor General for the time being to the said Commissioners of Sewers; and in case the said Clerk or Expenditor to the said Commissioners of Sewers shall neglect or refuse to pay what shall have been so paid and disbursed, within three Months next after Notice thereof shall be left at the Dwelling-house or last Place of Abode of such Clerk or Expenditor, (which Notice shall be in Writing, and signed by the Clerk to the Commissioners authorised to put the said last-mentioned Act in Execution, and annexed to a Bill containing an Account of such Charges and Expences) it shall and may be lawful for any five or more of the said last-mentioned Commissioners, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name of their Clerk for the time being, against such Clerk or Expenditor of the said Commissioners of Sewers for the time being, and to recover upon any such Action or Actions, all and every of such Sum and Sums of Money as shall have been expended by the Commissioners for putting the said last-mentioned Act in Execution, for the Purposes aforesaid; in which Action or Actions no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

and to keep Accounts of Monies to be collected by Assessments.

VI. And be it further enacted, by the Authority aforesaid, That the said Commissioners of Sewers shall, and they are hereby directed and required, from and immediately after the passing of this Act, to keep, for the future, separate and distinct Accounts of all Monies to be raised or collected by virtue of any Rates or Assessment which shall be made or allowed by the said Commissioners, in each and every Level or District within the Limits aforesaid; and that such Monies shall be, from time to time, paid, applied, disbursed, and expended by the said Commissioners, in, and towards the new-making, altering, amending, repairing, cleansing, and reforming the several Sluices, Sewers, Drains, and Grates, within each and every such Level or District wherein the said Monies shall be raised or collected, at the rateable or proportionable Part of such Level or District, for and towards the general Charges and Expences attending the Execution of the said Commission, and not otherwise: and that such separate Accounts shall and may be inspected by any Person or Persons charged to the Payment of any such Rate or Assessment, who shall be intitled to have Copies of such Accounts, or any Part thereof, upon Payment of Sixpence for every one hundred Words contained therein.

Commissioners of Sewers to make new additional Grates.

'VII. And whereas some Doubts have arisen, whether the said Commissioners of Sewers are authorised 'or impowered to make any new or additional Grates over any Sewer or Sewers, or to repair or alter any 'of the old Grates therein, or to cast, cleanse, make new, repair, and alter the Common Sewers within 'their Jurisdiction, at the Costs and Charges of their Commission:' It is therefore enacted by the Authority aforesaid, That the said Commissioners of Sewers shall be, and they are hereby authorised and impowered for the future, to make new or additional Grates over any Sewer or Sewers, and to repair and alter any of the old Grates therein, and to cast, cleanse, make new, repair, and alter all and every of the Com-

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mon Sewers, ſituate and being in the ſeveral Levels or Diſtricts, within the Limits aforeſaid, as the Caſe may require, and from time to time to aſſeſs and levy the Charges and Expences thereof, by an Aſſeſſment on all the Owners and Occupiers of all or any Meſſuages, Lands, Tenements, or Hereditaments, within the ſame Levels or Diſtricts, as to them ſhall ſeem meet to be done; the Right or Claim of any ſuch Owners or Occupiers now ſet up, or hereafter to be ſet up, by Preſcription or otherwiſe, for making new or additional Grates over any ſuch Sewer or Sewers, or for repairing or altering any of the old Grates therein, or for caſting, cleanſing, repairing, or altering the ſame Common Sewers, at their own private Coſts or Charges; or any Law, Uſage, or Cuſtom to the contrary notwithſtanding: 'And whereas by the ſaid recited Act it is enacted, That it ſhall be lawful for the ſaid Commiſſioners at their Diſcretion, and they are hereby required from time to time, to rate and aſſeſs, for the Purpoſes of the ſaid Act, all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Warehouſes, Hoſpitals, Priſons, and all other public Buildings whatſoever, and all dead Walls and void Spaces of Ground, ſituate and being within the ſaid Streets and other Places, at a Rate to be ſettled by the ſaid Commiſſioners, not exceeding Sixpence for every ſquare Yard belonging to every ſuch Pariſh Church, Church-yards, Chapel, Meeting-houſe, School, Warehouſe, Hoſpital, Priſon, and other public Building whatſoever, dead Wall and void Space of Ground: And whereas the ſaid Commiſſioners have, under the Authority of the ſaid Act, rated and aſſeſſed ſome Churches, Church-yards, public Buildings, dead Walls, and void Spaces of Ground, within the ſaid Streets and Places, by the ſquare Yard, for the whole Content thereof, and others only for the Content of the Street or Ground lying before the ſame;' Be it therefore further enacted by the Authority aforeſaid, That the Commiſſioners appointed, and hereafter to be appointed, to put the ſaid recited Act in Execution, ſhall, from and after the paſſing of this Act, and they are hereby required, from time to time, to rate and aſſeſs, for the Purpoſes of the ſaid recited Act, all Pariſh-Churches, Church-yards, Chapels, Meeting-houſes, Schools, Hoſpitals, Priſons, and all other public Buildings whatſoever, and all dead Walls and void Spaces of Ground, ſituate and being within any of the ſaid Streets and other Places, in an equal Manner by the ſquare Yard, not exceeding the Rate of Sixpence for every ſquare Yard, lying between the ſaid Fences and the Middle of the Carriage-way lying before ſuch Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Hoſpitals, Priſons, public Buildings, dead Walls, and void Spaces of Ground, and not otherwiſe: Provided that no Owner or Proprietor, Owners or Proprietors of any ſuch public Buildings as aforeſaid, ſhall be liable to pave or repair the Pavements before ſuch public Buildings reſpectively; any Thing in the ſaid former Act contained to the contrary notwithſtanding.

Commiſſioners to aſſeſs Pariſh Churches.

Commiſſioners appointed to put the recited Act in Execution.

VIII. And be it further enacted, by the Authority aforeſaid, That *Herbert Thomas* and *Richard Ruſſel*, Eſquires; *Beriah Hills*, *William Biley*, *Joſeph Collyer*, *Richard Bodman*, *Amos Angles*, *William Maſon*, *John Davis*, *Francis Holmes*, *Henry Whittel*, *William Browning*, *Nathaniel Nichols*, *John Varnham*, *Richard Carpenter Smith*, *Richard Tomley*, *Richard Norfolk*, *Richard Toye*, *George Lane*, *William Baldwin* junior, *Daniel Morgan*, *James Wadham*, *William Holmer*, *Thorold Lowdell*, *Joſeph Bratt*, *Richard Miles*, *Richard Bennet*, Gentlemen, ſhall be, and they are hereby nominated and appointed Commiſſioners for putting in Execution the ſaid recited Act of the ſixth Year of his preſent Majeſty, for paving the Streets and Lanes within the Town and Borough of *Southwark*, and Parts adjacent, in the ſaid County of *Surry*, together with the reſt of the Commiſſioners nominated and appointed by the ſame Act; and ſhall be and are hereby authoriſed and impowered to execute all and every the Powers thereby, or by this preſent Act, granted and allowed, as fully, to all Intents and Purpoſes, as if they had been nominated and appointed in the ſaid recited Act.

Commiſſioners Names.

IX. And be it enacted, by the Authority aforeſaid, That if any Suit or Action ſhall be brought or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance or under the Authority of this preſent Act, every ſuch Action or Suit ſhall be commenced within ſix Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, may plead the General Iſſue, not guilty, and give this preſent Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be laid in any other County or Place; that then and in ſuch Caſe or Caſes the Jury ſhall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Limitation of Actions.

General Iſſue.

Treble Coſts.

X. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Public Act, and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

Public Act.

CAP. XVIII.

An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments, and to indemnify Juſtices of the Peace and others who have omitted to regiſter their Qualifications, within the Time limited by Law; and for giving further Time for thoſe Purpoſes. EXP.

CAP.

CAP. XIX.

An Act for amending certain of the Mile-ways leading to *Oxford*; for making a commodious Entrance through the Parish of *Saint Clement*; for rebuilding or repairing *Magdalen Bridge*; for making commodious Roads from the said Bridge, through the University and City, and the Avenues leading thereto; for cleansing and lighting the Streets, Lanes, and Places, within the said University and City, and the Suburbs thereof, and the said Parish of *Saint Clement*; for removing Nuisances and Annoyances therefrom, and preventing the like for the future; for impowering Colleges and Corporations to alienate their Estates there; for removing, holding, and regulating Markets within the said City; and for other Purposes.

Preamble.

'WHEREAS such of the several Roads near the University and City of *Oxford*, usually called the '*Mile-ways*, as are not Part of any Turnpike Road, are in a very bad State and Condition; and 'the annual Payments directed or mentioned to be paid in lieu of every Yard-land within five Miles of the 'said University and City of *Oxford*, or the Franchises of the same, by an Act made in the eighteenth Year

Act 18 Eliz. found insufficient.

'of the Reign of Queen *Elizabeth*, intituled, *An Act for the repairing and amending of the Bridges and High-* '*ways near unto the City of* Oxford, have been found insufficient to keep the said Bridges and Roads in Re- 'pair, although considerable Sums of Money have been raised and added thereto by private Contribution: 'And whereas the Bridge called *Magdalen Bridge*, over the River *Cherwel*, near *Magdalen College* in the 'University, is in a decayed and very ruinous State; by reason whereof and of its Narrowness, and the 'Difficulty of Access thereto through the said Parish of *St. Clement*, it is very incommodious, and danger- 'ous to Travellers: And whereas the Roads from the said Bridge, through the several Streets in the said 'University and City, to the great Roads lying on the North, South, and West Sides of the said Univer- 'sity and City, are in many Parts so very narrow and incommodious, and so greatly obstructed by Nui- 'sances and Annoyances, as well as by various Incroachments and Projections, as to render the said Roads 'inconvenient and dangerous to Travellers: And whereas the said University and City, and the Suburbs 'thereof, and the Parish of *St. Clement*, are not properly cleansed or lighted; and are much annoyed by 'Projections and Encroachments, and subject to many Nuisances:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Commissioners Names.

and by the Authority of the same, That the following Magistrates and Officers, for the time being, of the University of *Oxford*, and of the Colleges and Halls therein, *to wit*, the Vice-chancellor, his Assessor, or Deputy in the University Court, all Heads or Governors of Colleges and Halls, the Canons of the Cathedral Church of *Christ*, the several Royal Professors, and all other University Professors and Prelectors, the Proctors of the University, the Public Orator, the *Bodleian* and *Radclivian* Librarians, the Keepers of the University Archieves, the Masters of the Streets, the Register of the University, and the Vice-principals of the several Halls; and also the Mayor, Recorder, Aldermen, Assistants, Bailiffs, Town-clerk, and Solicitor of the City of *Oxford* for the time being, and such other of the Citizens of *Oxford* as have now, or hereafter shall have served the Office of Bailiff of the said City; together with the Right Honourable *Charles Spencer*, commonly called Lord *Charles Spencer*; the Right Honourable *Robert Spencer*, commonly called Lord *Robert Spencer*; the Right Honourable the Lord Viscount *Wenman*, in the Kingdom of *Ireland*; the Right Honourable *George Simon Harcourt*, commonly called Lord Viscount *Nuneham*; the Honourable *William Harcourt*, the Honourable *George Lane Parker*, the Honourable *Robert Lee*, the Honourable *Peregrine Bertie*, the Honourable *Richard Wenman*, the Honourable *Thomas Wenman*, the Honourable *John Tracy*, Sir *Roger Newdigate*, Sir *James Dashwood*, Sir *Charles Cotterell Dormer*, Sir *Banks Jenkinson*, Sir *William Stonehouse*, Sir *John Peshal*, Sir *Francis Knollys*, Sir *Gregory Turner*, Sir *Thomas Stapleton*, Baronets; Sir *William Henry Ashhurst*, Sir *William Blackstone*, Sir *George Nares*, Sir *Thomas Mundy*, Knights; *Francis Page*, Esquire; *Phanuel Bacon*, *Henry Barton*, *Edward Bentham*, *Thomas Bray*, *Richard Browne*, *Benjamin Buckler*, *Daniel Burton*, *Ralph Cawley*, *John Chalmers*, *Thomas Chapman*, *John Clark*, *Richard Cust*, *William Dennison*, *George Dixon*, *David Durell*, *Edward Edwards*, *Thomas Fry*, *Thomas Fothergill*, *William Gower*, *George Huddesford*, *George Horne*, *Richard Hutchinson*, *Thomas Hunt*, *Benjamin Hallifax*, *Joseph Hoare*, *John Chester Heyborne*, *John Jefferys*, *Benjamin Kennicott*, *Theophilus Leigh*, *John Long*, *John Moore*, *Tredway Nash*, *Thomas Nowell*, *Henry Parker*, *Gilbert Parker*, *Charles Pilkington*, *Francis Randolph*, *Thomas Randolph*, *John Ratcliffe*, *Christopher Robinsn*, *John Sandford*, *William Sharpe*, *Thomas Sharpe*, *John Tottie*, *Ashton Thorpe*, *Francis Webber*, *Thomas West*, *Nathan Wetherell*, *Thomas Winchester*, *George Windham*, *Benjamin Wheeler*, *Foley*, Doctors in Divinity; *Thomas Bever*, *Richard Brown*, *William Seward*, *Samuel Forster*, *Joseph Smith*, *James Stonehouse*, Doctors of Law; *Swithin Adee*, *John Foulkes*, *John Kelly*, *William Lewis*, *Humphrey Sibthorpe*, *Walter Ruding*, *John Smith*, *William Vivian*, Doctors of Physick; *Henry Ashhurst*, *John Aubrey*, *Richard Aubrey*, *Charles Barrow*, *Thomas Blackall*, *John Caillaud*, *Robert Chambers*, *Edward Dandridge*, *William Draper*, *John Folliot*, *James Hargreaves*, *John Hacker*, *Richard Head*, *Benjamin Holleway*, *Charles Jenkinson*, *William Ledwell*, *John Morton*, *John Nourse*, *Lewis Pryse*, *Alexander Popham*, *John Parker*, *Giles Rooke*, *George Augustus Schutz*, *Hardinge Stracey*, *John Treacher*, *James Turner*, *Robert Vansittart*, *Thomas Walker*, *Francis Wastie*, *Thomas Whorwood*, *George White*,

White, William Wykeham, Richard Woddeſon, John Fane, Joſeph Bullock, Charles Bowles, Oldfield Bowles, Stuckley Bayntun, James Lamb, Thomas Paynton, Sayer, Gaſcoigne Frederick, William Lenthall, John Lenthall, Robert Fettyplace, Thomas Rollinſon, Lock Rollinſon, Farmedow Pennyſtone, Richard Lowndes, John Skynner, William Skynner, James Jones, William Lowndes Stone, William Lowndes, Francis Fane, Henry Maſon, Philip Powis, Philip Lybbe Powis, Eſquires; *John Aileyne, Henry Blackſtone, Richard Bowles, Thomas Cooke, John Cooke, Samuel Cooke, Clayton Cracherode, John Cox, John Chaundler, John Davey, Richard Davis, Thomas Griffith, Thomas Hawkins, Benjamin Holloway, Thomas Hornſby, Lionel Kirkham, John Lowry, Charles Mortimer, John Napleton, Richard Nicoll, Ralph Nicholſon, John Noel, Stephen Pemberton, Francis Rowden, Edward Smallwell, Thomas Treacher, Phipps Weſton, Edward Whitmore, Thomas Warton, William Wright, Roger Watkin, Thomas Gregory, James Reading, Paulo Tookie, Martin Stapleton, Chriſtopher Marſhall,* Clerks; *William Applebee, John Auſtin, James Burrows, Thomas Burrows, James Clarke, Charles Collins, John Curtis, Samuel Culley, John Dewe, Henry Drought, William Drought, James Etty, Richard Finch, James Fletcher, William Fletcher, Joſeph Fortnum, Samuel Fox, John Fowle, Samuel Glaſs, John Groſvenor, Giles Hall, Nicholas Halſe, Richard Holleway, John Holman, John Horſman, William Huddesford, William Jackſon, Ralph Kirby, Samuel Kilner, Robert Langford, Iſaac Lawrence, Edward Lock, John Leaſingby, Samuel Malbon, Richard Madge, Richard Martin, James Matthews, Joſeph Meyſey, Charles Moore, James Morrell, James Morten, Charles Nourſe, Sackville Parker, John Philips, Daniel Prince, Archdale Rooke, Vincent Shorland, James Stout, Deodatus Stone, John Stevens, Thomas Sayer, Thomas Spencer, William Elias Taunton, Richard Tawney, Joſeph Tyrrell, Edward Tawney, William Thorpe, John Treacher, Thomas Tredwell, George Tonge, William Tomkins, Henry Towſey, John Townſend, Philip Ward, Benjamin Watſon, John Watſon, Richard Way, John Walker, Thomas Wood, Richard Bew, Anthony Sawyer, Samuel Bentwell,* Gentlemen; and one Perſon for each and every of the Colleges and Pariſhes in the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*, to be elected in manner hereafter mentioned, and their Succeſſors, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution.

Commiſſioners for the Colleges.

II. And be it further enacted, That it ſhall and may be lawful to and for the Head or Governor of each College within the ſaid Univerſity, and the Maſters of Arts, and Perſons of ſuperior Academical Degree, reſident for the time being within ſuch College, and on the Foundation thereof, to meet together in their common Dining Hall, or ſome other public Place, between the Hours of nine and twelve in the Forenoon of the third *Tueſday* after the paſſing of this Act, or as ſoon after as conveniently may be, and the major Part of ſuch Perſons then reſident, and there aſſembled, ſhall and may proceed to elect one of the Fellows, or Maſters of Arts, or Perſons of ſuperior Degree on the Foundation of ſuch their reſpective College, to be a Commiſſioner for ſuch reſpective College: And in caſe of an Equality of Votes in the Election of a Commiſſioner for any ſuch College reſpectively, the Head or Governor, or in his Abſence his Deputy, or in their Abſence, the ſenior Fellow preſent, of ſuch College, ſhall have the caſting Voice; and ſuch Perſon ſo elected ſhall and may continue to act and be a Commiſſioner for putting in Execution the Powers in this Act contained, during the Time he ſhall actually remain a Fellow of ſuch College, or on the Foundation thereof: Provided that when and as often as any of the ſaid Commiſſioners, to be choſen by their reſpective Colleges as aforeſaid, ſhall happen to die, reſign, or refuſe to act, or his Fellowſhip, Studentſhip, or other Place on the Foundation ſhall become vacant, it ſhall and may be lawful, within one Month after ſuch Diſqualification, Death, Reſignation, Refuſal, or Vacancy, for the ſeveral Voters in the College of which ſuch Commiſſioner was a Member, to proceed to elect another Commiſſioner, in manner above mentioned, and ſo *toties quoties*, as Occaſion ſhall be or require.

Commiſſioners for the Pariſhes.

III. And be it further enacted, That the Pariſhioners in each and every of the ſaid reſpective Pariſhes before mentioned, having a Right to vote in the Election of Churchwardens, ſhall and may meet together in the Church or Veſtry-room belonging to each Pariſh reſpectively, between the Hours of nine and twelve in the Forenoon, on the ſaid third *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, and the major Part of ſuch Pariſhioners, then and there aſſembled, ſhall and may proceed to the Election of one Perſon to be a Commiſſioner as aforeſaid, for ſuch reſpective Pariſh: And that in caſe of an Equality of Votes in the Election of a Commiſſioner for any ſuch Pariſh, the Churchwarden ſtanding firſt upon the Liſt of Pariſh Officers then preſent, or in caſe no Churchwarden ſhall be preſent, the Perſon then preſent who ſhall ſtand higheſt rated to the Poor's Rate in the ſaid Pariſh, ſhall have the caſting Voice; and the Name of every ſuch Perſon ſo elected a Commiſſioner for each reſpective Pariſh ſhall be entered in a Book, to be provided and kept for that Purpoſe, by each reſpective Pariſh, in their public Cheſt.

Continuance of Pariſh Commiſſioners.

IV. And be it further enacted by the Authority aforeſaid, That the Perſons ſo elected for the ſaid reſpective Pariſhes, ſhall continue Commiſſioners until *Eaſter Tueſday* one thouſand ſeven hundred and ſeventy-four, and no longer; and upon the ſaid *Eaſter Tueſday* in the Year one thouſand ſeven hundred and ſeventy-four, or within fourteen Days afterwards, new Commiſſioners ſhall reſpectively be elected in manner aforeſaid, by the ſaid Pariſhioners of each and every of the Pariſhes before mentioned; and that from thenceforth new Commiſſioners ſhall for ever after be annually elected in manner aforeſaid.

Qualification of Commiſſioners.

V. Provided always, and be it further enacted, by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of Lands, Tenements, or Hereditaments, of the clear yearly Value of forty Pounds, or poſſeſſed of or intitled to a perſonal Eſtate of eight hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager at Law, or more than one Imparlance ſhall be allowed;

Penalty on acting not being duly qualified.

lowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, on Proof given of his having acted as a Commiſſioner in the Execution of this Act.

Commiſſioners dying or refuſing to act, others to be appointed.

VI. Provided always, and be it further enacted by the Authority aforeſaid, That when and as often as any of the ſaid laſt-mentioned Commiſſioners, who do not derive their Power from the paſt or preſent Enjoyment of any Office, or from the Election of any College or Pariſh, ſhall die or refuſe to act, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners, whether official, elective, or other, or any five or more of them, at a Meeting to be held for that Purpoſe, to elect another Perſon or Perſons in the Room of him or them ſo dying or refuſing to act; and every Perſon ſo elected ſhall have the ſame Powers and Authorities for putting this Act in Execution, as the Perſon in whoſe Stead he ſhall be elected was veſted with.

No Retailer of Ale or Spirituous Liquors capable of holding any Office.

VII. And be it further enacted by the Authority aforeſaid, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous or fermented Liquors, by Retail, ſhall be capable of acting as a Commiſſioner, or executing any Office under this Act.

First Meeting of Commiſſioners.

VIII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners nominated and appointed by, or elected in purſuance of this Act, or any ſeven or more of them, may and ſhall meet and aſſemble in the Town Hall in the ſaid City on the fourth *Tueſday* after the paſſing of this Act, between the Hours of nine and twelve in the Forenoon, in order to put this Act in Execution; and ſhall then, and from time to time afterwards, adjourn themſelves to, and meet at the ſame Place, or at any other convenient Place, within the ſaid Univerſity or City, as they, or the major Part of them preſent at ſuch Meeting, ſhall appoint: And if it ſhall happen that there ſhall not appear at any Meeting, which ſhall be appointed to be held by the ſaid Commiſſioners, a ſufficient Number thereof to act, and to adjourn to another Day (two Commiſſioners being always deemed ſufficient for the Purpoſe of adjourning), or if they ſhall omit or neglect to adjourn; then, and in every ſuch Caſe, their Clerk, or any three or more of the ſaid Commiſſioners, ſhall and may call a Meeting, at the Place where the laſt Meeting was appointed to be held, on that Day three Weeks, between the Hours of nine and twelve in the Forenoon, Notice thereof being given as hereafter is directed.

Future Meetings.

Two Days Notice to be given before ſubſequent Meetings.

IX. Provided always, and be it enacted by the Authority aforeſaid, That previous to any Meeting of the ſaid Commiſſioners in purſuance of this Act, ſubſequent to ſuch firſt Meeting as aforeſaid, Notice ſhall be given by the Clerk of the ſaid Commiſſioners, and fixed at the South Gate of the Schools of the ſaid Univerſity, and alſo at the Gate of the Town Hall in the ſaid City, ſignifying the Time and Place of every ſuch Meeting, two Days at leaſt before every ſuch Meeting.

Commiſſioners not to act where intereſted; and at all Meetings to defray their own Expences.

X. Provided always, and be it further enacted by the Authority aforeſaid, That no Commiſſioner hereby appointed, or hereafter to be appointed as aforeſaid, ſhall be capable of acting or voting as ſuch, during the Time he ſhall enjoy any Office of Profit under, or be concerned in any Contract made by virtue of this Act, or in any Caſe wherein he ſhall be perſonally intereſted: And that at all Meetings to be held in purſuance of this Act, the Commiſſioners ſhall defray their own Expences.

Commiſſioners may act as Juſtices.

XI. Provided always, That it ſhall and may be lawful to and for ſuch of the ſaid Commiſſioners as ſhall be in the Commiſſion of the Peace, to act as Juſtices in the Execution of this Act, within their ſeveral and reſpective Juriſdictions, notwithſtanding their being Commiſſioners.

Commiſſioners may erect Turnpikes and Tollhouſes.

XII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any nine or more of them, ſhall cauſe to be erected, one or more Gate or Gates, Turnpike or Turnpikes, in or acroſs any Part or Parts of the ſaid Mile-ways, Streets, or Roads hereby directed to be repaired and amended as to them ſhall ſeem moſt proper, and alſo a Toll-houſe or Toll-houſes adjoining to each of the ſame reſpectively; and the reſpective Tolls following ſhall be demanded and taken thereat, of the Perſon or Perſons attending any Cattle or Carriage herein after mentioned, before ſuch Cattle or Carriage ſhall be permitted to paſs through the ſame, or any of them; (that is to ſay)

For every Coach, Chariot, Berlin, Chaiſe, Calaſh, or other Carriage, drawn by ſix Horſes or other Cattle, the Sum of one Shilling and Sixpence.

For every Coach, Chaiſe, Berlin, Chariot, or other Carriage as aforeſaid, drawn by four Horſes or other Cattle, the Sum of one Shilling.

For every Coach, Chaiſe, Berlin, Chariot, or other Carriage, drawn by two Horſes, the Sum of Sixpence.

For every Chaiſe, or other Carriage, drawn by one Horſe or other Beaſt, the Sum of Twopence.

For each Horſe, or other Beaſt, drawing in any Waggon, Cart, Wain, or other Carriage, being a Common Stage Waggon, or travelling for Hire, the Sum of Twopence.

For each Horſe, or other Beaſt, drawing in any Waggon, Cart, Wain, or Carriage, not travelling for Hire, or employed in Huſbandry, the Sum of one Penny.

And for every other Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of one Penny.

For every Drove of Oxen, or Neat Cattle, Fivepence *per* Score; and ſo in Proportion for any greater or leſs Number.

Which Sums reſpectively ſhall be demanded in the Name of and as a Toll, and ſhall be and are hereby veſted in the ſaid Commiſſioners, and the ſame and every Part thereof ſhall be paid and applied in ſuch Manner as is herein after mentioned and directed; and it ſhall and may be lawful to and for ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, under their Hands and Seals, ſhall from time to time nominate and appoint, to demand and take the Tolls or Duties hereby granted and made payable;

able; and also to levy the same upon any Person or Persons liable to pay the same, who shall, after Demand thereof made, neglect or refuse to pay such Tolls or Duties as aforesaid, by Distress of any Carriage or Carriages, or Cattle upon which such Tolls or Duties are by this Act imposed, or by Distress of any other of the Goods and Chattels of the Person or Persons so neglecting or refusing as aforesaid, wheresoever the same may be found, and to detain and keep such Goods and Chattels so distrained until such Tolls and Duties, with the reasonable Charges of such Distress and Keeping, shall be paid; and such Person or Persons so distraining, after the Space of four Days after such Distress made and taken, shall and may sell the Goods or Chattels so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and the reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Half Toll for Carriages with Corn on Market Days.

XIII. Provided nevertheless, That no more than one Half of the Tolls aforesaid shall be demanded or taken for any Horse or other Cattle drawing in any Waggon, Cart, Wain, or other Carriage, laden with Corn only, coming into the said City through any Turnpike Gate or Turnpike Gates to be erected by the Authority of this Act, upon either of the weekly Market Days there.

Tolls to be paid but once in twenty-four Hours.

XIV. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons shall have paid the Tolls by this Act granted and ascertained, for the passing of any Cattle or Carriage through any Turnpike erected by virtue of this Act, such Person or Persons, upon producing a Note or Ticket of the Day denoting such Payment, shall be permitted to pass and repass through the same Turnpike, and also through all other Turnpikes erected by virtue of this Act, with the same Cattle or Carriage, Toll-free, at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which said Note or Ticket the Collectors of the said Tolls are hereby required to give *gratis* (if demanded) on Receipt of such Tolls.

Exemption.

XV. Provided always, and be it further enacted, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, with any Cattle or Carriage going empty for, or drawing or carrying, or returning empty after having drawn or carried, any Materials for repairing the said Roads or Streets; or any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, belonging to the respective Inhabitants of the said University, City, and Suburbs thereof, or the said Parish of *Saint Clement*; or any Manure or Compost to be laid upon Lands or Gardens, or with any Ploughs, Harrows, or other Implements of Husbandry; or with any Horses or other Cattle going to or returning from Pasture or Watering Places in any of the Parishes in *Oxford* aforesaid, or in the said Parish of *Saint Clement*, or going to be shod or otherwise farried, or returning therefrom; or with any Horses or Carriages drawing or carrying the Post Mail or Packet; or attending any Soldiers in their March, or laden with their Arms or Baggage; or travelling with Vagrants sent by legal Passes; or going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Oxford*, or of a Burgess or Burgesses for the said University, or of a Citizen or Citizens for the said City of *Oxford*, on the Day or Days of such Election.

Penalty on claiming Exemptions fraudulently.

XVI. Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of forty Shillings for each Offence.

Penalty on Persons avoiding the Tolls.

XVII. And be it further enacted, That if any Person or Persons shall go or pass with any Cattle or Carriage through or over any Land, Ground, or Place, lying by the Side of or near to the said Roads, the same not being a public Highway, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof; or shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons, any Note or Ticket, with Intent to avoid the Payment of any or any Part of the said Tolls; or if any Person or Persons owning or occupying any Lands, Ground, or Place, not being a public Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof; such Persons, and every of them, shall, for every such Offence, forfeit the Sum of five Pounds, over and besides such Damages and Punishments as they shall be otherwise liable to by Law; to be levied and recovered by such Means and in such Manner as are herein after mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act; one Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Commissioners may reduce or raise the Tolls.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any fifteen or more of them, at a Meeting to be called for that Purpose, (whereof fourteen Days Notice shall be given in some public News-paper, and also fixed on the Turnpike Gate or Gates to be erected by Authority of this Act) from time to time, as they shall see Occasion, to vary, lessen, and reduce the Tolls by this Act granted, and afterwards raise the same again, so as not to exceed the Sums hereby granted; and such Tolls so varied, lessened, and reduced, shall be collected, recovered, and applied in such Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Mile-way Monies to be collected by the Clerk of the Commissioners.

'XIX. And whereas it will be most convenient for the Public, and also for the said University and City, 'that the Expenditure of all such annual Sums as now remain payable to the Vice-chancellor and Mayor '(and are not disposed of by any former Turnpike Act) for or towards the repairing the said Mile-ways, 'should be under the Direction and Management of the Commissioners for putting this Act in Execution;' Be it therefore enacted, That from and after the twenty-fourth Day of *June*, one thousand seven hundred and

and ſeventy-one, the Clerk of the ſaid Commiſſioners for the time being ſhall be, during the Continuance of this Act, and he is hereby conſtituted and appointed the Deputy of the ſaid Vice-chancellor and Mayor, for collecting the ſaid annual Sums; and the ſaid Clerk for the time being ſhall and may demand and receive the ſaid reſpective Sums of the Surveyor or Surveyors of the Highways for the time being of each reſpective Pariſh and Townſhip; and in Default of Payment thereof, ſhall and may levy the ſame by Diſtreſs and Sale of the Goods of ſuch Surveyor or Surveyors, returning the Overplus (if any be) upon Demand, after deducting thereout the Charges of ſuch Diſtreſs and Seizure: And it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, who ſhall have paid ſuch Sums, or on whom ſuch Diſtreſs ſhall have been made, to reimburſe themſelves ſuch Sums ſo paid or diſtrained for, by collecting the ſame of the Perſons whoſe Eſtates have uſually been chargeable therewith, or by any other Means, whereby, according to the Laws now in being, Surveyors of Highways are to be reimburſed the Monies by them expended in buying Materials for amending the Highways; and the ſaid Clerk of the ſaid Commiſſioners ſhall pay the Sums ſo received by him to the Treaſurer of the ſaid Road for the time being, to be applied to the Repairs of the ſaid Mile-ways, and to the other Purpoſes of this Act.

Commiſſioners impowered to borrow Money, and mortgage the Tolls for Repayment thereof.

XX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any ſeven or more of them, at their firſt or any ſubſequent Meeting to be held in purſuance of this Act, to borrow and take up at Intereſt, upon the Credit of the Tolls ariſing by virtue of this Act, ſuch Sum or Sums of Money as they, or any ſeven or more of them, ſhall think fit; and may and are hereby impowered to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, and the Gates, Turnpikes, and Toll-houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls), as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money, by the following Words, under their Hands, or by any other Words, to the ſame or the like Effect, *viz.*

"BY virtue of an Act made in the eleventh Year of the Reign of his Majeſty King *George* the Third, "*for the more effectual amending ſuch of the Roads as belong to and are Part of the Mile-ways leading to the* "*Univerſity and City of* Oxford, *and other Purpoſes:* We of the "Commiſſioners, in conſideration of the Sum of to the "Treaſurer of the ſaid Turnpikes in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his "Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, "and of the Gates, Turnpikes, and Toll-houſes for collecting the ſame, as the ſaid Sum of "doth or ſhall bear to the whole Sum advanced, or to be advanced, on the "Credit thereof; to be had and holden from this Day of "in the Year of our Lord for and during the Continuance "of the ſaid Act, unleſs the ſaid Sum of with Intereſt, at the Rate of "*per Centum per Annum*, ſhall be ſooner repaid and ſatisfied."

And Copies of all ſuch Mortgages ſhall be entered in the Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes acroſs the ſaid Road, at leaſt twenty-one Days before the borrowing thereof.

Manner of Transfer.

XXI. And be it further enacted, That all Perſons to whom any ſuch Mortgage ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the ſaid Mortgages, and the ſaid Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, with or without a Witneſs, the following Words, or Words to the like Effect:

"I Do transfer this Mortgage, with all my Right and Title to the Principal hereby ſecured, and to all "the Intereſt now due upon the ſame, unto his Executors, "Adminiſtrators, and Aſſigns. Dated this Day of *G. H.*"

And ſuch Transfer and Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignment reſpectively to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof; and all Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls, on the Credit whereof ſuch Sum or Sums are advanced, in equal Degree one with another, and ſhall have no Preference in reſpect of the prior Advancement of any ſuch Money, or prior Date of any ſuch Mortgage.

Commiſſioners may farm out the Tolls by the Year.

XXII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any fifteen or more of them, at any Meeting, may and are hereby impowered, upon fourteen Days Notice being given in ſome public News-paper uſually circulated within the ſaid City, to leaſe or farm the Tolls by this Act granted, or any Part or Parts thereof, to any Perſon or Perſons, at and for the largeſt yearly Sums that can be got for the ſame; provided that ſuch Lettings and Agreements be made in Writing, and ſigned by the Perſon or Perſons taking or farming any ſuch Tolls, and by the Commiſſioners that let the ſame, and be not made for more than three Years at a Time; and that the Money which ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable and ſhall be paid to the Treaſurer for the time being, or to

to such Person or Persons as they, or any fifteen or more of them, shall appoint, by Quarterly Payments: And if any Letting or Agreement for the said Tolls, or any Part or Parts thereof, shall be made, and any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and the Person or Persons to whom the said Tolls shall be so let shall be liable to account for the same, and to have the same levied and recovered upon and of him, her, or them, by such Ways and Means, and in the same Manner, as is by this Act directed concerning the accounting for other Monies by the Collectors or Receivers thereof, and the levying and recovering the same. The Lease or Agreement to be void, in case of any Default of Payment of Money, and the Lessee accountable.

XXIII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, shall and may, at their first or any subsequent Meeting, appoint one or more Clerk or Clerks, and Treasurer or Treasurers, and Collector or Collectors of the Tolls, Surveyor or Surveyors, and such other Officer or Officers for the Execution of this Act, as they the said Commissioners, or any seven or more of them, shall think proper; and from time to time remove him or them, and appoint others in the Room of such of them as shall be so removed, or shall die, or shall otherwise relinquish or discontinue such Office; and out of the Monies to be raised by virtue of this Act, make such Allowances to the said Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they, or any seven or more of them, shall think reasonable; and the said Commissioners, or any seven or more of them, shall and may take such Security from their Treasurer and other Officers, for the due Execution of their respective Offices, as the said Commissioners, or any seven or more of them, shall think proper: And all such Officers and Persons shall, under their Hands (at such Time and Times, and in such Manner, as the said Commissioners, or any seven or more of them, shall direct) deliver to such Commissioners, or such Person or Persons as they, or any seven or more of them, shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or any seven or more of them, or such Person or Persons as they shall appoint: And all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Commissioners, or any seven or more of them (which Oath the said Commissioners, or any two or more of them, are hereby impowered and required to administer) verify their said Accounts: And if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; then, and in any of the Cases aforesaid, such Commissioners, or any seven or more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, an Action or Actions, in the Names of such Commissioners, or in the Name or Names of any two or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Commissioners, or by any seven or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any two or more of the Justices of the Peace for the said County or City, such Justices may and are hereby authorised and required, by a Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, so refusing and neglecting, to be brought before them, and, upon his and their appearing, or not being to be found, to hear and determine the Matter in a summary Way: And if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and are hereby authorised and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining for the same; then, and in any of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County or City, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, or any seven or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Commissioners, or any seven or more of them, are hereby impowered to make.

Commissioners may appoint Officers, and take Security.

Officers to deliver in written Accounts to Commissioners, and swear they are just:

on Refusal, may be sued by Commissioners, &c. or brought before two or more Justices.

For want of Distress, Officers may be committed.

XXIV. Provided always, That as often as any Collector of the Tolls shall die, resign his Office, or be incapable of performing his Duty, it shall be lawful for any seven or more of the said Commissioners (of whom the Vice-chancellor and Mayor, or their Deputies, to be always two) though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls, and such Person shall continue to collect the same, until the Commissioners shall, at a Meeting to be held in pursuance of this Act, appoint a Collector; any Thing herein contained to the contrary notwithstanding.

Collector dying or incapable, another Person to be appointed.

XXV. And be it further enacted by the Authority aforesaid, That if any Person who shall be employed as a Clerk, Treasurer, Collector, or Surveyor, or any other Officer or Servant who shall be any ways employed by the said Commissioners in putting this Act, or any of the Powers thereof, in Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards, as shall be appointed, allowed, and approved of by the said Commissioners, or any seven or more

Officers not to take Fee or Reward, other than their Salaries,

nor to be interested in any Contract, &c. under the Penalty of 50 l.

of them, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever, relative to the putting this Act in Execution; or shall any ways be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners, or any of them, for the Purposes of putting this Act in Execution; every such Person so offending shall be incapable of ever serving or being employed under this Act; and shall, over and above, forfeit the Sum of fifty Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, within six Calendar Months after the Offence committed; in which said Suit, no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Tolls how to be applied.

XXVI. And be it further enacted, That out of the first Money arising by the Tolls and Duties which shall be collected by virtue of this Act, or out of the Money which shall be borrowed on the Credit thereof, and out of the Rates or Assessments herein after directed to be made, the said Commissioners, or any five or more of them, shall, in the first place, pay and discharge all the Expences and Charges of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting a Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses, and in repairing, widening, turning, or altering the several Mile-ways not included in any Turnpike Act; in rebuilding or repairing and widening the said Bridge; in repairing and paving the Roads and Streets which lead from *Magdalen Bridge* to the two great Roads on the North Side of the City of *Oxford*, leading respectively, the one to *Birmingham* and *Worcester*, the other to *Banbury*; and also to the great Road on the West Side of the said City, leading to *Gloucester* and *Bath*; and also to the great Road on the South Side of the said City, leading to *Abingdon*, *Newbury*, and *Southampton*; which said Roads and Streets are particularly enumerated and described in the Schedule hereto annexed, intituled, *The First Schedule*, in purchasing such Ground, Houses, Buildings, and other Erections, as shall be found necessary or wanting for the widening, turning, or altering all or any Parts of either of the said Mile-ways, or the said Roads and Streets so directed to be paved and repaired as aforesaid; and in defraying the necessary Costs, Charges and Expences attending the Execution of the Powers relating thereto; and to such other Purposes as are herein directed, and to no other Use or Purpose whatsoever.

Commissioners impowered to widen the Roads, &c.

XXVII. And be it further enacted, That the said Commissioners, or any fifteen or more of them, shall have full Power and Authority to treat for and purchase the Houses, Gates, Shambles, Buildings, Grounds, and Estates, within or near the said University, City, and Suburbs, and the Parish of *Saint Clement*, mentioned and described in the Schedule to this Act annexed, intituled, *The Second Schedule*, in order to widen, turn, and alter the said Mile-ways, Roads, or Streets, hereby directed to be repaired, paved, and amended; and to make such Satisfaction as they shall think reasonable for any the Loss or Damage the Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall sustain by such widening, turning, or altering any of the said Mile-ways, Roads, or Streets; and also to order and direct the said Bridge, called *Magdalen Bridge*, to be pulled down, widened, repaired, or rebuilt, and the said Mile-ways, Roads, or Streets, to be amended, paved, raised, sunk, altered, or repaired, when and in such Manner as they shall think fit.

Eight Days previous Notice being given of a Meeting for that Purpose.

XXVIII. Provided always, and be it further enacted, That the said Commissioners shall not have Power to purchase any such Houses, Gates, Shambles, Buildings, Ground, and Estates, within or near the said University, City, or Suburbs, or the said Parish of *Saint Clement*, by virtue of this Act, unless eight Days public Notice be previously given in the *Oxford Journal*, or some other public Paper, and also at the Schools and Town Hall, of a Meeting to be held for that Purpose; nor shall any Gates, Houses, Shambles, or other Buildings, be pulled down, or Grounds or Estates be thrown open, in consequence of any Order for that Purpose, unless three Months Notice (at the least) shall be given to the Owners and Occupiers of the same respectively, to enable them to provide themselves accordingly.

Owners of Houses, Gates, Shambles, Stalls, &c. impowered to sell the same.

XXIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Persons whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, who are or shall be seised or intitled in their own Right, Trustees and Feoffees in Trust, Femes Covert, Guardians, and Committees for Lunatics and Idiots, Executors and Administrators, and Guardians whatsoever, not only in Behalf of themselves, their Heirs and Successors, but also for and in Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whatsoever, who are or shall be seised or possessed of or interested in any such Houses, Gates, Shambles, Buildings, Grounds, or Estates, to contract for, sell, convey, or surrender to the said Commissioners, or any fifteen or more of them, or to any Person or Persons they shall appoint, in Trust for them, all or any such Houses, Gates, Shambles, Buildings, Grounds, or Estates, or any Part thereof, or any Term for Years, or any Estate or Interest therein; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances which shall be so made as aforesaid, shall be good and valid in Law to all Intents and Purposes whatsoever, not only to convey the Estate of the Person or Persons conveying, but also all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whatsoever, and all Persons claiming or to claim by, from, or under them; any Law, Statute, or Usage to the contrary thereof in any wise notwithstanding.

Proprietors refusing to treat with the Commissioners, a Jury to determine Differences.

XXX. And be it further enacted by the Authority aforesaid, That if any such Bodies Corporate or Collegiate, or other Person or Persons as aforesaid interested in such Houses, Gates, Shambles, Buildings, Grounds, or Estates, upon Notice to them given or left in Writing at the Dwelling House or Houses, or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant or Tenants in Possession of the Houses, Gates, Shambles, Buildings, Grounds, or Estates, so to be taken in and made into Part of the said Mile-ways, Roads,

or Streets, ſhall, by the Space of one Calendar Month next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Commiſſioners, or any fifteen or more of them, ſhall cauſe it to be enquired into, and aſcertained by and upon the Oaths of a Jury of twelve indifferent Men of the ſaid County of *Oxford*, (which Oath any Juſtice of the Peace for the ſaid County or City of *Oxford* is hereby impowered to adminiſter) what Recompence and Satisfaction ſhall be made to ſuch Owner or Owners, Occupier or Occupiers, or Proprietors, or other Perſons, for or on account of the ſaid Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates taken into or for the widening the ſaid Mile-ways, Roads, or Streets; and in order thereto, the ſaid Commiſſioners, or any fifteen or more of them, are hereby required and impowered, from time to time, as often as Occaſion ſhall be, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whatſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes, (which Oath any Juſtice of the Peace for the ſaid County or City of *Oxford* is hereby required to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Premiſes in queſtion, if there be occaſion, and uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's better information in the Premiſes, as they the ſaid Commiſſioners, or any fifteen or more of them, ſhall think fit; and after the ſaid Jury ſhall ſo have enquired of, and aſcertained and ſettled the Recompence or Value, they the ſaid Commiſſioners, or any fifteen or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners or Proprietors of, or Perſons intereſted in the ſaid Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, according to the Verdict of the ſaid Jury; which ſaid Verdict, Judgement, Order, or Determination ſo had and made, ſhall be final and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, Remainder, or Expectancy, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, Idiots, Lunaticks, Ceſtuique Truſts, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, as well as all and every other Perſon whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon or Perſons any ways intereſted in ſuch Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby and from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame.

Commiſſioners may iſſue Warrants to impannel a Jury.

XXXI. And be it further enacted by the Authority aforeſaid, That for the ſummoning and returning ſuch Jury or Juries, the ſaid Commiſſioners, or any fifteen or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County of *Oxford*, thereby requiring him to impannel, ſummon, and return an indifferent Jury of twenty-four Perſons, to appear before the ſaid Commiſſioners, or any fifteen or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return twenty-four ſuch Perſons as aforeſaid; and out of the Perſons ſo impannelled and returned, or out of ſuch of them as ſhall appear according to ſuch Summons, the ſaid Commiſſioners, or any fifteen or more of them, ſhall cauſe to be ſworn before a Juſtice of the Peace for the County or City of *Oxford* aforeſaid, twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of twelve.

Perſons concerned may challenge any of the Jury.

XXXII. Provided always, and be it further enacted, That all Perſons concerned ſhall have their lawful Challenges, from time to time, againſt any of the Jurymen when they come to be ſworn; and that the ſaid Commiſſioners, or any fifteen or more of them, acting in the Premiſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Sheriffs, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury not appearing, or refuſing to be ſworn on the ſaid Jury, or being ſworn, refuſing to give, or not giving their Verdict concerning the ſame, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act: And if any Perſon or Perſons, who being required to give Evidence before the ſaid Jury touching the ſaid Premiſes, ſhall refuſe to be examined, or to give Evidence touching the ſame, the ſaid Commiſſioners, or any fifteen or more of them, ſhall and may impoſe ſuch Fine or Fines, Penalty or Penalties, not exceeding the Sum of five Pounds on each Perſon, as the ſaid Commiſſioners, or any fifteen or more of them, ſhall think fit; to be levied, recovered, and applied, in Manner herein-after mentioned.

Perſons refuſing to give Evidence to forfeit 5 l.

Money agreed for chargeable upon the Tolls.

XXXIII. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, or Satisfaction, to be agreed for as aforeſaid, ſhall be, and is and are hereby charged and chargeable upon the Monies which ſhall be received, raiſed, or borrowed by virtue of, or upon the Credit of the ſaid Tolls, and ſhall be paid thereout accordingly to the Perſons reſpectively entitled thereto, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons, or their Agents, and Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Clerk or Treaſurer to the ſaid Commiſſioners, and after three Calendar Months Notice thereof given to ſuch Perſons, or their Agents, to receive ſuch Monies, Conſideration, or Satisfaction, it ſhall be lawful for the ſaid Commiſſioners, or any nine or more of them, their Surveyors, Workmen, or Agents, to take into the ſaid Mile-ways, Roads, or Streets, the Ground whereon ſuch Houſes, Gates, Shambles, or Buildings are now ſtanding, and alſo the ſaid Grounds or Eſtates ſo to be purchaſed, and do every Act with relation thereto, as they, or any nine or more of them, ſhall think fit; and after the ſaid Purchaſe of the ſaid Houſes, Gates, Shambles, Buildings, Grounds, or Eſtates, and Tender of Payment as aforeſaid, the ſame ſhall be laid or made into, and deemed to be, a

Part

Part of the said Mile-ways, Roads, or Streets, for ever after, and shall be repaired and kept in Repair, by such Ways, Means, and Methods, and in all Respects in such Manner as the said Commissioners, or any nine or more of them, shall think fit and expedient: And in case any Part of the Land constituting the former Roads comprised within this Act, shall become useless and unnecessary for the Purposes of a common or public Highway, the same shall be vested in, and shall and may be exchanged or sold by the said Commissioners, or any nine or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the repairing of the said Road, and other the Purposes of this Act; and the Conveyance to be made of such Land being executed by the said Commissioners, or any nine or more of them, and inrolled with the Clerk of the Peace for the said County of *Oxford*, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Old Road may be sold.

Application of the Money arising by such Sale.

Expences of the Juries and Witnesses how to be paid.

XXXIV. And be it further enacted by the Authority aforesaid, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons, in any such Houses, Gates, Shambles, Buildings, Grounds, or Estates, than what shall have been agreed to, and offered by the said Commissioners, or any fifteen or more of them, before the summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, in any such Premises, all the Expences attending the hearing and determining the same shall be borne and paid by the said Commissioners, or any fifteen or more of them, out of the Monies to be collected by virtue of this Act; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more, or for less Monies than shall have been agreed to, and offered by the said Commissioners, or any fifteen or more of them, (before the summoning and returning the said Jury or Juries) as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Premises, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; which said Costs and Expences the Justices, in their Quarter Sessions to be held in and for the said County of *Oxford*, shall have Power to tax, settle, and ascertain, for the Benefit of either Party, who shall eventually be intitled to the same, and shall be either added to or deducted out of the Consideration to be paid for such Purchase.

Part of St. Clement's Churchyard may be taken into the Road.

'XXXV. And whereas the Church-yard of the Parish of *St. Clement* aforesaid is so inconveniently 'situated, as to render the Road very narrow, incommodious, and dangerous to Travellers, and it may 'therefore become necessary and expedient, in the Execution of this Act, to take away and lay open Part 'thereof;' Be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any fifteen or more of them, according to their Discretion, to take in and lay open such Part of the said Church-yard as shall be thought necessary to be laid open and allotted to the said public Road, they the said Commissioners, in case they shall take in and lay open any Part of the said Church-yard, purchasing (which they are hereby impowered to do) out of the Monies arising from the said Tolls, and making an Allotment of Ground adjacent to the said present Church-yard, at least one third more in Quantity than what shall be so taken away; which Ground so to be purchased by the said Commissioners for the Purposes aforesaid, shall be thereafter used as a Church-yard or Burying-ground for the said Parish of *St. Clement*, and shall be vested, by virtue of this Act, in the Rector of the said Parish, and his Successors; and he and they shall be seised thereof, as in his and their Demesne, as of Fee, in Right of the Parish Church of *St. Clement* aforesaid; and shall have and be intitled to such Burial or other Fees (if any) in respect thereof, as have been usually and of Right accustomarily paid for and in respect of such Part of the said Church-yard as shall be laid open and allotted to the said Road.

A temporary Road and Bridges may be erected.

XXXVI. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any nine or more of them, shall and may open and make a temporary Road or Way near *Magdalen Bridge* aforesaid, to communicate with the Mile-way, and may also erect and build a temporary Bridge or Bridges (which said temporary Bridge or Bridges, and Road, are to be made use of by all Passengers with Carriages and Cattle, as a public Highway, whilst the said Bridge is building or repairing, and until the same is compleated): Provided that such Satisfaction shall be made to the Owners or Occupiers of such Ground respectively through, over, or along which such Road shall be made, for the Damages which such Owners or Occupiers respectively, shall or may thereby sustain, as shall be adjudged reasonable by the said Commissioners, or any nine or more of them: And in case any Difference shall happen between such Owners or Occupiers and the said Commissioners, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their next general Quarter Sessions of the Peace, or at their second general Quarter Sessions at the farthest, to be holden for the said County of *Oxford*, to hear, settle, adjudge, and finally determine the same, and direct the Payment thereof acordingly.

Persons maliciously damaging the Bridges or Works belonging to them,

guilty of Felony.

XXXVII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously burn, blow up, pull down, remove, take away, or otherwise damage or destroy any of the said Bridges, or any Part thereof; or shall wilfully and maliciously remove, take away, damage, or destroy any Works or Materials to the said Bridges, or of any of them belonging or provided for the building or repairing of the same, and situate, lying, or being in, near, or upon the said Bridges or River, or any of them; or shall wilfully or maliciously direct or procure the same to be burnt, blown up, pulled down, removed, taken away, or otherwise damaged or destroyed; every such Offender, being lawfully convicted thereof, shall be judged guilty of Felony, and shall be liable to be transported for seven Years.

Commissioners may sell old Pavement and other Materials.

XXXVIII. And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, shall have full Power and Authority, from time to time, to sell and dispose of

of all or any Part of the old Bridge, Pavement, or other Materials, to such Person or Persons as shall be willing to purchase the same, and to apply the Purchase-money to the Purposes of this Act.

Office of Surveyor of the Highways to cease.

XXXIX. And be it enacted by the Authority aforesaid, That from and after the said fourth *Tuesday* after the passing this Act, the Office of Surveyor of the Highways for any Parish or Parishes within the said University and City, or the Suburbs thereof, having no public Roads or Highways but what are hereby directed to be paved and repaired under the Care of the said Commissioners, shall cease and determine.

Commissioners may make Contracts.

XL. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, may, and are hereby impowered, from time to time, at any of their said Meetings, as Occasion shall require, to contract with any Person or Persons for rebuilding or repairing the said Bridge, and making or amending any of the said Roads, and for paving and keeping in Repair the said Streets hereby directed to be paved and repaired; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be compleated, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any seven or more of them, and by the Person or Persons contracting to perform such Works; but, previous to the making of any such Contract, fourteen Days Notice shall be given in the *Oxford Journal*, or other public News-paper usually circulated in the said City and County of *Oxford*, expressing the Intention of such Contract, in order that any Persons, willing to undertake the same, may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Surveyors to inspect the Works.

XLI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall, from time to time, appoint; and in case the same shall not be well and sufficiently performed, according to the true Sense and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times that the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may, in their own Names, or in the Names of any two of them, bring an Action in any of his Majesty's Courts of Law at *Westminster*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, and for any Penalty or Penalties, Damage or Damages, which shall be contained in such Contract or Contracts; and upon proving the Signing of the said Contract or Contracts, and Non-performance thereof, at the Time or Times for the Purposes therein mentioned, the said Commissioners shall be intitled to and shall recover such Penalty or Penalties, Damage or Damages, which, when recovered, shall be applied for the Purposes of this Act.

Power to dig Gravel and get Materials,

XLII. And be it further enacted, That the said Commissioners or their Surveyor, or such other Person or Persons as they or he shall employ and appoint, having an Order in Writing under the Hands of the said Commissioners, or any five or more of them, for that Purpose, may, and is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the raising and repairing the said Streets, and for making and repairing the said Roads, out of and from any waste Ground or Common, River or Brook, in any Parish, Town, or Place, in or within three Miles of which any Part of the said Road or Streets do lie, without paying any Thing for the same, such Surveyor or other Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also the said Surveyor, or other Persons as aforesaid, may, by Order of the said Commissioners, or any five or more of them, search for, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddoc, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), paying or tendering to the Owners and Occupiers of such Lands for the same, and for the Damage done to such private Lands over which any Materials gotten in any waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, such Equivalent in Money as the said Commissioners, or any five or more of them, shall adjudge reasonable; and in case of any Difference between the said Commissioners, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace, at their next general Quarter Session, or at the second general Quarter Session at the farthest, to be holden in and for the County wherein such Difference shall arise, on six Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

filling up the Pits, &c.

Penalty for interrupting Workmen.

XLIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whatsoever, who is or shall be employed by virtue of this Act (in the Performance or Execution of their Duty), every such Person so offending shall, for the first Offence, forfeit the Sum of twenty Shillings, for the second Offence the Sum of forty Shillings, and for every other Offence the Sum of three Pounds.

Expence of paving the Streets how to be borne.

XLIV. And be it further enacted by the Authority aforesaid, That from and immediately after the passing of this Act, the said Commissioners, or any seven or more of them, shall have full Power and Authority, and are hereby required, from time to time, yearly and every Year, during the Continuance of this Act, to rate and assess the Sum of Sixpence (and no more) upon all Colleges, Halls, Parish Churches, Church-yards, Chapels, and other public Buildings whatsoever; as also all Meeting-houses, dead Walls, and

and all void Spaces of Ground, and upon the Owners or Proprietors of all Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments, ſituated on the Sides of, or which form the ſaid Streets hereby directed to be paved and repaired for every Yard, running Meaſure, of the Front or Fronts, Length or Lengths of ſuch Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other public Buildings, Meeting-houſes, dead Walls, void Spaces of Ground, Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments; which ſaid Rate or Aſſeſſment ſhall be in lieu of the Repairs heretofore done by or chargeable upon ſuch Colleges, Halls, Pariſh Churches, Church-yards, Chapels, and other public Buildings, Meeting-houſes, dead Walls, void Spaces of Ground, Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments; and ſhall be applied in Aid of the Tolls hereby granted, for the ſeveral Purpoſes to which ſuch Tolls are hereby directed to be applied, and to no other Uſe or Purpoſe.

By whom Expences of paving the Fronts of Colleges, &c. to be paid.

XLV. And be it further enacted, That the Rates or Aſſeſſments for and in reſpect of the ſaid Pavement to be laid upon any public or other Building, belonging to the ſaid Univerſity or City, ſhall be paid to the Collectors for the time being, appointed by the ſaid Commiſſioners, or any ſeven or more of them, by the Vice-chancellor and Mayor reſpectively; and the Rates or Aſſeſſments ſo to be laid upon any College or Hall, ſhall be reſpectively paid, as aforeſaid, by their reſpective Burſars, or other Officers employed in or uſually receiving the Rent of their reſpective Eſtates; and the Rates or Aſſeſſments to be laid upon any Pariſh Church, Chapel, or Church-yard, ſhall be paid, as aforeſaid, by the reſpective Church or Chapel-wardens; and the Rates or Aſſeſſments to be laid upon any Meeting-houſes ſhall be paid, as aforeſaid, by the Miniſter and Deacons, or other Perſons uſually officiating therein: And if ſuch Vice-chancellor, Mayor, Burſar, or other Officer, or ſuch Church or Chapel-warden, Miniſter, Deacon, or other Perſon, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rates or Aſſeſſments ſhall and may be recovered of and from the Perſon or Perſons ſo required to pay the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, to be commenced and proſecuted by and in the Name of the ſaid Commiſſioners, or any two or more of them, or in the Name of their Treaſurer; in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed.

Expences paid by Tenants to be deducted out of their Rents.

XLVI. And be it further enacted by the Authority aforeſaid, That the ſaid Rates or Aſſeſſments to be borne and defrayed by the ſaid Owners and Proprietors of Houſes, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be paid to the Collector for the time being, appointed by the ſaid Commiſſioners, or any ſeven or more of them, by the Tenants or Occupiers of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments; and ſuch Tenants and Occupiers ſhall be at Liberty, and they are hereby impowered to deduct and retain out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money as they ſhall reſpectively pay on account thereof, for the Owners or Proprietors of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow ſuch Deductions and Payments, upon the Receipt of the Reſidue of their Rents: And if any Tenant or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Univerſity and City, or Suburbs, ſhall neglect or refuſe to pay ſuch Rates or Aſſeſſments within ten Days after Demand thereof, by Notice in Writing, under the Hand of the ſaid Collector, to be delivered to or left at the Dwelling-houſe or uſual Place of Abode of ſuch Tenant or Occupier, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any one or more Juſtice or Juſtices of the Peace for the ſaid County or City of *Oxford*, returning the Overplus (if any) of the Monies to be raiſed by ſuch Diſtreſs and Sale, after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods and Chattels ſo diſtrained, on Demand: And where any Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall be let or demiſed to more than one Tenant or Tenants, Occupier or Occupiers, any one or more ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purpoſes of this Act; and the ſaid Rates or Aſſeſſments ſhall be levied by Diſtreſs and Sale of all or any of the Goods or Chattels in ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall remove out of ſuch Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament before ſuch Rates or Aſſeſſments ſhall be paid by him, her, or them, or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deficient to defray ſuch Rates or Aſſeſſments, or if it ſhall happen any of the ſaid Houſes, Buildings, Yards, Gardens, Tenements, and Hereditaments in the ſaid Univerſity and City, and the Suburbs thereof, ſhall be empty or untenanted; then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments ſhall be, and the ſame are hereby made a Security for and chargeable with all ſuch Rates or Aſſeſſments; and the ſame ſhall and may be levied by Diſtreſs and Sale (by Warrant as aforeſaid) of any Goods or Chattels which ſhall after be found in or upon the ſame Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in caſe ſuch Owner or Owners ſhall neglect or refuſe to pay the ſame for the Space of twenty Days next after the ſame ſhall be demanded of him, her, or them, by Notice in Writing, under the Hand of the ſaid Collector, to be delivered to or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Owners, in caſe ſuch Owner or Owners ſhall live within the ſaid City or Suburbs; and in caſe ſuch Owner or Owners ſhall not live within the ſaid City or Suburbs, then under the Hand and Seal or Hands and Seals of any one or more Juſtice or Juſtices of the Peace for the County, City, Borough, Town, Diviſion, or Place where ſuch Owner or Owners ſhall reſide: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall pay to the ſaid Collector any more Money on account of the ſaid

Houſes let to more than one Tenant, any one deemed the Occupier.

Tenants removing before Charges paid,

Premiſes, &c. to be a Security for the ſame.

Tenant paying more for Charges than ſhall be due

Rates

Rates or Assessments than shall be due from him, her, or them, for the Rent of his, her, or their House, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Owners of such House, Building, Yard, Garden, Land, Tenement, or Hereditament, by Distress and Sale of the Goods and Chattels of such Owner or Owners, by Warrant under the Hand and Seal or Hands and Seals of any one or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place where such Goods and Chattels shall be, such Owner or Owners having refused or neglected to pay the same for the Space of ten Days after Demand made thereof by such Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent for that Purpose appointed.

for Rent, the Overplus to be made good by the Landlord.

'XLVII. And whereas some Doubts may hereafter arise, who shall be deemed the Owner or Owners 'of the several Houses, Buildings, Yards, Lands, Tenements, and Hereditaments in the said University, 'City, and Suburbs, and the said Parish of *Saint Clement*, for the Purposes, and within the true Intent 'and Meaning of this Act;' For removing whereof, be it further enacted, That neither the Chancellor, Masters and Scholars of the University, nor any College or Hall, nor the Mayor, Bailiffs, and Commonalty of the City of *Oxford*, or any other Person or Persons shall, on account of any Ground-rent, or other Acknowledgement, Sum or Sums of Money, in Nature of a Ground-rent, or Rents certain, issuing out of or payable for any Messuage, Yard, Garden, Land, Tenement, or Hereditament in the said University, City, and Suburbs, and the said Parish of *Saint Clement*, or on account of their Reversion or Interest of or in the Messuage, Yard, Garden, Land, Tenement, or Hereditament, for which such Ground-rent, Acknowledgement, Sum or Sums of Money shall be payable, be considered, deemed, taken, or adjudged to be the Owner or Owners, Proprietor or Proprietors of such Messuage, Yard, Garden, Lands, Tenements, or Hereditaments; but the Lessee or Lessees of the said Chancellor, Masters and Scholars of the said University, or of any College or Hall, or of the said Mayor, Bailiffs, and Commonalty, or of such other Person or Persons, or their Assigns, shall, during the Existence of the Term for which such Messuage, Yard, Garden, Lands, Tenements, or Hereditaments shall be demised, be considered, deemed, taken, and adjudged, for all and every the Purposes of this Act, to be the Owner or Owners, Proprietor or Proprietors of such Messuage, Yard, Garden, Lands, Tenements, or Hereditaments; and shall, during such Term, bear and pay all Expences and Impositions whatsoever, by Force or Virtue hereof, to be borne or defrayed by the Owner or Owners, Proprietor or Proprietors of the said Messuage, Yard, Garden, Lands, Tenements, and Hereditaments; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Who shall be deemed Owners.

XLVIII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be deemed or taken to make void any Contract, Covenant, or Agreement between any Landlord and Tenant, or between any Bodies Politic or Corporate, and any other Person or Persons, touching or concerning the paving or repairing the said Streets, or any Part of them, or either of them; but that every Person, Body Politic or Corporate, who is or are now, by virtue of any such Contract or Agreement, obliged to pave, or keep in Repair any Part of the said Streets, or either of them, shall, in lieu thereof, be obliged to pay the Sums of Money hereby directed to be paid and levied, or so much thereof as shall, by the said Commissioners, or any seven or more of them, be deemed just and reasonable, according to the true Meaning of such Contract, Covenant, or Agreement, for and during such Time as such Contract, Covenant, or Agreement shall remain in Force; and in case any Dispute shall arise concerning such Covenant, Contract, or Agreement, the said Commissioners, or any seven or more of them, shall have Power, and they are hereby required to hear and finally determine the same.

Agreement between Landlord and Tenant, &c. touching the Pavement not vacated.

XLIX. And be it further enacted by the Authority aforesaid, That from and after the passing this Act, the said Commissioners, or any seven or more of them, shall have full Power and Authority, from time to time, to cause, order, and direct, not only the said Bridge, Roads, or Streets herein before directed to be paved and repaired, but also all other the public Streets, Lanes, Ways, Passages, and Places within the said University, City, or Suburbs, and the said Parish of *Saint Clement*, to be cleansed and lighted in such Manner as they shall think necessary; and that for defraying the Charges and Expences attending the cleansing and lighting thereof, it shall and may be lawful to and for the said Commissioners, or any seven or more of them, in every Year after the passing of this Act, or oftener, if they, or any seven or more of them, shall think it necessary, (the first Year to be computed from the Feast Day of *Saint John the Baptist* next after the passing of this Act, and every succeeding Year from the said Day in every Year respectively) to make one or more Rate or Rates, Assessment or Assessments, upon all Colleges, Halls, Parish Churches, Church-yards, Chapels, and other public Buildings whatsoever; as also upon all Meeting-houses, dead Walls, and void Spaces of Ground; and upon the Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments in the said University, City, and Suburbs thereof, and the said Parish of *Saint Clement*, so as such Rate or Rates, Assessment or Assessments, do not exceed in the Whole in any one Year, to be computed as aforesaid, the Sum of eighteen Pence for every Yard running Measure of the Front or Fronts, Length or Lengths of such Colleges, Halls, Parish Churches, Church-yards, Chapels, and other public Buildings, Meeting-houses, dead Walls, and void Spaces of Ground, Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments respectively, as are next to such Streets, Lanes, Ways, Passages, and Places; which Rate or Rates, Assessment or Assessments, laid upon any Colleges, Halls, Parish-churches, Church yards, Chapels, and other public Buildings and Meeting-houses, shall be paid by the several and respective Persons, in such Manner, and with the like Remedies in case of Non-payment, as are herein before directed for and in respect of the Pavement chargeable on Colleges, Halls, Parish-churches, Church-yards, Chapels, and other public Buildings and Meeting-houses respectively; and which Rate or Rates, Assessment or Assess-

Charges of cleansing and lighting Streets, &c. to be borne by Occupiers.

ments, hereby directed to be laid or charged upon the Tenants or Occupiers of all Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall and may, in caſe of Non-payment, be levied and recovered in ſuch Manner, and with the like Remedies as are herein before directed, for and in reſpect of the Pavement chargeable on the Owners or Proprietors of Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments on the Sides of, or which form the Streets hereby directed to be paved and repaired as aforeſaid.

Nothing in this Act to extend to any College Courts.

L. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend to the Inſide of any Court or other Place within any College or Hall in the ſaid Univerſity of *Oxford*, or other public Building, or to the Pariſh of *Binſey* within the Suburbs of the ſaid City.

Appeal allowable againſt the Rates.

LI. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, Bodies Politic or Corporate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, made in purſuance of this Act, ſuch Perſon or Perſons, Bodies Politic or Corporate, ſhall apply for Relief to the ſaid Commiſſioners, at any Meeting to be held within twenty-one Days next after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments; and the ſaid Commiſſioners, or any ſeven or more of them, are hereby authoriſed and impowered, if they ſhall think ſuch Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem neceſſary; and if ſuch Perſon or Perſons, Bodies Politic or Corporate, ſhall not be ſatisfied with the Determination of ſuch Commiſſioners, he, ſhe, or they ſhall be obliged to pay ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to comply with ſuch Order of the ſaid Commiſſioners, and then ſhall and may appeal to the Quarter Seſſion of the Peace to be holden for the ſaid County or City of *Oxford*, within ſix Months next after ſuch Determination of the ſaid Commiſſioners, ſuch Appellant firſt giving, or cauſing to be given eight Days Notice at the leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk of the ſaid Commiſſioners, and within four Days next after ſuch Notice, entering, or cauſing a Recognizance to be entered into, before ſome Juſtice of the Peace for ſuch County or City, by two ſufficient Perſons or Sureties conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſion; and the ſaid Juſtices of ſuch Quarter Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices, at their Quarter Seſſions, ſhall be final, binding, and concluſive.

Poor how relieved.

LII. Provided always, and be it further enacted by the Authority aforeſaid, That no Rate or Aſſeſſment for ſweeping, cleanſing, or lighting, ſhall be charged upon any Perſon or Perſons who, by Reaſon of his, her, or their Poverty or Inability only, is, are, or ſhall be excuſed and left out of the Rates made for the Relief of the Poor of any Pariſh in the ſaid City or Suburbs, or Pariſh of *Saint Clement*, wherein he, ſhe, or they ſhall reſide.

Foot-paths kept every Day except Sundays.

LIII. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons inhabiting within the ſaid Univerſity, City, Suburbs, and Pariſh of *Saint Clement*, ſhall, from and after the fourth *Tueſday* next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths, extending at leaſt four Feet before their reſpective Houſes, Buildings, and Walls, between the Hours of ſix and ten in the Forenoon, *Sundays* excepted, upon Pain of forfeiting five Shillings for every Neglect therein.

Penalty.

Streets to be swept twice a Week.

LIV. And be it further enacted by the Authority aforeſaid, That the Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, Paſſages, and all other public Places, ſhall ſweep, clean, and carry away, or cauſe to be ſwept, cleanſed, and carried away, the Dirt and Soil in and out of all the Streets, Lanes, and Paſſages, and all other public Places within the ſaid Univerſity and City, and Suburbs, and Pariſh of *Saint Clement*, twice in every Week, on ſuch Days as ſhall be appointed by the Commiſſioners, or any ſeven or more of them, upon Pain of forfeiting twenty Shillings for every Neglect therein.

No Perſon to carry away Soil, except Contractor.

LV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall take or carry away, or cauſe to be taken or carried away, any Aſhes, Duſt, Dirt, Muck, Dung, or Manure which ſhall be made in any or either of the ſaid Streets, Lanes, Paſſages, or other public Places in the ſaid Univerſity, City, and Suburbs, and Pariſh of *Saint Clement*, out of the ſame, beſides the Perſons ſo to be contracted with or appointed as aforeſaid for ſuch Purpoſe by the ſaid Commiſſioners, upon Pain of forfeiting and paying the Sum of twenty Shillings for every ſuch Offence.

Penalty.

Perſons at Liberty to keep or reſerve Dung made or kept within their Houſes or Yards.

LVI. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to any Aſhes, Duſt, Dirt, Filth, Dung, or Rubbiſh, which any of the Inhabitants of the ſaid Univerſity, City, or Suburbs, or Pariſh of *Saint Clement*, ſhall occaſion and think fit to preſerve and keep within their own reſpective Houſes, Yards, or Gardens; but the ſame ſhall reſpectively belong to the Perſon or Perſons ſo reſerving the ſame, ſo as ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, be not laid down or placed in any or either of the ſaid Streets, Lanes, or public Paſſages, and Places in the ſaid Univerſity, City, or Suburbs, or the ſaid Pariſh of *Saint Clement*, for any longer Time than ſhall be neceſſary for the loading and carrying away the ſame, nor ſuffered to annoy the Neighbour or Neighbours of ſuch Perſon or Perſons; but in caſe the Perſon or Perſons ſo reſerving ſuch Aſhes, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh, ſhall thereby annoy his or their Neighbour or Neighbours, and ſhall continue to keep and preſerve the ſame for the Space of three Days, after Notice in Writing given to him, her, or them, under the Hands of the ſaid Commiſſioners, or any five or more of them, or left at ſuch Perſon's Dwelling-houſe, to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of ten Shillings a Day, for every Day ſuch Annoyances ſhall be permitted to remain, next after ſuch Notice given as aforeſaid.

LVII. Provided

LVII. Provided always, That no Perſon ſhall be ſubject to the laſt-mentioned Penalty of ten Shillings, for any Rubbiſh or Dirt in the ſaid Streets, Lanes, Paſſages, or public Places, or any of them, before the Houſe or Tenement of ſuch Perſon occaſioned by the Building, pulling down any Building, rebuilding, or repairing, any ſuch Houſe or Tenement, ſo as there be convenient Room left in the ſame Street, Lane, Paſſage, or Place, where ſuch Rubbiſh or Dirt ſhall lie, for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot-paſſengers, by the Perſon laying or occaſioning ſuch Dirt or Rubbiſh to be laid; nor for the making up any Lime into Mortar in any of the ſaid Streets, Lanes, Paſſages, or Places, ſo as ſuch Room be left for Foot-paſſengers and Carriages, and ſo as ſuch Lime be incloſed before ſuch Houſe or Building about which the ſame is to be uſed, and ſo as the Owner or Owners of ſuch Houſe or Tenement before which ſuch Rubbiſh or Lime ſhall lie ſhall cauſe the ſame to be removed out of the ſaid Street, Lane, Paſſage, or Place, at his, her, or their own Coſts and Charges, within a reaſonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their ſaid Houſe, where ſuch Rubbiſh or Lime ſhall lie, for that Purpoſe, in Writing, to be ſigned by the ſaid Commiſſioners, or any five or more of them, and ſo as that whilſt the ſame ſhall be lying in the ſaid Street, Lane, Paſſage, or Place, ſuch Owner or Owners ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame, every Night during the whole Night, from the Time it becomes dark, to prevent any Miſchief happening to Paſſengers, which might otherwiſe be occaſioned thereby.

Penalty not to extend to Rubbiſh occaſioned by building.

LVIII. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Perſons contracted with for cleanſing the ſaid Streets, Lanes, public Paſſages, and Places, or any Part or Parts thereof, ſhall have Liberty, by the Approbation and Order of five or more of the Commiſſioners, to lodge their Dirt, Duſt, Aſhes, or other Filth, in ſuch vacant and public Places in or near the ſaid Streets, Lanes, Paſſages, and other Places as ſhall not appear to be intended to be built upon, and as ſhall be thought convenient by the ſaid Commiſſioners, they the ſaid Perſons ſo contracted with, giving ſuch Satisfaction to the Owners and Occupiers of ſuch vacant Places, as the ſaid Commiſſioners, or any five or more of them, ſhall direct.

Scavengers may lodge Dirt in the Streets, &c. by Conſent of Commiſſioners.

LIX. And be it further enacted by the Authority aforeſaid, That if any matriculated Perſon or Perſons, or Member of the ſaid Univerſity, ſhall wilfully break, throw down, or otherwiſe damage, any of the Lamps which ſhall be erected by virtue of this Act, or any of the Poſts, Irons, or other Furniture thereof, or extinguiſh any of the ſaid Lamps, it ſhall and may be lawful to and for the Vice-chancellor of the Univerſity, or his Deputy, on account of Abſence, commonly called the Pro-Vice-chancellor, or his Aſſeſſor in the Univerſity Court, and they are hereby required, upon Oath made of the Commiſſion of any ſuch Offence, which Oath the ſaid Vice-chancellor, or his ſaid Deputy, or his ſaid Aſſeſſor, or any of them, is and are hereby impowered and required to adminiſter to any Perſon or Perſons offering to make the ſame, to iſſue a Warrant or Warrants for apprehending the Party or Parties accuſed: or it ſhall be lawful for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending, the Offender or Offenders, and by Authority of this Act, to convey him or them before the ſaid Vice-chancellor, Deputy, or Aſſeſſor, to be dealt with as hereinafter is directed; and the Party or Parties ſo accuſed being brought before the ſaid Vice-chancellor, Deputy, or Aſſeſſor, or Oath being made before him or either of them, that ſuch Party or Parties cannot be found and apprehended, which Oath the ſaid Vice-chancellor, Deputy, or Aſſeſſor, is and are hereby alſo required and impowered to adminiſter, the ſaid Vice-chancellor, Deputy, or Aſſeſſor, ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced, to give Information touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his or their own Confeſſion, or upon ſuch Information as aforeſaid, he or they ſo convicted ſhall, for the firſt Offence, reſpectively forfeit and pay, to be applied to the Purpoſes of this Act, a Sum not exceeding ten Shillings, nor under five Shillings, for each Lamp ſo broken or thrown down, damaged or extinguiſhed as aforeſaid; for the ſecond Offence the Sum of fifteen Shillings, and for the third, and every other ſubſequent Offence, the Sum of twenty Shillings; and full Satisfaction ſhall alſo be made to the ſaid Commiſſioners, or their Surveyor, by ſuch Offender or Offenders, for the Damage ſo by him or them done as aforeſaid: And in caſe the Offender or Offenders ſhall refuſe or neglect to pay the ſaid Penalties, and make ſuch Satisfaction to the ſaid Commiſſioners as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any two or more of them, to proceed for and recover the ſame in the Vice-chancellor's Court of the ſaid Univerſity; and alſo for the ſaid Vice-chancellor, Deputy, or Aſſeſſor, ſitting in Judgement in the ſaid Court, to inflict, by way of further Puniſhment on the ſaid Offender or Offenders, all or any of the Penalties, whether pecuniary or other, which by the Statutes of the ſaid Univerſity they are impowered to inflict on matriculated Perſons convicted of Violation of public Authority, or other Diſturbance of the Peace: And if any Perſon or Perſons (not being matriculated or a Member of the ſaid Univerſity) ſhall be guilty of any of the ſaid Offences, the ſame may be inquired into, and the like Penalties inflicted under the Authority of any Juſtice or Juſtices of the Peace, acting in and for the ſaid County or City, as is herein before directed to be done with reſpect to matriculated Perſons, under the Authority of the ſaid Vice-chancellor, Deputy, or Aſſeſſor: And in caſe the reſpective Penalties ſhall not be forthwith paid, the Juſtice before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County or City, there to be kept to hard Labour for any Time not exceeding three Calendar Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given, and the whole of the ſaid reſpective Forfeitures, when recovered, ſhall be applied for the Purpoſes of this Act: And if any Perſon ſhall negligently or accidentally break, throw down, or otherwiſe damage any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and

Penalty for extinguiſhing or damaging Lamps, by matriculated Perſons.

Penalty on other Perſons breaking or damaging the Lamps.

ſhall not upon Demand make Satisfaction to the ſaid Commiſſioners, or any five or more of them, or to their Surveyor, for the Damages by ſuch Perſon done as aforeſaid, it ſhall be lawful for any Juſtice of the Peace for the ſaid County or City, and he is hereby required, upon Complaint to be made by any two or more of the ſaid Commiſſioners, or by their Surveyor, to ſummon the Party complained of, and upon his or her Appearance, or making Default to appear (Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his or her Dwelling-houſe, or Place of Abode, if known, or that he or ſhe could not be found) ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and upon Proof thereof, either by Confeſſion of the Party complained of, or by the Oath of one or more credible Witneſs or Witneſſes (which Oath the ſaid Juſtice is hereby impowered and required to adminiſter) ſhall award and order ſuch pecuniary Satisfaction to be made by the Party complained of, for the Damage ſo by him or her done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded, in caſe the ſame be not paid forthwith upon the making ſuch Award and Order, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering to him or her the Overplus (if any be) upon Demand, after the Charges of proſecuting ſuch Complaints, and of ſuch Diſtreſs and Sale, ſhall be deducted; and in caſe ſufficient Diſtreſs cannot be found, ſuch Juſtice ſhall commit the Party complained of to the common Gaol for the ſaid County or City, until he or they ſhall pay the Sum ſo awarded, or for any Time not exceeding the Space of one Calendar Month.

For Damages done by matriculated Perſons Complaint may be made.

LX. Provided always, That in caſe the Party who ſhall have done, through Negligence, or Accident, ſuch Damage as aforeſaid, ſhall happen to be a matriculated Perſon, then ſuch Complaint as is herein laſt before directed to be made to any Juſtice of the Peace for the ſaid County or City, ſhall be made only to the ſaid Vice-chancellor, or to his Aſſeſſor in the Univerſity Court, or in caſe of the Vice-chancellor's Abſence, to his Pro-Vice-chancellor, or his Deputy, on account of Abſence, each or any of whom ſhall have full Power to examine the Matter of the Complaint, to adminiſter Oaths, to award pecuniary Satisfaction, to levy the ſame by Diſtreſs and Sale of the Goods of the Party complained of, and to do all the other Things before mentioned, or incident thereto, in like Manner, and in the like Caſes, as may be done when the Party complained of is not a matriculated Perſon, by any Juſtice of the Peace for the ſaid City or County.

No Cattle to be killed in the Streets.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or cauſe the ſame to be done, in any open or public Street, Lane, or Way, within the ſaid Univerſity and City of *Oxford*, or the Suburbs thereof, or in the ſaid Pariſh of *Saint Clement*, or hang up, or cauſe to be hung up, any Beaſt, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the ſaid Streets or public Paſſages, from and after the Market herein after-mentioned ſhall be completed, every Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings; and if any Swine, Beaſt, or Cattle, ſhall be found wandering about the ſaid Streets, Lanes, or Ways, or any or either of them, it ſhall and may be lawful to and for any Officer or Officers of the ſaid Commiſſioners, or any other Perſon or Perſons whomſoever, to impound ſuch Swine, Beaſt, or Cattle, in either of the common Pounds in the ſaid City, or Suburbs, or *Saint Clement*'s aforeſaid, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any five or more of them, and the ſame to detain in the ſaid Pound or Place, until the Sum of five Shillings and the Expence of impounding ſuch Swine, Beaſt, or Cattle, ſhall be fully paid and ſatisfied; and in caſe ſuch Penalty and Expences ſhall not be paid within three Days after ſuch Swine, Beaſt, or Cattle, ſhall be impounded, it ſhall and may be lawful for ſuch Perſons or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any five or more of them, for that Purpoſe, to ſell, or cauſe ſuch Swine, Beaſt, or Cattle, to be ſold; and the Money ariſing from the Sale thereof, ſhall be applied to ſuch and the ſame Purpoſes as the Money ariſing from the Rates or Aſſeſſments is hereby directed to be applied.

To prevent certain Nuiſances in the Streets.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall hoop, cleanſe, waſh, or ſcald any Caſk; or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair, any Wheel; or ſhoe, bleed, cleanſe, or dreſs, or turn or drive looſe any Horſe; or wet, ſlack, or mix, any Lime; or wet, mix, or make any Mortar, except as herein before mentioned; or throw at any Cock or Fowl, in the Manner called Cock-throwing, or ſet up any Cock or Fowl to be thrown at in ſuch Manner; or ſhall make, or aſſiſt in the making, any Fire or Fires, commonly called Bonfires; or ſhall ſet Fire to, or let off, or throw any Squib, Serpent, Rocket, or Fire-works whatſoever, in any of the Highways, Streets, Lanes, or public Ways within the ſaid Univerſity, City, or Suburbs, or in the ſaid Pariſh of *Saint Clement*; or ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on the Foot or Carriage-way of any Highway, Street, Lane, or public Way, in the ſaid Univerſity and City, or Suburbs, or in the ſaid Pariſh of *Saint Clement*, except the ſelling of Butter and Corn in the Markets, as uſual, on Market Days; or hang up, or expoſe any Goods, Wares, or Merchandiſes, or any other Matter or Thing, upon any Flap Window, or otherwiſe, ſo as to obſtruct or incommode the Paſſage of the Foot or Carriage-way of any Street, Lane, or public Way, in the ſaid Univerſity, City, or Suburbs, or the ſaid Pariſh of *Saint Clement*, every Perſon, ſo offending in either of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings, over and above ſuch Penalties as are inflicted on any or either of the ſaid Offences, by any Law or Statute now in being.

Signs, &c. to be taken down.

LXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any nine or more of them, ſhall and may, at any Time after the paſſing of this Act, cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the ſaid Univerſity and City of *Oxford*, and the Suburbs thereof, and in the ſaid Pariſh of *Saint Clement*, to take down, fill up, remove, alter, or regulate all Signs, or other Emblems

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uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign-poſts, Sign-irons, Pent-houſes, Shew-boards, Spouts, Gutters, Stalls, Bulks, Bulk or Bow Windows, Window-ſhutters, Porches, Sheds, Butchers Gallows, Pumps, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Cellar-windows, Dwarf-walls, Pits, Saw-pits, Trees, and Poſts, projecting into, or ſtanding or being in any of the ſaid Streets, Lanes, or public Ways, or in or upon the Waſte, or other Ground, lying between the Houſes near or adjoining to ſuch Streets or Highways, and all other Encroachments, Nuiſances, or Annoyances whatſoever, within the ſaid Univerſity and City, or the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*, projecting into, or ſtanding or being in the ſaid Streets, Lanes, or public Ways, or in or upon the Waſte or other Ground between the Houſes near or adjoining to ſuch Streets or Highways, in ſuch Manner as they ſhall think proper; and to cauſe all Signs, or other Emblems as aforeſaid, Shew-boards, Spouts, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be carried away, or affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe: And in caſe the reſpective Owners or Occupiers ſhall refuſe or neglect ſo to do, for the Space of twenty Days next after ſuch Notice ſhall be given to him or them reſpectively (which Notice ſhall be given in Writing under the Hand of the Clerk to the ſaid Commiſſioners for the time being, and delivered or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Occupier) it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, to cauſe ſuch Signs, Emblems, Sign-poſts, Sign-irons, Pent-houſes, Shew-boards, Spouts, Gutters, Stalls, Bulks, Bulk or Bow Windows, Window-ſhutters, Porches, Sheds, Butchers Gallows, Pumps, Shambles, Blocks, or Pieces of Timber, Chopping-blocks, Cellar-windows, Dwarf-walls, Pits, Saw-pits, Trees, and Poſts, and all other Encroachments, Nuiſances, or Annoyances whatſoever, to be taken down, carried away, filled, removed, altered, and regulated, in ſuch Manner as they ſhall think proper; and ſhall cauſe all ſuch Signs, or other Emblems as aforeſaid, Shew-boards, Spouts and Gutters, or ſuch Parts thereof as they ſhall think fit, to be removed and carried away, or affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, or to be left on the Spot, or as near as conveniently may be for ſuch Owner or Owners, ſo much of ſuch Signs or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Pent-houſes, Shew-boards, Spouts, Gutters, Stalls, Bulks, Bulk or Bow Windows, Window-ſhutters, Porches, Sheds, Butchers Gallows, Pumps, Shambles, Blocks, Chopping-blocks, Cellar-windows, Dwarf-walls, Trees, and Poſts, or other Encroachments, Nuiſances, or Annoyances whatſoever, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act, and the Charges and Expences attending the ſame, ſhall and may be recovered of the Owners or Occupiers thereof reſpectively, in the ſame Manner as the Charges and Expences of cleanſing and lighting the ſaid Streets are directed to be recovered under this Act: And if any Perſon or Perſons ſhall, at any Time or Times thereafter, hang, place, erect, build, or make, any Sign, Sign-poſt or other Poſt, Sign-iron, Pent-houſe, Shew-board, Spout, Gutter, Stall, Bulk, Bulk or Bow Window, Window-ſhutter, Porch, Shed, Butchers Gallows, Pound for Cattle, Pump, Cellar-window, or Dwarf-wall, Shamble, Block, or Piece of Timber, Chopping-block, Pit, Saw-pit, Poſt, or other Encroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings, and the further Sum of ten Shillings for every Day ſuch Offence ſhall continue; and the Maſter Workmen employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of forty Shillings: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order the ſame to be taken down, removed, carried away, altered, or regulated, in ſuch Manner as they, or any five or more of them, ſhall think proper; and the Perſon or Perſons ſo ordered ſhall and may take down, remove, carry away, alter, or regulate the ſame accordingly, without any Notice or Warning to be given to the Owner or Owners, Tenant or Occupier, to take down, remove, carry away, alter, or regulate the ſame.

No Encroachment to be made by Builders, &c.

LXIV. And be it further enacted, That no Head Builder, Maſter Carpenter, Maſon, or Workman, ſhall, in rebuilding or new-fronting any old Building ſituate in or near any Street, Lane, or public Way, bring the Foundation thereof forward beyond the old Foundations, or the ancient Story poſts ſupporting the Fronts thereof, ſo as to obſtruct or narrow the Paſſage through the ſame, upon Pain of forfeiting, for every ſuch Offence, the Sum of ten Pounds, and the Owner of ſuch Building ſhall forfeit and pay the Sum of forty Shillings for every Month ſuch Obſtruction or Encroachment ſhall remain, by the Foundation of ſuch Building being brought forwards as aforeſaid; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order the ſame to be taken down, altered, or regulated, in ſuch Manner as they, or any five or more of them, ſhall think proper.

No Cart, &c. to be left in any Street, &c.

LXV. And it is hereby further enacted, That if, after the paſſing of this Act, any Cart, Waggon, Dray, or other Carriage, ſhall be left to ſtand or continue in any Street, Lane, or public Way, in the ſaid City or Suburbs, or the ſaid Pariſh of *Saint Clement*, or in any Part or Parts thereof, with or without Horſes or other Cattle, other than for the neceſſary loading or unloading thereof, or if any Common Stage-waggon or Cart ſhall be left to ſtand or continue in either or any of the principal Streets mentioned in the ſaid Schedule hereto annexed, for the Purpoſe of loading or unloading, more than the Space of one Hour at any one Time; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandizes, Materials, or Things whatſoever, ſhall be laid or placed, and left in any ſuch Street, or public Way, longer than ſhall be neceſſary for the houſing or removing the ſame, except in ſuch Caſes as are herein before provided for; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Cart, Waggon, Dray, or other Carriage, or of any ſuch Timber, Bricks, Goods, Wares, Merchandizes, Materials, or Things, ſhall, for every ſuch Offence, forfeit and pay the Sum of

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ten Shillings, and the ſame ſhall moreover be deemed Nuiſances; and any one of the ſaid Commiſſioners, or any one of their Officers, or any other Perſon, without any Peace-officer or other Perſon preſent, ſhall and may, either in the Day or by Night, ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, or other Carriage, ſo placed, or ſuffered to ſtand or continue, contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging or affixed, (if any) or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandiſes, Materials, or Things, ſo laid or placed as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to any Pound within the ſaid City or Suburbs, or to ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any five or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants ſhall claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be, the Sum of ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of ten Shillings and Charges paid, within the Space of ſix Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to cauſe the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the ſame Uſes and Purpoſes as the Monies ariſing from the Rates or Aſſeſſments are hereby directed to be applied.

Owners of Carts, &c. not impounded, to forfeit 10s.

LXVI. Provided, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſo placed or ſuffered to ſtand or continue as aforeſaid, or any Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall be ſo laid and placed as aforeſaid, and the ſame ſhall not be ſeized and impounded as aforeſaid, the Owner or Owners of ſuch Cart, Waggon, Dray, or other Carriage, or of ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, ſhall nevertheleſs forfeit and pay the Sum of ten Shillings for every Offence by ſuch Cart, Waggon, Dray, or other Carriage, being ſo placed, or ſuffered to ſtand or continue, or ſuch Timber, Bricks, Goods, Wares, Merchandiſes, Materials, or Things, being ſo laid, or placed, or left as aforeſaid.

Annoyances by Hogſties, &c. to be removed.

LXVII. And be it further enacted, That in caſe any Hogſtye, Neceſſary-houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, Aſhes, Cinders, or Rubbiſh, or any other noiſome Matter whatſoever, in or near any of the ſaid principal Streets within the ſaid City or Suburbs, mentioned in the Schedule hereto annexed, ſhall be offenſive to any of the Inhabitants, or other Perſon or Perſons, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, upon Complaint thereof made to them by any ſuch Inhabitant, or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Commiſſioners, or any five or more of them, or under the Hand of the Clerk to the ſaid Commiſſioners for the time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within three Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of five Shillings daily, for every Day that the ſame ſhall continue unremoved, after the Expiration of the ſaid three Days.

No Wheelbarrow, &c. to be driven on Foot-pavements.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time after the paſſing of this Act, run, drive, or cauſe to be run, driven, or drawn on any Foot-pavements within the ſaid City or Suburbs, any Wheel or Wheels, Sledge, Wheelbarrow, or Carriage whatſoever, or ſhall roll any Caſk, or wilfully ride, drive, or lead, or cauſe to be rode, driven, or led, any Horſe or other Cattle, on any of the ſaid Foot-pavements, other than in Caſes of abſolute Neceſſity; ſuch Perſon or Perſons ſhall forfeit and pay, for the firſt Offence, the Sum of five Shillings, for the ſecond Offence, the Sum of ten Shillings, and for the third, and every other Offence, the Sum of twenty Shillings.

Proviſo.

LXIX. Provided, That no Perſon or Perſons ſhall be liable to ſuch Penalties, for rolling any Caſk on the ſaid Foot-pavements, unleſs the ſame ſhall have been rolled thereon for the Space of twenty Yards, or upwards.

Cellar-windows at Night to be ſufficiently lighted.

LXX. And be it further enacted, That if any Cellar-window or Windows ſhall be left open in the Evening, or in the Night, without the ſame being ſufficiently lighted, to prevent Accidents happening therefrom, the Occupier or Occupiers of ſuch Houſe or Cellar ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Shillings.

Power of repairing Pavements damaged by the burſting or breaking of Water pipes.

'LXXI. And whereas there are Pipes placed under the Pavements in ſeveral of the ſaid Streets, Lanes, 'and public Ways, for the Purpoſe of conveying Water for the Uſe of the Inhabitants, and great Inconveniencies may ariſe from the breaking up the Pavement, in order to repair the ſame, and from the burſting 'or breaking the ſaid Pipes, if ſuch Pavement be not properly relaid:' For Remedy whereof, be it further enacted by the Authority aforeſaid, That when and ſo often as any Part of the Pavements of any of the Streets or Places which ſhall be begun to be paved by virtue of this Act, ſhall be damaged by the burſting or breaking of the ſaid Pipes, or taken up by any Perſon or Perſons for the Purpoſes of making, repairing, or altering any of the ſaid Pipes, or any Vault or Drain, or for any other Purpoſe whatſoever; the Perſon or Perſons to whom the ſame belong, or ſo taking up ſuch Pavement or Pavements, ſhall immediately give Notice thereof to the Surveyor or Surveyors employed by the ſaid Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor or Surveyors, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, and they ſhall be reimburſed the ſame by the Owner or Owners, Proprietor or Proprietors of the Water-works, or other Perſon or Perſons who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement or Pavements, or any Part or Parts thereof; and in caſe any ſuch Owner or Owners, Proprietor or Proprietors of Water-works, or other Perſon or Perſons, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, within ten Days next after Notice thereof, to be left by the Receiver or Receivers appointed, or to be appointed by the ſaid Commiſſioners, at the Dwelling-houſe

houſe or uſual Place of Abode of ſuch Owner or Owners, Proprietor or Proprietors of ſuch Water-works, or other Perſon or Perſons, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act into Execution, by order of the ſaid Commiſſioners, or any two or more of them, and annexed to the Bill, containing an Account of the Expences of ſuch Repair; it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of their Treaſurer or Treaſurers for the time being, for the Recovery of ſuch Sum or Sums of Money as they ſhall have ſo expended for the relaying and repairing ſuch Pavement or Pavements, taken up in Manner as aforeſaid: And in caſe ſuch Perſon or Perſons hereby directed to give ſuch Notice to the Surveyor or Surveyors as before directed, ſhall neglect ſo to do for the Space of twenty-four Hours after ſuch Pavement or Pavements be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Proceedings to be entered in a Book.

LXXII. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings of the ſaid Commiſſioners, from time to time, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Clerk of ſuch Commiſſioners for the time being, and ſhall be deemed and taken to be original Acts, Orders, and Proceedings; and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever; and ſhall alſo be open at all ſeaſonable Times for the Reading or Inſpection of all and every the ſaid Commiſſioners, without Fee or Reward.

Treaſurers to pay all Sums of Money by Order of the Commiſſioners, and make Entries.

LXXIII. And it is hereby further enacted by the Authority aforeſaid, That the Treaſurer of the ſaid Commiſſioners for the time being ſhall and may, and he is hereby authoriſed and required, out of the Monies collected and paid into his Hands, to pay all Sums of Money which the ſaid Commiſſioners ſhall, from time to time, draw upon him for, or order him to pay; and the ſaid Treaſurer for the time being ſhall, and he is hereby required to keep regular and clear Entries in a Book or Books, to be for that Purpoſe by him provided and kept, of all and ſingular his Receipts and Payments, on account or in purſuance of this Act; to which Book or Books, and all others kept for the Purpoſes of this Act, every Perſon liable to the Payment of the ſaid Rates, ſhall and may have free Acceſs at all convenient Times, with full Liberty to inſpect the ſame, without Fee or Reward: And alſo, that the ſaid Treaſurer for the time being ſhall, twice in every Year, have the ſaid Accounts audited and paſſed, and allowed by the ſaid Commiſſioners, or any ſeven or more of them.

Collector dying or becoming Bankrupt, his Eſtate liable to Payment.

LXXIV. And it is hereby further enacted by the Authority aforeſaid, That if any Collector or Collectors ſhall happen to die, or to become Bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received by virtue of this Act, or made ſuch Compoſition for the ſame as the ſaid Commiſſioners ſhall agree to accept, then, and in every ſuch Caſe, the Executors or Adminiſtrators, Executrix or Adminiſtratrix, or other legal Repreſentative or Repreſentatives of ſuch Collector or Collectors, or the Aſſignee or Aſſignees of his or their Eſtate and Effects, or other Perſon or Perſons, poſſeſſing the ſame, ſhall, in the firſt Place, out of ſuch Eſtate and Effects, pay unto the Treaſurer of the ſaid Commiſſioners for the time being, all ſuch Sums of Money as were in the Hands of ſuch Collector or Collectors at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, or ſo much thereof as the ſaid Eſtate or Effects ſhall extend to pay, and the Receipt of the ſaid Treaſurer will be a good Diſcharge for the ſaid Money; and every Executor and Adminiſtrator, Aſſignee or Aſſignees, or other Perſon as aforeſaid, may, to any Action or Suit commenced or brought againſt him or them, plead or give in Evidence the Payment of the ſame, and ſhall be allowed ſuch Payment out of the Eſtate or Effects of ſuch Collector or Collectors, prior to any other Debt or Demand whatſoever; and in caſe of Nonpayment of the ſame by the Space of one Calendar Month after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any two or more of them, to commence and proſecute one or more Action or Actions for the ſame, in any of his Majeſty's Courts of Record, againſt ſuch Executors or Adminiſtrators, Aſſignee or Aſſignees, or other Perſon as aforeſaid.

No Act valid unleſs at a public Meeting.

LXXV. Provided always, and be it enacted by the Authority aforeſaid, That no Act of the Commiſſioners ſhall be valid, unleſs made or done at ſome public Meeting, held by virtue of this Act.

All Powers veſted in Commiſſioners to be executed by the major Part of thoſe who are preſent.

LXXVI. Provided alſo, and it is hereby enacted and declared by the Authority aforeſaid, That all the Powers and Authorities by this Act granted to or veſted in ſuch Commiſſioners, ſhall and may, from time to time, be exerciſed by the major Part of thoſe who ſhall attend at any public Meetings, to be holden as herein before mentioned; ſuch major Part not being leſs than the Number by this Act authoriſed to do ſuch Buſineſs; and that in all Caſes the ſaid Commiſſioners do vote by Ballot, in caſe the ſame is deſired by any two or more of the ſaid Commiſſioners; and that the Chairman ſhall have a caſting Voice in all Caſes of Equality.

Commiſſioners may compound for Penalties, &c.

LXXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, to compound and agree with any Perſon or Perſons, againſt whom any Action or Actions, Suit or Suits, ſhall be brought or proſecuted, for any Penalty or Penalties, in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any ſeven or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen, any other the Forfeitures incurred under this Act, ſo as the Sum ſo compounded or agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures, as aforeſaid, do not extend to remit above one Moiety of the ſaid Forfeitures reſpectively.

Colleges and Corporations impowered to ſell Houſes, &c.

'LXXVIII. And whereas many Houſes, Edifices, Shops, and Warehouſes, within the ſaid Univerſity and City, and the Suburbs thereof, and the ſaid Pariſh of *Saint Clement*, belong to Bodies Corporate, and are

'are irregularly built, and by reaſon of their contingent Tenure are frequently ſuffered to fall in a ruinous 'State;' Be it therefore enacted, That it ſhall and may be lawful for any Body Corporate or Collegiate, whether of Univerſity or City, Aggregate or Sole, to alienate and ſell for ever any Tenements or Hereditaments, and the Scite thereof, with their Appurtenances, ſtanding or being within the Univerſity and City of *Oxford*, or the Suburbs thereof, or the ſaid Pariſh of *Saint Clement*, provided that all and every Sum and Sums of Money to be paid to ſuch College or Corporation for the Purchaſe of ſuch Tenement or Hereditament be lodged in any of the public Funds, in the Name and Names of the three Regius Profeſſors of Divinity, Law, and Phyſick, in Truſt, for the Uſe of the ſaid Colleges, or Corporation, for Houſes belonging to the College or the Univerſity; and for Houſes belonging to the City, in the Names of the Mayor, Recorder, and Town-clerk, to be by them laid out in the Purchaſe of Lands and Hereditaments, without the Univerſity, City, and Suburbs of *Oxford*, or otherwiſe ſettled and appropriated for ſuch Uſes and Truſts, as the Houſes and Tenements ſo ſold by ſuch Corporation or College were ſettled and limited at the Time of ſuch Sale ſo made.

Money to be laid out.

LXXIX. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money to be paid to any Perſon, Body Corporate or Collegiate, Corporation Aggregate or Sole, Feoffee or Feoffees in Tail, Guardian, Committee, or other Truſtee or Truſtees, in purſuance of this Act, ſhall be by them reſpectively laid out in the Purchaſe of Lands, Tenements, and Hereditaments, and ſettled to, upon, and ſubject to ſuch Titles, Uſes, Truſts, Limitations, Remainders, and Contingencies, as the ſaid Lands and Premiſes, ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid, were ſettled, limited, and aſſured, at the Time of ſuch Sale ſo made reſpectively, or as near as the ſame can be ſettled, limited, and aſſured, and ſhall and may be held and enjoyed accordingly.

Continuance of the Tolls.

LXXX. And be it further enacted by the Authority aforeſaid, That ſo much of this Act as relates to the Tolls hereby granted, and to widening, altering, and repairing the Roads and Bridge herein mentioned, ſhall take place from and after the ſaid fourth *Tueſday* after paſſing of this Act, and ſhall continue in Force for the Term of twenty-one Years, and to the End of the then next Seſſion of Parliament, and no longer; and that from the Expiration, or ſooner Determination thereof, the ſaid Mile-ways and Bridge ſhall be repaired, from time to time, in ſuch and the ſame Manner, as the ſame were or ought to have been repaired before the paſſing of this Act, or as they would or could have been, in caſe the ſame had not been made.

Proviſo for determining the Tolls ſooner.

LXXXI. Provided always, That if the ſeveral Purpoſes, to which the ſaid Tolls are hereby directed to be applied, ſhall be effected and completed before the Expiration of the ſaid Term hereby granted, and the Principal Money borrowed and ſecured upon the Credit thereof be repaid and ſatisfied, then, and from thenceforth, all the Tolls hereby impoſed, ſhall abſolutely ceaſe and determine.

Power to remove the Market and erect another.

'LXXXII. And whereas the holding of a Market as heretofore accuſtomed for ſelling of Meat, Fiſh, 'and Garden Stuff, in the *High Street* and *Butcher Row*, in the ſaid City, hath been found very inconveni- 'ent, by reaſon of the great Number of Coaches, Carts, and other Carriages, and Travellers, paſſing and 'repaſſing through the ſame, to and from the Roads above mentioned: And whereas it is neceſſary for 'the Benefit and Accommodation of the Inhabitants of the ſaid Univerſity, City, and Suburbs, and of all 'Perſons reſorting thereto, that a Market ſhould be ſtill continued for the Sale of all Kinds of Meat, Fiſh, 'Poultry, and Garden Stuff; and the Chancellor, Maſters, and Scholars of the ſaid Univerſity, and 'Mayor, Bailiffs, and Commonalty of the ſaid City, are deſirous to erect, hold, and maintain ſuch Mar- 'ket;' It is hereby further enacted, That the ſaid Commiſſioners, or any fifteen or more of them, ſhall have full Power and Authority to view, ſet out, and deſcribe ſuch Plot or Piece of Ground, between the *High Street* and the Lane called *Jeſus College Lane*, within the ſaid City, as they ſhall adjudge moſt convenient and proper for holding the ſaid Market, and to and for making proper Avenues thereto: And it is hereby further enacted by the Authority aforeſaid, That the ſaid Chancellor, Maſters, and Scholars of the ſaid Univerſity, and their Succeſſors, by and with the Conſent and Approbation of the ſaid Mayor, Bailiffs, and Commonalty of the ſaid City, and their Succeſſors, ſhall have Power and Authority, and they are hereby authoriſed and impowered, to remove, or cauſe to be removed, the Markets for all Kinds of Meat, Fiſh, Poultry, and Garden Stuff, and to eſtabliſh and hold, or cauſe to be eſtabliſhed and held, within the Limits of the ſaid Plot or Piece of Ground, ſo to be ſet out and deſcribed by the ſaid Commiſſioners as aforeſaid, for the Scite of the ſaid Market; and that it ſhall and may be lawful to and for the ſaid Chancellor, Maſters, and Scholars, by and with the Conſent and Approbation of the ſaid Mayor, Bailiffs, and Commonalty, to cauſe ſuch Market to be held within the Limits aforeſaid, daily and every Day, or leſs frequently, according as the ſame ſhall to them appear neceſſary for the Convenience and Accommodation of the Inhabitants of the ſaid Univerſity, City, and Suburbs, and of Perſons reſorting thereto.

Reſervation of the Right of the Univerſity to ſuperintend and regulate the Markets, and of the City Right to Pitching-pence or Tolls.

LXXXIII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to take away the Right of the ſaid Chancellor, Maſters, and Scholars, to appoint or nominate one or more Clerk or Clerks of the ſaid Market, and otherwiſe to govern, regulate, and ſuperintend the ſame, as heretofore accuſtomed with reſpect to the ancient Market-place or Places, or to take away the Right of the ſaid Mayor, Bailiffs, and Commonalty, to ſuch Pitching-pence or Tolls as have been heretofore paid to them or their Toll-gatherer, by Butchers, Gardeners, and others; but the ſame reſpectively ſhall remain and belong to the ſaid Chancellor, Maſters, and Scholars, and the ſaid Mayor, Bailiffs, and Commonalty, ſeverally, as before the paſſing this Act; and the ſaid Chancellor, Maſters, and Scholars, and Mayor, Bailiffs, and Commonalty, reſpectively, ſhall and may preſcribe and have ſuch Remedies for the ſame in ſuch new Market, as they could have and were intitled to in the Places where the ancient Markets were uſually or commonly held.

'LXXXIV. And

'LXXXIV. And for preventing any Encroachments which might hereafter be made on the said Market,' Be it further enacted by the Authority aforesaid, That from and after the same shall be completed and used as a Market, it shall not be lawful for any Person or Persons to erect or hold any other Market within the said University, City, or Suburbs, except the present Markets for Corn, Pigs, and Butter, or to vend or expose to Sale any Manner of Flesh, or other raw Victuals, Fish, Poultry, Herbs, Roots, or Garden Stuff, which are usually sold in public Markets in any other Place whatsoever within the said University, City, or Suburbs; and every Person who shall so vend, or expose to Sale, any Manner of Flesh, or other raw Victuals, Fish, Poultry, Herbs, Roots, or Garden Stuff, out of the said Market, within the said University, City, or Suburbs, and shall be convicted thereof before any one or more of his Majesty's Justices of the Peace for the County or City of *Oxford* aforesaid, shall, for every such Offence, forfeit and pay the Sum of five Pounds; to be recovered by Distress and Sale of the Goods and Chattels of the Offender, rendering the Overplus (if any there be) after deducting the Expence of such Distress and Sale, to the Owners thereof; one Moiety whereof shall go to the Informer, and the other Moiety to the Poor of the Parish where the Offence or Offences shall be committed.

No Meat, Fish, Poultry, or Garden Stuff to be sold elsewhere.

LXXXV. Provided always, That nothing herein contained shall be construed to extend to prevent Fishmongers or Poulterers from selling Fish or Poultry in their own Shops or Houses, as heretofore accustomed in the said University, City, and Suburbs.

Fishmongers or Poulterers may sell in their own Houses.

LXXXVI. Provided also nevertheless, That it shall and may be lawful to and for the said Justices, where they shall see Cause, to mitigate or lessen any such Penalties or Forfeitures, according to their Discretion.

Justices may mitigate Penalties.

'LXXXVII. And, for enabling the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, to effect the several Purposes of this Act;' Be it further enacted, That it shall and may be lawful to and for the said Chancellor, Masters, and Scholars, in Convocation assembled, from time to time, to nominate, depute, and appoint, six of the Members of Convocation resident within the said University, and for the said Mayor, Bailiffs, and Commonalty, in Council assembled, from time to time, to nominate, depute, and appoint, six of the Members of the Council of the said City, residing within the said City or Suburbs, to be a Committee to treat and agree with the Owners and Occupiers, and all other Persons interested in the Houses and Buildings, standing on the said Plot or Piece of Ground, so to be set out as aforesaid for the said Market, and to do all Matters and Things for and in the Names of the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, necessary for carrying this Act into Execution, so far as the same relates to the said Market; and such Committee, from time to time, so to be nominated, deputed, and appointed by the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty respectively, shall continue to act until others shall be by them severally nominated, deputed, and appointed in their Stead.

Power to appoint a Committee of Members of each Body.

LXXXVIII. And be it further enacted, by the Authority aforesaid, That it shall and may be lawful to and for all Persons whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, who are or shall be seised or intitled in their own Right, Trustees and Feoffees in Trust, Guardians and Committees for Lunatics and Ideots, Executors, Administrators, and Guardians whatsoever, not only in Behalf of themselves, their Heirs and Successors, but also for and in Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Ideots, Femes-covert, or other Persons whatsoever, who are or shall be seised or possessed of or interested in any Messuages, Lands, Tenements, or Hereditaments, which shall be necessary to be purchased for the holding the said Market, and to and for making proper Avenues thereto, to contract for, sell, convey, or surrender to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, all or any such Messuages, Lands, Tenements, or Hereditaments, or any Part thereof, or any Term for Years, or any Estate or Interest therein; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances, which shall be so made as aforesaid, shall be good and valid in Law, to all Intents and Purposes whatsoever, not only to convey the Estate of the Person or Persons conveying, but also all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Ideots, Femes-covert, or other Persons whatsoever, and all Persons claiming or to claim, by, from, or under them, any Law, Statute, or Usage, to the contrary thereof in anywise notwithstanding: And if it shall happen that any Person or Persons, Bodies Politic, Corporate or Collegiate, or other Person or Persons whatsoever, who are hereby enabled to convey as aforesaid, shall refuse to treat and agree with the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, then, and in such Case, it shall and may be lawful to and for the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, before any General Quarter-Sessions of the Peace to be holden for the said County of *Oxford*, or any Adjournment thereof, to give, or cause to be given, to such Owner or Owners, or to the principal Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical, or Civil, or to leave, or cause to be left, at the House of the Tenant in Possession, of the Lands or Hereditaments intended to be so purchased, twenty-one Days Notice in Writing, denoting and particularly describing the same, and purporting that the Value of such Lands or Hereditaments will be adjusted and settled by a Jury at the said Session, or the Adjournment thereof; and the Justices at their said Session, or any Adjournment thereof, upon Proof to them made of such Notice having been so given, or left, are hereby authorised and required to charge a Jury to be impanelled and returned by the Sheriff of the said County, without Fee or Reward, consisting of twelve honest, substantial, and disinterested Persons, duly qualified to serve on Juries upon the Trial of Issues at Law, and cause them to be sworn well and truly on their Oaths to assess the Value of the Lands or Hereditaments comprised in the said Notice, and the Damages and Recompence to be given for the same, to the respective Owner or Owners thereof, according to their respec-

Persons interested impowered to sell Houses, &c. for the Market.

Jury may settle where Persons refuse to treat.

tive Interests therein, which Oath the said Justices are hereby required to administer to such Jury, and to which said Jury the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and all Parties interested in the said Lands or Hereditaments, shall have their lawful Challenges; and the said Jury, being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall be finally binding and conclusive to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and to all Persons and Parties interested in the said Lands or Hereditaments, and such Verdicts, and the Judgement of the Justices thereupon, shall be fairly entered and kept amongst the Records of the Quarter-Sessions for the County of *Oxford*, and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every one hundred Words, and so in Proportion for any greater or less Number of Words.

Upon Payment or Tender of the Money, Premises vested in the University and City.

LXXXIX. And it is hereby further enacted and declared, That upon Payment of such Sum or Sums of Money so to be adjudged for the Purchase of the said Premises, or any Part thereof, the Person or Persons intitled thereto shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law, to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, of the said Premises, for which such Sum or Sums of Money were so awarded, and shall do all Acts, Matters, and Things, necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Assignments, and Assurances, shall contain all such reasonable and usual Covenants as shall, on the Behalf of the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, be required: And in case any Person or Persons to whom such Money shall be awarded as aforesaid, shall not evince a Title to the said Premises to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and make, or procure to be made, good and legal Conveyances thereof, or shall refuse so to do, being thereunto required, such Sum and Sums of Money so awarded as aforesaid being ready to be paid to him, her, or them, on making such Title, and tendered for that Purpose; or in case the Person or Persons intitled to the Premises for which such Sum or Sums of Money shall be so awarded as aforesaid, shall not be known; or in case that, by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, or the Committee to be appointed as aforesaid, what Person or Persons is or are intitled to the Premises in question; that then, and in all and every or any such Case or Cases as aforesaid, it shall and may be lawful to and for the said Committee to order such Sum or Sums of Money so awarded as aforesaid, as the Value of and Purchase-money for the said Premises, to be paid into the Bank of *England* for the Use of the Parties interested in the said Premises, to be paid to them, and each and every of them, according to their respective Estates and Interests in the said Premises, at such Times as the said Committee, or any seven or more of them, shall, by Warrant or Warrants under their Hands, order and direct; and the Cashier and Cashiers of the Bank of *England*, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum and Sums, mentioning and specifying for what Premises and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums into the Bank of *England* as aforesaid; which Receipt or Receipts shall be entered on Record, and registered among the Records of the Quarter Sessions for the County of *Oxford*; and immediately on such Payment and Registry, all the Estate, Right, Title, Use, Trust, Property, Equity of Redemption, Claim and Demand in Law and Equity, of all and every Person and Persons for whose Use such Money was paid, of, in, to, from, and out of the said Premises, or any Part thereof, shall vest in the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty; and they the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, shall be deemed in Law to be in the actual Possession thereof, and to be seised thereof in Fee-simple, freed and discharged from all Claims, Demands, and Equity of Redemption, either at Law or in Equity, to all Intents and Purposes, as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Interest, or Equity of Redemption, of, in, to, from, or out of the said Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment, with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Equity of Redemption, Claim and Demand of the Person or Persons to whose Use such Payment was made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates, Tail and Remainders, as fully and effectually as a Fine or Recovery would do, or would have done, if levied or suffered by proper Parties in due Form of Law.

Purchase-money of Trust-estates to be laid out again.

XC. And it is hereby further enacted and declared, That all and every Sum and Sums of Money to be paid to any Body Corporate or Collegiate, Corporation Aggregate or Sole, Feoffee or Feoffees in Trust, Guardian, Committee, or other Trustee or Trustees, in pursuance of this Act, shall be by them respectively laid out in the Purchase of Lands, Tenements, and Hereditaments, and settled to and upon, and subject to such Titles, Uses, Trusts, Limitations, Remainders, and Contingencies, as the said Lands and Premises so to be purchased by the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty as aforesaid, were settled, limited, and assured at the Time of such Sale so made respectively, and shall and may be held and enjoyed accordingly.

XCI. And

XCI. And be it further enacted, That from and immediately after Payment made for the Lands and Hereditaments so to be purchased as aforesaid, it shall and may be lawful for the said Committee to enter upon the Premises so to be purchased, and every Part thereof, and to convert the same to be used as a Market as aforesaid. After Payment, the Committee impowered to convert the Premises into a Market.

XCII. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall be applied to by or on Behalf of the said Commissioners, or the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, to treat for, sell, dispose of, or convey, for any of the Purposes aforesaid, any Part or Parts of any House, Warehouse, Yard, or Ground, in the actual Occupation of one Tenant, or of several Tenants, and the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so applied to, shall, by Notice in Writing to be left at the Office of the respective Clerks, within fourteen Days next after such Application, signify his, her, or their Inclination or Desire to treat for, sell, dispose of, and convey the whole of such House, Warehouse, Yard, or Ground; then, and in every such Case, the whole of every such House, Warehouse, Yard, or Ground, shall be deemed, taken, and held to be necessary to be purchased for effecting the Purposes of this Act: And if it shall happen that the said Commissioners, or the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, or their Committees, shall not think proper or be willing to purchase the whole of such House, Warehouse, Yard, or Ground; then, and in every such Case, nothing in this Act contained shall extend, or be construed to extend, to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, sell, dispose of, or convey any Part of such House, Warehouse, Yard, or Ground; any Thing herein before contained to the contrary thereof in any wise notwithstanding. If Part of a House, &c. wanted, for any of the Purposes of this Act, the Owner may oblige the Commissioners, &c. to purchase the whole.

XCIII. Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any nine or more of them, at any Meeting, or the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, or any Person or Persons, in whom any House or Ground shall be vested by virtue of this Act, to let, sell, or dispose of so much or such Parts thereof as shall not be necessary for the opening or widening of any of the said Streets, Lanes, Ways, Passages, or Places, or for and towards the erecting, establishing, and holding such new Market as aforesaid, to any Person or Persons, to and for such Use or Uses as they shall think proper, giving Preference to the Person or Persons of whom the same shall have been purchased, and to his, her, or their Heirs, Executors, and Administrators. Commissioners may sell Overplus Lands, &c.

'XCIV. And, for raising a Sum of Money sufficient for the Payment of the Purchase of such Lands and 'Hereditaments, and other the Purposes of this Act,' Be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Committee, or any seven or more of them, and they are hereby authorised and impowered to raise, borrow, take, and receive of and from any Person or Persons whomsoever, or any Body or Bodies Corporate or Politic whatsoever, who are willing to lend and advance the same, any Sum or Sums of Money, not exceeding in the whole the Sum of five thousand Pounds, for the Payment of such Purchase-money, and for such other Purposes as are herein before and herein after mentioned, and to set up and build all such Sheds, Stands, Stalls, and such other Erections as shall be found necessary for constituting the said Market; or, if it shall be found to be more convenient and beneficial to let out such Grounds upon a Building Lease or Leases for the Purposes aforesaid, it shall and may be lawful for the said University or City, and they are hereby authorised and impowered to set and let out such Ground for the best Rent that can be gotten for the same, payable quarterly, at or upon the four most usual Feasts or Days of Payment in the Year, upon a Lease or Leases, for any Term or Terms not exceeding sixty-one Years, to any Person or Persons who shall be willing to contract for and take the same, with proper Covenants binding him or them to build and set up all necessary Erections thereupon for converting the same into a Market as aforesaid; or, it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Committee, or any seven or more of them, or such Person or Persons as they shall appoint, for the Uses before mentioned, any Sum or Sums of Money not exceeding in the whole the Sum of five thousand Pounds, for the absolute Purchase of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Contributors respectively, or the natural Life of such other Persons as shall be nominated, by and on the Behalf of such respective Contributors, at the Time of Payment of their respective Contribution-monies; which Annuity or Annuities shall not exceed the Rate of eight Pounds *per Centum per Annum* for every one hundred Pounds, and so in proportion for any greater or less Sum to be advanced and paid as aforesaid; which Annuities shall be payable and paid in such Place in the said University or City as the said Committee, or any seven or more of them, shall for that Purpose appoint, by four equal quarterly Payments, the first Payment to begin and be made to the respective Purchasers and their Assigns, at the Expiration of the first Quarter of a Year after Payment of their respective Purchase-monies; which Annuities shall be publickly sold by the said Committee, or any seven or more of them. Powers of raising Money, by borrowing, not exceeding 5000 l. or by granting Building Leases, or by granting Annuities.

XCV. And it is hereby enacted, That there shall be provided by the said Committee a Book or Books, in which shall be fairly written in Words at Length the Names and Surnames, with the proper Additions and Places of Abode, of all such Persons who shall be Proprietors of any of the Annuities aforesaid; and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon the Credit of this Act; and also the Sum so paid for the Purchase of such Annuities, and the respective Days of Payment thereof; to which Book and Books it shall be lawful for the said respective Purchasers and their Assigns, and to and for any Person or Persons liable to the Payment of Rates and Assessments in the said Parish, at all seasonable Times, to have Recourse and inspect the same without Fee or Reward. Books to be provided, and Names of the Annuitants entered.

Annuities to be for the Lives of Contributors, or such Persons as they shall nominate.

XCVI. And it is hereby further enacted, That all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase-money at the Rate aforesaid, for any such Annuity or Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Assigns, shall have, receive, and enjoy the respective Annuity or Annuities so to be purchased, during the Term of the natural Life of the Person to be nominated by each such Purchaser or Contributor as above mentioned; and that all and every such Purchaser and Purchasers, and their Assigns respectively, shall have good, sure, absolute, and indefeasible Estates and Interest in the Annuities so by them respectively to be purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall be subject or liable to any Tax assessed upon Land by Authority of Parliament; and that every Contributor upon this Act for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Pu chase-money for the same, at the Rate aforesaid, or any Part or Proportion thereof, into the Hands of the Committee, or such Person or Persons as they shall appoint, shall have one or more Receipt or Receipts, importing the Receipt of so much Purchase-money as shall be paid, and upon Payment of all the Purchase-money for any such Annuity or Annuities, every such Contributor, his, her, or their Assigns respectively, shall have an Order on Parchment or Vellum for Payment of the said Annuity or Annuities, for and during the natural Life of such Person as shall be nominated by such Contributor or Purchaser as aforesaid; which Order shall be signed by the said Committee, or any seven or more of them; and after signing thereof, the same shall be firm, good, valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Annuities may be assigned.

XCVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, and their Executors, Administrators, and Assigns, at any time or times, by Writing under his, her, or their Hands and Seals, without any Stamp thereupon, to assign such Annuity or Annuities, or any Part thereof, or any Interest therein, to any Person or Persons whomsoever, and so *toties quoties*; and a Memorandum or Entry of all such Assignments shall be made in a Book, which is hereby required to be kept for that Purpose by or under the Inspection of the said Committee, which Entry or Memorandum shall be made *gratis*.

Annuities payable out of the Rents of the Market.

XCVIII. And be it further enacted by the Authority aforesaid, That all and every the Annuities so to be purchased under and by virtue of this Act, shall be, and are hereby charged upon, and shall be paid and payable, from time to time, upon all Monies arising by the Rents and Profits of the Sheds, Stalls, Stands, and all other Buildings and Erections to be set up in and upon the said Plot or Piece of Ground to be set out and appointed for the Scite of the said Market; and if the same shall prove deficient to pay the Annuities charged thereupon as aforesaid, then, and in such Case, the said Deficiency shall, from time to time, be equally paid and supplied by the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty.

Market vested in the University and City in Trust to pay all Debts incurred on account thereof, and afterwards equally between them.

XCIX. And be it further enacted by the Authority aforesaid, That the Houses, Buildings, and Ground, to be purchased by virtue and under the Authority of this Act, for the Scite of the said Market as aforesaid, and all Sheds, Stalls, Standings, and other Erections to be built or set thereupon, and the Rents and Profits arising from the same, shall be and are hereby vested in the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and their Successors, for ever; and that they should stand seised thereof, in Trust, for the several Uses, Intents, and Purposes herein after mentioned and declared, of and concerning the same; (that is to say) The said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, or the said Committee, or any seven or more of them, shall, out of the first Monies to be borrowed or arising by granting of Leases, or the Sale of Annuities as aforesaid, or by any other Ways and Means under the Authority of this Act, pay off and discharge all Debts that shall be incurred by the Purchases of the said Plot or Piece of Ground, and the Houses and Buildings thereon, for the Erection of the said Market, and all such Charges and Expences as shall necessarily attend the erecting and constituting the same; and the Rents and Profits arising thereby shall be applied in paying the Annuity or Annuities to be granted to such Purchaser or Purchasers as aforesaid, so long as any of them shall live; and all such Savings as shall, from time to time, be made by the Death of any such Annuitants, shall, after the Discharge of all Debts accrued on account of the said Market, be vested in the said Chancellor, Masters, and Scholars, and the Mayor, Bailiffs, and Commonalty, equally, and the Savings, together with the Rents and Profits of the said Markets, after the Death of all such Annuitants, shall be and remain an Estate for the Use and Benefit of the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and their Successors, for ever, equally, Share and Share alike.

Writings to be without Stamps.

C. And be it further enacted, That no Nomination, Appointment, Information, Deposition, Order, Judgement, Conviction, Warrant, Lease, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by any Commissioner or Commissioners for putting this Act in Execution, or any Lessee or Lessees of the said Tolls or Duties, or any Owner of any of the Securities aforesaid, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in them or any of them respectively, shall be charged or chargeable with any Stamp or Duty whatsoever.

Method of recovering the Penalties imposed by this Act, where no Method before pointed out.

CI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any one Justice of the Peace for the said County or City of *Oxford*, which Warrant such Justice is hereby impowered to grant, upon the Confession of the Party or Parties, or upon the Information of any one or more

more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice is hereby impowered to adminiſter; and the Penalties and Forfeitures, when recovered, ſhall be paid to the Treaſurer, or ſuch other Perſon as the ſaid Commiſſioners, at any Meeting, ſhall appoint for that Purpoſe, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any time not exceeding three Calendar Months, nor leſs than fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Diſtreſs not irregular for want of Form.

CII. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage, in an Action upon the Caſe: Provided that no Plaintiff or Plaintiffs ſhall recover in any Action or Actions for ſuch Irregularity, unleſs a Notice in Writing ſhall be given twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiffs recover in ſuch Action, if ſufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before ſuch Action brought.

Satisfaction for ſpecial Damage.

Proceedings not quaſhed for want of Form, or removeable by Certiorari.

CIII. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgement, or other Proceeding made, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in any wiſe notwithſtanding.

Perſons aggrieved may appeal to the Quarter Seſſions on Notice.

CIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, for which no particular Method of Relief hath been already mentioned, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within ſix Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving eight Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matters thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Limitation of Actions.

CV. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, by Order of the ſaid Commiſſioners or Committee, or ſuch competent Number of them as is herein required, until twenty-one Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Commiſſioners or Committee, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after ſix Calendar Months after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place where the Matter ſhall ariſe, and not elſewhere; and the Defendant and Defendants, in every ſuch Action or Suit, ſhall or may, at his or their Election, plead ſpecially, or plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought before twenty-one Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants: And upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes of Law.

General Iſſue.

Treble Coſts.

Saving Clauſe.

CVI. Provided alſo, and it is hereby further enacted, That nothing in this Act ſhall extend, or be deemed or conſtrued to extend, to take away, diminiſh, or impede the Exerciſe of any Privilege or Right whatſoever of the ſaid Univerſity, or of any of the Magiſtrates, Officers, Miniſters, or Servants thereunto belonging, or of any Privilege or Right whatſoever of the ſaid City, or of any of the Magiſtrates, Officers, or Servants thereunto belonging.

Public Act.

CVII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without being ſpecially pleaded.

The

The First SCHEDULE *to which this Act refers, containing an Account of the Ways and Streets to be paved, widened, and repaired, exclusive of the* Mile-ways.

THE Street or Way leading from *Magdalen Bridge* to *East Gate*, called *Bridge Street*.
The Street or Way called the *High Street*, leading from thence to *Carfax*.
The Street or Way leading from *Carfax* to the new Turnpike Road to *Witney*, called the *Butcher Row*.
The Street or Way leading from the *High Street* near *All Souls College* to *Broad Street*.
The Street or Way called *Broad Street*, and the Street or Way leading from thence to the North Side or End of *Baliol College*.
The several Streets or Ways leading from the Roads on both Sides of *Saint Giles*'s Church to *Folly Bridge*, and which are commonly called *Saint Giles*'s, the *Corn Market*, *Fish Street*, and *Saint Toll*'s; or by whatsoever other Name or Names the said Streets or Ways, or any or either of them, is or are called or known.

The Second SCHEDULE *to which this Act refers.*

IN order to make good and convenient Roads of sufficient Width to the East End of *Magdalen Bridge*, to purchase such Houses, Buildings, Land, or Ground, near or adjoining to the *Mile-ways* there, as shall be necessary for that Purpose.
In order to rebuild and widen *Magdalen Bridge*,
To take down a Malt-house, or other Buildings, and the several Houses built upon or situate on the South and North Sides of the said Bridge, and such other Buildings as shall be necessary for rebuilding the said Bridge, and widening the Avenues leading thereto, and to purchase such Ground as shall be necessary for carrying off the Water from the said Bridge.
In order to open the *Bridge Street*, from the West End of *Magdalen Bridge* to the East End of the *High Street*,
To take down the House and other Buildings in the *Physick Garden*, and such other Houses, Buildings, and Walls, near *Magdalen College*, as shall be necessary for that Purpose.
To take down the *East Gate*, and such Houses and Buildings near or adjoining to it, on the South and North Sides of the said Street, and to purchase such Ground as shall be necessary to render the Street of an equal Width with the *High Street*.
In order to open the Street near *Carfax*,
To take down *Carfax Conduit*.
In order to open *Butcher Row Street*,
To take down such of the Houses and Buildings near to *Carfax* Church, on the North and South Sides, and also the Shambles in the Middle of the said Street, and purchase such Ground as shall be necessary for widening the said Street.
In order to open the Street at the North End of the *Corn Market*,
To take down the *North Gate*, and so much of the Prison called *Bocardo*, and such Houses and other Buildings on both Sides of the said Street, near *Saint Michael*'s Church, and purchase such Ground as shall be necessary to widen the said Street.
In order to widen the Street from *North Gate* to *Saint Giles*'s,
To take down the Houses and other Buildings standing in the Middle of the Street on the North and South Sides of *Saint Mary Magdalen* Church, together with the Pound near the said Church.
In order to widen the Street at the End of *Broad Street*,
To take down the Wall on the South Side of *Baliol College*, and take in such Part of the Garden as shall be necessary.

CAP. XX.

An Act to enable Lunatics intitled to renew Leases, their Guardians and Committees, to accept of Surrenders of Old Leases, and grant New Ones.

Preamble.

'WHEREAS by the Laws now in Force, Lunatics, or their Guardians or Committees, have not 'any Power or Authority, upon a Surrender of any Lease of Lands, Tenements, or Hereditaments, 'for the Life or Lives of one or more Person or Persons, or for Terms of Years absolute or determinable 'on the Death of one or more Person or Persons, to make a sure or effectual Renewal of such Lease or 'Leases, which is frequently to the Detriment of such Lunatics and their Families, and always to the 'Prejudice of the Person or Persons intitled to such Renewal:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fifth Day of *March*, one thousand seven hundred and seventy-one, in all Cases where any Lunatic is or shall be intitled, or has Right to renew any Lease or Leases made or granted, or to be made or granted, for the Life or Lives of one or more Person or Persons, or for any Term or Number of Years, absolute or determinable on the Death of one or more Person or Persons, or otherwise, it shall and may be lawful to and for such Lunatic, or his or her Guardian or Guardians, Committee or Committees, of his Estate, in his, her, or their Name or Names, by the Direction of the Lord High Chancellor of *Great Britain*, or the

From March 25th, 1771, Lunatics, their Guardians, &c.

Lord Keeper or Lords Commiſſioners of the Great Seal of *Great Britain* for the time being, ſignified by an Order made on hearing all Parties concerned, upon Petition, in a ſummary Way, from time to time, to accept of a Surrender or Surrenders of ſuch Leaſe or Leaſes; and to make and execute to any Perſon or Perſons, Bodies Politic, or Corporate or Collegiate, Aggregate or Sole, a new Leaſe or Leaſes of the Premiſes compriſed in ſuch Leaſe or Leaſes ſo to be ſurrendered by virtue of this Act, for and during ſuch Number of Lives, or for ſuch Term or Terms of Years, determinable upon ſuch Number of Lives, or for ſuch Term or Terms of Years abſolute, as was or were mentioned or contained in ſuch Leaſe or Leaſes ſo ſurrendered, at the making thereof, or otherwiſe, as the Lord High Chancellor of *Great Britain*, or the Lord Keeper or Lords Commiſſioners of the Great Seal of *Great Britain* for the time being, by any ſuch Order, ſo to be obtained as aforeſaid, ſhall direct. may accept of Surrenders, and make new Leaſes.

II. And be it further enacted and declared by the Authority aforeſaid, That all and every ſuch Leaſe or Leaſes ſo to be made or executed as aforeſaid, ſhall be and be deemed as good and valid, and effectual in the Law, to all Intents and Purpoſes, as if ſuch Lunatic was at the Time of making or executing thereof of ſane Mind, and had executed the ſame in his or her own proper Perſon; any Thing in this Act, or any former Law, to the contrary thereof in any wiſe notwithſtanding. Leaſes ſo executed, declared valid and effectual.

III. Provided always, and be it further enacted by the Authority aforeſaid, That all Fines, Premiums, Foregifts, and Sums of Money, which ſhall or may be had, received, or paid for, or on account of the renewing of any ſuch Leaſe or Leaſes as aforeſaid, ſhall (after a Deduction of all neceſſary incident Charges and Expences) be paid to the Guardian or Guardians, Committee or Committees, of the ſaid Lunatic, and be applied and diſpoſed of for the Benefit of ſuch Lunatic, in ſuch Manner as the Lord High Chancellor of *Great Britain*, or the Lord Keeper or Lords Commiſſioners of the Great Seal of *Great Britain*, ſhall direct: But, upon the Death of ſuch Lunatic or Lunatics, all ſuch Sum and Sums of Money as ſhall ariſe by ſuch Fines, Premiums, or Foregifts, or ſo much as ſhall remain unapplied for the Benefit of ſuch Lunatic or Lunatics, at his, her, or their Death, ſhall, as between the Repreſentatives of the real and perſonal Eſtates of all ſuch Lunatics, be conſidered as real Eſtate, unleſs ſuch Lunatic or Lunatics ſhall be Tenant for Life only; and then the ſame ſhall be conſidered as perſonal Eſtate. Premiums paid on renewing Leaſes (Charges deducted) to go to the Guardians of Lunatics. On Death of Lunatics, Money ariſing by ſuch Fines to be conſidered real Eſtate, unleſs ſuch Lunatics ſhall be Tenant for Life only.

CAP. XXI.

An Act for paving *Wapping Street*, in the County of *Middleſex*, and the ſeveral Streets and Paſſages leading into the ſame; and for removing all Incroachments and Obſtructions therefrom, and preventing the like for the future; and for opening a Paſſage from *Hermitage Street* into *Nightingale Lane*; and paving ſuch Paſſage, and for the Eaſt Side of *Nightingale Lane*.

'WHEREAS the Pavement of the Street leading from the *Hermitage Bridge*, in the Pariſh of *Saint* 'John of *Wapping*, in the County of *Middleſex*, to a Place called *New Crane*, in the Pariſh of *Saint* 'Paul Shadwell, in the County aforeſaid, which is commonly called *Wapping Street*, and the ſeveral Streets, 'Lanes, and Paſſages, opening into the ſame, are in a very ruinous Condition; and the ſaid Streets and 'Places are likewiſe rendered very incommodious, and the Paſſage through the ſame greatly obſtructed, 'by Poſts and Projections, and other Nuiſances, and annoyed by Spouts, Signs, and Gutters; and the 'ſaid Street, called *Wapping Street*, is rendered incommodious, for want of a convenient Paſſage out of the 'ſame at the Weſt End thereof; and the preſent Methods preſcribed by Law are found ineffectual for 'removing the ſaid Annoyances and Obſtructions, and for the proper paving of ſuch Streets, Lanes, and 'Places, and keeping ſuch Pavement in ſufficient Repair:' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Aldermen, and Recorder of the City of *London*, and the Preſidents and Treaſurers of *Saint Bartholomew*'s Hoſpital, *Chriſt*'s Hoſpital, *Bridewell* Hoſpital, and *Saint Thomas*'s Hoſpital, for the time being; alſo the ſeveral Perſons herein after named, being Inhabitants reſiding within the ſaid ſeveral Streets, Lanes, Paſſages, and Places aforeſaid (and which compriſe the Diſtrict compriſed in this Act) or Landlords or Owners of Tenements within the ſaid Diſtrict, *(to wit)* *Nathaniel Allen*, *William Brackſtone*, *John Boddy*, *Stephen Beck*, *Thomas Bennett*, *Joſeph Curtis*, *William Camden*, *John Camden*, *John Curties*, *Samuel Curties*, *Timothy Curtis*, *Henry Cock*, *Barnabas Campbell*, *Thomas Coxhead*, *Benjamin Dixon*, *Philip Devereux*, *Jonathan Eade*, *George Elliott*, *Edward Ewer*, *John Hartſhorne*, *James Healy*, *Thomas Hammond*, *James Herbert*, *Edward Hore*, *John Horſley*, *Samuel Hulme*, *Thomas Lawton*, *Richard Martin*, *Daniel Martin*, *Robert Mangles*, *Peter Meſtear*, *Peter Mallard*, *Richard Martyn*, *John Miller*, *George Oliver*, *Joel Oſeland*, *John Pepwell*, *James Potts*, *Fell Parker*, *Hugh Roberts* Eſquire, *Hugh Roberts*, *John Rimes*, *Thomas Reaveley*, *Arthur Silverſide*, *Thomas Smith* Shipwright, *Samuel Sorrell*, *Nathaniel Serjeant*, *Joſeph Sheppard*, *Richard Smith* Hatter, *William Taylor*, *Joſeph Tinkler*, *John Thompſon*, *William Wilſon* Eſquire, *Lewis Weſton*, *William Wilton*, *William Waugh*, *Thomas Willis*, *Thomas Wilkinſon*, *John Walker*, and *Griffith Williams*, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the above Commiſſioners, particularly deſcribed by Name or Refuſal to act, or neglecting to attend at the Meetings of the ſaid Commiſſioners which ſhall be held in purſuance of this Act, for the Space of twelve Months, unleſs prevented by Sickneſs, or other unavoidable Occaſion, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any nine or more of them, from time to time, Preamble. Commiſſioners Names. On Death, &c. of Commiſſioners, others to be choſen.

time, by Writing under their Hands and Seals, to elect one other Person inhabiting within the said District, to be a Commissioner, in the Room and Stead of such Commissioner so deceased, removed, or refusing to act, or neglecting to attend within the Time aforesaid, ten Days public Notice of the Time and Place of Meeting for every such Election being given, by affixing the same in Writing upon the principal Door of the aforesaid Parish Church of *Saint John* of *Wapping*, and every Person so elected shall be, and is hereby vested with the same Powers for putting this Act in Execution, as the Person in whose Place he shall be elected was vested with.

and Notice to be given of such Election.

Qualification of Commissioners.

II. And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall then be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of forty Pounds, or possessed of or intitled to a personal Estate, of the Value of one thousand Pounds: And if any Person not being so qualified, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, or Suit, or Information, together with Costs of Suit, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed, and wherein the Proof of Qualification shall lie on the Person prosecuted; and it shall be sufficient on the Part of the Prosecutor to prove, that the Person so prosecuted had acted as a Commissioner in the Execution of this Act.

Penalty on acting if not qualified,

Victualers incapable of acting as Commissioners.

III. Provided always, and be it further enacted by the Authority aforesaid, That no Victualer, or Person who shall sell Ale, Wine, or other Spirituous Liquors by Retail, shall be capable of acting as a Commissioner under this Act.

Time and Place of Commissioners first Meeting;

who may adjourn,

or in Default thereof the Clerk may appoint a Meeting,

and give Notice in Writing.

IV. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall meet together at the Vestry-Room of the Parish Church of the Parish of *Saint John* of *Wapping* aforesaid, the second *Monday* after the passing of this Act, and shall then and there proceed to the putting of this Act in Execution: And they the said Commissioners, or any two or more of them, being the Whole or major Part of the Commissioners appearing at such Meeting, are hereby impowered to adjourn themselves from time to time, to meet at the same or other convenient Place within the District aforesaid, as they shall think proper, for putting this Act in Execution: And if at any Meeting, so appointed, there shall not appear a sufficient Number of Commissioners to act or to adjourn to another Day, or in case the said Commissioners shall at any Time omit, neglect, or refuse to adjourn themselves; then, and in every such Case, the Commissioners Clerk shall appoint a Meeting of the said Commissioners at the same Place, by public Notice in Writing, to be affixed, at least six Days before the Time appointed by such Notice for such Meeting, on the principal Door of the Parish Church aforesaid: And in case the said Clerk shall die, or be incapable of acting, before the Appointment of such Meeting, or shall refuse or neglect to make such Appointment when required by any two or more of the said Commissioners, then any five or more of the said Commissioners shall and may, by the like public Notice, appoint the said Commissioners to meet at the Place where the last Meeting was held; and that all Orders and Determinations of the said Commissioners (save the above Appointment) shall be made at a Meeting held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be valid, unless the Majority of the Commissioners present shall concur therein: And the said Commissioners, at all their Meetings, shall defray their own Expences; but no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers hereby granted, during the Time he shall hold or enjoy any Office of Profit under this Act, or have any Share or Interest in any Contract relating to the Execution hereof.

In case of the Clerk's Death, or Refusal to appoint, Commissioners to appoint a Meeting, with like Notice.

No Order valid but of the Meetings.

To pay their own Expence.

Commissioners not to act where interested.

They may appoint Officers,

V. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall and may, by Writing under their Hands and Seals, at their first or any subsequent Meeting held in pursuance of this Act, appoint one or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers of the Rates or Assessments, Surveyor or Surveyors, and such other Officer or Officers for the Execution of this Act, as they the said Commissioners, or any five or more of them, shall think proper; and are hereby impowered from time to time to remove him or them, and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may, and are hereby impowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners, or any five or more of them, shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid, as the said Commissioners, or any five or more of them, shall think proper; and such Person or Persons as is or are hereby made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Person or Persons as shall, from time to time, be so appointed to collect and receive the same, according to the true Meaning of this Act; and all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners, or any five or more of them, shall direct, deliver to such Commissioners, or such Person or Persons as they, or any five or more of them, shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been, by such Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act; and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or any five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required, (which Oath the said Commissioners, or any two or more of them, are hereby impowered

remove them, and appoint others;

and allow Salaries.

Officers to give Security.

Rates to be paid to the Collectors.

Officers to account, &c.

pay Monies in Hand, and deliver up Books when required;

and

and required to adminiſter) verify their ſaid Accounts: And if any Officer or Perſon, Officers or Perſons, ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; or ſhall not deliver to the ſaid Commiſſioners, or any five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within ten Days after being thereunto required by any five or more of ſuch Commiſſioners, by Notice in Writing given to, or left at the laſt or uſual Place of Abode of any ſuch Officer or Perſon, and all Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in his or their reſpective Hands, to the ſaid Commiſſioners, or any five or more of them, or as they ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch Commiſſioners, or any five or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Names of ſuch Commiſſioners, or in the Names of any three or more of them, in any of his Majeſty's Courts of Record at *Weſtminſter*, againſt the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioners, or by any two or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any one or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them; and upon his or their appearing (or not being to be found) to hear and determine the Matter in a ſummary Way: And if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons; ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons, offending in the Premiſes reſpectively: And if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtice or Juſtices, by the Confeſſion of the ſaid Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the Common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners, or any five or more of them, are hereby impowered to make) and until he or they ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any five or more of them.

and in caſe of Neglect or Refuſal,

Actions may be brought:

Or may proceed by Diſtreſs and Sale of the Offender's Goods.

And for want of Goods the Offender may be committed.

VI. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be detained in Priſon for any Term longer than ſix Months.

VII. And be it enacted by the Authority aforeſaid, That in caſe of the Death of any ſuch Officer, or other Perſon to be appointed as aforeſaid, or of his becoming Bankrupt, before he ſhall have paid and delivered up all the Monies he ſhall have received by virtue of this Act; then, and in every ſuch Caſe, the Executor or Executors, Adminiſtrator or Adminiſtrators, Aſſignee or Aſſignees, of his Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, or in whom the ſame have or hath veſted, ſhall, in the firſt Place, and in Preference to all other Creditors, pay the ſaid Monies remaining unpaid or delivered up as aforeſaid, out of his ſaid Eſtate and Effects, or as far as the ſame will extend, to the ſaid Commiſſioners under this Act, or to any Perſons appointed by them, or any five or more of them, and alſo all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act: And every Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſed of ſuch Effects as aforeſaid, may plead ſuch Payment in any Action or Suit that may be brought againſt him, her, or them, on account of the ſaid Eſtate or Effects, or give the ſame in Evidence: And in caſe of Non-payment of ſuch Monies, or Non-delivery of ſuch Books, Papers, Writings, or Things, by the Space of ten Days after the ſame ſhall be demanded; it ſhall and may be lawful for the Perſon to be appointed by the ſaid Commiſſioners as aforeſaid, or any five or more of them, and he is hereby required to commence and bring, and authoriſed to maintain, one or more Action or Actions, in any of his Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Executor or Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon or Bankrupt, for Recovery thereof, together with Coſts of Suit, or of Damages, in lieu of ſuch Books, Papers, Writings, and Things.

On Death of Officers, or becoming inſolvent, Executors, &c. to account.

VIII. And be it further enacted, That if any Perſon who ſhall be employed as a Clerk, Treaſurer, Collector, Receiver, or Surveyor, or any other Officer or Servant, who ſhall be anywiſe employed by the ſaid Commiſſioners in putting this Act, or any the Powers thereof, in Execution, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the Commiſſioners, or any five or more of them, for or on account of any Thing done, or to be done by virtue of this Act, or on any Account whatſoever relative to the put-

Officers taking any Reward other than their Salaries,

or being interested in any Bargain made by the Commissioners, are disqualified, and shall forfeit 100 l.

ting this Act in Execution; or shall anywise be concerned or interested in any Bargain or Contract made, or to be made, by the said Commissioners, or any of them, for the Purposes of putting this Act in Execution; every such Person, so offending, shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of one hundred Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, within six Calendar Months after the Offence committed; in which said Action, no Essoin, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Commissioners impowered to pave and alter Streets, &c. therein named.

IX. And be it further enacted by the Authority aforesaid, That from and after the second *Monday* from the passing of this Act, the said Commissioners, or any five or more of them, are hereby authorised and impowered, from time to time, to cause, order, and direct the said Street, called *Wapping Street*, and a Lane opening into the said Street, called *Brewhouse Lane*, as far as a Lane called *Old Gravel Lane*, and a Street, called *Little Hermitage Street*, which opens into *Wapping Street* aforesaid at the West End thereof; and the Street which is hereby authorised to be made and opened from *Little Hermitage Street* aforesaid, into *Nightingale Lane*, in the County aforesaid; and also the South End of *Nightingale Lane* aforesaid, as far as the End of *Burr Street*, or any of them, to be paved, repaired, sunk, or altered, in such Manner as they shall think fit.

May contract for paving the Streets.

X. And be it further enacted, That the said Commissioners, or any five or more of them, may, and are hereby impowered, from time to time, at any of the said public Meetings, as Occasion shall require, to contract by Deed or Deeds, in Writing, with any Person or Persons, for paving and keeping in Repair the said Streets, Lanes, and Places, authorised to be paved as aforesaid, or any of them; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered, in case of Non-performance thereof, and shall be signed by the said Commissioners, or any five or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract, ten Days Notice shall be given in one or more public News-papers, expressing the Intention of the intended Contract, in order that any Person or Persons willing to undertake the same, may make Proposals for that Purpose, to be offered and presented to the said Commissioners, at a certain Time and Place in each Notice to be mentioned.

Surveyors to inspect the Works;

and if Contract not performed, Action to be brought thereon.

XI. And it is further enacted, That it shall and may be lawful for the said Commissioners, or any five or more of them, and they are hereby directed, to cause all and every the Works done in pursuance of this Act, to be inspected by their Surveyor and Surveyors, or by such other Person or Persons as they shall from time to time appoint: And in case the same shall not be well and sufficiently performed, according to the true Sense and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times that the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may, in their own Names, or in the Names of any five or more of them, bring an Action in any of his Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting, and neglecting to perform such Contract or Contracts, and for any Penalty or Penalties, Damage or Damages, which shall be contained in such Contract or Contracts; and upon the proving the Signing of the said Contract and Contracts and Non-performance thereof, at the Time or Times for the Purpose therein mentioned, the said Commissioners shall be entitled to, and shall recover such Penalty or Penalties, Damage or Damages; which, when recovered, shall be applied for the Purposes of this Act.

Materials may be dug out of, or brought into the Streets, &c.

XII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall also have full Power and Authority to cause to be dug, carted, and carried out of, and brought into the said Streets and Places, authorised to be paved as aforesaid, such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things, as the said Commissioners, or any five or more of them, shall judge necessary, or conducive to the accomplishing the Ends and Designs of this Act.

Property of all Materials vested in the Commissioners.

XIII. And be it further enacted by the Authority aforesaid, That the Property of the Pavements of the said Streets and Places to be paved, and of all other Materials and Things which shall be provided and made use of for the Purposes of this Act, shall be, and the same are hereby vested in the Commissioners for the time being; and they, or any five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any two or more of them, or to prefer, and order and direct the preferring of Indictments against any Person or Persons who shall steal, take, or carry away any Part of such Materials or Things, or disturb them in the Possession thereof.

Penalty on stealing or injuring the Materials.

Penalty on interrupting Workmen.

XIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times, obstruct, hinder, or molest, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whatsoever, who is, are, or shall be employed, by virtue of this Act, in the Performance or Execution of his or their Duty, every such Person so offending shall, for the first Offence, forfeit the Sum of twenty Shillings, for the second Offence, the Sum of forty Shillings, and for the third, and every other Offence, the Sum of three Pounds.

Commissioners may sell the old Materials.

XV. And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall have full Power and Authority, from time to time, to sell and dispose of all or any Part of the old Pavement, or other Materials, to such Person or Persons as shall be willing to purchase the same, and to apply the Purchase-money to the Purposes of this Act.

Notice to be given to Surveyors of taking up Pavement, or

XVI. And be it further enacted by the Authority aforesaid, That when and so often as any Part of the Pavement within the District aforesaid shall be taken up for the Purpose of making, repairing, altering, cleansing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending any Water-pipe

or Plug, or for any other Purpoſe whatſoever; the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners; and they ſhall be reimburſed the ſame by the Companies of Water-works, or Commiſſioners of Sewers, on whoſe Account, or by whoſe Order, the ſaid Pavements, or any Part or Parts thereof, ſhall be taken up; but if ſuch Pavement ſhall not be taken up on their Account, then ſuch Expence ſhall be reimburſed by the Occupier or Owner of the Vault or Drain, or other Place, on which Account ſuch Pavement ſhall be taken up, or other Perſon or Perſons taking up, or cauſing the ſame to be taken up.

repairing Vaults, &c. Commiſſioners to relay it, and be reimburſed the Expences.

XVII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, from time to time, to compound and agree with the ſaid Companies or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, ſhall think reaſonable, in lieu and inſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any the Purpoſes aforeſaid.

Commiſſioners may compound with the Companies of Sewers.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Companies of Water-works, or Commiſſioners of Sewers, Owner, Occupier, or Perſon or Perſons aforeſaid reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within ſix Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners appointed by this Act, at the Dwelling-houſe, or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by order of the ſaid Commiſſioners, or any five or more of them, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, commenced, and proſecuted, in the Name of ſuch Perſon or Perſons as they ſhall appoint, any Action or Actions for the Recovery of ſuch Sum or Sums of Money reſpectively, with Coſts of Suit; but as to the Monies that ſhall become payable as aforeſaid from the Companies of Water-works and Commiſſioners of Sewers, ſuch Action or Actions ſhall be brought againſt the reſpective Treaſurers, or other Perſon or Perſons holding, poſſeſſing, or having the Management of any Monies belonging to ſuch Companies and Commiſſioners, in any one of his Majeſty's Courts of Record at *Weſtminſter*, in Debt, Caſe, or otherwiſe, by Bill, Plaint, or Information, in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed: And in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution as is before directed, ſhall neglect ſo to do for the Space of ſix Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

On Refuſal of Payment, an Action may be brought for the Money.

XIX. And be it further enacted by the Authority aforeſaid, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes; which the ſaid Commiſſioners, or any five or more of them, are hereby impowered to cauſe to be done as often, and in ſuch Places, as they ſhall think proper; and the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies and other Perſons, as the Circumſtances of the Caſe will admit of.

Commiſſioners to pay for altering Pipes.

XX. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt within the Diſtrict aforeſaid, it ſhall and may be lawful to and for the Surveyor to the ſaid Commiſſioners for the time being, or ſuch other Perſon as the ſaid Commiſſioners, or any five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do or doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company, to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within two Days after ſuch Notice given or left as aforeſaid; and alſo, within ſix Hours after ſuch Pipes ſhall be repaired, and the Ground filled in, to give Notice thereof to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon appointed by the ſaid Commiſſioners for that Purpoſe; which Notice may be left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered, that the Pipe or Pipes which is, are, or ſhall be burſt or broke, doth or do not belong to the Company to whom he is a Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch

Water Companies Pipes breaking, Notice to be given to ſuch Companies; when repaired Notice to be given to Commiſſioners Paviors. Pipes not belonging to the Company who firſt opens the Grounds are to

be paid their Charges by the Company to whom they belong.

Pipe or Pipes do or doth belong, shall make Satisfaction to the Pavior who so took up such Pavement and opened such Ground, for such Work: And in case the Pavior to whom such Notices shall be so given to take up such Pavement, and open such Ground, shall neglect or refuse to do the same within the said two Days after such Notice given, he shall, for the first Offence, forfeit and pay the Sum of twenty Shillings; and for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And in case the Pavior of the Company to whom such Pipe or Pipes so broke or burst shall belong, shall neglect to repair and amend the same, and fill in the Ground so taken up, for the Space of two Days next after such Notice given; or shall neglect to give Notice to the Pavior or Paviors contracting with the said Commissioners, or to the Surveyor to the said Commissioners, or to such Persons as aforesaid; such Pavior shall, for the first Offence, forfeit the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And if the Person or Persons contracting with the said Commissioners to relay such Pavement, so broke or taken up for the Reasons aforesaid, shall neglect or refuse to relay such Pavement, in a good, sufficient, and effectual Manner, within two Days after Notice given to him as aforesaid; or if the Surveyor or other Person to whom such Notice shall be given, shall neglect to acquaint the Pavior or Contractor of such Notice; then, and in every such Case, the Person or Persons so offending shall, for the first Offence, forfeit the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds.

Paviors to Water Companies to give Notice to the Surveyor, &c. of their Names and Abode.

XXI. And be it further enacted by the Authority aforesaid, That the several and respective Persons now appointed Paviors to the several and respective Water Companies, who shall have any Pipe or Pipes laid in, through, or under any of the Streets, Lanes, or Places within the District comprised in this Act, shall, and each such Person is hereby required, within fourteen Days next after the passing of this Act, and each such Pavior hereafter to be appointed as aforesaid is hereby required within the Space of three Days next after he shall be appointed Pavior to any such Company, to give Notice in Writing to the Surveyor or Clerk for the time being to the said Commissioners, of their the said Paviors respective Names and Places of Abode, and to what Company they are respectively Paviors: And in case any such Pavior shall neglect or refuse to give such Notice as is above required, he shall forfeit the Sum of twenty Shillings; and also the like Sum of twenty Shillings every Time he shall remove from such Place of Abode, and omit to give the like Notice within two Days after every such Removal.

No Alteration to be made in the Pavement without Commissioners Consent.

XXII. And be it further enacted by the Authority aforesaid, That no Person or Persons shall make, or cause to be made, any Alteration in the Form of the Pavement or Pavements of the said Streets, Lanes, or Places, within the District aforesaid, or of any Part thereof, without the Consent or Direction of the said Commissioners, or any five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every such Offence, the Sum of five Pounds, over and above all Expences incurred, or to be incurred, in reinstating the same.

Course of Gutters may be turned,

and Grates altered, &c.

XXIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, from time to time, to direct and cause the Course of any Gutter or Channel, running in or through the said Streets, Lanes, or Places, within the said District, or any of them, to be turned or altered in such Manner as they shall think proper; and to direct the Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in such Manner, and at such Place and Places, as they shall think most proper; so as the same be not detrimental or prejudicial to the public Sewers, and be from time to time done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act; any Law, Usage, or Custom, to the contrary notwithstanding.

Where it shall be necessary to make new Grates, or repair old ones, Notice to be given to Commissioners of Sewers, &c.

XXIV. And be it further enacted by the Authority aforesaid, That when and so often as there shall be Occasion to make new or additional Grates over any Sewer or Sewers within the said District, or to repair, alter, cleanse, or amend any of the said Sewers, or the Grates over the same, the Clerk for the time being of the Commissioners for the said Sewers shall, at the Request in Writing of the Surveyor for the said Commissioners of Pavement, or other Person or Persons authorised by them for that Purpose, forthwith summons the said Commissioners of Sewers to meet, in order to take the Premises under Consideration, which they are hereby authorised and required to do, at such Meeting; and also at the same Meeting, or any adjourned or other Meeting, to exercise the several Powers and Authorities with which they are invested, in order that the said several Works may be speedily and effectually done, completed, and finished.

Penalty of laying Ashes, &c. in the Streets.

XXV. And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall throw, cast, or lay, or cause or permit or suffer to be thrown, cast, or laid, any Ashes, Dust, Dirt, Soil, or other Filth whatsoever, before his, her, or their Dwelling-house, Shop, Stable, Wall, or other Building in the said District, or in any of the Streets, Lanes, Alleys, Passages, or Places within the District comprised in this Act; but shall keep, or cause the same to be kept, in their respective Houses or Yards, until such Time as the Person or Persons contracted with or employed to carry away such Ashes, Dust, Dirt, Filth, or Soil, do come by or near their Houses, Doors, or Places where they dwell, with a Cart or Carts, or other Conveniency, for carrying away the same; upon Pain of forfeiting, for the first Offence, the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings: and for the third, and every other Offence, the Sum of three Pounds.

Penalty on obstructing the Streets, &c. by Carriages, Timber, or other Materials.

XXVI. And be it further enacted by the Authority aforesaid, That from and after the second *Monday* next after the passing of this Act, if any Timber, Stones, or other Materials, Goods, Merchandise, or other Things whatsoever, are set out, placed, or laid in any of the said Streets, Lanes, Alleys, Passages, or Places, or District aforesaid, so as to obstruct the free Passage thereof; or if any Coach or other Carriage (except Hackney Coaches, which shall and may stand in such Part or Parts of the said Streets, Lanes, or

Places

Places, or ſome of them only, as ſhall be appointed by the ſaid Commiſſioners, or any five or more of them) ſhall be placed or ſuffered to ſtand, remain, or continue in any of the ſaid Streets, Lanes, or Paſſages aforeſaid, ſo as to obſtruct, endanger, or incommode, any Perſon or Perſons, Carriage or Carriages whatſoever; or in caſe any Cart, Waggon, Dray, or other Carriage, ſhall be placed or ſuffered to ſtand any longer than is needful and neceſſary for loading or unloading thereof reſpectively; or if any ſuch Cart, Dray, Waggon, or other Carriage, ſhall be placed or ſet acroſs any Part of the ſaid Streets or Places within the ſaid Diſtrict, or any of them, for any Purpoſe whatſoever; it ſhall and may be lawful, in any of the ſaid Caſes, for any one of the ſaid Commiſſioners, or any one of their Officers, or Perſon to be appointed by them, or any one of them, to remove Nuiſances, to ſeize, or cauſe to be ſeized the ſaid Cart, Waggon, Dray, Coach, or other Carriage, ſo placed or ſuffered to ſtand contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, Matters, and Things reſpectively, making or occaſioning ſuch Annoyance, Nuiſance, or Obſtruction, and remove the ſame, or cauſe the ſame to be removed, taken, carried away, and depoſited in ſuch Place or Places as the ſaid Commiſſioners, or any five or more of them, ſhall direct or appoint; there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences attending the carrying away and depoſiting the ſame as aforeſaid, as alſo a Sum not exceeding twenty Shillings for each ſuch Offence: And in caſe the ſame ſhall not be claimed, and the ſaid Sum of twenty Shillings and Charges paid within three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, or the Perſon or Perſons to be by them appointed for that Purpoſe, to cauſe the ſame to be appraiſed and ſold, and the Monies ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on driving, &c. Wheelbarrows on the Foot Pavements.

XXVII. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall run, drive, draw, or cauſe to be run, driven, or drawn, on any Part of the Foot-pavements of the ſaid Streets, Lanes, or Places, or any or either of them, any Wheel or Wheels, Sledge, Wheel barrow, or any Carriage or other Thing whatſoever; ſuch Perſon or Perſons ſhall forfeit, for the firſt Offence, the Sum of five Shillings; for the ſecond Offence, the Sum of ten Shillings; and for the third, and every other Offence, the Sum of twenty Shillings: And it ſhall and may be lawful for any Perſon or Perſons whatſoever to take the Perſon or Perſons ſo offending into Cuſtody, and take him or them to a Juſtice or Juſtices of the County or Place where ſuch Offence ſhall be committed, to be dealt with as herein after is directed.

Hoards, &c. may be made for building and repairing with Leave.

XXVIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons to erect or ſet up, or cauſe to be erected or ſet up, in any of the ſaid Streets, Lanes, or Places comprized within the Diſtrict aforeſaid, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials for building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave, under the Hand of the Surveyor or Clerk for the time being to the ſaid Commiſſioners, for thoſe Purpoſes reſpectively, which he is hereby impowered to give by their Permiſſion: But if any Perſon or Perſons ſhall erect, ſet up, or cauſe to be erected and ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding twenty Shillings for every Day ſuch Incloſure, Matter, or Thing as aforeſaid, ſhall remain and continue.

Foot-pavements to be ſwept every Day (except Sundays).

XXIX. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons inhabiting within the ſaid Diſtrict ſhall, from and after the ſaid ſecond *Monday* next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes, Buildings, and Walls, once in every Day, between the Hours of ſix and nine in the Forenoon (*Sundays* excepted) under Pain of forfeiting five Shillings for every Neglect therein.

Houſes to be numbered, and Names of the Streets, &c. to be fixed on the Corner Houſes.

XXX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, may order and direct the Houſes within the ſaid Streets, Lanes, and Places, or any of them, to be numbered with Figures placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they the ſaid Commiſſioners, or any five or more of them, ſhall think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building at or near the End or Corner of each Street, Lane, Court, Yard, Alley, Paſſage, or Place adjoining to, or being near the ſaid Streets, Lanes, or Places hereby authoriſed to be paved reſpectively, the Names by which ſuch reſpective Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places ſo adjoining is uſually or properly called or known: And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of one or more credible Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace acting in and for the County or Place where ſuch Offence ſhall be committed; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds.

Signs, &c. to be regulated.

XXXI. And be it further enacted by the Authority aforeſaid, That from and after the ſaid ſecond *Monday* next after the paſſing of this Act, the ſaid Commiſſioners, or any five or more of them, ſhall or may cauſe all Signs which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Streets, Lanes, or Places within the Diſtrict aforeſaid, to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-irons, Sign-poſts, Boards, Spouts, Gutters, Pent-houſes, Poſts, Rails, or other Things occaſioning any Obſtruction or Annoyance in the ſaid Streets or Places, to be removed or altered in ſuch Manner as the ſaid Commiſſioners, or any five or more of them, ſhall think moſt proper and convenient: And that for the future all Signs, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at

any

any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt or Iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than as aforeſaid; or ſhall place Poſts or Rails, or in any other Manner occaſion any Incroachment, Nuiſance, or Annoyance to be made in the ſaid Streets, Lanes, or Places, or any of them, compriſed within the Diſtrict aforeſaid, or permit or ſuffer any Nuiſance to remain or continue therein; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds.

Signs, &c. unuſed, to be returned.

XXXII. Provided always, and be it further enacted by the Authority aforeſaid, That if any, or any Part of any ſuch Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Penthouſe, or other Projection or Incroachment ſhall remain unuſed after the Alteration made thereto as before directed, the ſame ſhall be returned to, and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps, &c. projecting too far, to be removed.

'XXXIII. And whereas the ſaid Streets, Lanes, Alleys, and Places within the Diſtrict aforeſaid, are, 'in ſome Parts thereof, greatly obſtructed, and made dangerous to Foot-paſſengers, by Steps being 'brought out or projecting from Houſes, and by Steps and Doors going down into Cellars, Vaults, and 'other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops or 'Houſes, over and beyond the Area belonging to ſuch Houſes, or into the Footways;' Be it therefore enacted by the Authority aforeſaid, That from and after the ſaid ſecond *Monday* next after the paſſing of this Act, all ſuch Steps projecting into the Footways of the ſaid Streets, Lanes, Alleys, and Places, and all Steps and Doors going down out of the Footways into any Cellars, Vaults, or other Places belonging to any Houſe, Shop, Warehouſe, or Tenement, as likewiſe all Shew-glaſſes or Shew-boards projecting over and beyond the Area, or into the Footways, and all and every other Material, Matter, or Thing, belonging to any Houſe, Workhouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction in the ſaid Streets, Lanes, and Places, or any of them, within the Diſtrict aforeſaid, (either in the Foot or Carriage Way thereof) ſhall and may be, at the Expence of the ſaid Commiſſioners, from time to time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any five or more of them, or their Surveyor by their Direction.

Pavement of Streets and opening into thoſe to be paved, to be repaired on Notice from the Commiſſioners;

'XXXIV. And whereas it is apprehended that the Pavements of the ſaid ſeveral Streets, Lanes, Alleys, 'Courts, and Paſſages immediately opening into the ſaid Streets, Lanes, and Places before named and 'authoriſed to be paved, and which are within the Diſtrict compriſed in this Act, might be kept in much 'better Order and Condition than they have hitherto been, without new-paving the ſame, if further 'Powers were given unto the ſaid Commiſſioners appointed by this Act;' Be it therefore enacted by the Authority aforeſaid, That the Surveyor for the time being to the ſaid Commiſſioners, or other Perſon or Perſons by them appointed, ſhall, from time to time, view the State and Condition of the Pavement of the ſaid Streets, Lanes, and other Places, and all Defects and Wants of Repair, and to preſent the ſame to the ſaid Commiſſioners upon Oath (which Oath they, or any two more of them, are hereby impowered to adminiſter) and the ſaid Commiſſioners, or any five or more of them, ſhall thereupon ſend Notice in Writing to the Tenant, Occupier, or Owner of the Houſe or Houſes, or other Building or Tenement, oppoſite to which ſuch defective or bad Pavement ſhall be (to be left at his, her, or their Houſe, or uſual Place of Abode) requiring the ſame to be amended within ſix Days; and if the ſame ſhall not be done according to ſuch Notice, the ſaid Surveyor, or other Perſon appointed for that Purpoſe by the ſaid Commiſſioners, or any five or more of them, ſhall cauſe the ſame to be forthwith amended, and he ſhall be reimburſed and paid for the ſame by ſuch Tenant, Occupier, or Owner, immediately after delivering in a Bill or Account containing the Particulars thereof: And in caſe of Non-payment thereof after ſuch Delivery, it ſhall and may be lawful for the ſaid Surveyor, or Perſon aforeſaid, to make Complaint thereof to any Juſtice or Juſtices of the Peace for the County or Place where the Perſon or Perſons ſo neglecting or refuſing to pay ſhall be or reſide; and ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required to iſſue a Warrant, under his or their Hand and Seal, or Hands and Seals, to cauſe the Party or Parties to be brought before him or them; and upon the Party or Parties appearing, or not being to be found after due Enquiry, and Proof thereof by the Oath of the Party making ſuch Enquiry, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Oath of one or more credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice or Juſtices that ſuch Charges and Expences have been incurred by ſuch Surveyor or Perſon, and not paid or ſatisfied by the Party or Parties aforeſaid, or any Part thereof; then ſuch Juſtice or Juſtices may, and he or they is and are hereby authoriſed and required to iſſue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, for levying the ſame, or ſo much thereof as ſhall appear to him or them to be reaſonably due, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties: And if after Payment of the Monies to be levied as aforeſaid, together with all Charges attending ſuch Diſtreſs and Sale, there ſhall be an Overplus, then the ſame ſhall be paid to the Owner or Owners of ſuch Goods and Chattels, upon Demand.

and in Default thereof the Surveyor may do it, and oblige the Owner to pay the Expence.

Not to make void any Contract, &c. between Landlord and Tenant.

Tenant may deduct ſuch Expence out of his Rent.

XXXV. Provided always, That nothing herein contained ſhall be deemed or taken to make void any Cuſtom, Uſage, Contract, Covenant, or Agreement between Landlord and Tenant, touching or concerning the keeping in Repair ſuch Pavement: And in all Caſes where the Landlord is required to keep ſuch Pavement in Repair, it ſhall and may be lawful for the Tenant or Tenants, Occupier or Occupiers, to deduct the reaſonable Expence incurred by paving or repairing of Pavement, or ſo much Monies as he, ſhe, or they ſhall have paid for defraying the Expence of any ſuch Pavement, out of his, her, or their Rent due, or to grow due to ſuch Landlord or Landlords; who is and are hereby required to allow ſuch

Deductions

Deductions and Payments in Part of the Rent then due; and every such Tenant or Tenants shall be acquitted and discharged of so much of the said Rent as the Money so paid as aforesaid shall amount to.

'XXXVI. And, for defraying the Charges and Expences of paving and repairing the said Streets, 'Lanes, and Places, which the said Commissioners are hereby authorised and impowered to pave, and for 'removing Annoyances and Incroachments therein, and for other the Purposes of this Act," Be it enacted by the Authority aforesaid, That, from and after the passing of this Act, one or more Rate or Rates, Assessment or Assessments, shall, twice in every Year, or oftener, if it shall be thought needful by the said Commissioners, or any seven or more of them, be made, laid, and assessed by the said Commissioners, or any seven or more of them, of and upon all and every Person and Persons who do or shall inhabit, hold, or occupy any Land, House, Shop, Warehouse, Wharf, Dock-yard, or other Yards, Cellar, Vault, or other Tenement, within the said last-mentioned Streets, Lanes, and Places respectively, or adjoining to or opening into the same, and in such competent Sum and Sums of Money as the said Commissioners, or any seven or more of them, shall yearly and every Year order and direct; so as such Rates or Assessments do not exceed in the Whole the Sum of one Shilling and Sixpence in the Pound, in any one Year, of the yearly Rent or yearly Value of such Lands, Houses, Shops, Warehouses, Wharfs, Dock-yards, or other Yards, Cellars, Vaults, or other Tenements as aforesaid. Rates not to exceed 1 s. 6 d. in the Pound.

XXXVII. And be it enacted by the Authority aforesaid, That one third Part of the said respective Rates is and are hereby required to be allowed by the Landlord or Landlords of any Houses, Shops, Wharfs, Dock-yards, or other Yards, Warehouses, or other Buildings and Tenements situate in the said Streets and Places to be rated as aforesaid, to the Tenant or Tenants, Occupier or Occupiers thereof, who shall pay the same; and such Payment shall be adjudged and considered in Law as Money actually paid for Rent due, or to become due to such Landlord or Landlords of the same Estates respectively; and the other two third Parts thereof shall be borne and sustained by the Tenant or Tenants, Occupier or Occupiers, of such Estate or Estates.

XXXVIII. And be it further enacted by the Authority aforesaid, That all Rates made by virtue of this Act, shall be allowed and signed by two Justices of the Peace acting in and for the said County or Place; who are also hereby impowered and required to grant a Warrant or Warrants for collecting thereof, as also for levying of the same by such Person or Persons as the said Commissioners, or any five or more of them, shall nominate or appoint; and which Warrants shall be sufficient Authorities to the respective Persons thereby authorised for the Purposes therein mentioned; and the said Rates, after the same shall be so allowed and signed by the said Justices, shall be collected Half-yearly, or oftener, if the said Commissioners, or any seven or more of them, shall think it necessary, by the Collector or Collectors, or other Person or Persons to be appointed by the said Commissioners as aforesaid for that Purpose: And if any Person or Persons shall refuse, neglect, or omit to pay the Sum or Sums of Money which he, she, or they shall be rated or assessed at by virtue of this Act, for the Space of ten Days after personal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of such Person or Persons; then, and in every such Case, it shall and may be lawful to and for the said Person and Persons who shall be required by such Warrant as aforesaid, and he and they is and are hereby authorised and required to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting, refusing, or omitting to pay the same: And in case no such Goods or Chattels can be found, to be so distrained, or in case such Goods or Chattels shall be locked up or secured, or removed from the Person or Persons authorised to distrain as aforesaid; so that he or they cannot distrain the same; then, and in either of the said Cases, upon Information thereof given to the said Justices, or any two Justices of the Peace for the said County or Place where the Person or Persons so rated and assessed as aforesaid shall then reside, it shall and may be lawful for such Justices, and they are hereby required to commit the Offender or Offenders to the common Gaol or House of Correction for the County or Place where such Offence shall be committed; there to remain without Bail or Mainprize for any Time not exceeding the Space of six Months, or until the Payment of such Rate or Assessment, and reasonable Charges occasioned by the Non-payment thereof. Rates to be signed by two Justices, who are to grant Warrants to collect and levy the same. Manner of Recovery.

'XXXIX. And whereas many Houses within the said Streets, Lanes, and Places hereby authorised to 'be paved, are or may, by the several Owners or Proprietors thereof, be let out in Lodgings or Tene-'ments to divers Tenants, whereby it will be difficult to rate and assess such Houses, or to recover such 'Rates and Assessments when made:' For Remedy whereof, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, from time to time, and at all times when they meet, to make a Rate in pursuance of this Act, to rate and assess the Owner or Owners of such Houses or Tenements as shall be let to or occupied by two or more Tenants; which Rate and Assessment shall be paid by one or more of the Tenants or Occupiers of any Part or Parts of such Houses: And in case any Occupier or Occupiers of any Part of such Houses or Tenements shall refuse or neglect to pay the same, for the like Space of ten Days after such Demand as aforesaid, the said Rate and Assessment shall, in like Manner, be levied by Distress and Sale of the Goods of him, her, or them, so refusing to pay the same as aforesaid; and such Occupier or Occupiers of such Tenements respectively is and are hereby required and authorised to pay such Sum and Sums of Money as shall be so rated or assessed on the Owner or Owners of such Houses, in pursuance of this Act, and to deduct the same out of the Rent thereof; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents: And every such Tenant paying such Rate or Rates, Assessment or Assessments, shall be acquitted and discharged for so much Money as the said Rate or Rates, Assessment or Assessments, shall amount unto, as Where Houses are let out in Tenements, Owners are to be assessed, but Tenants to pay; who may deduct it out of their Rents.

as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent ſhould have been, or ſhall be due and payable.

May compound with the Owner for the Rates of Houſes, &c. under 10l. a Year.

XL. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any nine or more of them, from time to time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſes, or any other Houſes within the ſaid Streets and Places to be rated as aforeſaid, the Annualrent or Value whereof ſhall be under ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes; ſo as, in ſuch Compoſitions, there be not remitted to ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than one third of the Rate by this Act laid upon ſuch Houſes reſpectively.

Where Houſes ſhall be unoccupied,

Owners to be charged only one Half of the Rates;

and the Premiſes remain a Security.

XLI. And be it further enacted by the Authority aforeſaid, That in caſe it ſhall ſo happen, that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, Wharfs, Dock-yards or other Yards, or other Tenements, or any Part or Parts thereof, within the ſaid Streets and Places to be rated as aforeſaid, or any or either of them, ſhall, at any Time from and after the making of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, be empty, untenanted or unoccupied; that then, and in every ſuch Caſe, one Half of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, or one Half of ſuch other Rates as may be aſſeſſed by virtue of this Act, ſhall be paid by the Owners or Proprietors of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements: And in caſe of Non-payment thereof, ſuch Lands, Houſes, Shops, Warehouſes, Vaults, Cellars, or other Tenements, ſhall be, and the ſame are hereby made a Security for, and chargeable with, ſuch Arrears; or any Action or Actions may be commenced and proſecuted againſt the Landlord or Landlords, or Owner or Owners thereof, for the Recovery thereof, with Coſts of Suit, in the Name of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall order and direct.

Churches, Church-yards, Meeting-houſes, dead Walls, and void Spaces of Ground, &c. may be rated.

XLII. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, and they are hereby required, at ſuch Times as the Rates hereby directed ſhall be made, to rate and aſſeſs, for the Purpoſes aforeſaid, all Churches, Church-yards, Meeting houſes, and other Places of public Worſhip, or intended for that Purpoſe, with the Ground belonging thereunto, Hoſpitals, Priſons, and all other public Buildings whatſoever, and all void Spaces of Ground fenced in, or otherwiſe ſituate and being in or adjoining to the ſaid Streets, Lanes, and other Places, to be rated as aforeſaid, at ſuch Rate as the ſaid Commiſſioners, or any ſeven or more of them, ſhall judge reaſonable; but not exceeding Sixpence for every Square Yard belonging to every ſuch Church, Church-yard, Meeting-houſe, and other Place of public Worſhip, with the Ground thereunto belonging, Priſon and other public Building, dead Wall, and void Space of Ground: And ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from time to time made, ſhall be paid by the reſpective Perſons following; that is to ſay, For every Church and Church-yard, by the Churchwardens thereof; for every dead Wall, and vacant Piece of Ground, by the Owner or Owners, or Proprietor or Proprietors thereof; for every Meeting-houſe and other Place of public Worſhip, with the Ground thereunto belonging, by the Proprietor or Proprietors, Truſtee or Truſtees, or their Treaſurer, Miniſter, or Deacon, or other Perſon officiating therein; and for every Hoſpital, Priſon, or other public Building, by the Perſon or Perſons who are now liable to pay for paving or keeing in Repair the Pavements in the Front thereof: And in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay the ſaid laſt-mentioned Rates to the ſaid Collector or Collectors, upon perſonal Demand thereof made, or in Writing left at the uſual Place of Abode of the Perſon or Perſons required to pay the ſame; then, and in every ſuch Caſe, the ſame ſhall and may be recovered of the Perſon or Perſons ſo required to pay the ſame, by any Action in any of his Majeſty's Courts of Record at *Weſtminſter*, or other inferior Courts, together with Coſts of Suit, to be commenced or proſecuted in the Name or Names of the Collector or Collectors who ſhall have ſo demanded the ſame; in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Vacant Grounds to be fenced in at the Expence of the Owner.

XLIII. And be it enacted by the Authority aforeſaid, That all Landlords or Owners, Tenants or Occupiers, of any waſte or vacant Piece of Ground, or Scite of any Houſe or Tenement, lying in or adjoining to any of the Streets, Lanes, or Places compriſed in this Act, which ſhall lie open to and unfenced from the ſame, or where the Fence ſhall be in a ruinous Condition, or out of Repair, ſhall, within ten Days after Notice delivered to him, her, or them, or any or either of them, by the Order of the ſaid Commiſſioners, or any five or more of them, well and ſufficiently fence in the Premiſes mentioned in ſuch Notice, or cauſe the old Fence (if any) to be well and ſufficiently repaired within the Time aforeſaid: And in caſe ſuch Works ſhall not be completely finiſhed within the Time aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order and cauſe the ſame to be done, completed, and finiſhed; and the Tenant or Occupier thereof, or other Perſon in Poſſeſſion thereof, or ſeiſed thereof, to whom ſuch Notice as aforeſaid ſhall have been given, ſhall pay the Expence thereof upon Demand of the Perſon authoriſed by the ſaid Commiſſioners, or any five or more of them, to receive the ſame: And in caſe of Refuſal or Neglect to pay the ſame, it ſhall and may be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall authoriſe, appoint, order, or direct, for that Purpoſe, to bring, commence, and proſecute one or more Actions or Suits for the Recovery of ſuch Expence, together with Coſts of Suit, from the Perſon or Perſons ſo neglecting or refuſing to pay as aforeſaid.

Tenants and Occupiers to pay the Rates.

'XLIV. And, to the End the ſaid Rates may be more effectually collected and received,' Be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers, of Lands, Houſes, Shops, Warehouſes, Wharfs, Cellars, Docks, Dock-yards or other Yards, Vaults, or other Tenements, are and ſhall be liable to pay all and every the Rates and Aſſeſſments that ſhall have been rated and aſſeſſed by virtue of

of this Act, for or in respect of the Tenement or Tenements by him, her, or them respectively occupied, and all Arrears thereof accruing and becoming due while the said Tenements were empty and unoccupied, when no Composition shall have been made as aforesaid, to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners as aforesaid; and shall be subject to such Distress and Imprisonment as aforesaid, in case of Non-payment thereof as aforesaid: And in case of such Payment, such Tenant or Tenants, and Occupier or Occupiers, shall be at Liberty, and is and are hereby authorised to deduct and detain, out of his, her, and their Rent, such Proportion of such Rates, as he, she, or they shall respectively pay for on account of the several Owner or Owners, Proprietor or Proprietors, Landlord or Landlords of such Lands, Houses, Shops, Warehouses, Cellars, Wharfs, Docks, Dock-yards, or other Yards, Vaults, or other Tenements.

Occupiers quitting without paying Rates, may be followed.

XLV. And be it further enacted by the Authority aforesaid, That when any Person or Persons, who have or hath been rated and assessed by virtue of this Act, shall quit his, her, or their Dwelling-house, Warehouse, Wharf, Shop, Vault, Cellar, Dock, Dock-yard or other Yard, or Tenement, whereupon such Rate or Assessment has been made, before he, she, or they shall have paid the same, and shall afterwards refuse to pay the same when due, and demanded as aforesaid, by the Person or Persons authorised and appointed to collect and receive the same; that then, and in every such Case, it shall and may be lawful to and for such Person or Persons as shall be appointed by the said Commissioners, or any five or more of them, and every or any of them, by Warrant under the Hand and Seal of any one or more Justices of the Peace acting in and for the said County or Places (which Warrant the said Justice or Justices is and are hereby authorised and required to grant) into any Place within their respective Jurisdictions, or out of the Limits thereof, such Warrant being first backed or countersigned by some Magistrate in the County, City, or Liberty, where the Distress is to be made; to distrain the Goods and Chattels of such Person or Persons so neglecting or refusing, and the same to sell, rendering the Overplus (if any such shall be) after deducting the reasonable Charges and Expences of such Distress and Sale, to the Owner of such Goods and Chattels demanding the same.

Commissioners with two Justices, impowered to mitigate or remit Rates.

XLVI. Provided always, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, with two or more Justices of the Peace of the County or Place aforesaid, and they are hereby impowered, upon the Complaints of any Person or Persons subject to the Payment of any Rate or Rates, Assessment or Assessments, to be made by virtue of this Act, who shall think himself, herself, or themselves aggrieved thereby, to mitigate, reduce, or lessen the same, as they, in their Discretion, shall think just and reasonable; and also to remit or excuse the Payment thereof by any Person or Persons hereby made subject to the Payment thereof, for or on account of the Poverty or Indigence of such Person or Persons, or Inability to pay: And the said Commissioners, or any five or more of them, shall appoint or order the Time and Place of hearing such Complaints; and Notice thereof, left in Writing with, or at the Place of Abode of, the Person or Persons neglecting or refusing to pay such Rates after Demand made thereof as aforesaid, shall be sufficient; and such Justices are hereby required to attend, upon Notice to them thereof given, by order of any three or more of the said Commissioners.

Persons paying this Rate, exempted from all other Expences of Paving.

XLVII. And be it further enacted, That all and every Person or Persons paying the Rates and Assessments of this Act laid, within the Streets, Lanes, and Places to be paved as aforesaid, shall be, and they and every of them is and are hereby exempted and discharged from all other Charges and Expences of paving the same Streets, Lanes, and Places, or any Part or Parts thereof, and also from all Penalties which may or might be incurred by reason or means of their neglecting to pave the same respectively; any Law, Statute, or Usage to the contrary notwithstanding.

Agreement between Landlord and Tenant not vacated; and Tenants paying the Rates to be assessed by virtue of this Act, not obliged to pave, &c.

XLVIII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement made between Landlord and Tenant, either expressed or implied, in any Lease now granted, or to be expressed or implied in any Lease hereafter to be made pursuant to any Contract or Agreement for a Lease, now subsisting, touching, or concerning the paving the said Streets, Lanes, and Places to be rated as aforesaid, or any Part of them, or either of them; but that every Person or Persons, who, by virtue of any Lease already granted, or any Lease hereafter to be made pursuant to any Contract or Agreement for a Lease now subsisting, is, are, or ought to be obliged or liable to pave and keep in Repair any Part of the said Streets, Lanes, and Places, or any of them, shall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and assessed, or so much thereof as shall, by the said Commissioners, or any seven or more of them, be deemed just and reasonable, according to the true Meaning of such Lease, Contract, or Agreement, for and during such Time as such Lease, Contract, or Agreement, shall remain in force, or ought to have Continuance; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Penalty on Collectors refusing to execute the Office.

XLIX. And be it further enacted by the Authority aforesaid, That in case any Person who shall be appointed to the Office or Duty of Collector of the said Rates and Assessments, or any Part thereof, shall refuse or neglect to take such Office and Duty upon him, within the Space of six Days next after such Rate or Assessment as aforesaid shall be made, and delivered or tendered to him; every Person so refusing or neglecting, and also every such Person who shall be negligent in the Performance or Execution of his Duty, shall, for every such Offence, forfeit and pay the Sum of ten Pounds.

None liable to serve above once in three Years.

L. Provided nevertheless, That no Person shall be obliged to serve the said Office of Collector oftener than once in three Years.

In case of Collectors becoming insolvent, the Monies to be again assessed.

LI. And it is hereby further enacted, That in case any Collector of the said Rates or Assessments shall become insolvent, or shall imbezzle or make away with, detain or misapply, any Sum or Sums of Money so collected by him for the Purposes aforesaid, or shall die possessed of any Sum or Sums of Money by him

or them collected by virtue of this Act, or ſo as the ſame cannot be obtained by the Time the ſaid Commiſſioners ſhall ſtand in need thereof for the Purpoſes for which the ſame was collected; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed by the ſaid Commiſſioners, or any ſeven or more of them, in the Streets, Lanes, and Places, for which ſuch Perſon ſhall have been appointed Collector, in ſuch Proportion and Manner as the Rates are directed to be made by this Act; and ſhall be collected, levied, and diſtrained in ſuch Manner, and under ſuch Penalties, as are herein provided for collecting and levying the Rates due and payable by this Act.

Collectors diſqualified from acting as Commiſſioners.

LII. Provided always and be it enacted, That none of the Commiſſioners herein named, or who ſhall be hereafter choſen by virtue of this Act, ſhall act as Commiſſioners, during ſuch Time as he or they ſhall execute the Office of Collector or Collectors of the Rates to be raiſed and levied purſuant to this Act.

Pavements liable to be repaired by any Pariſh, &c. are to be repaired at their Expence by the Commiſſioners Paviors.

LIII. And be it further enacted by the Authority aforeſaid, That where any Part or Parts of the Pavements of the ſaid Streets, Lanes, Alleys, or other Places within the Diſtrict as aforeſaid, hath or have been accuſtomed, or ought to be paved and repaired by any particular Pariſh or Pariſhes, Bodies Politic or Corporate, and not by the Owners or Occupiers of the Houſes or other Buildings adjoining to the Pavements of the ſaid Streets, Lanes, Alleys, and Places reſpectively; the ſame ſhall be paved and repaired at the Expence of the reſpective Pariſh or Pariſhes, Bodies Politic or Corporate, by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners.

The Commiſſioners may compound with ſuch Pariſhes.

LIV. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound and agree for the ſame with any ſuch Pariſh or Pariſhes, or Bodies Politic or Corporate, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners, or any five or more of them, ſhall think reaſonable.

7000 l. may be advanced for the Purchaſe of Annuities.

'LV. And whereas the Money to be collected, by virtue of the Rates to be made in purſuance of this 'Act, will not be ſufficient for the ſpeedy carrying into Execution the Purpoſes aforeſaid;' Be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any five or more of them, for the Uſes and Purpoſes in this Act mentioned, any Sum or Sums of Money not exceeding in the Whole the Sum of ſeven thouſand Pounds, for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on the Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of ten Pounds by the Hundred, and ſo in proportion for any greater or leſs Sum, to be paid as aforeſaid.

Annuities to be charged upon the Rates,

LVI. And be it further enacted, That all and every the Annuity or Annuities, ſo to be purchaſed under and by virtue of this Act, ſhall be and are hereby charged upon, and ſhall be paid and payable from time to time out of, the Monies ariſing by the Rates and Aſſeſſments as aforeſaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Contribution or Purchaſe-money for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed, out of the ſaid Rates or Aſſeſſments by this Act appointed for the Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, or Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſt in the Annuity or Annuities ſo by him or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to the Tax charged or to be charged upon Land by Authority of Parliament; and that every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe-money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment (which may be made without any Stamps) for Payment of the ſaid Annuity or Annuities for and during the natural Life of the Perſon who ſhall be ſo nominated as aforeſaid, by four quarterly Payments in the Year; which Order ſhall be ſigned by the ſaid Commiſſioners, or any five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good effect in the Law, according to the true Purport and Meaning of this Act.

and deemed indefeaſible Eſtates,

not chargeable to the Land Tax.

Receipts and Orders for Payment to be ſigned, and given to the Contributors.

Annuities may be aſſigned toties quoties.

LVII. And be it further enacted, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign ſuch Annuity or Annuities, or any Part thereof or Intereſt therein, to any Perſon or Perſons whatſoever, and ſo *toties quoties*, and a Memorandum or Entry of all ſuch Orders and Aſſignments ſhall be made, in the Book to be kept as hereafter mentioned, at the Charge of the ſaid Commiſſioners; for which Entry or Memorandum the Sum of two Shillings and Sixpence ſhall be paid, and no more; and no ſuch Aſſignment ſhall be deemed valid, unleſs ſuch Memorandum or Entry ſhall be firſt made as aforeſaid.

Houſes, &c. to riſe perpendicularly, when new-built, or new-fronted.

LVIII. And be it enacted by the Authority aforeſaid, That all Houſes and Buildings hereafter to be built or new-fronted, or any Part thereof, within the Diſtrict aforeſaid, ſhall, for the effectual and abſolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, riſe perpendicularly from the Foundation: And if any Perſon or Perſons ſhall, at any Time or Times hereafter, preſume to build or new-front any Houſe or other Building, or any Part thereof, within the Diſtrict aforeſaid, or cauſe the ſame to be done, or riſe otherwiſe than perpendicularly from ſuch Foundation, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, under their Hands and Seals, to cauſe the ſame to be pulled down and removed by any Perſon, Workmen, or Perſons they ſhall think fit; the

the Coſts and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or any five or more of them, or their Order, by the Owner or Owners of ſuch Houſes or Buildings, or other Perſon or Perſons ordering or directing the ſame: And in caſe of ſuch Refuſal or Neglect in paying or reimburſing the ſame to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any five or more of them, ſhall appoint to receive the ſame, it ſhall and may be lawful for any five or more of them to cauſe any Action or Actions to be brought in the Name of any of their Officers, for the Recovery thereof, with Coſts of Suit.

Receiver, or other Perſon authoriſed by the Commiſſioners, are to be allowed to inſpect and take Copies of, or Extracts from the Books of Land Tax, and of Poors Rates, &c. in the ſeveral Pariſhes, gratis, in order to aſcertain the ſaid Aſſeſſments.

LIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Receiver or Receivers of the Rates or Aſſeſſments, or for any other Perſon or Perſons authoriſed by the ſaid Commiſſioners, or any five or more of them, at all convenient Times, (firſt having an Order under the Hands of the ſaid Commiſſioners, or any five or more of them, for that Purpoſe) to inſpect the Books of Aſſeſſments of the Land Tax, and alſo the Books or Rates made for raiſing Money for the Relief and Maintenance of the Poor, of all or any of the Pariſhes or Places into which the Diſtrict hereby deſcribed doth extend, or either of them, in order to aſcertain the Rates and Aſſeſſments to be raiſed by virtue hereof; and alſo to take Copies thereof, or make Extracts therefrom; and likewiſe to inſpect and take Copies of, or Extracts out of or from, any Book or Books kept by any Pariſh Officer or Officers, or other Officer or Officers appointed by Authority of Parliament within the Cities of *London* or *Weſtminſter*, or County of *Middleſex*, for the paving, cleanſing, or lighting any Square, Street, Lane, Place, or Diſtrict, in *London*, *Weſtminſter*, or *Middleſex*; which Inſpection, Copies, and Extracts, the Veſtry Clerk or Veſtry Clerks, or other Officer or Officers of the reſpective Pariſhes and Places, or other Officer or Officers, Perſon or Perſons, having the Cuſtody of ſuch Book, Aſſeſſment, and Rate, Books, Aſſeſſments, and Rates, are hereby required to permit and ſuffer to be made, without Fee or Reward, by ſuch Receiver or Receivers, or other Perſon or Perſons appointed as aforeſaid, on their producing an Order under the Hands of the ſaid Commiſſioners, or any five or more of them, for that Purpoſe: And in caſe any ſuch Veſtry Clerk, or other ſuch Officer or Officers, or Perſon or Perſons, ſhall neglect or refuſe ſo to do, within three Days after ſuch Order ſhall be produced and ſhewn to him or them, or a Copy thereof left at his or their laſt or moſt uſual Place of Abode; then, and in every ſuch Caſe, he or they ſo refuſing or neglecting, ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; and for the ſecond Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of three Pounds.

Penalty for Refuſal.

As Annuitants die, the Rates to be lowered.

LX. Provided always, That as ſuch Annuitant or Annuitants ſhall die off, and ſuch Rates or Aſſeſſments can be lowered and reduced, the ſame ſhall be ſo done, in equal Proportions, from time to time.

Monies raiſed veſted in the Commiſſioners, to be applied for the Purpoſes of this Act.

LXI. And be it further enacted by the Authority aforeſaid, That all Monies raiſed or collected, by virtue or by Means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and all Monies raiſed or collected by virtue of this Act ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

Expences of paſſing this Act to be firſt paid.

LXII. Provided always, and be it further enacted by the Authority aforeſaid, That the Charges and Expences of procuring and paſſing this Act, ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Optional Clauſe.

The Out Streets may be paved by the Commiſſioners, upon Petition of the Tenants, &c. and may aſſeſs the Inhabitants; and to raiſe Monies by Annuities for Lives, to defray the Expence of ſuch Pavement; and then ſuch Street to be comprehended in this Act.

LXIII. And be it further enacted by the Authority aforeſaid, That if at any Time hereafter two-thirds or more of the Houſeholders, and Landlords or Owners of Houſes and Tenements, within any the ſaid Streets, Lanes, Alleys, Courts, Paſſages, or Places, opening immediately into the ſaid Streets, Lanes, and Places herein before mentioned and authoriſed to be paved, ſhall, at any Time hereafter, apply by Petition to the ſaid Commiſſioners, or any nine or more of them, expreſſing their Deſire to have the ſame paved, and cleared of Incroachments, Nuiſances, Obſtructions, and Annoyances; that then it ſhall and may be lawful for the ſaid Commiſſioners, or any nine of them, to cauſe the ſame to be done; and they are hereby impowered to rate and aſſeſs the Inhabitants of ſuch Street, Lane, Paſſage, Alley, Court, or Place, for the Purpoſes aforeſaid (ſo as ſuch Aſſeſſment does not exceed one Shilling and Sixpence in the Pound), and to raiſe Monies upon Annuities for Lives, or otherwiſe, upon the Credit of ſuch Rate or Aſſeſſments, ſufficient for defraying the Expences of the ſaid Works only; and the Pavement of the ſaid Street, Lane, or other Place comprehended in ſuch Petition, ſhall, after an Order made by the ſaid Commiſſioners, or any nine or more of them, for the Purpoſes aforeſaid, be from thenceforth veſted in the ſaid Commiſſioners appointed by this Act; and ſuch Street or Place ſhall remain under the ſame Government, Direction, and Management of them and their Officers, or other Perſons appointed by them for that Purpoſe, as the ſaid ſeveral Streets, Lanes, and Places, firſt authoriſed to be paved; and the ſaid Commiſſioners, Officers, Servants, Workmen, and other Perſons acting under them, ſhall have the ſame Power and Authority, in, over, and through ſuch Street or Place petitioned for as aforeſaid, and the ſeveral Inhabitants, Landlords, Tenements, and Occupiers thereof, Companies, Commiſſioners, Bodies Politic and Corporate, and their Officers, Servants, and Workmen, and all and every other Perſon or Perſons whatſoever intereſted or intitled to any Privilege therein, and every Matter and Thing relating to the Premiſes, as the ſaid Commiſſioners appointed by this Act, and their Officers, Servants, and Workmen acting under them, are inveſted with by this Act, for the better Management, ordering, regulating, and rendering more commodious the ſeveral Streets and Places hereby firſt authoriſed to be paved; and every Clauſe, Matter, and Thing contained in this Act, ſhall be conſtrued, adjudged, deemed, and taken to extend to every ſuch Street, Lane, and Place, petitioned for as aforeſaid, as alſo to the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politic and Corporate, their Officers, Servants, and Workmen, and all and every other Perſon and Perſons intereſted or intitled to any Privilege therein, and every Matter or Thing relating to or in anywiſe concerning the Premiſes, in like Manner as the ſame Clauſes extend, or ſhall be adjudged or conſtrued to extend, in ſimilar Caſes, to the ſeveral Streets and Places firſt authoriſed to be paved, and the ſeveral Inhabitants,

Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politic and Corporate, and all and every other Perſon or Perſons whatſoever intereſted or intitled to any Privilege therein, or to any Matter or Thing relating to the Premiſes; and the like Penalties, Forfeitures, and Puniſhments, ſhall be inflicted, and for the like Cauſes, as are herein expreſſed; and ſhall be ſued for, recovered, levied, and executed in the ſame Manner.

Accounts of ſuch Pavement, with the Buſineſs relating thereto, to be kept ſeparate.

LXIV. Provided always, and be it enacted by the Authority aforeſaid, That the Accounts of the Receipts and Diſburſements ariſing upon the Works to be done for the Street or Place compriſed in ſuch Petition, and all other Buſineſs and Tranſactions relating thereto, ſhall be kept ſeparate and diſtinct from the Accounts of the Receipts and Diſburſements ariſing in conſequence of the Works to be done in the ſeveral Streets and Places herein before firſt authoriſed to be paved, and other Buſineſs and Tranſactions relating thereto; but that ſuch Accounts, as alſo the Accounts of the Buſineſs ariſing in conſequence of any ſubſequent Petition, ſhall be kept ſeparate and diſtinct from each other, and in nowiſe interfere one with the other; and the Monies, Caſh, or Fund of each Account, ſhall be applied to the Uſes only for which ſuch Account is kept, and for no other Uſe or Purpoſe whatſoever.

Commiſſioners may compound for any Penalty given by this Act, or mitigate the ſame.

LXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound and agree with any Perſon or Perſons againſt whom any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted, for any Penalty or Penalties contained in this Act, or in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any five or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act; ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of any Clauſe compriſed in this Act, or of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby; and ſo as the Mitigation of the other Forfeitures as aforeſaid do not extend to remit above one Moiety of the ſaid Forfeitures reſpectively.

Commiſſioners may contract for the Purchaſe of Lands, &c. out of Little Hermitage Street.

'LXVI. And, as the rendering of *Wapping Street* more commodious will be of great Advantage to all 'thoſe that are concerned or intereſted in the Trade or Merchandiſe brought into the River *Thames*, by 'reaſon of its Affinity to and immediate Communication with the ſaid River, as well as to the Inhabitants 'thereof, and the Public in general;' Be it therefore enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any nine or more of them, ſhall have full Power and Authority to contract and agree for the Purchaſe of any Houſes, Shops, or Warehouſes, or any Part thereof, or any Lands, Grounds, or other Tenements or Hereditaments, with the Owners and Occupiers thereof, and all other Perſons intereſted therein reſpectively, as the ſaid Commiſſioners, or any nine or more of them, ſhall think neceſſary to be purchaſed, for making and opening a Street, not exceeding thirty Feet wide, out of the ſaid Street called *Little Hermitage Street*, into the ſaid Street or Lane called *Nightingale Lane* aforeſaid; and alſo for rendering *Wapping Street* aforeſaid more uſeful and commodious, and for clearing the ſame from Projections and other Obſtructions; and upon Payment of the Sum or Sums agreed upon for ſuch Purchaſe or Purchaſes, to cauſe ſuch Houſes or other Buildings to be pulled down, and ſuch Grounds, or ſo much thereof as they ſhall adjudge neceſſary, to be laid into the ſaid Street intended to be made, and the ſaid Street called *Wapping Street*, for the Purpoſes aforeſaid; and to pay the Purchaſe-money, and all Expences attending ſuch Purchaſes, out of any Monies ariſing by virtue of this Act.

Corporations, &c. may contract for the Sale of Lands, &c.

LXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, and Feoffees in Truſt, Guardians, and Committees for Lunatics and Idiots, Executors, Adminiſtrators, Guardians, and Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſons whatſoever, and to and for all Femes Covert who are or ſhall be ſeiſed in their own Right, and to and for all and every Perſon and Perſons whatſoever who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any of the ſaid Lands, Tenements, or Hereditaments, to ſell and convey all or any of the ſaid Lands, Tenements, or Hereditaments, Eſtates and Intereſts, or any Part thereof, to the ſaid Commiſſioners, or any five or more of them; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which ſhall be made by ſuch Perſons as aforeſaid, ſhall be good and valid in Law to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon and Perſons conveying, but alſo to convey all Right, Title, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſons whomſoever, and all claiming or to claim by, from, or under them; any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in anywiſe notwithſtanding: And all ſuch Perſons ſo conveying as aforeſaid ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act, notwithſtanding any Omiſſion or Miſtake of Matter of Form whatſoever: And if it ſhall happen that any Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, or other Perſon or Perſons ſeiſed or poſſeſſed of, or intereſted in any Lands, Tenements, or Hereditaments, as aforeſaid, ſituate between the ſaid Street called *Little Hermitage Street* and the ſaid Street or Lane called *Nightingale Lane*, or in a certain Meſſuage or Tenement ſituate on the North Side of *Wapping Street* aforeſaid, at the Weſt Corner of an Alley opening into the ſaid Street, commonly called or known by the Name of *Milk Alley*, now or lately occupied by *Dupree*, and containing in Front thirteen Feet ſix Inches, or thereabouts, from Eaſt to Weſt, and twenty-ſeven Feet and ſix Inches, or thereabouts, from South to North, ſhall refuſe to treat or agree for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein reſpectively with the ſaid Commiſſioners, or any nine or more of them, or with any Perſon or Perſons

Bodies Politic, &c. refuſing to treat for the Sale of their Eſtates or Intereſts,

ſons authoriſed by them, or any nine or more of them, or ſhall not produce and evince a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim, to the Satisfaction of the ſaid Commiſſioners, or of the Perſon or Perſons ſo authoriſed by them; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to iſſue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County of *Middleſex*, who is hereby authoriſed, directed, and required accordingly to impannel, ſummon, and return a competent Number of ſubſtantial and diſintereſted Perſons qualified to ſerve on Juries, not leſs than forty-eight, nor more than ſeventy-two; and out of ſuch Perſons ſo impannelled, ſummoned and returned, a Jury of twelve Men ſhall there be drawn by ſome Perſon to be by the ſaid Commiſſioners, or any five or more of them, appointed, in ſuch Manner as Juries for Trials of Iſſues joined in his Majeſty's Courts at *Weſtminſter*, by an Act made in the third Year of the Reign of King *George* the Second, intituled, *An Act for the better Regulation of Juries*, are directed to be drawn; which Perſons ſo to be impannelled, ſummoned, and returned, as aforeſaid, are hereby required to come and appear before the ſaid Commiſſioners, or any five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not be at Liberty to challenge the Array: And the ſaid Commiſſioners, or any five or more of them, are hereby authoriſed and impowered, by Precept or Precepts, from time to time, as Occaſion ſhall require, to call before them all and every Perſon and Perſons whomſoever who ſhall be thought proper or neceſſary to be examined as a Witneſs or Witneſſes before them, on their Oath or Oaths, touching and concerning the Premiſes; and the ſaid Commiſſioners, or any five or more of them, if they think fit, ſhall and may likewiſe authoriſe the ſaid Jury to view the Place or Places in queſtion, in ſuch Manner as they ſhall direct: And the ſaid Commiſſioners, or any five or more of them, ſhall have Power to adjourn ſuch Meeting from Day to Day, as Occaſion ſhall require, and to command ſuch Jury, Witneſſes, and Parties, to attend, until all ſuch Affairs for which they were ſummoned ſhall be concluded: And the ſaid Jury, upon their Oaths, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any five or more of them, are hereby impowered to adminiſter) ſhall inquire of and aſſeſs the Value of ſuch Lands, Tenements, and Hereditaments, and the Damages that will be ſuſtained thereby, and of the proportionable Value of the reſpective Eſtates and Intereſts claimed therein, or in any Part thereof: And the ſaid Commiſſioners, or any five or more of them, ſhall and may give Judgement that the Sum or Sums of Money ſo to be aſſeſſed be the Value of ſuch Lands, Tenements, or Hereditaments, and of ſuch reſpective Eſtates and Intereſts therein, and Damages ſuſtained; which ſaid Verdict or Verdicts, and the ſaid Judgement thereupon (Notice in Writing being given to the Perſon or Perſons intereſted, or claiming ſo to be, at leaſt fourteen Days before the Time of the Meeting of the ſaid Commiſſioners and Jury, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or at his or their uſual Place or Places of Abode, or with ſome Tenant or Occupier of ſome of the ſaid Lands, Tenements, or Hereditaments, intended to be valued and aſſeſſed, in caſe ſuch Party cannot otherwiſe be found out to be ſerved with ſuch Notice) ſhall be binding and concluſive, as to Value and Damages, as well againſt the King's Majeſty, his Heirs and Succeſſors, as againſt every other Perſon or Perſons, Bodies Politic and Corporate, and againſt all other Perſons whomſoever claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt, in, to, or out of the ſaid Lands, Tenements, Hereditaments, and Premiſes, whether in Poſſeſſion, Reverſion, Remainder, or Expectancy.

Commiſſioners to iſſue a Warrant to the Sheriff, &c. to ſummon a Jury,

who are to be drawn as the Act 3 Geo. II. directs.

Jurors may be challenged.

Witneſſes may be examined on Oath.

Jury to aſſeſs the Damages.

Commiſſioners to give final Judgement thereon.

Previous Notice to be given to Parties intereſted.

LXVIII. And be it further enacted and declared, That upon Payment of the Sum or Sums of Money ſo to be awarded or adjudged to the Perſon or Perſons to whom the ſame ſhall be awarded, for the Purchaſe of the ſaid Lands, Tenements, or Hereditaments, or for the Purchaſe of any Eſtate or Intereſt therein, ſuch Perſon or Perſons ſhall make and execute, or procure to be made or executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances in the Law, to the ſaid Commiſſioners, or any five or more of them, of the ſaid Lands, Tenements, and Hereditaments, or of ſuch Eſtate or Intereſt for which ſuch Sum or Sums of Money ſhall be ſo awarded; and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and Aſſurances; and ſhall do all Acts, Matters, and Things, neceſſary to make a good, clear, and perfect Title to the ſaid Commiſſioners: And in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be awarded as aforeſaid, ſhall not be able to evince their Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or any nine or more of them, and to make or procure to be made good, valid, and legal Conveyances thereof, or ſhall refuſe ſo to do being thereto required, and the Sum or Sums ſo aſſeſſed and awarded being produced and tendered to be paid to him, her, or them, on their making ſuch Title, and executing or procuring to be executed ſuch Conveyances, Aſſignments, or Aſſurances as aforeſaid; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded, cannot be found; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, to order the ſaid Sum or Sums of Money ſo aſſeſſed and awarded as the Value of and Purchaſe-money for the ſaid Lands, Tenements, and Hereditaments, as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-general of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum, or any Part thereof, by Motion or Petition, ſhall be and is hereby impowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order Diſtribution thereof according to the reſpective Eſtate or Eſtates, Title, or Intereſt, of the Perſon or Perſons making Claim thereunto, of, in, or to ſuch Lands, Tenements, and Hereditaments,

Upon Payment of the Sums aſſeſſed, Premiſes to be conveyed to the Commiſſioners.

Where a good Title cannot be made, or legal Conveyance executed, &c.

or the Parties not to be found, &c.

ments, to be made appear to, and to be declared by the said Court, and according to the Value thereof assessed, as aforesaid; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what Premises, and for whose Use, the same is or are received, to such Person as shall pay any such Sum or Sums into the Bank of *England* as aforesaid.

Verdicts, &c. to be registered.

LXIX. And be it further enacted, That a Memorial of all such Verdicts, Judgements, Sentences, Decrees, and Orders of the said Commissioners and Juries, as relate to or concern any such Lands, Tenements, or Hereditaments, so to be purchased, shall be entered in the Office appointed for registering Deeds, Conveyances, Wills, and other Incumbrances, within the County of *Middlesex*; and the said Verdicts, Judgements, Sentences, Decrees, and Orders, shall be deemed and taken to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be deemed and taken to be a good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same *gratis*, and take Copies thereof, paying for every Copy not exceeding two hundred Words Sixpence, and so proportionably for any greater or lesser Number of Words:

Copies good Evidence.

On such Payment, Premises to vest in the said Commissioners.

And immediately after such Verdicts, Judgements, Sentences, Decrees, and Orders of the said Commissioners and Juries, and Payment into the Bank as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity, of the Person or Persons (to whose Credit such Money shall be paid) in, to, and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Commissioners, and they shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine and Recovery, or any other Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Credit such Payment shall have been made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates Tail, in Reversion, or Remainder, and the Issue or Issues of such Person or Persons, and every Person claiming under them, as effectually as a Fine or Recovery would do, if levied or suffered by the proper Parties in due Form of Law.

Commissioners may invest Money in the Public Funds, &c.

LXX. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, or any five or more of them, before such Payment into the Bank as aforesaid, and before any Application in respect thereof to the said Court of Chancery, at the Petition of any Person or Persons in Possession of such Lands, Tenements, or Hereditaments, to place out or invest, or cause to be placed out or invested, such Sum or Sums of Money, or any Part thereof, in some of the public Funds or Government Securities, at Interest, in the Name of any Person or Persons authorised and appointed by the said Commissioners, or any five or more of them, for that Purpose, in Trust, to transfer and assign the same to the Person or Persons to whom the Premises belong, on their executing proper Conveyances thereof; and, in the mean time, in Trust, to pay the Interest and Dividends arising therefrom to the Person or Persons who was or were in Possession of the said Premises at the Time of the said Payment into the Bank.

Commissioners to order the same to be paid accordingly.

LXXI. Provided also, and be it further enacted, That all and every Person and Persons who shall be intitled to recover the mesne Profits of the Premises against the Person or Persons in Possession, in case the same had not been so conveyed to or vested in the said Commissioners as aforesaid, shall be intitled to recover the Sum or Sums to arise from such Interest and Dividends as aforesaid, by Action of Debt or otherwise, against the Person or Persons who shall receive the same; and the said Commissioners, or any five or more of them, are hereby impowered to make such Order as aforesaid on the Bank for the Payment of such Sum or Sums of Money, or any Part thereof, as shall be necessary, in order to the same being so invested in public Securities; and the said Commissioners shall be quieted in the Possession of the Lands, Tenements, and Hereditaments, for which such Money shall be so paid as aforesaid, and shall not be answerable or accountable, in any Court of Law or Equity, for the Money so deposited and placed out as aforesaid, any otherwise than according to the Tenor, Purport, and true Meaning of this Act.

If Money not tendered, the Verdicts and Judgements not to be binding.

LXXII. Provided always, and be it further enacted, That in case the said Sum or Sums of Money so assessed by the said Jury, and ordered and adjudged by the said Commissioners to be paid to the Owners, Occupiers, and others, for their respective Interests in the Premises aforesaid, shall not be paid, tendered, or deposited by the said Commissioners, as herein directed, within six Calendar Months after the same shall have been so assessed, ordered, and adjudged; then, and in such Case, the Verdict of the said Jury, and the Order and Adjudication of the said Commissioners, shall not be binding upon the said Parties; any Thing herein contained to the contrary notwithstanding.

Purchase-monies of Premises held in Trust, to be invested in other Purchases to the same Uses.

LXXIII. And be it further enacted by the Authority aforesaid, That the Principal Money arising from the Sale of any Houses, Edifices, Lands, Tenements, or Hereditaments, which shall be purchased, for the Purposes contained in this Act, of any Bodies Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme Covert, shall be paid to such Person or Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed, then afterwards to be reinvested in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, to be conveyed and settled to and upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Houses, Edifices, Lands, Tenements, and Hereditaments, which shall be purchased of them respectively by the said Commissioners as aforesaid, were respectively limited or assured at the Time of such Purchase, or so many thereof as, at the Time of making such Conveyances and Settlements, shall be existing, and capable of taking Effect.

LXXIV. And

Conveyances by Femes Covert inrolled, to be effectual,

LXXIV. And be it further enacted, That the Conveyance of any such Estate or Interest of any Feme Covert to the said Commissioners, or any Person or Persons in Trust for them, by Bargain and Sale acknowledged by such Feme Covert, and to be inrolled in the said Office appointed for registering Deeds, Conveyances, Wills, and other Incumbrances within the County of *Middlesex*, within six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do, if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands, Tenements, and Hereditaments, as shall be purchased by the said Commissioners, by virtue of and for the Purposes of this Act, shall have the Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever, would have, if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of any Estate in the Premises, in Trust for or to the Use of such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

and so all other Bargains and Sales for the Purposes of this Act.

Persons having any Right, &c. in Lands so purchased, to enter their Claims within a limited Time, or be debarred:

LXXV. And be it further enacted, That all and every Person and Persons whomsoever, having any Right, Title, Interest, Use, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, or out of any Lands, Tenements, or Hereditaments, which, by virtue and for the Purposes of this Act, shall be purchased by, and conveyed or mentioned, or intended to be conveyed to the said Commissioners by any such Bargain and Sale as aforesaid, shall, within the Space of five Years, to be computed from the Date of the Inrolment of such Bargain and Sale, enter a Memorial of such their Right, Title, Interest, Use, Property, Claim, and Demand, in a Book to be for that Purpose prepared and kept by the Clerk appointed by the said Commissioners; which Book such Clerk is hereby required to prepare and keep accordingly; and for which Entry he shall be intitled to such Fee, and no other, as the Register of the County of *Middlesex* is by Law intitled to for the Registry of a Memorial containing the same Number of Words: And all and every Person and Persons whomsoever, not entering such Right, Claim, and Demand, within such Time and in such Manner as aforesaid; or having so entered the same, and not prosecuting such their Right, Claim, and Demand, with Effect, within the Space of five Years, to be computed from the Time of such Entry; shall be for ever barred of all Right, Title, Use, Equity, Property, Claim, or Demand whatsoever, whether in Possession, Reversion, Remainder, or Expectancy, in, to, upon, or out of the said Premises, and every Part thereof; and the said Commissioners, and those claiming by, from, or under them, shall be quieted in the Possession of all such Lands, Tenements, Hereditaments, and Premises; any Law, Statute, Usage, Matter, or Thing whatsoever, to the contrary notwithstanding.

But at Liberty to recover the Purchase-money from Persons receiving the same.

LXXVI. Provided nevertheless, and be it further enacted, That any Person or Persons barred of any Right, Title, Estate, Interest, Claim, or Demand whatsoever, in, to, or out of the said Lands, Tenements, and Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt, for Money had and received to his or their Use, against any Person or Persons, or the legal Representative of any Person or Persons who received the Purchase-money arising from such Sale of the said Lands, Tenements, Hereditaments, and Premises aforesaid; and that in every such Case the respective Plaintiffs, on Proof of such Title as would have enabled them to recover such Lands, Tenements, or Hereditaments, or any Part thereof, or any Estate or Interest in the same, shall recover the said Purchase-money, or so much thereof as shall be equivalent to their Interest in the said Premises, together with such Interest as shall be equivalent to the mesne Profits of the Premises which they should have been intitled to recover in case this Act had not been made.

After Purchase, Tenants to deliver Possession within six Months after Notice.

LXXVII. And be it further enacted, That all and every Tenant at Will, or Lessee for a Year, or other Person or Persons in Possession of any Lands, Tenements, or Hereditaments and Premises, or any Part thereof, which shall be purchased by the said Commissioners as aforesaid, and who shall have no greater Interest in the Premises than as Tenants at Will, or as Lessee by Parole for a Year, or from Year to Year, shall, at the Expiration of six Calendar Months after Notice in Writing left upon the Premises, or so soon after as he or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or any Person authorized by them, or any five or more of them, to take Possession thereof: And in case any such Person or Persons shall refuse to give such Possession, then it shall and may be lawful to and for the said Commissioners, or any five or more of them, to issue their Precept or Precepts to the Sheriff of the County of *Middlesex*, to deliver Possession of the Premises to such Person or Persons as shall, in such Precept or Precepts, be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

On Refusal, Commissioners to issue a Precept to the Sheriff to deliver Possession.

Mortgagees, on Tender of Principal and Interest, to convey:

LXXVIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, now being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with six Months Interest of the said Principal Money, by the said Commissioners, or any five or more of them, or by such Person or Persons as they shall appoint, immediately assign such Mortgage or Mortgages to the said Commissioners, or any five or more of them, or to such Person or Persons as they shall appoint, in Trust for them; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners, or any five or more of them, that they will pay off and discharge the Principal and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of six Calendar Months, to be computed from such Notice given, that then, at the End of the said six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall assign his,

her, or their Intereſt in the Premiſes, to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any five or more of them, ſhall appoint, in Truſt for them: And in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to aſſign as aforeſaid on ſuch Tender or Payment, that then all Intereſt on every ſuch Mortgage ſhall ceaſe and determine.

On Refuſal, Intereſt to ceaſe.

Premiſes to veſt in the Commiſſioners.

LXXIX. And be it further enacted, That upon Payment of the Principal Money and Intereſt due upon any Mortgage as aforeſaid into the Bank, at the End of ſix Calendar Months from ſuch Notice as aforeſaid, for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give a Receipt or Receipts for the ſaid Money, in like Manner as is herein before directed in caſe of other Payments into the Bank; and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, of the ſaid Mortgagee or Mortgagees, and of every Perſon or Perſons in Truſt for him or them, ſhall veſt in the ſaid Commiſſioners, and they ſhall be deemed to be in the actual Poſſeſſion of the Premiſes compriſed in ſuch Mortgage or Mortgages, to all Intents and Purpoſes whatſoever.

Monies to be paid or tendered, before Uſe made of the Premiſes.

LXXX. And be it further enacted, That all Sums of Money to be paid purſuant to any ſuch Agreement or Verdict as aforeſaid, or on any ſuch Mortgage, ſhall be and are hereby charged and chargeable upon all Monies which ſhall be raiſed or received for the Purpoſes of this Act, and ſhall be tendered to the Party or Parties intitled to the ſame; and in caſe of Refuſal to accept the ſame, ſhall be paid into the Bank of *England* in the Names of any Perſon or Perſons appointed by the ſaid Commiſſioners, or any five or more of them, for that Purpoſe, in Truſt for ſuch Perſon or Perſons as ſhall be intitled to receive the ſame, before the ſaid Commiſſioners ſhall proceed to pull down any Houſe or Houſes, or other Erections or Buildings, or to uſe the Ground for any of the Purpoſes of this Act.

Power to fine Sheriffs, &c. for not attending.

LXXXI. And be it further enacted, That the ſaid Commiſſioners, or any five or more of them, ſhall have Power, from time to time, to impoſe any reaſonable Fine, not exceeding the Sum of ten Pounds, on the ſaid Sheriff, or his Deputy or Deputies, Bailiffs, or Agents reſpectively, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on any ſuch Jury or Juries, who ſhall not appear, or who ſhall refuſe to be ſo ſworn on the ſaid Jury or Juries, or being ſo ſworn, ſhall not give his or their Verdict; and alſo on any Perſon or Perſons who ſhall be ſummoned to give Evidence touching any of the Matters aforeſaid, and ſhall not attend, or ſhall refuſe to be ſworn, or who, being ſworn, ſhall refuſe to give his, her, or their Evidence; and on any other Perſon or Perſons who ſhall, in any other Matter, wilfully neglect his, her, or their Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; and, from time to time, to levy ſuch Fine or Fines by Order of the ſaid Commiſſioners, or any five or more of them, by Diſtreſs and Sale of the Offender's Goods, together with the reaſonable Charges of every ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner; and all ſuch Fines ſhall be applied for the Purpoſes of this Act.

Commiſſioners may ſell Lands purchaſed;

or any waſte Ground, and Court or Yard that the New Street may go through, ſo as not to obſtruct any Lights or Paſſage.

LXXXII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to let, ſell, or diſpoſe of ſo much or ſuch Part of ſuch Lands, Tenements, and Hereditaments ſo purchaſed by them as aforeſaid, as ſhall not be neceſſary for the Purpoſes aforeſaid; as alſo of the Land or Ground of any Court, Yard, or Alley, through which the ſaid Street intended to be made from *Little Hermitage Street* to *Nightingale Lane* aforeſaid ſhall go, in order to build on, or convert the ſame to any other private Uſe, ſo as ſuch Building or Convertion does not obſtruct, hinder, or prejudice the Lights and free Paſſage that any Perſon or Perſons hath or have heretofore had, held, and enjoyed, to and from his, her, and their Lands, Tenements, and Hereditaments, ſituate in or adjoining to ſuch Court, Yard, or Alley; and the ſaid Commiſſioners are hereby veſted with the Fee-ſimple and Inheritance of the waſte Lands, Grounds, or Tenements of any ſuch Court, Yard, or Alley, which they are hereby impowered to ſell, at the Time of executing any Conveyance thereof, to a Purchaſer; which Conveyance may be made in the Names of the ſaid Commiſſioners, or any five or more of them, who are hereby impowered to execute the ſame; and all Conveyances of the ſaid Premiſes ſhall be adjudged ſufficient to veſt ſuch Eſtate in the Purchaſer as ſhall have been agreed for, or ſhall be expreſſed, or meant and intended to be granted or conveyed, by ſuch Conveyance; and the Purchaſe-money, or other Monies ariſing under any ſuch Conveyance, ſhall be applied by the ſaid Commiſſioners to the Purpoſes of this Act.

Commiſſioners who are Juſtices for Middleſex, and the Liberty of the Tower Without, may act.

LXXXIII. And be it further enacted, That it ſhall and may be lawful to and for any of the Juſtices of the Peace for the County of *Middleſex*, or for any of the Juſtices for the Liberty of the *Tower Without*, within the ſaid County, although ſuch Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any of the Offences ariſing within their reſpective Juriſdictions, which are made ſubject to and puniſhable by any pecuniary Penalty directed to be levied by virtue of this Act.

Perſons injured may appeal to the Quarter Seſſions.

LXXXIV. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within ſix Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen; ſuch Appellant firſt giving, or cauſing to be given, twenty-one Days Notice, at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions: And the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices

ſhall

ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Penalties and Forfeitures how to be recovered and applied.

LXXXV. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of one Juſtice of the Peace acting in and for the ſaid County or Places, and within his proper Juriſdiction; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of one or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be, upon Demand) to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the Treaſurer to the ſaid Commiſſioners for the time being, and applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County or Place, there to remain without Bail or Mainprize, for any Time not exceeding three Calendar Months, nor leſs than fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LXXXVI. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall think proper, not exceeding one Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the contrary notwithſtanding.

Juſtices may adminiſter Oaths.

LXXXVII. And be it further enacted by the Authority aforeſaid, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matter then depending.

Books to be kept for entering Commiſſioners Names, &c.

LXXXVIII. And be it further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any five or more of them, ſhall appoint, wherein ſhall be fairly entered, from time to time, the Names of ſuch Perſons as they, or any five or more of them, ſhall nominate and appoint to put in Execution the Purpoſes of this Act; and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid by virtue of this Act, and how the ſame ſhall have been applied; and the Names of the Annuitant or Annuitants, and what Sum or Sums he, ſhe, or they paid for ſuch Annuity or Annuities reſpectively, and what he, ſhe, or they is or are to receive for the ſame; which Book or Books the ſaid Annuitants, or any of them, and all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward. which may be inſpected gratis.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party be deemed a Treſpaſſer ab initio.

LXXXIX. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover if Tender of Amends hath been made.

XC. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by, or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

XCI. And be it further enacted by the Authority aforeſaid, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or exhibited before them, under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Proceedings to be entered in a Book.

XCII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Clerk or Clerks at any Meeting of any five or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be Original Orders; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Proceedings not to be quaſhed for want of Form,

XCIII. And be it further enacted by the Authority aforeſaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed

or removable by Certiorari.

for want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

XCIV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until twenty Days Notice ſhall be thereof given in Writing to the Clerk to the ſaid Commiſſioners, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after ſix Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before twenty Days Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts; and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Public Act.

XCV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Public Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XXII.

An Act to amend and render more effectual ſeveral Acts made relating to paving, cleanſing, and lighting the Squares, Streets, Lanes, and other Places, within the City and Liberty of *Weſtminſter*, and Parts adjacent.

2 Geo. 3. c. 21. 3 Geo. 3. c. 23. 4 Geo. 3. c. 39. 5 Geo. 3. c. 50. 6 Geo. 3. c. 54. & 7 Geo. 3. c. 37.

'WHEREAS an Act of Parliament was made in the ſecond Year of the Reign of his preſent Majeſty, *For paving, cleanſing, and lighting the Squares, Streets, and Lanes, within the City and Liberty of* Weſtminſter, *the Pariſhes of* Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomſbury, *thoſe Parts of the Pariſh of* Saint Andrew, Holborn, *which lie in the County of* Middleſex, *the ſeveral Liberties of the* Rolls *and* Savoy, *and that Part of the Duchy of* Lancaſter *which lies in the County of* Middleſex, *and for preventing Annoyances therein, and for other Purpoſes therein mentioned*; and ſeveral other Acts were made in the third, fourth, fifth, and ſixth Years of his ſaid preſent Majeſty, for amending the firſt-mentioned Act, or for enabling the Commiſſioners thereby appointed more effectually to carry the Purpoſes of the ſaid Acts into Execution, and great Progreſs hath been made in the Works by the ſaid Acts directed to be performed; but the Commiſſioners are unable to complete the ſame without further Aid: And whereas it is apprehended that it would forward the good Purpoſes of the ſaid Acts, and be a great Eaſe to the preſent Commiſſioners, if an additional Number of Commiſſioners were to be elected and appointed by each Pariſh, Precinct, and Place, to act with the preſent Commiſſioners; and alſo, if a certain Number of the Inhabitants within each Pariſh, Precinct, and Place, were to be elected and appointed as Committees to aſſiſt in carrying the ſaid Acts into Execution, within their reſpective Pariſhes, Precincts, and Places: And whereas ſome further Powers and Authorities are neceſſary to be given, and ſome further Regulations made, in order to effect the Purpoſes aforeſaid:' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Veſtrymen of the ſeveral Pariſhes of *Saint James*, *Saint Margaret*, *Saint John the Evangeliſt*, *Saint Martin in the Fields*, *Saint George*, *Hanover Square*, and *Saint Paul*, *Covent Garden*, within the City and Liberty of *Weſtminſter*, and of the Pariſhes of *Saint Giles in the Fields*, and *Saint George*, *Bloomſbury*, in the County of *Middleſex*, and the Inhabitants who have a Right to aſſemble in Veſtry, or other public Meetings of the ſeveral Pariſhes of *Saint Anne*, within the Liberty of *Weſtminſter* aforeſaid, and of *Saint Clement Danes*, and *Saint Mary le Strand*, as well within as without the Liberties of the ſaid City and the Precinct of the *Savoy*, and of the Pariſhes of *Saint Andrew*, *Holborn above the Bars*, and *Saint George the Martyr*, and of the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the ſaid County of *Middleſex*, (except ſuch Part of the laſt-mentioned Liberty as has been paved, lighted, and cleanſed by virtue of an Act of Parliament, intituled, 'An Act for the better paving, cleanſing, and enlightening the City of *London*, and the Liberties thereof, and for preventing Obſtructions and Annoyances within the ſame, and for other Purpoſes therein mentioned; and for repealing an Act made in the ſixth Year of his preſent Majeſty's Reign, for thoſe Purpoſes;' ſhall, and they are hereby reſpectively impowered and required to meet and aſſemble in the Veſtry-rooms, or other uſual Places of Meeting, for

Veſtrymen and Inhabitants may meet and chuſe additional Commiſſioners within their reſpective Pariſhes, who are to be joined with the preſent Commiſſioners.

for transacting the public Business of such Parishes, Precincts, and Places, upon the second *Thursday* after the passing of this Act, or within eight Days afterwards, between the Hours of ten in the Morning and two in the Afternoon, and to elect and appoint an additional Number of Commissioners for carrying the said Acts, and this Act, into Execution, as herein after mentioned; (that is to say) three Persons for the Parish of *Saint Margaret, Westminster*; three Persons for the Parish of *Saint John the Evangelist*; three Persons for the Parish of *Saint Martin in the Fields*; three Persons for the Parish of *Saint George, Hanover Square*; three Persons for the Parish of *Saint James*; three Persons for the Parish of *Saint Anne*; three Persons for the Parish of *Saint Paul, Covent Garden*; three Persons for the Parish of *Saint Clement Danes*, and so much of the Duchy of *Lancaster* as lies in the said Parish of *Saint Clement Danes*; three Persons for the Parish of *Saint Mary le Strand*, and so much of the Duchy of *Lancaster* as lies in the said Parish of *Saint Mary le Strand*; three Persons for the Parish of *Saint Giles in the Fields*; three Persons for the Parish of *Saint George, Bloomsbury*; three Persons for such Part of the Parish of *Saint Andrew, Holborn*, as lies in the Liberty above the Bars; and three Persons for the Liberty of *Saffron Hill, Hatton Garden*, and *Ely Rents*; three Persons for the Parish of *Saint George the Martyr*; and one Person for the Precinct of the *Savoy*; which said Persons, so to be elected and appointed as aforesaid, shall be, and are hereby joined with the Commissioners appointed or elected, or to be elected by virtue of the said Act of the second Year of his present Majesty, for putting the said several before-mentioned Acts, and this Act, in Execution, and shall be vested with the like Powers and Authorities, in all Respects whatsoever, as those Commissioners are vested with.

Additional Commissioners to be Householders resident within their Parish.

II. Provided always, That no Person shall be capable of being elected or appointed a Commissioner by virtue of this Act, or of acting as such, who shall not be a Householder and resident within such Part of the Parish, Precinct or Place, for which he shall be elected or appointed, as shall be within the Limits of the said former Acts and this Act; and when any of the Commissioners to be elected or appointed by virtue of this Act shall die, resign, refuse to act, or shall cease to be Householders and Residents as aforesaid; that then, and as often as either of the said Cases shall happen, the said Vestrymen respectively, or other Inhabitants having a Right to assemble in Vestry, or public Meetings where there is no select Vestry, in and for such Parishes, Precincts and Places, shall, from time to time, elect and appoint one other Commissioner, in the Place of every Commissioner so dying, resigning, or refusing to act, or being incapable of acting.

Vestrymen and Inhabitants to chuse Committee-men to assist in the Execution of this Act.

'III. And, for the better effecting the Purposes of the said several Acts and this Act,' be it further enacted, That the Vestrymen, or other Inhabitants having a Right to assemble as aforesaid, within the several Parishes, Precincts, or Places aforesaid, shall assemble in the Vestry-rooms, or other Places of Meeting as afore-mentioned, upon the second *Thursday* after the passing this Act, or within eight Days then after; and also on the second *Thursday* in the Month of *February*, annually afterwards, between the Hours of ten in the Morning and two in the Afternoon, and shall elect and appoint any Number of Persons, being Householders, resident in such Parish, Precinct, or Place, not exceeding twenty-one, nor less than seven; and the Persons so elected and appointed shall be, and are hereby constituted a Committee for the better carrying the several Purposes of the said Acts, and this Act, into Execution, within their respective Parishes, Precincts and Places, and for superintending and inspecting all or any of the Works carrying on or performed by virtue of the said former Acts and this Act, within their respective Parishes, Precincts and Places, and for examining the several Bills relative thereto, and for certifying to the Commissioners such Bills and other Allowances for Payment as they shall find to be fair and just, or objecting to the Payment of such as shall be found otherwise (the Salaries allowed by the Commissioners to their Officers, and the contingent Expences of the Commission only excepted) on which Certificates for Payment, but not without, (except as aforesaid) the said Commissioners, or any three or more of them, shall, from time to time, when they have approved of such Bills, order the same to be paid.

Qualification of Commissioners.

IV. And be it further enacted, That no Person elected and appointed a Commissioner by virtue of this Act, shall be capable of acting as such, unless he shall be, in his own Right, in the actual Possession or Receipt of Rents, and Profits of Lands, Tenements, or Hereditaments, either Freehold or Copyhold, of the clear yearly Value of three hundred Pounds, or possessed of or intitled unto a personal Estate to the Amount or Value of ten thousand Pounds, or be Heir apparent of a Peer or Lord of Parliament; and that no Person elected or appointed a Committee-man by virtue of this Act, shall be capable of acting as such, unless he shall be then resident and an Householder in the said Parish or Place, and seised and possessed of a real or personal Estate, or real and personal Estates together, of the Value of two thousand Pounds.

Commissioners shall not be concerned in any Contract, &c.

V. Provided always, and be it enacted, That no Person already appointed, or hereafter to be elected a Commissioner by virtue of all or any of the before recited Acts, or of this Act, shall be capable of acting as such, who shall hold any Office of Profit, or have any Share, or be any way interested or concerned in any Contract or Work to be done in or about the Execution of any of the Powers of the said former Acts, or of this Act, nor shall any Person to be elected a Committee-man as aforesaid, be capable of acting as a Committee-man, who shall hold any Office of Profit, or have any Share, or be any way interested or concerned in any Contract or Work to be done by virtue or in pursuance of this present Act; but every such Commissioner and Committee-man shall, in any or either of such Cases, be thenceforth for ever disqualified to act as a Commissioner, or Committee-man; any Thing herein contained to the contrary notwithstanding: And in case any such Person not being qualified, or so disqualified as aforesaid, for a Commissioner, shall nevertheless presume to act as a Commissioner in the Execution of the said former Acts, or this Act, every such Person shall, for every Offence, forfeit and pay the Sum of five hundred Pounds, to any Person or Persons who will sue for the same; and in case any such Person not being qualified, or so disqualified as aforesaid, for a Committee-man, shall nevertheless presume to act as a Committee-man, every such Person shall, for every Offence, forfeit and pay the Sum of one hundred Pounds, to any Person or Persons who

Commissioners acting without being qualified, to forfeit 500l.

will ſue for the ſame, ſuch reſpective Forfeitures to be recovered in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; and every ſuch Perſon ſo proſecuted ſhall prove he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid reſpective Penalties, upon Proof given of his having acted as a Commiſſioner or Committee-man, as the Caſe may be, in the Execution of the ſaid Acts, or of this Act.

Except the Maſter of the Rolls and Dean of Weſtminſter.

VI. And be it further enacted by the Authority aforeſaid, That the Right Honourable the Maſter of the *Rolls* for the time being, and the Dean of *Weſtminſter* for the time being, ſhall be Commiſſioners for putting the ſaid former Acts and this Act in Execution, and that their being ſuch ſhall be a ſufficient Qualification to them; any Thing in the ſaid former Acts, or this Act, to the contrary notwithſtanding.

Committees may meet and adjourn.

VII. And be it further enacted, That the ſaid Committees ſhall meet in the Veſtry-rooms, or other Places of Meeting as aforementioned, within fourteen Days after they ſhall have been choſen as aforeſaid, and may adjourn from time to time, and meet there, or at any other Place or Places within the ſaid Pariſhes, Precincts, or Places reſpectively, as often as they ſhall think fit; and they, or any five or more of them, ſhall have Authority, and are hereby impowered to ſee that all Contracts heretofore made and entered into for any Works to be done within their reſpective Pariſhes, Precincts, and Places, are well and duly performed and executed according to the Terms and Conditions of all ſuch Contracts; and they are alſo to examine into, and to hear all Complaints which ſhall be made to, or brought before them, by any of the Inhabitants or any other Perſon or Perſons, againſt any Contractor or Contractors, by Examination of Witneſſes upon Oath, (which Oath the Committee, or any three or more of them, are hereby authoriſed and impowered to adminiſter); and the ſaid reſpective Committees, or any three or more of them, ſhall ſurvey the Works, or enquire into the Matters which are the Subject of the Complaint, and report the ſame, and the Examinations ſo taken, to the ſaid Commiſſioners at their next or ſecond Meeting after ſuch Complaint made and Survey taken, or Enquiry made; and upon ſuch Report being made to the ſaid Commiſſioners, they the ſaid Commiſſioners ſhall and are hereby required, from time to time, to impoſe a Fine or Fines upon every ſuch Contractor, for Non-performance of his Contract, as they are authoriſed and impowered by the ſaid former Acts, any or either of them, to do, according to the Nature and Degree of the Offence; and if it ſhall happen that there ſhall not appear three or more of ſuch Committee-men at any Meeting which ſhall be appointed to be had or held, then, and in ſuch Caſe, the Clerk to ſuch Committees reſpectively ſhall, and is hereby required, to ſummon the whole Committee to meet at the Place where the laſt Meeting was appointed, within eight Days then next following; and ſuch Committees ſhall, at all their Meetings, bear their own Expences; but no Act of any ſuch Committee ſhall be valid, unleſs made or done at ſome Meeting to be held in purſuance of this Act, at which Meeting not leſs than three, five, or more Committee-men, as required by this Act, ſhall be preſent; and all the Powers and Authorities by this Act granted to or veſted in ſuch Committees, ſhall and may, from time to time, be exerciſed by the major Part of the Committee-men who ſhall attend at any public Meeting to be holden as herein before mentioned, the Number of ſuch Committee-men preſent at ſuch Meeting not being leſs than three or five, as required by this Act; and all the Orders and Proceedings of the major Part of ſuch Committee-men ſo aſſembled ſhall have the ſame Force and Effect as if done or made by all the Committee-men for the time being.

Duty of Committee-men.

Committees may appoint Officers,

VIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective Committees, not leſs than five Committee-men being preſent at any Meeting or Meetings to be held in purſuance of this Act, to appoint a Clerk, and alſo to appoint one or more Superviſor or Superviſors, Collector or Collectors, Inſpector or Inſpectors, and ſhall take ſuch Security for the due Execution of ſuch of their reſpective Offices, as the ſaid reſpective Committees ſhall think proper, and may likewiſe, from time to time, remove all ſuch Clerks, Superviſors, Collectors or Inſpectors, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die, and appoint ſuch Salaries and other Allowances to them, for and in conſideration of his and their Trouble in executing his or their Office and Offices reſpectively, and alſo ſuch Allowances to ſuch other Perſon or Perſons as ſhall be aiding and aſſiſting in and about the Execution of this Act, as the ſaid reſpective Committees ſhall think reaſonable; all which Salaries and Allowances ſhall be paid, from time to time, as the ſame ſhall become due and payable in Manner herein after directed; and every ſuch Committee may diſcontinue and not fill up the Vacancy to be occaſioned by the Death or Removal of any Superviſor or Inſpector, whenever any of the ſaid Committees reſpectively ſhall think ſuch Officer unneceſſary for them; but if any Perſon ſo appointed Clerk, Superviſor, Collector or Inſpector, ſhall exact, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries and Allowances as ſhall be appointed, allowed, and approved of by the reſpective Committees for or on account of any Thing done or to be done by virtue of this Act, or on any Account whatſoever relative to putting the ſaid Acts, or this Act, in Execution, or ſhall be anywiſe concerned in Intereſt in any Bargain made, or to be made, relative to every ſuch Perſon ſo offending in any ſuch Caſe, ſhall be incapable of ever ſerving under this Act, and ſhall, over and above, forfeit the Sum of one hundred Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record, within ſix Calendar Months next after the Offence committed; in which Suit no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed: Provided always, That the Inſpector or Inſpectors ſhall be elected annually, and that the Salary of each ſuch Inſpector ſhall be allowed and confirmed by the Commiſſioners, or any five or more of them, at any of their Meetings; and that the Office of Superviſor in each of the ſaid Pariſhes, Precincts, and Places, ſhall be diſcontinued when and as ſoon as all the ſaid Squares, Streets, Lanes, and Places in each and every ſuch Pariſh, Precinct, and Place reſpectively, ſhall be new paved purſuant to this Act.

who ſhall not be concerned in Contracts, &c.

IX. And

IX. And be it further enacted by the Authority aforesaid, That all the Acts, Orders, and Proceedings of the said Committees shall, from time to time, be entered in Books to be kept for those Purposes by the Clerks to the said Committees, and shall be signed by the Chairman of each respective Committee, at their next Meeting; and all such Orders so signed shall be deemed and taken to be original Orders, and shall and may be produced and read in Evidence in all Courts whatsoever; but no Act or Order of any of the Committees shall be valid, unless done or made at some Meeting to be held in pursuance of this Act; and all such Books and Proceedings of the said respective Committees shall and may be perused and inspected, at all seasonable Times, by the said Commissioners, or by their Clerk for the time being, or by such other Person or Persons as the said Commissioners shall appoint for that Purpose, who may also take Copies thereof, or Extracts therefrom, without Fee or Reward. Proceedings of the Committees to be entered in Books.

X. And be it further enacted, That the said Commissioners, or any five or more of them, shall have Authority, and are hereby impowered, from time to time, to order and direct in what Manner, and with what Materials, all or any of the Squares, Streets, Lanes, and Places within the respective Parishes and Liberties aforesaid, shall be new-paved or repaired, and what Number of Lamps shall be put up and kept lighted therein, and how the same shall be placed, and how often the same Squares, Streets, Lanes, and Places, shall be cleansed, (having respect to the Abilities of the Inhabitants of the Places to be so paved, lighted, and cleansed, and the Monies which by virtue of the Powers of this Act can be raised therein) and shall signify such their Orders and Directions in Writing to the said Committees respectively, by causing a Copy or Copies of every such Order and Direction to be delivered to or left for the Clerk of each respective Committee, who shall and is hereby required to lay the same before every such Committee at the next Meeting. Commissioners may order what Streets shall be paved, &c. and how, signifying the same to the Committees.

XI. And be it further enacted, That every Committee, as soon as conveniently may be, and, at fartheſt, within one Calendar Month, after any such Order or Direction shall be laid before them, shall cause Notice to be given by Advertisement in some or one of the public News-papers, six several Days at the least, that such Committee will meet at a Time and Place to be expressed in such Advertisement, at the Distance of fourteen Days or more from the Time of the first Publication of such Advertisement, to receive Proposals from any Person or Persons willing to contract for paving or repairing, lighting, and cleansing the particular Squares, Streets, Lanes, or other Places so ordered and directed by the said Commissioners to be paved or repaired, lighted, and cleansed, agreeable to such Orders and Directions; and the said Committees respectively (not less than five Committee-men being present) shall and may, and they are hereby impowered, to make any Contract or Contracts in Writing with any fit Person or Persons, for repairing, or for paving and keeping in Repair, lighting, and cleansing all or any such Squares, Streets, Lanes, or Places, so ordered and directed to be repaired, paved, lighted and cleansed, every such Contract to specify the several Works to be done, the Prices to be paid for the same, and the Time or Times when or within which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Non-performance thereof; and being signed by five or more Committee-men, and by the Person or Persons contracting to perform such Works, shall, together with a true Copy of every such Contract, attested by the Clerk, and also with the original Proposals and Copies of all Minutes and other Proceedings of the Committee relative thereto, be transmitted to and laid before the Commissioners at their next Meeting; which Contract or Contracts being by them, or any five or more of them, at that or some other subsequent Meeting, within one Month then next, confirmed by some proper Subscription at the Foot thereof, or to be indorsed thereon, and signed by five or more of the said Commissioners, if they shall so think fit, such Contract, and the Proposal on which the same is founded, shall be returned to the Clerk to the respective Committees, within seven Days from the Time of such Confirmation; and if such Contract or Contracts shall be so confirmed, then, and not otherwise, the same shall be valid and effectual in Law, and carried into Execution, and the Performance thereof shall and may be enforced by Action at Law, or otherwise, by and in the Name or Names, and at the Suit of or against the Committee for the time being, and the Contractor or Contractors, his or her Executors or Administrators, according to the Tenor and true Meaning thereof; but every such Contract not so confirmed within the Time last aforesaid shall be void, and the Parties thereto shall thenceforth be absolutely discharged of and from the same, and every Covenant, Promise, and Engagement therein contained, both at Law and in Equity, as if the same had never been made; and the Committee making such Contract or Contracts so not confirmed, as soon after as the same shall so become void, and so *toties quoties*, shall and may again advertise for Proposals in Manner aforesaid, and make any fresh Contract or Contracts, and transmit the same, with the Copy or Copies thereof, for Confirmation in Manner aforesaid, together with all the Proposals and Proceedings of the Committees relative thereto; and such Contract or Contracts shall and may be confirmed or made void in Manner aforesaid, at the Discretion of the said Commissioners, in the same or like Manner as before enacted or directed. Committees are to advertise for Contractors; and to enter into Contracts for paving, &c. Contracts shall be binding until confirmed by Commissioners.

XII. And be it further enacted by the Authority aforesaid, That wherever it shall be found that any of the Squares, Streets, Lanes, or Places, subjected to the Powers of this Act, are lying in two or more Parishes, Precincts, or Liberties, the Commissioners for the time being shall and may, and are hereby impowered to order and direct the whole of any such Square, Street, Lane, or Place, to be paved or repaired, lighted, and cleansed, by and under the Direction of the Committee of any or either of the said Parishes, Precincts, or Liberties, and to order and direct what Sum in Gross shall be paid by the Committee or Committees of the other of the said Parishes, Precincts, or Liberties, towards and in respect of the Charges of paving and setting up Lamp-irons, removing Obstructions, and other incidental Expences; and also what annual, quarterly, or other Sums shall be paid by such other Committee or Committees, towards and in respect of the repairing and keeping in Repair, lighting, and cleansing the same, to the Committee by whom, How Streets, &c. which lie in two Parishes shall be paved.

whom, or under whoſe Directions, ſuch Square, Street, Lane, or Place, ſhall be ſo paved or repaired, or kept in Repair, lighted, and cleanſed; and that ſuch groſs Sum ſhall be paid accordingly, by and out of the Monies to be raiſed by the additional Rate; and ſuch annual, quarterly, or other Sums, ſhall be paid accordingly, by and out of the other Rate or Aſſeſſment hereby directed to be made and aſſeſſed, for the Purpoſes of repairing, cleanſing, and lighting, by the Committee or Committees, by whom the ſame ſhall be ſo directed to be paid.

How Payments for ſubſiſting Contracts ſhall be made.

XIII. Provided always, and it is hereby enacted and declared, That for and in reſpect of all ſuch Contracts as have been heretofore made and entered into by the Commiſſioners appointed by virtue of the ſaid former Acts, to and with any Perſon or Perſons, for repairing, lighting, or cleanſing, any of the Squares, Streets, Lanes, and Places aforeſaid, for any Time or Term yet ſubſiſting, and not expired, the Committees to be choſen in and for every the Pariſhes, Precincts, and Places reſpectively, in which the Squares, Streets, Lanes, and Places to be repaired, lighted, and cleanſed, in purſuance of every ſuch ſubſiſting Contract lies, ſhall, and are hereby impowered and required (a true Copy of every ſuch Contract, ſigned by the Clerk to the ſaid Commiſſioners, being firſt laid before them) to direct, order, and cauſe the Monies which ſhall be collected by virtue of the Rates or Aſſeſſments herein and hereby directed to be made (the ſaid additional Rate and Rates only excepted) or ſo much thereof as ſhall be neceſſary and ſufficient for that Purpoſe, to be paid to the Treaſurer or Treaſurers of the ſaid Commiſſioners, for the enabling the ſaid Commiſſioners to apply, and to be by them applied, in Payment and Satisfaction of the future growing Payments to become due and payable upon, and by virtue of ſuch ſubſiſting Contracts.

When ſubſiſting Contracts expire, Committees may advertiſe for freſh Contracts.

XIV. And be it enacted by the Authority aforeſaid, That when and as often as the Time for the doing all or any Part of the Work or Buſineſs to be done, or finding and providing Materials to be provided, by and in purſuance of ſuch now-ſubſiſting Contract or Contracts, ſhall expire; then, and from thenceforth, the Committee to be choſen in and for the Pariſh, Precinct, or Place, in which the Squares, Streets, Lanes, and Places do lie, which are compriſed in, and to be repaired, lighted, or cleanſed, under and by virtue of ſuch Contract or Contracts, ſhall and may, by Order of the Commiſſioners, advertiſe for, and receive Propoſals, and make any Contract or Contracts, ſubject to the Controul and Confirmation of the ſaid Commiſſioners, either for repairing, cleanſing, and lighting, or for new-paving, cleanſing, and lighting the Squares, Streets, Lanes, and Places compriſed in ſuch expired Contract or Contracts, theretofore contracted to be repaired, cleanſed, and lighted as aforeſaid, in the ſame or like Manner as the ſaid Committees reſpectively are herein before directed and enabled to advertiſe for Propoſals, and make original Contracts for paving, or for repairing, lighting, and cleanſing any ſuch Squares, Streets, and Lanes, as have not been hitherto paved, lighted, and cleanſed, by virtue of any of the Acts of Parliament herein before recited.

All Contracts to be made between firſt January and firſt July.

XV. And be it further enacted by the Authority aforeſaid, That no Contract ſhall, at any Time, be made or entered into, in any Year, by virtue of this Act, but between the firſt Day of *January* and the firſt Day of *July*, except in Caſes of Death of the Contractors, or in Caſes of Failure of Contract; any Thing contained in any of the before-mentioned Acts to the contrary hereof notwithſtanding.

The Buſineſs of the Surveyor and of the Inſpectors.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Inſpector, appointed or to be appointed by the ſaid Commiſſioners for the time being, to ſurvey, view, and inſpect, within all and every the Squares, Streets, Lanes, and Places hereby ſubjected to the Powers of this Act, and alſo to and for the Superviſor or Inſpector, to be appointed by each and every of the ſeveral Committees reſpectively, to view and inſpect, within the ſeveral and reſpective Pariſhes, Precincts, and Places, in and for which every ſuch Superviſor or Inſpector ſhall have been appointed, as well all and every the Works done or begun to be done, as alſo to view the Condition of the Pavements of the ſaid ſeveral Squares, Streets, Lanes, and Places not begun or contracted to be done, in purſuance of this Act, and to and for the ſaid Surveyor to the Commiſſioners, to preſent upon Oath to the ſaid Commiſſioners, and alſo to and for ſuch Superviſors or Inſpectors, appointed by the ſeveral Committees, to preſent upon Oath to the ſaid Committees reſpectively (which Oath the ſaid Commiſſioners, or three or more of them, and the ſaid Committees reſpectively, or any three Committee-men, are hereby impowered to adminiſter) all defective and bad Pavements within the ſaid Squares, Streets, Lanes, and Places not paved nor begun to be new-paved, under the Powers of the ſaid Acts, or this Act; and thereupon, or upon the reaſonable Complaint and Requeſt of any three or more Houſeholders, dwelling in any Square, Street, Lane, or Place, wherein Cauſe of Complaint ſhall be, in Writing under their Hands, every ſuch reſpective Committee ſhall thereupon give Notice thereof to the ſaid Commiſſioners, in Writing, and ſhall and may cauſe all and every ſuch Pavements not under Contract, to be well and ſufficiently repaired forthwith, or as ſoon as conveniently may be, and the Expence thereof to be defrayed by and out of any Monies to ariſe by any Rate or Rates hereby directed to be made, for the Purpoſes of repairing, cleanſing, and lighting; and in caſe ſuch Pavements ſo preſented or complained of ſhall be under Contract made by or with any ſuch Committee to be paved or repaired, and the paving and repairing thereof ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame are or is agreed to be completed by the Contractor or Contractors, the Superviſor or Inſpector appointed by each Committee reſpectively ſhall report the ſame to ſuch Committee at their next Meeting, and the ſaid Surveyor or Inſpector to the Commiſſioners for the time being, ſhall and may report the ſame to the ſaid Commiſſioners at their next or other ſubſequent Meeting; and ſuch Committee ſhall and may, in the joint Names of any two or more of them, bring, inſtitute, commence, and proſecute an Action of Debt, in any of his Majeſty's Courts of Law at *Weſtminſter*, againſt any Perſon or Perſons ſo contracting, and not performing any ſuch Contract or Contracts, for any or all the Penalty and Penalties contained in ſuch Contract or Contracts, within one Month

Month next after such Report made to the said Committee; and if the said Committee shall not, within one Month next after such Report made to them, bring, institute, and commence such Action; then, and at any Time then after, it shall and may be lawful to and for the Commissioners for the time being, if they shall so think fit, in the joint Names of any two or more of them, or in the Name of any Person appointed by them, or any three or more of them, for that Purpose, to bring, institute, commence, and prosecute an Action or Actions of Debt, against the Contractor or Contractors, in such Court for such Penalty and Penalties, and in such Manner, as the Committees respectively are herein before directed or enabled to do; and on Proof of the signing the said Contract or Contracts, and Non-performance thereof, at the Time or Times therein for that Purpose mentioned, the Plaintiffs, in every such Action, shall be intitled to, and shall recover such Penalty or Penalties, which, when received, shall be applied for the Purposes of this Act, within the Parish, Precinct, or Place in which the Cause of Action arose, and not otherwise or elsewhere.

Streets, &c. belonging to Palaces exempted.

XVII Provided always, and it is hereby further enacted and declared, That nothing in this Act, or any of the said former Acts contained, shall authorise or require the said Commissioners, or Committee of any Parish, Precinct, or Place, to pave, repair, cleanse, or light the Streets, Lanes, Courts, Yards, or any other Place or Places, situated before or belonging to any Royal Palace, Ground, or Building, which now belongs or hereafter shall belong to his Majesty, his Heirs or Successors, any Thing in this Act, or in any of the former Acts contained, to the contrary notwithstanding.

Also Squares and Places which are under particular Acts,

XVIII. And be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to *Golden Square*, *Red Lion Square*, or to any other Square, Street, or Place, now paved, cleansed, and lighted, under any particular Act of Parliament.

A certain Part of Saint Margaret and Saint John exempted, until the Inhabitants are of Ability to contribute towards paving, &c.

XIX. And whereas there are several Streets and Places within the united Parishes of *Saint Margaret* 'and *Saint John the Evangelist*, where the Inhabitants are not of Ability to raise Money sufficient to defray 'the Expence of new-paving or repairing, cleansing, and lighting such Streets and Places, under the Regu-'lations of this Act;' be it therefore enacted and declared, That it shall not be lawful for the said Commissioners appointed to put this Act in Execution, to order or direct any of the Streets or Places within the said Parishes of *Saint Margaret* and *Saint John the Evangelist*, to be new-paved or repaired, cleansed, or lighted, except the several Streets and Places herein after-mentioned; (that is to say) *Parliament Street*, *Darby Street*, *Downing Street*, *King Street*, *Fuyder Street*, *Crown Street*, *Crown Court*, *Charles Street*, *New Charles Street*, *Duke Street*, *Delahay Street*, *Great George Street*, *Little George Street*, *Canon Row*, *Brewers Yard*, *Dorset Court*, *Manchester Buildings*, *The Fish Market*, *New Court*, *Bridge Street*, *Little Bridge Street*, *Union Street*, *Saint Margaret Street*, *Abingdon Street*, *Little Abingdon Street*, *Milbank Street* to the *Horse Ferry*, *Market Street* to the High Road near the *Burial Ground*, *Great Queen Street*, *Little Queen Street*, *Princes Court*, *Park Prospect*, *Long Ditch*, *Broken Cross*, *Great Sanctuary*, *Little Sanctuary*, *Old Tothil Street*, *Dartmouth Street*, *Dartmouth Row*, *Broad Way*, the Street leading from the *Broad Way* to *Queen Square*, *Queen Square*, *Petty France*, and *James Street*, and such other Streets and Places, or Parts of Streets and Places, as are already new-paved, cleansed, and lighted, under the Direction of the Commissioners appointed by the said former Acts, nor shall any Rate or Assessment be made by virtue of this Act, for the Purposes of paving, repairing, cleansing, or lighting any Part of the said Parishes, other than as herein before mentioned, any Thing in this Act, or in any former Act, to the contrary hereof in anywise notwithstanding.

Proviso.

XX. Provided nevertheless, That if at any Time hereafter any Streets or Places within the Limits which are exempted from being paved, repaired, lighted, and cleansed as aforesaid, shall become so advanced in Rents as that the Inhabitants thereof shall, in the Opinion of the Commissioners, be of Ability to contribute a reasonable Sum to the paving, repairing, lighting, and cleansing the same, under the Authority of this Act, then, and from thencefortn, such particular Streets and Places shall be subject to be paved, repaired, lighted, and cleansed, in such Manner, and by such Ways and Means, as the several Squares, Streets, Lanes, and other Places, which are under the Direction of the said Commissioners or Committeemen, can or may be paved, repaired, lighted, and cleansed.

Such Parts of the said Parishes so exempted, to remain under former Acts of Parliament.

XXI. And be it further enacted, That all the Streets and Places within any of the said Parishes of *Saint Margaret* and *Saint John the Evangelist*, not subject to be paved, repaired, cleansed, or lighted as aforesaid, shall still remain subject to the Powers and Provisions of such former Acts of Parliament, as do now, or did before the making of this Act, extend to such other Streets and Places, any Thing contained in this present Act to the contrary hereof in anywise notwithstanding.

Inhabitants liable to be charged for paving, &c by this Act, exempted from former Laws.

XXII. And be it further enacted, That all and every the Inhabitants, Owners and Occupiers, of all and every or any Lands, Grounds, Houses, Shops, Warehouses, Wharfs, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, in all and every the Squares, Streets, Lanes, and Places hereby directed to be paved, or to be repaired, lighted, and cleansed, shall, from and after the twenty-fifth Day of *March*, one thousand seven hundred and seventy-one, be absolutely exonerated, discharged, and indemnified from and against the Execution and Service of the Office of Scavenger, in and for the several Parishes, Precincts, and Places, wherein such Squares, Streets, Lanes, and Places are situate and lying, and of and from the hanging out Lights in such Squares, Streets, Lanes, and Places, and all Presentments and Returns of any Annoyance Jurors, Constables, or other Officers, (other than and except the Inspectors hereby directed to be appointed) for and in respect of dangerous or defective Pavements, Defaults of Lighting, and all Annoyances in, Obstructions of, and Encroachments upon, all or any of the said Squares, Streets, Lanes, and Places, and all Pains, Penalties, Duties, and Services, for or concerning any such Annoyances, Obstructions, Incroachments, or dangerous or defective Pavements, and Defaults of Lighting; and that the several Acts of Parliament made in the second and third Years of their late

Majeſties King *William* and Queen *Mary*, of the nineteenth Year of his late Majeſty King *George* the Second, and of all and every other Act and Acts of Parliament whatſoever, ſo far as the ſame or any or either of them do or does concern any ſuch Annoyances, Obſtructions, Incroachments, dangerous or defective Pavements, and hanging out Lights in any of the Squares, Streets, Lanes, and Places, hereby directed to be paved or to be repaired, lighted, and cleanſed; and alſo ſo much of the before-recited Act of the third Year of his preſent Majeſty, as relates to and impowers the Surveyor to the ſaid Commiſſioners, or any other Perſon or Perſons to be by them appointed for that Purpoſe, to view the Condition of the Squares, Streets, and Lanes, within the ſeveral Pariſhes, Precincts, and Places, intended to be ſubject to, and within the Powers of this preſent Act, and to preſent on Oath all or any defective and bad Pavements therein, and to give Notice thereof as therein mentioned, and the repairing the ſame, and the charging the Expence of ſuch Reparations on any ſuch Inhabitants, Occupiers or Owners of any Houſes or other Buildings as therein expreſſed; and all Pains, Penalties, and Charges, which ſuch Inhabitants, Occupiers or Owners, ſhall or may be liable to by Force of the ſaid ſeveral Acts of the third and fourth of *William* and *Mary*, and twenty-ninth of *George* the Second, and of that Part and ſo much of the third of his ſaid preſent Majeſty, as is herein before recited; and alſo ſo much and ſuch Part of all, or every of the herein recited or any other Act or Acts of Parliament, as directs or veſts the Power of paving, repairing, lighting, or cleanſing all or any of the Squares, Streets, Lanes, or Places, hereby ſubject to the Powers of this Act, to be in the Commiſſioners appointed by or in purſuance of the before-recited Acts, or any of them, or veſts in them the Property of all or any Stones or other Materials of or in any of the ſaid Squares, Streets, Lanes, and Places laſt mentioned, in the ſaid Commiſſioners, ſhall be, and are and is hereby repealed.

All former Acts, ſo far as they reſpect Places under this Act, are repealed.

Old Pavements, and all Materials, old and new, veſted in the Committee.

XXIII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing this Act, any Thing in the herein before recited Acts, or any or either of them, contained to the contrary notwithſtanding, the Property of all and every the Pavements in all and every the Squares, Streets, Lanes, and Places, within each and every of the Pariſhes, Precincts, and Places, ſubjected to the Powers of this Act, and the Lamps, Iron, Timber, and all other Materials and Things, which ſhall be made Uſe of for the Purpoſes of this Act, and alſo the Property of all and every the Stones, Poſts, and old Materials of every Kind, belonging to the old or preſent Pavements, as well of the Carriage-ways as of the Foot-ways, within each and every the ſaid Pariſhes, Precincts, and Places, (except in ſuch Streets and Places as have been paved by virtue of a Clauſe in the ſaid Act of the fifth Year of his preſent Majeſty's Reign, commonly called *The Optional Clauſe*) ſhall be, and is and are hereby veſted in the Committee for the time being, of each and every ſuch Pariſh, Precinct, and Place reſpectively; and the Committee of every ſuch Pariſh, Precinct, and Place reſpectively, or the major Part of ſuch of them as ſhall be aſſembled at any of their Meetings, ſhall and may, if they ſhall ſo think fit, authoriſe and impower any Perſon or Perſons with whom ſuch Committee ſhall contract in Manner herein mentioned and directed, to take all or any ſuch old Stones, Poſts, or other Materials, at a Price or Prices to be ſpecified in any Contract or Contracts ſo to be made, and to make Uſe of ſuch of the ſaid Stones or other Materials, as ſhall, by ſuch Contract or Contracts, be deemed proper and fit for Uſe, in or about the new-paving or repairing, or other Works contracted to be done within the ſame Pariſh, Precinct, and Place, ſuch Price or Prices to be allowed to the Contractor or Contractors for and in Payment of the Monies to be paid to him or them, or otherwiſe ſuch major Part of every ſuch Committee ſhall and may, and are hereby impowered, from time to time, to ſell and diſpoſe of any ſuch Stones or other old Materials, or any Part or Parts thereof, to any Perſon or Perſons who ſhall be willing to purchaſe the ſame, and to apply the Monies ariſing by ſuch Sale in Manner herein after mentioned; and if any Perſon or Perſons, to whom any ſuch Stones or other Materials ſhall be ſold, ſhall refuſe or neglect to pay for the ſame for the Space of ten Days after the Sale thereof, or other Time limited for Payment of ſuch Purchaſe-money, it ſhall and may be lawful for the ſaid Committee, or any three or more of them, to direct and cauſe an Action or Actions to be brought and proſecuted, in the Names of any two or more of them, againſt any the Purchaſer or Purchaſers of any ſuch Materials, for Recovery of the Monies due and payable for any ſuch Materials ſo ſold, in which Action or Actions, no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and ſuch major Part of every ſuch Committee ſhall and may, and are hereby alſo impowered, from time to time, if they ſhall ſo judge fit and expedient, to hire or take at a Rent any Piece of Ground to carry to, lay, and diſpoſe of, all or any of the ſaid Stones or other Materials, during ſuch Time, and until there ſhall be Occaſion to make Uſe of, or a fit Opportunity to make Uſe of, or to ſell and diſpoſe of the ſame; and in caſe any Perſon or Perſons ſhall, without the Conſent or Authority of ſuch major Part of ſuch Committee, take, carry away, or convert to his, her, or their own Uſe or Uſes, or ſhall ſteal any, or any Part of ſuch Stones, Poſts, or other Materials, or any other Stones, Lamps, Iron, Timber, or other Materials or Things, the Property whereof is hereby veſted in the Committee for the time being, of any of the Pariſhes, Precincts, and Places ſubjected to the Powers of this Act, it ſhall and may be lawful to and for the major Part of ſuch Committee as ſhall be aſſembled at any of their Meetings, to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any two or more of them, or to prefer or cauſe, direct or order, the preferring of any Indictment or Indictments, againſt any Perſon or Perſons who ſhall take, or carry away, or ſhall ſteal any or any Part of any ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly break, deſtroy, or otherwiſe damage or ſpoil, any of the ſaid Materials or Things, or any Works done, or begun to be done, in purſuance of this Act, or take up any Pavement, under any Pretence whatſoever, without the Conſent of the ſaid Committee, or any three or more of them, (except in Caſes of Fire, or Alarms of Fire) every Perſon ſo offending, and being thereof convicted by the Oath of one or more Witneſs or Witneſſes, before any one or more Juſtice or Juſtices of the Peace for the County of *Middleſex*, or for the City and Liberty of *Weſtminſter*, as the Caſe ſhall be, ſhall, for the firſt Offence, forfeit any Sum

not

not more than forty Shillings, nor less than ten Shillings; and for the Second, and every other Offence, any Sum not exceeding three Pounds, nor less than twenty Shillings; to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made, every such Forfeiture and every the Sum and Sums of Money to be recovered by or in every or any such Action and Actions to be brought as aforesaid, and every Sum and Sums of Money to arise by the Sale of all or any such Materials so sold as aforesaid, when received, shall be paid into the Hands of the Banker or Bankers, to be chosen and approved of as herein after mentioned, or into the Bank of *England*, to the Account of the Parish, Precinct, or Place, in which the Offence was committed, or by Order of whose Committee the same was recovered or received; and the same, and every Part thereof, shall be issued, paid, and applied for and towards repairing, lighting, and cleansing the Squares, Streets, Lanes, and Places within the said Parish, Precinct, or Place, and in Aid of the Rates to be made for those Purposes; and in case any Person or Persons so offending and convicted shall have no Goods or Chattels whereon any of the Forfeitures last-mentioned can be levied; then, and in that Case, it shall and may be lawful to and for one or more such Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders convicted to the House of Correction, there to remain for any Time not exceeding one Calendar Month, nor less than ten Days, to be expressed in such Warrant, to be reckoned from and exclusive of the Day of Commitment, and not to be discharged unless upon Payment of the full Sum forfeited, until the Expiration of the Time so to be expressed.

Committees to meet annually, and make Rates for the Purposes of the Act.

XXIV. And be it further enacted, That the said respective Committees, not less than five Persons being present, within their respective Parishes, Precincts, and Places, shall, and they are hereby authorised and impowered to meet, and shall meet, in the Vestry-rooms, or other usual Places afore-mentioned, upon the second *Thursday* in *June* next, and also upon the second *Thursday* in *June* in every Year afterwards, and at any other Time or Times, as often as Occasion shall require; and they, or the major Part of them, shall make one or more Rate or Rates, Assessment or Assessments, upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy any Land, Ground, House, Shop, Wharf, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement or Hereditament whatsoever, within such Parts of the said respective Parishes, Precincts, and Places, (the Occupiers of Land, Ground, Houses, Shops, Wharfs, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements or Hereditaments, in such Squares, Streets, Lanes, and Places as have been paved under and by virtue of the said Optional Clause only excepted) for the Purposes of repairing, cleansing and lighting the several Squares, Streets, Lanes, and other Places, within the said respective Parishes, Precincts, and Places, as are not by any or either of the said former Acts exempted from the Jurisdiction of the Commissioners, and for defraying the Expence of removing all Annoyances and Obstructions therefrom, and all other the necessary Purposes of the said former Acts, and this Act, (except as to new-paving), so as no such Rate or Rates, Assessment or Assessments, within any Square, shall exceed in the Whole the Sum of one Shilling and Three-pence in the Pound; and within any Street, Lane, or other Place, the Sum of one Shilling in the Pound, in any one Year, according to such Proportion of the yearly Rent or Value as the same was assessed to the Rates for the Relief of the Poor, in the Year one thousand seven hundred and seventy, within the said respective Parishes, Precincts, and Places.

Houses hereafter to be built, how to be rated.

XXV. Provided always, That all Houses, or other Buildings, which shall hereafter be erected or built within the Limits aforesaid, shall be rated and assessed for the Purposes of this Act, in the same Manner and Proportions as other Houses or Buildings shall be then assessed.

Committees may make an additional Rate of 6 d. if necessary.

XXVI. Provided always nevertheless, and be it further enacted, That from and after the said twenty-fifth Day of *March*, the said respective Committees, not less than seven Persons being present, within their respective Parishes, Precincts, and Places, shall, and they are hereby authorised and impowered, annually, or oftener, as Occasion shall require, to make a further Rate or Assessment in manner aforesaid, not exceeding Sixpence in the Pound in any one Year, within all such Squares, Streets, Lanes, and other Places, or such Parts thereof as shall, at the Time of making any such Rate, be paved by virtue of the said former Acts, and this Act, or any of them, (except such Streets, Lanes, and Places, as have been paved under and by virtue of the said Clause, called the *Optional Clause*), and so in like Manner within all other the Squares, Streets, Lanes, and Places within the Limits of the said former Acts, as soon as the Pavements thereof respectively, or any Part thereof, shall be completed, so far as the Pavements so completed shall extend.

Commissioners may borrow Money on the Credit of the Rate.

XXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Committees within their respective Parishes, Precincts, and Places, not less than seven Persons being present, and they are hereby impowered, from time to time, when they shall judge it necessary, to borrow and take up at Interest such Sum or Sums of Money as any Person or Persons shall be willing to lend and advance upon the Credit of five-sixth Parts of the said additional Rate or Assessment; and by any Writing or Writings upon Vellum or Parchment, signed by the said Committees respectively, not less than seven Persons to assign the said five-sixth Parts of the said additional Rate or Assessment, to any Person or Persons who shall advance and lend such Money thereon, as a Security or Securities for the several Sums so borrowed, with legal or lower Interest for the same, which Interest shall be payable and paid Half-yearly, upon Certificates of the Committees, and by Order of the Commissioners, in the same or like Manner as other Monies and Payments are herein-after directed to be paid and made, out of the Monies to arise by or from the said additional Rate or Assessment; and the remaining sixth Part shall be deposited in the Bank of *England*, as a Sinking Fund, for the Purposes of paying off the Monies borrowed, or for future new-paving, as the Committee shall think fit.

Money received by the Committee to be depoſited in the Bank.

XXVIII. And be it further enacted by the Authority aforeſaid, That ſuch Sum or Sums of Money, when ſo received by the ſaid Committees, ſhall be by them depoſited in the Bank of *England*, and placed to the Account of the Pariſh, Precinct, or Place, by whoſe Committee the ſame was borrowed or raiſed, and in which it is to be applied, in the Name of the *Commiſſioners for the new-paving, cleanſing, and lighting the City and Liberty of* Weſtminſter, *and Places adjacent*, and ſhall be iſſued and applied by the ſaid Commiſſioners, or any five or more of them, for the new-paving any Square, Street, Lane, or Place, ſubjected to the Powers of this Act, in manner herein after mentioned, and not otherwiſe.

For entering Securities in Books.

XXIX. And be it further enacted, That there ſhall be entered in a Book or Books, to be for that Purpoſe provided and kept by the Clerk or Clerks to the ſaid Committees, all Securities for Monies ſo borrowed, and all Aſſignments or Transfers thereof, expreſſing, in Words at length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from time to time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities, to which Book or Books the Perſons intitled thereto, or intereſted therein, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward: And if any Sum or Sums of Money ſhall at any Time remain from the ſaid Rate or Aſſeſſment, over and above what ſhall be ſufficient to pay the Intereſt hereby charged thereupon, then ſuch Sum or Sums of Money ſhall be applied for or towards paving other Parts of every the Pariſh, Precinct, or Place wherein the ſame was raiſed, and when the whole of ſuch Pariſh, Precinct, or Place ſhall be paved, then, and not before, all the Remainder of ſuch Surplus ſhall be applied for or towards paying off the Principal ſo borrowed as aforeſaid, and for that Purpoſe ſhall remain in the Bank of *England*, until the ſame ſhall amount to the Sum of five hundred Pounds, or one full and equal eighth-part of the whole Monies borrowed on the Security of the ſaid additional Rate or Aſſeſſment, which Sum ſhall be applied for and towards the Payment of the Money lent and advanced on ſuch additional Rate; and no Preference, either in the Payment of Intereſt or Principal, ſhall be given to any Perſon or Perſons whatſoever, on account of the Priority of advancing any ſuch Sum or Sums, but that each Perſon ſhall be a Creditor in equal Degree, according to the Sum or Sums ſo by him, her, or them lent and advanced as aforeſaid.

Surplus of Rates to be applied in reducing the Debts.

'XXX. And, to the End ſuch Surplus-money laſt mentioned may be ſo applied for or towards diſcharging or reducing the principal Monies to be borrowed as aforeſaid,' Be it further enacted, That when and as often as there ſhall remain in the Bank of *England*, of the Monies depoſited or paid in as aforeſaid, a Surplus of the ſaid additional Rate laid or aſſeſſed on any of the ſaid Pariſhes, Precincts, or Places, to the Amount of five hundred Pounds, or one-eighth Part of the whole principal Monies borrowed as aforeſaid, the Commiſſioners are hereby impowered, and on Requeſt to them for that Purpoſe made and ſignified by Writing, ſigned by the major Part of not leſs than ſeven of the Committee of the Pariſh, Precinct, or Place, to which ſuch Surplus belongs, or from whence it aroſe, may and ſhall cauſe Notice in Writing to be given to or left for each of the Creditors or Lenders of all the Mortgage-monies to be ſo diſcharged or reduced, or their perſonal Repreſentatives or Aſſigns, at his, her, or their laſt or uſual Place of Abode, of the Commiſſioners Intention to apply ſuch Surplus-money in Diſcharge, or part Diſcharge, as the Caſe ſhall be, of ſuch Mortgage-monies, at the Expiration of three Months next after the Date of ſuch Notice; and every ſuch Creditor or Lender, his, her, or their Repreſentatives or Aſſigns, having had ſuch Notice given to or left for him, her, or them, ſhall be obliged to accept his or her Share or Proportion thereof at the Expiration of the Time to be expreſſed in ſuch Notice, or in Failure of Acceptance thereof, all Intereſt of ſuch Share ſhall from thenceforth ceaſe and not be payable.

Creditors may aſſign their Securities.

XXXI. And it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, or otherwiſe, to any Perſon or Perſons whatſoever, and witneſſed by two Witneſſes, and ſo *toties quoties*; and ſuch Aſſignments and Transfers, after they ſhall be reſpectively entered in the Book or Books of the ſaid Committees in Manner aforeſaid, ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned, or transferred and entered.

Houſes ſituated beyond Turnpikes, exempted from Rates.

XXXII. Provided alſo, and be it further enacted by the Authority aforeſaid, That no Rate or Aſſeſſment ſhall be made or collected by virtue of this Act upon any Land, Houſe, Tenement, or Hereditament, ſituate on the Outſide of any Turnpike-gate, as the ſame is now fixed, whereat Toll is, by the ſaid recited Act, paſſed in the fifth Year of his preſent Majeſty, authoriſed to be taken, or in any Road or Place not repaired or lighted by virtue of the ſaid former Acts, or this Act, or ſuch other Places as in the Opinion of the reſpective Committees, not leſs than three Perſons, ſhall not be within the true Intent and Meaning of this Act.

First Rate to commence 25 March 1771.

XXXIII. And be it further enacted by the Authority aforeſaid, That the firſt Rate or Rates, Aſſeſſment or Aſſeſſments, directed to be made as aforeſaid, ſhall commence from the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one; and every future Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that the laſt preceding Rate or Rates, Aſſeſſment or Aſſeſſments ended, and not otherwiſe, and the Monies therein and thereby charged and aſſeſſed ſhall be payable and recoverable quarterly, in Manner herein after directed.

How empty Houſes ſhall be aſſeſſed.

XXXIV. And be it further enacted, That where any of the Lands, Houſes, Shops, Warehouſes, Wharfs, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, within the reſpective Pariſhes and Places aforeſaid, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty, untenanted, or unoccupied, then, and in all ſuch Caſes, it ſhall and may be lawful for the ſaid reſpective

reſpective Committees to rate and aſſeſs ſuch Premiſes at one half of the Rates or Aſſeſſments herein before granted, during ſuch Time only as ſuch Premiſes, after making any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments reſpectively, ſhall be empty, untenanted or unoccupied; and one half only of ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively for and during ſo long Time as the ſame ſhall be empty, untenanted, or unoccupied; and in any of the Caſes aforeſaid, the ſaid Rates or Aſſeſſments, and all Arrears due thereon reſpectively, ſhall be paid by the Owners, Proprietors, or Leſſors, or by the firſt or any other Tenants or Occupiers thereof; and ſuch Tenants or Occupiers ſhall and may, and is and are hereby reſpectively authoriſed to deduct and detain the ſame out of their Rent, and the Landlords or Owners of ſuch Premiſes is and are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of their reſpective Rents; and the ſaid reſpective Tenants or Occupiers ſhall be and are hereby acquitted and diſcharged of and from ſo much of their reſpective Rents as the Rates or Aſſeſſments, and all Arrears due thereon, and ſo paid by them reſpectively, ſhall amount unto.

Under tenants, &c. liable to the Rates.

'XXXV. And whereas there are many Houſes, Buildings, Lands, Grounds, Tenements, Hereditaments, and Premiſes within the Limits aforeſaid, which are taken on Leaſes for Years, or otherwiſe, and by the Leſſees or Tenants, and alſo by Landlords or Owners thereof, are let out in Parts or ſeparate Apartments to Under-tenants, and other Houſes and Premiſes let ready furniſhed to Lodgers;' Be it therefore enacted by the Authority aforeſaid, That the ſeveral Leſſors, Landlords, Owners, or Proprietors, of all ſuch Houſes, Buildings, Lands, Grounds, Tenements, or Hereditaments, ſo let out, or which ſhall hereafter be let out in Parts or ſeparate Apartments, or ready furniſhed to a Lodger or Lodgers, ſhall reſpectively be deemed and taken as the Occupier thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

How thoſe Rates ſhall be recovered.

'XXXVI. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments reſpectively,' Be it further enacted by the Authority aforeſaid, That each and every Perſon ſo renting or occupying any ſuch Part or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon, to be recovered in Manner herein after directed; and the reſpective Occupiers who ſhall pay ſuch Rates or Aſſeſſments, or any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent, or any other Rent due and payable from him, her, or them to ſuch reſpective Leſſor or Landlord, Owner or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for all and every ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, her, or their Landlord, for ſo much Money as he, ſhe, or they ſhall pay, or ſhall be levied on the Goods and Chattels of him, her, or them reſpectively, by virtue of this Act.

Rates for Houſes of Ambaſſadors, &c. to be paid by Landlords, &c.

XXXVII. And be it further enacted by the Authority aforeſaid, That every Rate, Tax, or Aſſeſſment, which ſhall be made, laid, or aſſeſſed by virtue of this Act, for or in reſpect of any Houſes, Buildings, Lands, Grounds, Tenements, Hereditaments, Premiſes, which any Ambaſſador or Reſident, Agent, or other public Miniſter of any foreign Prince or State, or the Servant of any ſuch Ambaſſador, Reſident, Agent, or public Miniſter, or other Perſon not liable by Law to pay ſuch Rate or Aſſeſſment, now doth, or hereafter ſhall inhabit, ſhall be paid by the Landlords, Leſſors, Owners, or Proprietors, of all ſuch Houſes, Buildings, Lands, Grounds, Tenements, Hereditaments, or Premiſes reſpectively, who ſhall be liable and compellable to the Payment thereof, and the ſame ſhall be recovered in Manner herein after directed.

How public Buildings and dead Walls ſhall be aſſeſſed.

'XXXVIII. And foraſmuch as it is reaſonable that all public Buildings, dead Walls, and void Spaces of Ground ſhould be rated and aſſeſſed for the Purpoſes of this Act;' Be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Committees within their reſpective Pariſhes, Precincts, or Places, and they are hereby required, from time to time, to rate and aſſeſs all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, Schools, Inns of Court and Chancery, Halls, Societies, Markets, Warehouſes, Wharfs, void Spaces of Ground, and all other public Buildings whatſoever, ſituate, ſtanding, lying, and being within their reſpective Pariſhes, Precincts, or Places, at a Rate not exceeding Sixpence in any one Year for every ſquare Yard of Pavement paved or repaired, cleanſed, and lighted, under and by virtue of this Act, or any other the ſaid former Acts belonging to ſuch Pariſh Church, Church-yard, Chapel, Meeting-houſe, Inn of Court and Chancery, School, Hall, Society, Market, Warehouſe, Wharf, dead Wall, void Space of Ground, and other public Buildings reſpectively whatſoever, and which are not charged by virtue of this Act by the Pound Rate, or otherwiſe, which Rate or Rates, Aſſeſſment or Aſſeſſments, to be laid upon ſuch Pariſh Churches, Chapels, and Church-yards, ſhall be paid by the reſpective Church or Chapel Wardens; and the Rate or Rates, Aſſeſſment or Aſſeſſments, to be laid upon ſuch Meeting-houſes, Schools, Inns of Court and Chancery, Halls, Societies, Markets, Warehouſes, Wharfs, dead Walls, void Spaces of Ground, and public Buildings, ſhall be paid by the Owner or Owners, Proprietor or Proprietors thereof reſpectively; all which Rates or Aſſeſſments ſhall be recovered and applied as the other Rates hereby made payable are to be recovered and applied.

How Rates and Aſſeſſments in general ſhall be recovered.

'XXXIX. And, for the better and more effectual recovering the ſaid reſpective Rates and Aſſeſſments,' Be it further enacted by the Authority aforeſaid, That in caſe any Inhabitant, Occupier, Owner, or Proprietor, or the Leſſee of any Land, Ground, Houſe, Shop, Warehouſe, Wharf, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the Limits aforeſaid, (and liable to pay any Rate or Aſſeſſment by virtue of this Act) ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, it ſhall and may be lawful to and for the reſpective Collectors of the ſaid Rates or Aſſeſſments to collect and levy ſuch Rates or Aſſeſſments, by

Warrant under the Hands and Seals of any two of his Majeſty's Juſtices of the Peace for the ſaid County of *Middleſex*, or City and Liberty of *Weſtminſter*, as the Caſe ſhall be, and all Arrears due thereon, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing to pay the ſame, which ſhall be found either within the ſaid Pariſh, Precinct, or Place, or elſewhere; and if within five Days next after ſuch Diſtreſs ſhall be made, the ſaid reſpective Rates or Aſſeſſments, and all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid reſpective Collectors ſhall cauſe the ſaid Goods and Chattels to be ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rates or Aſſeſſments, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs and Sale, returning the Overplus, and the Goods and Chattels remaining, (if any be) to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Collectors to account for Rates.

XL. And be it further enacted by the Authority aforeſaid, That the reſpective Collectors of the ſaid Rates and Aſſeſſments, within the ſaid reſpective Pariſhes, Precincts, or Places, ſhall, once in every Week, or oftener if the reſpective Committees ſhall ſo direct, pay all the Money which they ſhall, from time to time, collect and receive, into the Bank of *England*, or to ſuch Banker or Bankers as the ſaid Committees reſpectively, with the Approbation of the ſaid Commiſſioners, or any five or more of them, ſhall direct (except only ſo much and ſuch Parts thereof as are herein directed to be paid to the Commiſſioners, or their Treaſurer, for Payment of the Monies agreed to be, by the ſaid Commiſſioners, paid upon and purſuant to any and every the Contracts by them heretofore made and now ſubſiſting, for repairing, lighting, and cleanſing any of the Squares, Streets, Lanes, and Places aforeſaid).

Collector to account on Oath.

XLI. And be it further enacted by the Authority aforeſaid, That the ſaid Collector ſhall, as often as thereunto required by any of the ſaid Committees, not leſs than three Perſons reſpectively, make up true and perfect Accounts of all Money by ſuch Collectors reſpectively received and paid in purſuance of this Act, and deliver all ſuch Accounts to the reſpective Committees, and verify the ſame upon Oath, (which Oath any three Committee-men are hereby impowered to adminiſter) and every ſuch Collector refuſing or neglecting to make up and render ſuch Account to the Committee requiring the ſame as aforeſaid, and to verify the ſame upon Oath as aforeſaid, or to pay over all ſuch Monies as ſhall be remaining in his Hands, ſhall and may, by Warrant under the Hands and Seals of two of his Majeſty's Juſtices of the Peace for the City and Liberty of *Weſtminſter*, or for the ſaid County of *Middleſex*, as the Caſe ſhall be, upon Complaint to them made by any three or more of the ſaid Committee-men, and Proof thereof by the Oaths of two or more credible Witneſſes, (which Oath the ſaid Juſtices are hereby authoriſed and impowered to adminiſter) be committed to the common Gaol of the ſaid City and Liberty, or of the ſaid County, as the Caſe ſhall be, there to remain without Bail or Mainprize, until he the ſaid Collector ſhall have made a fair and true Account, and until ſuch Money as upon ſuch Account ſhall appear to be remaining in his Hands ſhall be paid over by ſuch Collector, or his Surety or Sureties, to ſuch Perſon or Perſons as ſhall be, by ſuch three or more Committee-men making ſuch Complaint, appointed to receive the ſame; but the Commitment of ſuch Collector to Gaol ſhall not acquit or diſcharge any Surety or Sureties, Security or Securities, that ſhall or may have been taken by or given to any Committee for the due and faithful Execution of the Office of Collector or Payment of Monies, to be by ſuch Collector received by virtue of his ſaid Office, or any Action, Suit, or Proceſs, commenced or to be commenced, for Recovery of any Monies ſo received.

If Committees neglect to make Rates, then the Commiſſioners may do it.

XLII. And be it further enacted and declared by the Authority aforeſaid, That if the Committee for any or either of the Pariſhes, Precincts, or Places included in this Act, ſhall omit or neglect to make any Rate or Aſſeſſment herein before authoriſed and directed to be made, and to raiſe the Money by this Act directed in Manner before mentioned, within ſuch Pariſh, Precinct, or Place reſpectively, for the Space of three Calendar Months, then the Commiſſioners for putting the ſaid former Acts, and this Act, in Execution, may and ſhall make ſuch Rates or Aſſeſſments, which ought to have been made by any ſuch Committee as aforeſaid, and cauſe the ſame to be collected and recovered, and Money raiſed thereupon, in ſuch Manner as the ſaid Committees might or ought to have done; any Thing herein before contained to the contrary notwithſtanding.

Perſons having an Order from the Commiſſioners or Committees to inſpect Poor's Rates.

XLIII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons, having an Order under the Hands of the Commiſſioners, or any two or more of them, or of three or more Committee-men of each reſpective Pariſh, Precinct, or Place, for that Purpoſe, to inſpect and take Copies or Extracts of any Books or Rates made for raiſing Money for Relief and Maintenance of the Poor within any Pariſh, Precinct, or Place, compriſed in this Act; which Inſpection, Copies, and Extracts, the Perſon or Perſons having the Cuſtody of ſuch Books or Rates reſpectively are hereby required to permit and ſuffer to be made, without Fee or Reward, by ſuch Perſon or Perſons appointed as aforeſaid, upon his or their producing ſuch Order; and in caſe any Perſon or Perſons, having the Cuſtody of any Book or Rate, ſhall neglect or refuſe ſo to do within two Days after ſuch Order ſhall be ſo produced, and ſhewn to him or them, or a Copy thereof left at his or their laſt moſt uſual Place of Abode, he or they ſhall, for the firſt Offence, forfeit the Sum of forty Shillings, for the ſecond Offence the Sum of three Pounds, and for the third and every other Offence the Sum of five Pounds, to be levied and recovered in like Manner as Penalties and Forfeitures are, by the ſaid Act of the fourth Year of his preſent Majeſty's Reign, to be levied and recovered, and ſhall be applied by the Committees for the Purpoſes of this Act, within the reſpective Pariſh, Precinct, or Place, in which every ſuch Forfeiture ſhall be incurred.

So much of former Acts as impowers the Com-

XLIV. And be it further enacted, That from after the ſaid twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one, ſo much of the before-mentioned Act, made in the ſecond Year of the Reign of his preſent Majeſty, and of all or any other of the before-mentioned Acts as authoriſes or impowers

powers the ſaid Commiſſioners to make any Rate or Rates, Aſſeſſment or Aſſeſſments, upon any Lands, Houſes, Shops, Wharfs, Warehouſes, Cellars, or any other Tenements or Hereditaments, within the ſeveral Pariſhes aforeſaid, or to appoint Collectors of all or any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and alſo as authoriſes and impowers any Collector or Collectors, by them, or any of them, appointed, or employed, to collect, or levy any Rate or Rates, Aſſeſſment or Aſſeſſments whatſoever, within any of the Pariſhes, Precincts, and Places aforeſaid, (except as herein is excepted) ſhall be, and is hereby repealed. Commiſſioners to make Rates, repealed.

XLV. Provided always, That the Collector or Collectors to the ſaid Commiſſioners ſhall and may, nevertheleſs, continue to collect and levy all Arrears of any Rate or Rates, Aſſeſſment or Aſſeſſments, already rated or aſſeſſed by virtue of the ſaid recited Acts, or any of them, by ſuch and the ſame Ways and Means, and in ſuch and the ſame Manner, as they could or might have done in caſe this Act had not been made; and that the Money to ariſe by ſuch Arrears ſhall, from time to time, be paid, applied, and diſpoſed of, for diſcharging all Debts, Charges, and Expences, incurred by the Commiſſioners before, and until the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one, for the Purpoſes of the ſaid former Acts; and if any Surplus ſhall then after ariſe, the ſame ſhall be applied to the ſame Uſes and Purpoſes as the Monies hereby directed to be rated and aſſeſſed within ſuch Pariſhes, Precincts, and Places reſpectively, are herein directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever. Collectors appointed by the Commiſſioners may continue to collect Arrears of former Rates.

XLVI. Provided always, and it is hereby enacted and declared, That all and every the Arrears and growing Payments of all and every the Rate and Rates heretofore made for raiſing Money for or towards paying the Charges and Expences of any Scavenger or Scavengers, for ſweeping and cleanſing the Streets, Lanes, and Paſſages, and for carrying away the Dirt, Soil, and Aſhes ariſing, or to ariſe, or to be made within any of the Pariſhes, Precincts, and Places ſubjected to the Powers of this Act, which now are or hereafter ſhall be or become due or payable until, and at or upon, the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one, ſhall and may be collected and levied by ſuch Perſon and Perſons, and in ſuch Manner, and by ſuch Ways and Means, and ſhall and may be applied and diſpoſed of to ſuch Uſes and Purpoſes as the ſame might or could have been collected or applied and diſpoſed of in caſe this Act had not been made; any Thing herein contained to the contrary notwithſtanding. How Arrears of Scavengers Rates ſhall be collected.

XLVII. And be it further enacted by the Authority aforeſaid, That all and every the Payments of Intereſt of Monies borrowed, and all Payments to be made upon and for all and every Contract and Contracts herein and hereby directed to be made, and all Salaries, Payments and Allowances, Charges and Expences whatſoever, to be made and given for any Thing to be done or contracted for, by each and every the ſaid Committees to be choſen as aforeſaid, ſhall be firſt certified to the ſaid Commiſſioners by each of the ſaid Committees reſpectively, by Writing under the Hands of three or more of the Committee-men, and delivered to the ſaid Commiſſioners, or their Clerk, at the next or ſome other ſubſequent Meeting of the ſaid Commiſſioners, with the ſeveral Bills of Particulars relating thereto, and thereupon the ſaid Commiſſioners (not having any juſt and reaſonable Cauſe to the contrary), ſhall, and are hereby directed and required, within twenty-one Days after the Delivery of every ſuch Certificate, to make an Order for Payment of the Sum and Sums of Money to be ſpecified in ſuch Certificate, and ſign a Draught or Order on the proper Caſhier or Officer of the Bank of *England*, for Payment thereof at Sight; every ſuch Order to be ſigned by three or more of the ſaid Commiſſioners. Intereſt of Money and all other Payments ſhall be certified by the Committees to the Commiſſioners.

XLVIII. And be it further enacted by the Authority aforeſaid, That if for and upon any Sum or Sums of Money which ſhall become due and payable for Intereſt of Monies to be borrowed as aforeſaid, or for or on account of any Contract or Contracts to be made by any of the ſaid Committees, and confirmed by the ſaid Commiſſioners as aforeſaid, or for any incidental Charges and Expences relating to the putting in Execution any of the Powers of this Act, or to or for any Salaries, or other Payments or Allowances to be made and given purſuant to this Act, ſuch Certificate for Payment thereof being ſo made and delivered as aforeſaid, the ſaid Commiſſioners (not having and declaring ſome juſt and reaſonable Cauſe to the contrary) ſhall not, within twenty-one Days next after the Delivery of ſuch Certificate, make and ſign an Order for Payment of the Monies to be ſpecified or expreſſed in ſuch Certificate, it ſhall and may be lawful to and for the Perſon or Perſons to whom the Monies in and by ſuch Certificate are expreſſed to be due or payable, to commence, maintain, and proſecute an Action or Actions in any of his Majeſty's Courts of Record at *Weſtminſter*, againſt any two or more of the ſaid Commiſſioners, but not againſt the Committee, or any of them; and in ſuch Action no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed. Perſons may recover Money certified by the Committees, unleſs ſome juſt cauſe to the contrary.

XLIX. Provided always, and it is hereby further enacted and declared, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge the ſaid Commiſſioners with, or for any Monies to be paid to any Perſon or Perſons, upon the Certificate or Certificates of the Committee of any of the Pariſhes, Precincts, or Places, ſubjected to the Powers of this Act, more than and beyond the Amount of what ſhall have been paid into and remaining in the Bank of *England*, in the Name of the Commiſſioners, by and on the Account of the Committee or Committees of the particular Pariſh, Precinct, or Place, for which the Monies mentioned in ſuch Certificate or Certificates ſhall be payable; any Thing herein contained to the contrary notwithſtanding. Commiſſioners ſhall not be charged with more Money from any Pariſh than they ſhall have received from ſuch Pariſh.

L. And be it further enacted, That the ſaid Commiſſioners ſhall, and are hereby required, from time to time, to cauſe ſeparate and diſtinct Accounts to be kept of all Monies paid into the Bank of *England*, or to the Treaſurer to the ſaid Commiſſioners, by the Collectors of each reſpective Pariſh, Precinct, or Place, ſubjected to the Powers of this Act, and of all other Monies depoſited or paid into the Bank of *England*, in the Names and in the Manner aforeſaid, on the Account of every ſuch Pariſh, Precinct, or Place, and how and to what particular Uſes the ſame have been applied; and ſuch Accounts ſhall be made The Commiſſioners ſhall keep ſeparate Accounts of Money received from each Pariſh.

up once in every Year, and a true Copy or Copies thereof, ſigned by the Clerk to the ſaid Commiſſioners, ſhall be tranſmitted to the Veſtry Clerk of each reſpective Pariſh, Precinct, or Place, between *Chriſtmas* and *Lady-day*, in every Year, to be by him laid before the Veſtry at their next Veſtry Meeting; and all the Monies raiſed, collected, borrowed, and received, within the ſaid Pariſhes, Precincts, and Places reſpectively, ſhall, from time to time, be laid out and expended for the Purpoſes of the ſaid recited Acts, and this Act, within each reſpective Pariſh, Precinct, or Place where ſuch Monies ſhall be raiſed, collected, borrowed, or received, and not elſewhere, except as is herein before directed, and except alſo the Salaries of the proper Officers of the ſaid Commiſſioners, and the contingent Expences of the ſaid Commiſſion.

Committees to tranſmit to Commiſſioners once a Year the true Amount of all Monies rated within each Pariſh.

LI. And be it further enacted, That the ſaid Committees reſpectively ſhall, and are hereby required, at *Lady-day* and *Michaelmas* in every Year, or within one Month then next following, to tranſmit to the ſaid Commiſſioners, Abſtracts, or Extracts, ſigned by their Clerks reſpectively, containing the true Amount of all Monies by the ſaid Committees reſpectively rated and aſſeſſed, and at how much in the Pound, and of the Amount of ſo much of all and every ſuch Rates as ſhall appear to them to be collected and received, and in Arrear and unreceived, and of all Monies borrowed on the Securities of every the ſaid additional Rates.

Salaries of the Commiſſioners Officers, and the Expences of the Commiſſion, how to be paid.

'LII. And in order to the aſcertaining and paying the ſeveral Proportions of every the Salaries of the 'Officers of the Commiſſioners, and other contingent Expences of the Commiſſion,' Be it enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed, annually, or oftener, by Writing ſigned by their Clerk, to ſignify and inform all and every the ſeveral Committees to be choſen as aforeſaid, of the right and true Proportion to be paid by each of the ſaid Pariſhes, Precincts, and places reſpectively, to make good the ſaid Salaries and contingent Expences, in proportion and according to the Amount of all the Monies to be raiſed by the Rates to be made by virtue of this Act, for repairing, lighting, and cleanſing; ſuch Writing to be delivered to, or left for the reſpective Clerks to each and every the ſaid Committees, and by ſuch Clerks laid before the reſpective Committees at their next Meeting, after the ſame ſhall be ſo delivered or left; and thereupon each and every of the ſeveral Committees reſpectively, within fourteen Days next after every ſuch Writing ſhall be ſo laid before them, ſhall, and are hereby required to cauſe their Certificate or Allowance in Writing, ſigned by three or more of them, to be tranſmitted to the Commiſſioners, or their Clerk, ſignifying the Conſent of the ſaid Committee, that the Commiſſioners may make an Order or Draught to or upon the Bank of *England*, or Banker to be appointed as aforeſaid, as the Caſe ſhall be, for Payment of the reſpective Proportion or Share ſo aſcertained out of the Monies ariſen by the Rates as laſt aforeſaid; and ſuch Share or Proportion ſo certified may be paid by virtue of ſuch Certificate or Allowance, and Order, ſo made and ſigned, and not otherwiſe.

Saint Margaret and Saint John to be one Pariſh for the ſeveral Purpoſes of the Act;

LIII. Provided always, and be it enacted and declared, That, for the ſeveral Purpoſes of this Act, the Pariſhes of *Saint Margaret* and *Saint John the Evangeliſt* ſhall, in all Reſpects, be conſidered as one Pariſh only, and that three-fifths, as near as may be, of the Committee-men to be choſen and appointed for the ſaid united Pariſhes, ſhall be Inhabitants reſiding within the ſaid Pariſh of *Saint Margaret*; and the remaining Part of them ſhall be Inhabitants reſiding within the ſaid Pariſh of *Saint John the Evangeliſt*; and that the Committee-men ſo choſen for the ſaid united Pariſhes ſhall be conſidered as one Committee only, who are to meet and act in Conjunction for the ſaid united Pariſhes; and that all Meetings of the ſaid Committee-men ſhall, from time to time, be held in the Veſtry-room of the ſaid Pariſh of *Saint Margaret*, and at no other Place.

and the Committee men for thoſe Pariſhes are jointly to make Rates.

LIV. And be it further enacted, That all the ſaid Committee-men to be choſen and appointed for the ſaid united Pariſhes ſhall, and they are hereby authoriſed and required, from time to time, to make all ſuch Contracts as ſhall be directed to be made by the ſaid Commiſſioners for the Purpoſes of this Act, within the ſaid united Pariſhes, and alſo all Rates and Aſſeſſments which ſhall be neceſſary to be made within the ſaid united Pariſhes for paving, repairing, lighting, and cleanſing the Squares, Streets, Lanes, and other Places therein, and all other the neceſſary Purpoſes of the ſaid former Acts, or of this Act; and the ſaid Committee-men ſhall have full Power and Authority to do and perform all other Matters and Things, which any other Committee-men are by this Act authoriſed to do and perform, within any of the Pariſhes and Places within the Limits of this Act; and the ſaid Rates and Aſſeſſments, when raiſed or levied, together with all Monies which the ſaid united Pariſhes may hereafter be intitled to, for the better carrying on and compleating the ſeveral Works to be done by virtue of this Act, ſhall be added together, and made one common Stock or Fund, and be iſſued and applied for the Benefit of the ſaid united Pariſhes, as the ſaid Committee-men, at any of their Meetings to be held as aforeſaid, ſhall, from time to time, think fit to order and direct; and the ſaid Committee-men are hereby authoriſed and required in the Appointment of their Officers, to conſider the ſaid united Pariſhes as one Pariſh only, for the Purpoſes of this Act; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

How Commiſſioners and Committee-men ſhall be choſen for Saint Giles and Saint George Bloomſbury.

'LV. And for the better and more effectually carrying the ſaid former Acts, and this Act, into Execu- 'tion, within the ſaid Pariſhes of *Saint Giles in the Fields*, and *Saint George Bloomſbury*,' It is hereby enacted and declared, That for and notwithſtanding any Thing herein contained to the contrary thereof, the Commiſſioners and Committee-men to be elected or choſen in and for the ſaid reſpective Pariſhes, ſhall, at all Times hereafter, be elected or choſen by the reſpective Veſtry-men of the ſaid Pariſhes, at diſtinct Meetings to be held in their ſeparate Veſtry-rooms; and the Committees, when elected or choſen as aforeſaid, ſhall, from time to time, aſſemble and meet together in the Veſtry-room of the ſaid Pariſh of *Saint Giles in the Fields*, to and for the Purpoſes of making all and every the ſaid Rates or Aſſeſſments, and for every Purpoſe concerning the repairing, cleanſing, and lighting the ſeveral Squares, Streets, Lanes, and other Places within the ſaid reſpective Pariſhes, and for exerciſing all and every other the Powers and

Authorities

Authorities hereby granted, except as herein after is mentioned; and that with reſpect to the Rate or Rates, Aſſeſſment or Aſſeſſments, herein before directed to be made, for the Purpoſes of repairing, cleanſing, and lighting the ſeveral Squares, Streets, Lanes, and other Places within the ſaid reſpective Pariſhes, and for all and every other the Purpoſes of this Act, and the ſaid former Acts, the ſaid two Pariſhes ſhall be deemed and taken to be one Pariſh, and the Committees thereof ſhall act in conjunction, and be conſidered as one Committee to all Intents and Purpoſes whatſoever, except as herein after is mentioned.

Rates in Saint Giles and Saint George to be placed to the ſeparate Account of each Pariſh.

LVI. Provided nevertheleſs, and it is hereby further enacted, That the ſeveral Sums of Money to be raiſed by the additional or further Rate or Rates, Aſſeſſment or Aſſeſſments, within each of the ſaid Pariſhes of *Saint Giles in the Fields*, and *Saint George, Bloomſbury*, ſhall be placed to the ſeparate Account of the Pariſh in which the ſame ſhall be collected or received, to and for the Uſes for which the ſame was ſo rated or aſſeſſed; and each of the ſaid reſpective Committees ſhall have full Power and Authority, at Meetings to be held at their reſpective Veſtry-rooms, to aſſign ſo much of the ſaid additional Rate or Rates, Aſſeſſment or Aſſeſſments, as ſhall be laid, rated, or aſſeſſed within their ſeparate Pariſh, as a Security or Securities for the ſeveral Sum or Sums to be by them reſpectively borrowed or taken up at Intereſt by virtue of the Powers hereby granted, and according to the Directions herein before contained; which ſaid Sum or Sums, and all other Monies which the ſaid reſpective Pariſhes ſhall or may raiſe, collect, or receive, by virtue of the ſaid additional Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be depoſited in the Bank of *England*, and placed to the ſeparate and diſtinct Account of the reſpective Pariſh whereon the ſame was, were, or ſhall be borrowed, rated, or aſſeſſed; and after Payment of the Intereſt of the Money to be ſo borrowed, the Reſidue of the Money ariſing by the ſaid additional Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be, by the ſaid reſpective Committees, at Meetings to be held at their reſpective Veſtry-rooms, ſeparately, diſtinctly, and without the Interpoſition of each other, applied in and about the new-paving any Part or Parts of their ſaid reſpective Pariſh, according to the Powers and Directions of this Act.

So much of the Pariſh of Saint Andrew, Holborn, above the Bars, and Saint George the Martyr, to be united for the Purpoſes of this Act.

LVII. Provided always, and be it enacted and declared, That, for the ſeveral Purpoſes of this Act, ſo much of the Pariſh of *Saint Andrew, Holborn*, as lies above the Bars, in the County of *Middleſex*, and the Pariſh of *Saint George the Martyr*, in the ſaid County, ſhall, in all Reſpects, be conſidered as one Pariſh only; and that the Committee-men to be choſen and appointed for ſuch Part of the ſaid Pariſh of *Saint Andrew, Holborn*, as lies above the Bars, ſhall be Inhabitants reſiding within that Part of the ſaid Pariſh, and the Committee-men to be choſen and appointed for the Pariſh of *Saint George the Martyr*, ſhall be Inhabitants reſiding within the ſaid Pariſh of *Saint George the Martyr*; and that the ſaid Committee-men ſo to be choſen as aforeſaid, ſhall be conſidered as one Committee only, and ſhall meet, and at all Times hereafter act, in conjunction, for ſo much of the ſaid Pariſh of *Saint Andrew, Holborn*, as lies above the Bars, and for the ſaid Pariſh of *Saint George the Martyr*; and that all Meetings of the ſaid Committee-men ſhall, from time to time, be held at the Workhouſe belonging to ſuch Part of the ſaid Pariſh of *Saint Andrew, Holborn*, as lies above the Bars, and at no other Place.

How the Committee-men within Pariſhes ſhall make their Rates.

LVIII. And be it further enacted, That all the ſaid Committee-men to be choſen and appointed for the ſaid united Pariſhes, ſhall, and they are hereby authoriſed and required, from time to time, to make all ſuch Contracts as ſhall be directed to be made by the ſaid Commiſſioners for the Purpoſes of this Act, within the ſaid united Pariſhes, and alſo all Rates and Aſſeſſments which ſhall be neceſſary to be made within the ſaid united Pariſhes, for paving, repairing, lighting, and cleanſing the Squares, Streets, Lanes, and other Places therein, and all other the neceſſary Purpoſes of the ſaid former Acts, or of this Act; and the ſaid Committee-men ſhall have full Power and Authority to do and perform all the Matters and Things which any other Committee-men are by this Act authoriſed to do and perform, within any of the Pariſhes and Places within the Limits of this Act; and the ſaid Rates and Aſſeſſments, when raiſed or levied, together with all Monies which the ſaid united Pariſhes may hereafter be intitled to, for the better carrying on and completing the ſeveral Works to be done by virtue of this Act, ſhall be added together and made one common Stock or Fund, and be iſſued and applied for the Benefit of the ſaid united Pariſhes, as the ſaid Committee-men, at any of their Meetings to be held as aforeſaid, ſhall, from time to time, think fit to order and direct; and the ſaid Committee-men are hereby authoriſed and required, in the Appointment of their Officers, to conſider the ſaid united Pariſhes as one Pariſh only, for the Purpoſes of this Act; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

This Act not to extend to the optional Streets.

LIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to any Square, Street, or Place, which has been paved, cleanſed, and lighted, under the Clauſes in the ſaid Act made in the fifth Year of his preſent Majeſty, impowering the Inhabitants of any particular Square, Street or Place, to raiſe a Sum ſufficient to new-pave the ſame, and enabling the Commiſſioners to aſſign the Rates or Aſſeſſments made upon ſuch Square, Street, or Place, as a Security for the Repayment of ſuch Money, with Intereſt; but that all ſuch Squares, Streets, and Places, ſhall continue under the Direction of the ſaid former Act, in the ſame Manner as if this Act had not been made.

The Liberty of the Rolls included.

'LX. And whereas the Liberty of the *Rolls* is included within the Proviſions of the ſaid former Acts, 'and ought to be included in this Act;' Be it therefore further enacted by the Authority aforeſaid, That the Commiſſioners appointed and elected, or to be appointed and elected, by virtue of the ſaid former Acts, any or either of them, and of this Act, ſhall, over and above the Powers given by the ſaid former Acts, have full Power and Authority to pave and repair, light and cleanſe the Streets, Lanes, and Places, within the ſaid Liberty of the *Rolls*, and to make, collect, and recover the like Rates or Aſſeſſments, and to put this Act in Execution therein, as fully and effectually as the ſame can be done by the Commiſſioners or Committees appointed to put this Act in Execution within the ſeveral Pariſhes, Precincts, and Places included in this

this Act; and the said Liberty of the *Rolls* shall bear a due Proportion with the said Parishes of the Expences to be provided for by this Act.

The South Side of Heming's Row to be paved.

'LXI. And whereas the Street or Place called *Heming's Row*, in the said Parish of *Saint Martin in the* '*Fields*, is a great Thoroughfare, the Passage through Part whereof having been hitherto narrow, incon- 'venient, and dangerous, by means of a Wall and some Buildings belonging to the said Parish, which 'have lately been pulled down in order to the building a new House for the Reception and Maintenance 'of the Poor of the said Parish, which new House hath been set back from where the said Wall stood at the 'Distance of ten Feet, or thereabouts; and in order to the widening the said Street called *Heming's Row*, 'and rendering the same commodious for the future, it hath been proposed, on the Behalf of the 'Vicar, Churchwardens, and Inhabitants of the said Parish, in Vestry assembled, that the said Ground, 'and other the Ground belonging to them, being two hundred and five Feet long, and ten Feet wide, or 'thereabouts, now lying near to, and appearing to be Part of the said Street, shall, for ever hereafter, be 'Part of the said Street;' Be it therefore enacted by the Authority aforesaid, That from and after the passing this Act, the Ground last mentioned shall thenceforth for ever lie open to and be deemed and taken to be Part of the said Street, and shall be paved or repaired, lighted and cleansed as such, under and by virtue of the Powers of this Act; and that the Churchwardens and Overseers of the Poor of the said Parish shall thenceforth for ever be exempted and discharged from all Expences of repairing, paving, lighting, and cleansing the said Street or Place called *Heming's Row*, and of and from all and every Rate and Rates hereafter to be made in pursuance of any of the said recited Acts, or this Act, for and in respect of the said Street or Place called *Heming's Row*.

Churchwardens exempted from contributing.

Proviso.

LXII. Provided nevertheless, That nothing herein contained shall exempt any other Person or Persons whomsoever from the Payment of all or any of the Rate or Rates to be made as last aforesaid, for and in respect of any Part or Parts of the said Street called *Heming's Row*.

The Posts in Church Passage not to be taken away;

'LXIII. And whereas at the North and South Ends of a certain Passage or Place in the said Parish of 'Saint James, leading out of *Piccadilly* into *Jermyn Street*, commonly called or known by the Name of 'Church Passage, there are Posts set up to prevent the Admission or passing of Carriages (one Side of the 'said Passage being Part of the Cemetery or Burial Ground belonging to the said Parish);' Be it therefore enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise or impower the said Commissioners or Committees, or either of them, or any other Person or Persons by them employed, to take up or remove all or any of the Posts which now are or hereafter may be set up either at the North or South End of the said Passage, by Order of the Vestry of the said Parish of *Saint James*; but that the same shall, at all Times hereafter, be and remain in such Manner as the said Vestry shall direct, provided the same do not obstruct Passengers on Foot.

nor the Posts and Porters Block near Savile Row;

LXIV. And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Commissioners or Committees, or either of them, or any other Person or Persons by them employed, to take down or remove the Porters Block, or to take up or remove the Posts belonging thereto, or any the Posts now standing and being at or near a Place called *Vigo Lane*, leading from the Top of *Sackvile Street* to *Savile Row*.

nor those in King's Square Court Passage.

LXV. And be it further enacted, That nothing in this Act, or any or either of the said former Acts contained, shall extend to authorise or impower the said Commissioners, or the Committee of the Parish of *Saint Anne* within the Liberty of *Westminster*, or any of them, or any Person or Persons by them employed, to take up or remove the Posts which are now standing at the North End of a Passage leading from the West End of *King's Square Court* to *Chapel Street*, in the said Parish of *Saint Anne*, or which may hereafter be there set up, so as the same do not obstruct or prevent Persons passing on Foot through the said Passage; any Thing in this Act, or any or either of the said former Acts, contained to the contrary thereof in anywise notwithstanding.

Two Commissioners may put up Chains, &c. at certain Times in Maddox Street and Mill Street.

'LXVI. And whereas, by reason of the great Concourse of Coaches and other Carriages in *Maddox* 'Street and *Mill Street*, within the Parish of *Saint George*, *Hanover Square*, upon *Sundays*, and great Holi- 'days, it frequently happens that the Inhabitants and Parishioners are very much disturbed and inter- 'rupted in the Time of Divine Service;' Be it further enacted, That the said Commissioners, or any two or more of them, may order and direct any Bars or Chains to be erected and placed across the said Streets called *Maddox Street* and *Mill Street*, during the Time of Divine Service, and for the Space of one Hour before and one Hour after, or may take any other Method for preventing the passing and repassing of Coaches, during such Time as they shall think fit and proper.

Commissioners vested with Power to remove Annoyances in Streets not paved.

LXVII. And be it further enacted by the Authority aforesaid, That the said Commissioners shall have, and they are hereby vested with, all the Powers and Authorities for removing Nuisances, Annoyances, and Obstructions, and otherwise regulating the several Squares, Streets, Lanes, and Places, within the Limits of the said recited Acts, which have not been already new-paved or completed by virtue of the said Acts, as by the said Act, passed in the second Year of his present Majesty, they are vested with, in the Squares, Streets, Lanes, and Places that have been new-paved or completed under their Direction.

To prevent taking away Night Soil but between certain Hours.

LXVIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall come with any Cart or Carts, or begin to empty any Boghouse or Boghouses, or to take away any Night Soil from any House or Houses within the Limits aforesaid, before the Hour of Twelve of the Clock at Night, or shall continue to take away the same after the Hour of Six in the Morning, from *Michaelmas* to *Lady-day*, or after the Hour of Five of the Clock from *Lady-day* to *Michaelmas*; or if any Person shall put or cast, or cause to be put or cast, out of any Cart, Tub, or otherwise, in or near any of the Squares, Streets, Lanes, Courts, Yards, Mews, Alleys, Passages, and Places within the Limits aforesaid, or within Half a Mile thereof, any such Night Soil, it shall and may be lawful to and for any Constable, Beadle, or Watchman,

Watchman, (and they are hereby ſtrictly required and directed ſo to do) or any other Perſon or Perſons whatſoever, to apprehend and carry him or them guilty of either of the ſaid Offences to ſuch Watch houſe as they ſhall think moſt convenient, there to be kept, and from thence conducted, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County or City, and Liberty of *Weſtminſter*, as the Caſe ſhall be, who, upon Oath made of ſuch Offence or Offences as aforeſaid (which Oath ſuch Juſtice is hereby impowered and required to adminiſter) ſhall and may commit ſuch Perſon or Perſons guilty of any of the ſaid Offences to the Houſe of Correction for the ſaid County or City, and Liberty of *Weſtminſter*, for any Time not exceeding three Months, nor leſs than ten Days, there to be kept to hard Labour: And it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order any Sum not exceeding twenty Shillings, nor leſs than five Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices of the Peace, any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act.

Contingent Expences incurred, how to be defrayed.

'LXIX. And, for as much as it may ſometimes happen, that as well the ſaid Commiſſioners as the ſaid Committees may be neceſſarily and unavoidably put unto, bear and ſuffer, ſome Coſts, Charges, and Expences, not provided for by any of the ſaid former Acts or this Act, in and about the enforcing the Performance of Contracts, and otherwiſe;' Be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, by virtue of any Certificate or Allowance of the Committee of the Pariſh, Precinct, or Place, wherein or in reſpect of which any ſuch Coſts, Charges, or Expences, ſhall have been incurred (the ſaid Committee, or five or more of them, at any of their public Meetings, being the Majority of the Committee-men then met) to be ſigned as aforeſaid, to make an Order or Draught on the Bank of *England*, or Banker as aforeſaid, for Payment of all or any ſuch Coſts, Charges, and Expences, by and out of the Monies depoſited or paid into the Bank, or to the Banker, on the Account of ſuch reſpective Pariſh, Precinct, or Place.

Charges of obtaining this Act, and of certain Applications to Parliament in the laſt Seſſion, how to be paid.

LXX. And be it further enacted by the Authority aforeſaid, That the Commiſſioners appointed by and in purſuance of all or any of the before-recited Acts, by and out of any Monies in the Hands of their Treaſurer (other than and except ſuch Monies as have ariſen from or by Means of the ſaid Clauſe, commonly called the Optional Clauſe) ſhall and may defray and ſatisfy the Charges and Expences by them incurred in and about the obtaining and paſſing this Act; and that every the ſeveral Committees to be choſen purſuant to the Directions of this Act, by and out of the firſt Monies to be by them ſeverally and reſpectively aſſeſſed and raiſed, within their ſeveral and reſpective Pariſhes, Precincts, and Places, ſhall and may defray and ſatisfy the Share or Proportion of every the ſaid Pariſhes, Precincts, and Places, of the Charges and Expences which ſuch Pariſhes, Precincts, and Places reſpectively, have borne, ſuſtained, or been put unto, in or about their ſeveral and reſpective Applications to the Honourable Houſe of Commons, touching this preſent Act, and alſo touching any Bill or Bills, which, in the laſt Seſſion of Parliament, was or were brought into the ſaid Houſe by any or either of the ſaid ſeveral Pariſhes, Precincts, and Places, to the Intent to enable certain Commiſſioners to be appointed in and for ſuch Pariſhes ſeparately, and excluſively of all others, to pave, light and cleanſe their own Pariſhes only.

Proceedings not to be charged with Stamp Duty.

LXXI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Aſſignment, Transfer or other Security for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals, of, or only ſigned by any Committee or Commitees, Commiſſioner or Commiſſioners, for putting the ſaid former Acts, or any of them, or this Act, in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities thereby or hereby veſted in ſuch Committee or Committees, Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities aforeſaid, made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp Duty whatſoever.

Appeal may be made.

LXXII. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, made in purſuance of this Act, every ſuch Perſon or Perſons may and ſhall firſt apply for Relief to the Committee of the Pariſh, Precinct, or Liberty wherein the Cauſe of Complaint is ſuppoſed to have ariſen, at the firſt or ſecond Meeting of the ſaid Committee, next after Demand made of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments; and the ſaid Committees reſpectively are hereby authoriſed and impowered, if they ſhall ſee Cauſe ſo to do, to give ſuch Relief, or make ſuch other Order in the Premiſes, as to them ſhall ſeem meet; and in caſe the Party or Parties ſo applying for Relief ſhall not be ſatisfied with the Order and Determination of the ſaid Committee, he, ſhe, or they, ſhall and may apply and appeal for Relief to the Commiſſioners at their firſt or ſecond Meeting next after ſuch Determination of the ſaid Committee in the Premiſes, giving to the ſaid Committee, or their Clerk, ſix Days Notice of ſuch Appeal; and the ſaid Commiſſioners ſhall and may, and are hereby enabled and impowered thereupon, to hear, determine, and make ſuch Order therein, as to them ſhall ſeem meet; and if the Party or Parties appealing ſhall be diſſatisfied with the Order and Determination of the ſaid Commiſſioners, yet nevertheleſs he, ſhe, or they, ſhall be obliged to pay the Rate or Aſſeſſment complained of, according to the Order of the ſaid Commiſſioners in the Premiſes, and ſhall and may thereafter, and not before, appeal to the Quarter Seſſion of the Peace to be holden in and for the ſaid County of *Middleſex*, or City and Liberty of *Weſtminſter*, as the Caſe ſhall be, within three Months next after ſuch Determination of the ſaid Commiſſioners, ſuch Appellant firſt giving, or cauſing to be given, ſix Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to ſuch Committee, and within four Days next after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for ſuch County or City, and Liberty of *Weſtminſter*, with two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the

Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices, at such Quarter Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Justices, at their Quarter Session, shall be final, binding, and conclusive.

Distress not deemed unlawful.

LXXIII. And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or want of Form in any Proceedings relating thereto; nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only, in an Action on the Case.

Proceedings not to be quashed for want of Form.

LXXIV. And be it further enacted by the Authority aforesaid, That no Rate or Rates, Assessment or Assessments, or any Proceeding to be had touching any Order made, or any other Matter or Thing to be done or transacted in or relating to any such Complaint or Appeal, or any Order or Determination thereon, shall be quashed or vacated for want of Form, or be removed into any of his Majesty's Courts of Record at *Westminster* by *Certiorari*, or by any other Writ or Process whatsoever; any Law, Statute, or Usage to the contrary notwithstanding.

Plaintiff shall not recover, if sufficient Amends tendered.

LXXV. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgement shall be had, made, or given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXVI. And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Commissioner or Commissioners, or any other Person or Persons acting under them, or against any Committee-man or Committee-men, or other Person or Persons acting under any of the said Committees, for any Thing done in pursuance of this Act, until after the Expiration of twenty-one Days next after Notice thereof shall be given in Writing to the Clerk of the said Commissioners, or Clerk to the said Committee, as the Case shall be, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be brought; and every such Action shall be brought, laid, and tried in the County of *Middlesex*, and not elsewhere; and that the Defendant or Defendants, and every of

General Issue.

them, in every such Action and Suit, may plead the General Issue, and give the Special Matter in Evidence at any Trial or Trials to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before the Expiration of twenty-one Days after Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if such Action or Suit was not commenced within the Time before limited for that Purpose, or shall be laid in any County or Place other than the said County of *Middlesex*, then the Jury shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Suit, shall become nonsuited, or suffer a Discontinuance of such Action or Suit; or if, upon any Demurrer in such Action or Suit, Judgement shall be given for the Defendant or Defendants; then, and in either of the

Treble Costs.

Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Public Act.

LXXVII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and all other Persons whatsoever, without specially pleading the same, or giving the same in Evidence.

CAP. XXIII.

An Act for paving and regulating *Rosemary Lane*, from the Parish of *Saint Botolph*, *Aldgate*, to *Cable Street*; also the said *Cable Street*, the Foot-path in *Back Lane*, Part of the Precinct of *Well Close*, the Street leading from *Nightingale Lane* to *Ratcliff Cross*, *Butcher Row*, and *Brook Street*, and the several Streets, Lanes, and Passages opening into the same; and for removing all Obstructions and Annoyances therefrom, and preventing the like for the future.

Preamble.

'WHEREAS the several Streets, Lanes, and Part of the Precincts herein after mentioned, (that 'is to say) *Rosemary Lane*, from the Boundary of the Parish of *Saint Botolph*, *Aldgate*, to *Cable* 'Street, the said Street called *Cable Street*, the Foot-path of the *Back Lane*, to the Turnpike Gate in *Com-*

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'non Street Road, Part of the Precinct of *Well Close*, the Street leading from *Nightingale Lane*, in *East* 'Smithfield, to *Ratcliff Cross*, the Street called *Butcher Row*, and *Brook Street*, in the Hamlet of *Ratcliff*, 'all which are in the *Tower Hamlets*, and County of *Middlesex*; and also the several Streets, Lanes, Pas- 'sages, and Places, opening immediately into the above-mentioned Streets, Lanes, and Precinct, are very 'ill paved, and the Passage through the same greatly obstructed by Posts, Projections, and other Nuisances, 'and annoyed by Spouts, Signs, and Gutters, and the present Methods prescribed by Law are found in- 'effectual for removing such Annoyances and Obstructions; and for the proper paving of such Streets, 'Lanes, Precinct, Passages, and Places, and keeping such Pavements in sufficient Repair: And whereas 'there is a Doubt whether some Part of *Rosemary Lane* is comprehended within a certain Act of Parlia- 'ment, made and passed this present Session, intituled, *An Act for better paving the Streets, Squares, Lanes, 'Courts, Alleys, Ways, and other Public Passages, in that Part of* Goodman's Fields *which lies in the Parish 'of* Saint Mary Matfellon, *otherwise* Whitechapel, *in the County of* Middlesex, *and also* Red Lyon Street 'and White Lyon Street, *lying contiguous to the said Fields, and for removing and preventing Nuisances, An- 'noyances, and Obstructions therein:*' May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, That *John Shakespear, Robert Pill, Samuel Dickenson, William Wilson, Charles Bowles, James Savage, Claus Heide, Jens Pederson, Edward Hawkins, John Sherwood, Charles Merry*, Esquires; *Robert Brownson, William Moor, Richard Maddock, Robert Clark, Joseph Cox, David Bland, Robert Lackland, Joseph Hall, Abraham Peakes, Henry Ripp, Henry Mayo, William Blackmore, Abial Horne, Theophilus Pretzler, Thomas Quintin, Charles Jerdein, James Thwaites, John Bristow, Joseph Jollands, Philip Splidt, William Pell, James Caney, John Robinson, James Aspinal, John Pain, Thomas Bradshaw, James Robinson, Robert Heathcote, William Saunders, William Cooke, Joseph Bird, Daniel Bott, David Trinder, John Fleming, Richard Cole, James Henley, John Matthews, Samuel Patten, John Philipps, Matthew Whiteing, Thomas Burrow, Henry Goodwin* junior, *Samuel Hawkins, William Hill, Carsten Rhode, Major Rhode, Richard Russel* senior, *Richard Russell* junior, *Thomas Cogan, Daniel Jenkinson, John Jenkinson, William Robinson, George Deborne, Richard Vaux, William Harvey, Robert Calendar, Charles Hillar, Joseph Dizington*, and *Aaron Clinker*, Gentlemen; shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Commissioners for putting this Act in Execution: And in case of the Death of any of the above-named Commissioners, or Refusal to act, or neglecting to attend at the Meetings of the said Commissioners which shall be held in pursuance of this Act, for the Space of twelve Months (unless prevented by Sickness, or other unavoidable Occasion) it shall be lawful for the surviving or remaining Commissioners, or any nine or more of them, from time to time, by Writing under their Hands and Seals, to elect one other Person, inhabiting within the said District, to be a Commissioner, in the Room and Stead of such Commissioner so deceased, removed, or refusing to act, or neglecting to attend within the Time aforesaid, ten Days public Notice of the Time and Place of Meeting for every such Election being given, by affixing the same in Writing on the principal Doors of the respective Parish Churches following; (that is to say) of *Saint Mary, Whitechapel*; *Saint George, Saint Paul, Shadwell*; and *Saint Dunstan, Stepney*, in the County aforesaid; and such other Places within the District aforesaid as the said Commissioners, or any five or more of them, shall direct; and every Person so elected shall be, and is hereby vested with the same Powers for putting this Act in Execution, as the Person in whose Place he shall be elected was vested with.

Commissioners Names.

On Death, &c. of Commissioners, others to be chosen.

ten Days Notice to be given of such Election.

II. And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall then be in his own Right, or in Right of his Wife, in the actual Possession or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of forty Pounds, or possessed of or intitled to a personal Estate, of the Value of one thousand Pounds: And if any Person not being so qualified, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, or Suit, or Information, together with Costs of Suit, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed, and wherein the Proof of Qualification shall lie on the Person prosecuted; and it shall be sufficient on the Part of the Prosecutor to prove, that the Person so prosecuted had acted as a Commissioner in the Execution of this Act.

Qualification of Commissioners.

Penalty on acting if not qualified, 50 l.

III. Provided always, and be it further enacted by the Authority aforesaid, That no Victualer, or Person who shall sell Ale, Wine, or other Spirituous Liquors by Retail, shall be capable of acting as a Commissioner under this Act.

Victualers incapable of acting as Commissioners.

IV. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall meet together at the House known by the Name or Sign of the *White Swan*, opposite *Old Gravel Lane*, in *Ratcliff Highway*, within the District aforesaid, on the second *Monday* next after the passing of this Act, and proceed to put this Act in Execution; and they, or any two or more of them, (being the Whole or major Part of the Commissioners appearing) at such Meeting, are hereby impowered to adjourn themselves from time to time, to meet at the same or other convenient Place within the District aforesaid, as they shall think proper, for putting this Act in Execution: And if at any Meeting so appointed there shall not appear a sufficient Number of Commissioners to act, or to adjourn to another Day, or if the said Commissioners shall at any Time omit, neglect, or refuse to adjourn themselves; then, and in every such Case, the Commissioners Clerk shall appoint a Meeting of the said Commissioners at the same Place, by public Notice in Writing, to be affixed, at least six Days before the Time appointed by such Notice for such Meeting, on the principal Doors of the respective Parish Churches aforesaid: And in case the said Clerk shall die, or be incapable of acting, before the Appointment of such Meeting, or shall refuse or neglect to make such Appointment, when required by any two or more of the said Commissioners, then

Time and Place of Commissioners first Meeting; who may adjourn,

or in Default thereof the Clerk may appoint a Meeting, giving Notice in Writing.

In case of the Clerk's Death, or Refusal, two Commissioners

to appoint a Meeting, with like Notice.

then any two or more of the said Commissioners shall and may, by the like public Notice, appoint the said Commissioners to meet at the Place where the last Meeting was held; and that all Orders and Determinations of the said Commissioners (save the above Appointment, and except as after mentioned) shall be made at a Meeting held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be valid, unless the Majority of the Commissioners present shall concur therein; and the said Commissioners, at all their Meetings, shall defray their own Expences; but no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers hereby granted, during the Time he shall hold or enjoy any Office of Profit under this Act, or have any Share or Interest in any Contract relating to the Execution hereof.

No Order valid but of Meetings.

Commissioners to pay their own Expences, and not to act where interested.

Commissioners may appoint Officers,

V. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall and may elect and chuse, and, by Writing under their Hands and Seals, at any Meeting held in pursuance of this Act, appoint one or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers of the Rates or Assessments, Surveyor or Surveyors, and such other Officer or Officers for the Execution of this Act, as they the said Commissioners, or any five or more of them, shall think proper; and are hereby impowered from time to time to remove him or them, and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may, and are hereby impowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they shall think reasonable, six Days Notice in Writing having been first given to each Commissioner, or left at his last or usual Place of Abode, of the intended Election of any such Clerk, Treasurer, Collector, Receiver, or Surveyor; and the said Commissioners, or any five or more of them, shall and may take such Security for the due Execution of the respective Offices, by such Person and Persons as aforesaid, as the said Commissioners, or any five or more of them, shall think proper; and such Person or Persons as is or are hereby made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Person or Persons as shall, from time to time, be so appointed to collect and receive the same, according to the true Meaning of this Act; and all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners, or any five or more of them, shall direct, deliver to such Commissioners, or to such Person or Persons as they, or any five or more of them, shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been, by such Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act; and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or any five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons, so accounting as aforesaid, shall, upon Oath, if thereunto required, (which Oath the said Commissioners, or any two or more of them, are hereby impowered and required to administer) verify their said Accounts: And if any such Officer or Person, Officers or Persons, shall not make and render, or shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or shall not deliver to the said Commissioners, or any five or more of them, or to such Person or Persons as they shall appoint, within ten Days after being thereunto required by any five or more of such Commissioners, by Notice in Writing given to, or left at the last or usual Place of Abode of any such Officer or Person, and all Books, Papers, and Writings, in his or their Custody or Power relating to the Execution of this Act; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in his or their respective Hands, to the said Commissioners, or any five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Commissioners, or any five or more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Names of such Commissioners, or in the Names of any three or more of them, in any of his Majesty's Courts of Record at *Westminster*, against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or any five or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any one or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may, and is and are hereby authorised and required, by a Warrant or Warrants under his or their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his and their appearing (or not being to be found) to hear and determine the Matter in a summary Way: And if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons; such Justice or Justices may, and is and are hereby authorised and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons, offending in the Premises respectively: And if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or in case it shall appear to such Justice or Justices, by the Confession of the said Party so offending, or by the Testimony of any credible Witness upon Oath, that any Books, Papers,

and remove them, and appoint others;

and allow Salaries.

Notice to be given to each Commissioner of such Election.

Officers to give Security.

Rates to be paid to the Collectors.

Officers to account, &c.

to pay Money in Hand, and deliver up Books when required;

and in case of Neglect or Refusal,

Actions may be brought;

or may proceed by Distress and Sale.

If no Goods, Offender may be committed.

pers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of any such Officer or Officers, Person or Persons, and he or they shall refuse to deliver the same as aforesaid; then, and in either of the said Cases, such Justice or Justices shall commit every such Offender to the Common Gaol of the County or Place where such Offender shall be and reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, or any five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners, or any five or more of them, are hereby impowered to make) and until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Commissioners, or any five or more of them: Provided always, That no Person who shall be committed on account of his having no Goods or Chattels, shall be detained in Prison for any Term longer than six Months.

On Death of Officers, or becoming insolvent, Executors, &c. to account.

VI. And it is hereby further enacted, That in case of the Death of any such Officer, or other Person to be appointed as aforesaid, or of his becoming Bankrupt, before he shall have paid and delivered up all the Monies he shall have received by virtue of this Act; then, and in every such Case, the Executor or Executors, Administrator or Administrators, Assignee or Assignees, of his Estate and Effects, or other Person or Persons possessing the same, or in whom the same have or hath vested, shall, in the first Place, and in Preference to all other Creditors, pay the said Monies remaining unpaid or delivered up as aforesaid, out of the said Estate and Effects, or as far as the same will extend, to the said Commissioners under this Act, or to any Person appointed by them, or any five or more of them, and also all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act: And every Executor or Administrator, Assignee, or other Person or Persons possessed of such Effects as aforesaid, may plead such Payment in any Action or Suit that may be brought against him, her, or them, on account of the said Estate and Effects, or give the same in Evidence: And in case of Non-payment of such Monies, or Non-delivery of such Books, Papers, Writings, and Things, by the Space of ten Days after the same shall be demanded; it shall and may be lawful for the Person to be appointed by the said Commissioners as aforesaid, or any five or more of them, and he is hereby required to commence and bring, and authorised to maintain, one or more Action or Actions, in any of his Majesty's Courts of Record at *Westminster*, against such Executor, Administrator, Assignee, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person or Bankrupt, for Recovery thereof, together with Costs of Suit, or of Damages, in lieu of such Books, Papers, Writings, and Things.

Officers taking any Reward other than their Salaries,

or being interested in any Bargain made by the Commissioners, are disqualified from being employed, and forfeit 100*l*.

VII. And be it further enacted, That if any Person who shall be employed as a Clerk, Treasurer, Collector, Receiver, or Surveyor, or any other Officer or Servant, who shall be anywise employed by the said Commissioners in putting this Act, or any the Powers thereof, in Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards, as shall be appointed, allowed, and approved of by the said Commissioners, or any five or more of them, for or on account of any Thing done, or to be done by virtue of this Act, or on any Account whatsoever relative to the putting this Act in Execution; or shall anywise be concerned or interested in any Bargain or Contract made, or to be made, by the said Commissioners, or any of them, for the Purposes of putting this Act in Execution; every such Person, so offending, shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of one hundred Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, within six Calendar Months after the Offence committed; in which said Action, no Essoin, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Commissioners impowered to pave and alter Streets, &c.

VIII. And be it enacted by the Authority aforesaid, That, from and after the second *Monday* after the passing of this Act, the said Commissioners, or any five or more of them, are hereby authorised and impowered, from time to time, to cause, order, and direct the several Streets, Lanes, and Places following, which are in the District aforesaid, *videlicet*, *Rosemary Lane*, from the Boundary of the Parish of *Saint Botolph*, *Aldgate*, aforesaid, to *Cable Street* aforesaid, or so much thereof as shall or may not be comprehended within the Description of a certain Act, intituled, 'An Act for better paving the Streets, Squares, 'Lanes, Courts, Alleys, Ways, and other public Passages, in that Part of *Goodman's Fields* which lies in 'the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, in the County of *Middlesex*, and also *Red* 'Lyon Street and *White Lyon Street*, lying contiguous to the said Fields, and for removing and preventing 'Nuisances, Annoyances, and Obstructions therein,' the said Street called *Cable Street*, the Foot-path of the *Back Lane* to the Turnpike Gate in *Cannon Street* Road aforesaid, *Well Close Square*, *Parsons Street*, *Shorter Street*, *Neptune Street*, the Foot-paths of *Grace's Alley*, *North-east Passage*, and *Ship Alley*, within the said Precinct of *Well Close*, the Street leading from *Nightingale Lane* aforesaid to *Ratcliff Cross* aforesaid, and that Part of *East Smithfield* opening into the said last mentioned Street, which lies between the Precinct of *Saint Catharine* and *Nightingale Lane* aforesaid, the said Streets called *Butcher Row* and *Brook Street*, or any of them, to be paved, repaired, sunk, or altered, in such Manner as they shall think fit.

To what Part of Rosemary Lane this Act shall extend.

IX. Provided always, and be it further enacted by the Authority aforesaid, That neither this Act, or any Thing herein contained, shall be construed, deemed, or taken to comprehend or include such Part of the said Lane called *Rosemary Lane* (if any) or any other Part of the District comprehended within the said Act for better paving the Streets, Squares, Lanes, Courts, Alleys, Ways, and other public Passages, in that Part of *Goodman's Fields* which lies in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, in the County of *Middlesex*, and also *Red Lyon Street* and *White Lyon Street*, lying contiguous to the said Fields, and for removing and preventing Nuisances, Annoyances, and Obstructions therein; any Thing herein contained to the contrary in anywise notwithstanding.

X. Provided

Rosemary Lane to be paved with flat Stones.

X. Provided always, and be it further enacted, That so much of the said Lane called *Rosemary Lane* as lies within the District comprised in this Act, shall be paved with Stones of a flat Surface, in like Manner as the West End of the said Lane is already paved.

Commissioners may contract for paving the Streets.

XI. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, may and are hereby impowered, from time to time, as Occasion shall require, to contract, by Deed or Deeds in Writing, with any Person or Persons, for paving and keeping in Repair the said Streets, Lanes, and Places, authorised to be paved as aforesaid, or any of them; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered, in case of Non-performance thereof, and shall be signed by the said Commissioners, or any five or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract, ten Days Notice shall be given in one or more public News-papers, expressing the Intention of the intended Contract, in order that any Person or Persons willing to undertake the same, may make Proposals for that Purpose, to be offered and presented to the said Commissioners, at a certain Time and Place in each Notice to be mentioned.

Surveyor to inspect the Works;

and if Contract not performed, Action to be brought thereon.

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any five or more of them, and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from time to time appoint; and in case the same shall not be well and sufficiently performed, according to the true Sense and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times that the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may, in their own Names, or in the Names of any five or more of them, bring an Action in any of his Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, and for Penalty or Penalties, Damage or Damages, which shall be contained in such Contract or Contracts; and upon the proving the Signing of the said Contract or Contracts, and Non-performance thereof, at the Time or Times for the Purposes therein mentioned, the said Commissioners shall be intitled to, and shall recover such Penalty or Penalties, Damage or Damages, which, when recovered, shall be applied for the Purposes of this Act.

Materials may be dug out of, or brought into the Streets, &c.

XIII. And be it further enacted by the Authority aforesaid, That the said Commissioners acting under these Presents, or any five or more of them, shall also have full Power and Authority to cause to be dug, carted, and carried out of, or brought into the said Streets, Lanes, and Places, authorised to be paved as aforesaid, such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things as the said Commissioners, or any five or more of them, shall judge necessary or conducive to the accomplishing the Ends and Designs of this Act.

Property of all Materials vested in the Commissioners.

Penalties on stealing or injuring Materials.

XIV. And be it further enacted by the Authority aforesaid, That the Property of the Pavements of the said Streets, Lanes, and Places to be paved, and of all other Materials and Things which shall be provided and made use of for the Purposes of this Act, shall be, and the same are hereby vested in the Commissioners for the time being; and they, or any five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any two or more of them, or to prefer, and order and direct the preferring of Indictments against any Person or Persons who shall steal, take, or carry away any Part of such Materials or Things, or disturb them in the Possession thereof.

Penalty on interrupting Workmen.

XV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times, obstruct, hinder, or molest, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whatsoever, who is, are, or shall be employed, by virtue of this Act, in the Performance or Execution of his or their Duty, every such Person so offending shall, for the first Offence, forfeit the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds.

Commissioners may sell old Materials, and apply the Money, &c.

XVI. And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall have full Power and Authority, from time to time, to sell and dispose of all or any Part of the old Pavement, or other Materials, to such Person or Persons as shall be willing to purchase the same, and to apply the Purchase-money to the Purposes of this Act.

Notice to be given to Surveyor of taking up Pavement for repairing any Vault, &c. Commissioners to relay it, and be reimbursed the Expences.

XVII. And be it further enacted by the Authority aforesaid, That when and so often as any Part of the Pavement within the District aforesaid shall be taken up for the Purpose of making, repairing, altering, cleansing, or emptying any Sewer, Vault, or Drain, or laying, altering, or amending any Water-pipe or Plug, or for any other Purpose whatsoever; the Person or Persons so taking up such Pavement shall immediately give Notice thereof to the Surveyor to the Commissioners for putting this Act in Execution, in order that the same may, with all convenient Speed, be laid down and repaired, under the Inspection of the said Surveyor, and the Charges and Expences thereof shall be paid by the said Commissioners; and they shall be reimbursed the same by the Companies of Water-works, or Commissioners of Sewers, on whose Account, or by whose Order, the said Pavement, or any Part or Parts thereof, shall be taken up; but if such Pavement shall not be taken up on their Account, then such Expences shall be reimbursed by the Occupier or Owner of the Vault, Drain, or other Place, on which Account such Pavements shall be taken up, or other Person or Persons taking up, or causing the same to be taken up.

Commissioners may contract with the Companies, &c. for relaying such Pavements.

XVIII. Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners for putting this Act in Execution, or any five or more of them, from time to time, to compound and agree with the said Companies or Commissioners of Sewers, or other Person and Persons respectively,

reſpectively, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any five or more of them, ſhall think reaſonable, in lieu and inſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any the Purpoſes aforeſaid.

On Refuſal of Payment,

XIX. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Companies of Water-works, or Commiſſioners of Sewers, Owner, Occupier, or Perſon or Perſons aforeſaid reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within fourteen Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners appointed by this Act, at the Dwelling-houſe, or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any five or more of them, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, commenced, and proſecuted, in the Name of ſuch Perſon or Perſons as they ſhall appoint, any Action or Actions for the Recovery of ſuch Sum or Sums of Money reſpectively, with Coſts of Suit; but as to the Monies that ſhall become payable as aforeſaid from the Companies of Water-works and Commiſſioners of Sewers, ſuch Action or Actions ſhall be brought againſt the reſpective Treaſurers, or other Perſon or Perſons holding, poſſeſſing, or having the Management of any Monies belonging to ſuch Companies and Commiſſioners, in any one of his Majeſty's Courts of Record at *Weſtminſter*, on Debt, Caſe, or otherwiſe, by Bill, Plaint, or Information, in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed: And in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution as is before directed, ſhall neglect ſo to do for the Space of ſix Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Action to be brought for the Money.

Commiſſioners to pay for altering Pipes.

XX. And be it further enacted by the Authority aforeſaid, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes; which the ſaid Commiſſioners, or any five or more of them, are hereby impowered to cauſe to be done as often, and in ſuch Places, as they ſhall think proper; and the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies and other Perſons, as the Circumſtances of the Caſe will admit.

Where any of the Water Companies Pipes break, Notice to be given to ſuch Companies.

XXI. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt within the Diſtrict aforeſaid, it ſhall and may be lawful to and for the Surveyor to the ſaid Commiſſioners for the time being, or any ſuch other Perſon as the ſaid Commiſſioners, or any five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do or doth belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company, to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, within two Days after ſuch Notice given or left as aforeſaid; and alſo, within ſix Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice thereof to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon appointed by the Commiſſioners for that Purpoſe; which Notice may be left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered, that the Pipe or Pipes which is, are, or ſhall be burſt or broke, doth or do not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong, ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid two Days after Notice given, he ſhall, for the firſt Offence, forfeit and pay the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broke or burſt ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of two Days next after ſuch Notice given; or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid; ſuch Pavior ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pave-

When completed Notice to be given to Commiſſioners Paviors.

If it proves that the Pipe does not belong to the Company who firſt opens the Ground, they are to be paid their Charges by the Company to whom it does belong.

ment,

ment, ſo broke or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within two Days after Notice given to him as aforeſaid; or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the ſaid Pavior or Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds.

Paviors to Water Companies to give Notice to the Surveyor, or Clerk of their Names and Abode.

XXII. And be it further enacted by the Authority aforeſaid, That the ſeveral and reſpective Perſons now appointed Paviors to the ſeveral and reſpective Water Companies, who ſhall have any Pipe or Pipes laid in, through, or under any of the Streets, Lanes, or Places within the Diſtrict compriſed in this Act, ſhall, and every ſuch Perſon is hereby required, within eight Days after the paſſing of this Act, and ſuch Pavior hereafter to be appointed as aforeſaid is hereby required within the Space of three Days next after he ſhall be appointed Pavior to any ſuch Company, to give Notice in Writing to the Surveyor or Clerk for the time being to the ſaid Commiſſioners, of their the ſaid Paviors reſpective Names and Places of Abode, and to what Company they are reſpectively Paviors: And in caſe any ſuch Paviors ſhall neglect or refuſe to give ſuch Notice as is above required, he ſhall forfeit the Sum of twenty Shillings; and alſo the like Sum of twenty Shillings every Time he ſhall remove from ſuch Place of Abode, and omit to give the like Notice within three Days after every ſuch Removal.

No Alterations to be made in the Form of the Pavement without Commiſſioners Conſent.

XXIII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall make, or cauſe to be made, any Alteration in the Form of the Pavement or Pavements of the ſaid Streets, Lanes, or Places, within the Diſtrict aforeſaid, or of any Part thereof, without the Conſent and Direction of the ſaid Commiſſioners, or any five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every ſuch Offence, the Sum of five Pounds, over and above all Expences incurred, or to be incurred, for reinſtating the ſame.

Courſe of Gutters to be turned if neceſſary, and Grates altered, &c.

XXIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, to direct and cauſe the Courſe of any Gutter or Channel, running in or through the ſaid Streets, Lanes, or Places, within the ſaid Diſtrict, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Grates already, or hereafter to be placed, over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper; ſo as the ſame be not detrimental or prejudicial to the public Sewers, and be from time to time done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

That when any Sewers, or the Grates over them want cleanſing, repairing, or altering, the Clerk to the Paving Commiſſioners ſhall give Notice to the Commiſſioners of Sewers.

XXV. And be it further enacted by the Authority aforeſaid, That when and ſo often as there ſhall be Occaſion to make new or additional Grates over any Sewer or Sewers within the ſaid Diſtrict, or to repair, alter, cleanſe, or amend any of the ſaid Sewers, or the Grates over the ſame, the Clerk for the time being of the Commiſſioners of the ſaid Sewers ſhall, at the Requeſt in Writing of the Surveyor for the ſaid Commiſſioners of Pavement, or other Perſon or Perſons authoriſed by them for that Purpoſe, forthwith ſummon the ſaid Commiſſioners of Sewers to meet, in order to take the Premiſes under Conſideration, which they are hereby authoriſed and required to do, at ſuch Meeting; and alſo at the ſame Meeting, or any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are inveſted, in order that the ſaid ſeveral Works may be ſpeedily and effectually done, completed, and finiſhed.

Penalty of laying Aſhes, &c. in the Streets.

XXVI. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall throw, caſt, or lay, or cauſe or permit or ſuffer to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Soil, or other Filth whatſoever, before his, her, or their Dwelling-houſe, Shop, Stable, Wall, or other Building in the ſaid Diſtrict, or in any of the Streets, Lanes, Alleys, Paſſages, or Places within the Diſtrict compriſed in this Act; but ſhall keep, or cauſe the ſame to be kept, in their reſpective Houſes or Yards, until ſuch Time as the Perſon or Perſons contracting with or employed to carry away ſuch Aſhes, Duſt, Dirt, Filth, or Soil, do come by or near their Houſes, Doors, or Places where they dwell, with a Cart or Carts, or other Conveniences, for carrying away the ſame; upon Pain of forfeiting, for the firſt Offence, the Sum of five Shillings; for the ſecond Offence, the Sum of ten Shillings: and for the third, and every other Offence, the Sum of twenty Shillings.

Penalty on obſtructing the Streets, &c. by Carriages, Timber, or other Materials.

XXVII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid ſecond *Monday* next after the paſſing of this Act, if any Timber, Stone, or other Materials, Goods, Merchandiſe, or other Things whatſoever, are ſet out, placed, or laid in any of the ſaid Streets, Lanes, Alleys, Paſſages, Places, or Diſtrict aforeſaid, ſo as to obſtruct the free Paſſage thereof; or if any Coach or other Carriage (except Hackney Coaches, which ſhall and may ſtand in ſuch Part or Parts of the ſaid Streets, Lanes, or Places, or ſome of them only, as ſhall be appointed by the ſaid Commiſſioners, or any five or more of them) ſhall be placed or ſuffered to ſtand, remain, or continue in any of the ſaid Streets, Lanes, or Paſſages aforeſaid, ſo as to obſtruct, endanger, or incommode, any Perſon or Perſons, Carriage or Carriages whatſoever; or in caſe any Cart, Waggon, Dray, or other Carriages, ſhall be placed or ſuffered to ſtand any longer than is needful and neceſſary for loading or unloading thereof reſpectively; or if any ſuch Cart, Dray, Waggon, or other Carriage, ſhall be placed or ſet acroſs any Part of the ſaid Streets or Places within the ſaid Diſtrict, or any of them, for any Purpoſe whatſoever; it ſhall and may be lawful, in any of the ſaid Caſes, for any one of the ſaid Commiſſioners, or any one of their Officers, or Perſon to be appointed by them, or any of them, to remove Nuiſances, to ſeize, or cauſe to be ſeized the ſaid Cart, Waggon, Dray, Coach, or other Carriage, ſo placed or ſuffered to ſtand contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, Matters, and Things reſpectively, making or occaſioning ſuch Annoyance, Nuiſance, or Obſtruction, and remove the ſame,

ſame, or cauſe the ſame to be removed, taken, carried away, and depoſited in ſuch Place or Places as the ſaid Commiſſioners, or any five or more of them, ſhall direct or appoint; there to remain until the Offender or Offenders ſhall have paid and diſcharged all Coſts, Charges, and Expences attending the carrying away and depoſiting the ſame as aforeſaid, as alſo a Sum not exceeding twenty Shillings for each ſuch Offence: And in caſe the ſame ſhall not be claimed, and the ſaid Sum of twenty Shillings and Charges paid within three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, or the Perſon or Perſons to be by them appointed for that Purpoſe, to cauſe the ſame to be appraiſed and ſold, and the Monies ariſing therefrom ſhall be applied for the Purpoſes of this Act.

Penalty for driving, &c. Wheelbarrows, &c. on Foot Pavements.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall run, drive, or draw, or cauſe to be run, driven, or drawn, on any Part of the Foot-pavements of the ſaid Streets, Lanes, or Places, or either of them, any Wheel or Wheels, Sledge, Wheel-barrow, or any Carriage or other Thing whatſoever; ſuch Perſon or Perſons ſhall forfeit, for the firſt Offence, the Sum of five Shillings; for the ſecond Offence, the Sum of ten Shillings; and for the third, and every other Offence, the Sum of twenty Shillings: And it ſhall and may be lawful for any Perſon or Perſons whatſoever to take the Perſon or Perſons ſo offending into Cuſtody, and take him or them to a Juſtice or Juſtices of the County or Place where ſuch Offence ſhall be committed, to be dealt with as herein after is directed.

Hoards, &c. may be made for building and repairing with Leave.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons to erect or ſet up, or cauſe to be erected or ſet up, in any of the ſaid Streets, Lanes, or Places compriſed within the Diſtrict aforeſaid, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things, for the Purpoſe of making Mortar, and depoſiting Bricks, Lime, or other Materials for building or repairing any Houſes, Buildings, or other Works; every ſuch Perſon or Perſons firſt obtaining Leave, under the Hand of the Surveyor or Clerk for the time being to the ſaid Commiſſioners, for thoſe Purpoſes reſpectively, which he is hereby impowered to give by their Permiſſion: But if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected and ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding twenty Shillings for every Day ſuch Incloſure, Matter, or Thing as aforeſaid, ſhall remain and continue.

Foot-pavements to be ſwept every Day (except Sundays).

XXX. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons inhabiting within the ſaid Diſtrict ſhall, from and after the ſaid ſecond *Monday* next after the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths of their reſpective Houſes, Buildings, and Walls, once in every Day, between the Hours of ſix and nine in the Forenoon (*Sundays* excepted) upon Pain of forfeiting two Shillings and Sixpence for every Neglect therein.

Houſes to be numbered, and the Names of Streets, &c. to be fixed on the Corner Houſes.

XXXI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any five or more of them, may order and direct the Houſes within the ſaid Streets, Lanes, and Places, or any of them, to be numbered with Figures, placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they the ſaid Commiſſioners, or any five or more of them, ſhall think proper; and may alſo order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building at or near the End or Corner of each Street, Lane, Court, Yard, Alley, Paſſage, or Place adjoining to, or being near the ſaid Streets, Lanes, or Places hereby authoriſed to be paved reſpectively, the Names by which ſuch reſpective Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places ſo adjoining is uſually or properly called or known: And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of one or more credible Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace acting in or for the County or Place where ſuch Offence ſhall be committed; every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds.

Signs, &c. to be regulated.

XXXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid ſecond *Monday* next after the paſſing of this Act, the ſaid Commiſſioners, or any five or more of them, ſhall or may cauſe all Signs which then, or at any Time after, ſhall be placed or hung in any Part of the ſaid Streets, Lanes, or Places within the Diſtrict aforeſaid, to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereto the ſame ſhall belong; and alſo ſhall and may cauſe all Sign-irons, Sign-poſts, Boards, Spouts, Gutters, Pent-houſes, Poſts, Rails, or other Things occaſioning any Obſtruction or Annoyance in the ſaid Streets, Lanes, and Places, to be removed or altered in ſuch Manner as the ſaid Commiſſioners, or any five or more of them, ſhall think moſt proper and convenient: And that for the future all Signs, Boards, Spouts, or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build, any Sign, Sign-poſt or Iron, Board, Spout, or Gutter, or cauſe the ſame to be done, in any other Manner than as aforeſaid; or ſhall place Poſts or Rails, or in any other Manner occaſion any Incroachment, Nuiſance, or Annoyance to be made in the ſaid Streets, Lanes, or Places, or any of them, compriſed within the Diſtrict aforeſaid, or permit or ſuffer any Nuiſance to remain or continue therein; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds.

Signs, &c. unuſed, to be returned.

XXXIII. Provided always, and be it further enacted by the Authority aforeſaid, That if any, or any Part of any ſuch Sign, Sign-iron, or Poſt, Board, Gutter, Spout, Penthouſe, or other Projection or Incroachment ſhall remain unuſed after the Alteration made thereto as before directed, the ſame ſhall be returned to, and be the Property of the Perſon to whom the ſame belonged before ſuch Removal or Alteration.

Steps, &c. projecting too far, to be removed.

'XXXIV. And whereas the ſaid Streets, Lanes, Alleys, and Places within the Diſtrict aforeſaid, are, 'in ſome Parts thereof, greatly obſtructed, and made dangerous to Foot-paſſengers, by Steps being 'brought out or projecting from the Houſes, and by Steps and Doors going down into Cellars, Vaults, 'and other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting from Shops 'or Houſes, over and beyond the Area belonging to ſuch Houſes, or into the Footways;' Be it therefore enacted by the Authority aforeſaid, That from and after the ſaid ſecond *Monday* next after the paſſing of this Act, all ſuch Steps projecting into the Footways of the ſaid Streets, Lanes, Alleys, and Places, and all Steps and Doors going down out of the Footways into any Cellars, Vaults, or other Places belonging to any Houſe, Shop, Warehouſe, or Tenement, as likewiſe all Shew-glaſſes or Shew-boards projecting over and beyond the Area, or into the Footways, and all and every other Material, Matter, or Thing, belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction in the ſaid Streets, Lanes, and Places, or any of them, within the Diſtrict aforeſaid, (either in the Foot or Carriage Way thereof) ſhall and may be, at the Expence of the ſaid Commiſſioners, from time to time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any five or more of them, or their Surveyor by their Direction, ſave and except the Right which any Proprietor or Owner has or may have in or to any Bar or Bars placed acroſs any of the ſaid Streets.

Rates not to exceed 1 s. 6 d. in the Pound.

'XXXV. And, for defraying the Charges and Expences of paving and repairing the ſaid Streets, 'Lanes, and Places, which the ſaid Commiſſioners are hereby authoriſed and impowered to pave, and for 'removing Annoyances and Incroachments therein, and for other the Purpoſes of this Act,' Be it further enacted by the Authority aforeſaid, That when and ſo ſoon as any of the ſaid Streets, Lanes, and Places, ſhall be new-paved by the ſaid Commiſſioners by virtue of this Act, one or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, twice in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any nine or more of them, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any nine or more of them, of and upon all and every Perſon and Perſons who do or ſhall inhabit, hold, or occupy any Land, Houſe, Shop, Warehouſe, Wharf, Cellar, Vault, or other Tenement, within the ſaid laſt-mentioned Streets, Lanes, and Places reſpectively, and in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any nine or more of them, ſhall yearly and every Year order and direct; ſo as ſuch Rates or Aſſeſſments do not exceed in the Whole the Sum of one Shilling and Sixpence in the Pound, in any one Year, of the yearly Rent or yearly Value of ſuch Lands, Houſes, Shops, Warehouſes, Wharfs, Cellars, Vaults, or other Tenements within the ſaid ſeveral Streets, Lanes, and Places authoriſed as aforeſaid, to be paved throughout, and ſo as ſuch Rates or Aſſeſſments do not exceed Sixpence in the Pound in any one Year, of the yearly Value of ſuch Tenements as are ſituate in any of the ſaid Streets, Lanes, Courts, Alleys, or other Paſſages, the Foot-paths whereof ſhall be new paved.

and where only a Foot path, not to exceed 6 d. in the Pound.

No Perſon to be rated for any Building behind his Dwelling-Houſe, or in his Occupation, unleſs ſuch be ſituate in ſome Place to be paved.

'XXXVI. And whereas it may happen that the ſame Perſon or Perſons may hold or occupy a Dwelling-houſe, Warehouſe, Shop, or other Premiſes ſituate in ſome or one of the ſaid Streets, Squares, 'Lanes, Courts, Alleys, Ways, or other public Paſſages, and may alſo hold and occupy Warehouſes or 'other Premiſes ſituate and lying behind the firſt-mentioned Houſe, Shop, Warehouſe, or other Premiſes, 'and in Places which are not liable to be aſſeſſed by virtue of this Act;' Be it further enacted, That no Perſon ſhall be ſubject or liable to be rated or aſſeſſed for any ſuch Warehouſes or other Premiſes, unleſs the ſame ſhall be ſituate in ſome Street, Square, Lane, or other public Paſſage, to be paved by virtue or in purſuance of this Act.

Landlords to allow one-third Part of the Rates as Rent, the other two-thirds to be borne by the Tenants.

XXXVII. And be it further enacted by the Authority aforeſaid, That one-third Part of the ſaid reſpective Rates is hereby required to be allowed by the Landlord or Landlords of any Houſes, Shops, Wharfs, Warehouſes, or other Buildings and Tenements ſituate in the ſaid Streets and Places to be rated as aforeſaid, to the Tenant or Tenants, Occupier or Occupiers thereof, who ſhall pay the ſame; and ſuch Payments ſhall be adjudged and conſidered in Law as Money actually paid for Rent due, or to become due to ſuch Landlord or Landlords of the ſame Eſtates reſpectively; and the other two third Parts thereof ſhall be borne and ſuſtained by the Tenant or Tenants, Occupier or Occupiers, of ſuch Eſtate or Eſtates.

Rates to be ſigned by two Juſtices, who are to grant Warrants to collect and levy the ſame.

XXXVIII. And be it further enacted by the Authority aforeſaid, That all Rates made by virtue of this Act, ſhall be allowed and ſigned by two Juſtices of the Peace acting in and for the ſaid County or Place; who are alſo hereby impowered and required to grant a Warrant or Warrants for collecting thereof, as alſo for levying the ſame by ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall nominate or appoint; and which Warrants ſhall be ſufficient Authorities to the reſpective Perſons thereby authoriſed for the Purpoſes therein mentioned; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected Half-yearly, or oftener, if the ſaid Commiſſioners, or any nine or more of them, ſhall think it neceſſary, by the Collector or Collectors, or other Perſon or Perſons to be appointed by the ſaid Commiſſioners as aforeſaid for that Purpoſe: And if any Perſon or Perſons ſhall refuſe, neglect, or omit to pay the Sum or Sums of Money which he, ſhe, or they ſhall be rated or aſſeſſed at by virtue of this Act, for the Space of ten Days after perſonal Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Perſon or Perſons who ſhall be required by ſuch Warrant as aforeſaid, and he and they is and are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting, refuſing, or omitting to pay the ſame: And in caſe no ſuch Goods or Chattels can be found, to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up or ſecured, or removed from the Perſon or Perſons authoriſed to diſtrain as aforeſaid; ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to the ſaid Juſtices, or any two Juſtices of the Peace for the

by Diſtreſs and Sale.

ſaid

ſaid County or Place where the Perſon or Perſons ſo rated and aſſeſſed as aforeſaid ſhall then reſide, it ſhall and may be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the common Gaol or Houſe of Correction for the County or Place where ſuch Offences ſhall be committed; there to remain without Bail or Mainprize for any Time not exceeding the Space of ſix Months, or until the Payment of ſuch Rate or Aſſeſſment, and reaſonable Charges occaſioned by the Non-payment thereof.

Where Houſes are let out in Tenements, Owners are to be aſſeſſed, but Tenants to pay;

'XXXIX. And whereas many Houſes within the ſaid Streets, Lanes, and Places hereby authoriſed to 'be paved, are or may, by the ſeveral Owners or Proprietors thereof, be let out in Lodgings or Tene-'ments to divers Tenants, whereby it will be difficult to rate and aſſeſs ſuch Houſes, or to recover ſuch 'Rates and Aſſeſſments when made:' For Remedy whereof, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, from time to time, and at all times when they meet, to make a Rate in purſuance of this Act, to rate and aſſeſs the Owner or Owners of ſuch Houſes or Tenements as ſhall be let to or occupied by two or more Tenants; which Rate and Aſſeſſment ſhall be paid by one or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes: And in caſe any Occupier or Occupiers of any Part of ſuch Houſes or Tenements ſhall refuſe or neglect to pay the ſame, for the like Space of ten Days after ſuch Demand as aforeſaid, the ſaid Rate and Aſſeſſment ſhall, in like Manner, be levied by Diſtreſs and Sale of the Goods of him, her, or them, ſo refuſing to pay the ſame as aforeſaid; and ſuch Occupier or Occupiers of ſuch Tenements reſpectively is and are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed on the Owner or Owners of ſuch Houſes, in purſuance of this Act, and to deduct the ſame out of the Rent thereof; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents: And every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent ſhould have been, or ſhall be due and payable.

who may deduct it.

Rates for Houſes under 10 l. per Annum, may be compounded for,

XL. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any nine or more of them, from time to time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſe, or any other Houſes within the ſaid Streets, Lanes, and Places to be rated as aforeſaid, the Annualrent or Value whereof ſhall be under ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes; ſo as, in ſuch Compoſition, there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than one-third of the Rate by this Act laid upon ſuch Houſes reſpectively.

Where Houſes ſhall be unoccupied,

Owners to be charged only one-third of the Rates;

and the Premiſes remain a Security.

XLI. And be it further enacted by the Authority aforeſaid, That in caſe it ſhall happen, that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, or any Part or Parts thereof, within the ſaid Streets, Lanes, and Places, to be rated as aforeſaid, or any or either of them, ſhall, at any Time from and after the making of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, be empty, untenanted or unoccupied; that then, and in every ſuch Caſe, one-third of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, or one-third of ſuch other Rates as may be aſſeſſed by virtue of this Act, ſhall be paid by the Owners or Proprietors of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements: And in caſe of Non-payment thereof, ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, ſhall be, and the ſame are hereby made a Security for, and chargeable with, ſuch Arrears; or any Action or Actions may be commenced and proſecuted againſt the Landlord or Landlords, or Owner or Owners thereof, for the Recovery thereof, with Coſts of Suit, in the Name of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall order or direct.

Churches, Church-yards, Meeting-houſes, &c. may be rated.

XLII. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, and they are hereby required, at ſuch Times as the Rates hereby directed ſhall be made, to rate and aſſeſs, for the Purpoſes aforeſaid, all Churches, Church-yards, Meeting-houſes, and other Places of public Worſhip, or intended for that Purpoſe, with the Ground belonging thereunto, Hoſpitals, Priſons, and all other public Buildings whatſoever, and all dead Walls, void Spaces of Ground fenced in, or otherwiſe ſituate and being in or adjoining to the ſaid Streets, Lanes, and other Places, to be rated as aforeſaid, at ſuch Rate as the ſaid Commiſſioners, or any nine or more of them, ſhall adjudge reaſonable; but not exceeding Sixpence for every Square Yard belonging to every ſuch Church, Church-yard, Meeting-houſe, and other Place of public Worſhip, with the Ground thereunto belonging, Priſons, and other public Buildings, dead Wall, and void Space of Ground: And ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from time to time made, ſhall be paid by the reſpective Perſons following; that is to ſay, For every Church and Church-yard, by the Churchwardens thereof; for every dead Wall, or vacant Piece of Ground, by the Owner or Owners, or Proprietor or Proprietors thereof; for every Meeting-houſe and other Place of public Worſhip, with the Ground thereunto belonging, by the Proprietor or Proprietors, Truſtee or Truſtees, or their Treaſurer, Miniſter, or Deacon, or other Perſon officiating therein; and for every Hoſpital, Priſon, or other public Building, by the Perſon or Perſons who are now liable to pay for paving or keeping in Repair the Pavement in the Front thereof: And in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay the ſaid laſt-mentioned Rates to the ſaid Collector or Collectors, upon perſonal Demand thereof made, or in Writing, left at the uſual Place of Abode of the Perſon or Perſons required to pay the ſame; then, and in every ſuch Caſe, the ſame ſhall and may be recovered of the Perſon or Perſons ſo required to pay the ſame, by any Action in any of his Majeſty's Courts of Record at *Weſtminſter*, or other inferior Courts, together with Coſts of Suit, to be commenced and proſecuted in the Name or Names of the Collector or Collectors who ſhall have ſo demanded the ſame;

in which Action or Suit, no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Vacant Ground to be fenced in at the Expence of the Owners.

XLIII. And be it further enacted by the Authority aforeſaid, That all Landlords, Owners, Tenants or Occupiers, of any waſte or vacant Piece of Ground, or Scite of any Houſe or Tenement, lying in or adjoining to any of the Streets, Lanes, or Places compriſed in this Act, which ſhall lie open and unfenced from the ſame, or where the Fence ſhall be in a ruinous Condition, or out of Repair, ſhall, within ſix Days after Notice delivered to him, her, or them, or any or either of them, by Order of the ſaid Commiſſioners, or any five or more of them, well and ſufficiently fence in the Premiſes mentioned in ſuch Notice, or cauſe the old Fence (if any) to be well and ſufficiently repaired within the Time aforeſaid: And in caſe ſuch Works ſhall not be completely finiſhed within the Time aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, to order and cauſe the ſame to be done, completed, and finiſhed; and the Tenant or Occupier thereof, or other Perſon in Poſſeſſion thereof, or ſeiſed thereof, to whom ſuch Notice as aforeſaid ſhall have been given, ſhall pay the Expence thereof upon Demand of the Perſon authoriſed by the ſaid Commiſſioners, or any five or more of them, to receive the ſame: And in caſe of Refuſal or Neglect to pay the ſame, it ſhall and may be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall authoriſe, appoint, order, or direct, for that Purpoſe, to bring, commence, and proſecute one or more Actions or Suits for the Recovery of ſuch Expence, together with Coſts of Suit, from the Perſon or Perſons ſo neglecting or refuſing to pay as aforeſaid.

Tenants and Occupiers to pay the Rates.

'XLIV. And, to the End the ſaid Rates may be more effectually collected and received,' Be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers, of Lands, Houſes, Shops, Warehouſes, Wharfs, Cellars, Vaults, or other Tenements, are and ſhall be liable to pay all and every the Rates and Aſſeſſments that ſhall have been rated and aſſeſſed by virtue of this Act, for or in reſpect of the Tenement or Tenements by him, her, or them reſpectively occupied, and all Arrears thereof accruing and becoming due while the ſaid Tenements were empty and unoccupied, when no Compoſition ſhall have been made as aforeſaid, to the Collector or Collectors, or other Perſon or Perſons appointed by the ſaid Commiſſioners as aforeſaid; and ſhall be ſubject to ſuch Diſtreſs and Impriſonment as aforeſaid, in caſe of Non-payment thereof as aforeſaid: And in caſe of ſuch Payment, ſuch Tenant or Tenants, and Occupier or Occupiers, ſhall be at Liberty, and is and are hereby authoriſed to deduct and detain, out of his, her, and their Rent, ſuch Proportion of ſuch Rates, as he, ſhe, or they ſhall reſpectively pay for or on account of the ſeveral Owner or Owners, Proprietor or Proprietors, Landlord or Landlords of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements.

Occupiers quitting without paying Rates, may be followed.

XLV. And be it further enacted by the Authority aforeſaid, That when any Perſon or Perſons, who hath or have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Wharf, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due, and demanded as aforeſaid, by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, or any five or more of them, and every or any of them, by Warrant under the Hand and Seal of one or more Juſtices of the Peace acting in and for the ſaid County or Place (which Warrant the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant) into any Place within their reſpective Juriſdictions, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the Diſtreſs is to be made; to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus, (if any ſuch ſhall be) after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels demanding the ſame.

Commiſſioners with two Juſtices, impowered to mitigate or remit Rates.

XLVI. Provided always, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, with two or more Juſtices of the Peace of the County or Place aforeſaid, and they are hereby impowered, upon the Complaint of any Perſon or Perſons ſubject to the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments, to be made by virtue of this Act, and alſo to remit or excuſe the Payment thereof by any Perſon or Perſons, hereby made ſubject to the Payment thereof, for or on account of the Poverty or Indigence of ſuch Perſon or Perſons, or Inability to pay: And the ſaid Commiſſioners, or any five or more of them, ſhall appoint or order the Time and Place of hearing ſuch Complaints; and any two Juſtices of the Peace for the County or Place aforeſaid, are hereby required to attend on the Buſineſs aforeſaid, on being requeſted thereunto by Writing, under the Hands of any five or more of the ſaid Commiſſioners, who ſhall alſo cauſe Notice thereof to be left in Writing with, or at the Place of Abode of, the Perſon or Perſons neglecting or refuſing to pay ſuch Rates after Demand made as aforeſaid, which Notice ſhall be ſufficient.

Perſons paying this Rate, exempted from all other Expences of Paving.

XLVII. And be it further enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments by this Act laid, within the Streets, Lanes, and Places to be paved as aforeſaid, ſhall be, and they and every of them is and are hereby exempted and diſcharged from all other Charges and Expences of paving the ſame Streets, Lanes, and Places, or any Part or Parts thereof, and alſo from all Penalties which may or might be incurred by reaſon or means of their neglecting to pave the ſame reſpectively; any Law, Statute, or Uſage to the contrary notwithſtanding.

In caſe of Collectors becoming inſolvent, the Money to be again aſſeſſed.

XLVIII. And it is hereby further enacted, That in caſe any Collector of the ſaid Rates or Aſſeſſments ſhall become inſolvent, or ſhall imbezzle or make away with, detain or miſapply, any Sum or Sums of Money ſo collected by him for the Purpoſes aforeſaid, or ſhall die poſſeſſed of any Sum or Sums of Money by him or them collected by virtue of this Act, or ſo as the ſame cannot be obtained by the Time the ſaid Commiſſioners

Commiſſioners ſhall ſtand in Need thereof for the Purpoſes for which the ſame was collected; then, and in every ſuch Caſe, ſuch Sum and Sums of Money ſhall be again rated and aſſeſſed by the ſaid Commiſſioners, or any nine or more of them, in the Streets, Lanes, and Places, for which ſuch Perſon ſhall have been appointed Collector, in ſuch Proportion and Manner as the Rates are directed to be made by this Act; and ſhall be collected, levied, and diſtrained in ſuch Manner, and under ſuch Penalties, as are herein provided for collecting and levying the Rates due and payable by this Act.

Collectors diſqualified from acting as Commiſſioners.

XLIX. Provided always and be it enacted, That none of the Commiſſioners herein named, or who ſhall be hereafter choſen by virtue of this Act, ſhall act as a Commiſſioner, during ſuch Time as he or they ſhall execute the Office of Collector or Collectors of the Rates to be raiſed and levied purſuant to this Act.

Pavements liable to be repaired by any Pariſh, &c. are to be repaired at their Expence by the Commiſſioners Paviors.

L. And be it further enacted by the Authority aforeſaid, That where any Part or Parts of the Pavements of the ſaid Streets, Lanes, Alleys, or other Places within the Diſtrict aforeſaid, hath or have been accuſtomed, or ought to be paved and repaired by any particular Pariſh or Pariſhes, Bodies Politic or Corporate, and not by the Owner or Owners of the Houſes or other Buildings adjoining to the Pavement of the ſaid Streets, Lanes, Alleys, and Place reſpectively, the ſame ſhall be paved and repaired at the Expence of the reſpective Pariſh or Pariſhes, Bodies Politic or Corporate, by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners.

Commiſſioners may compound.

LI. Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound and agree for the ſame with any ſuch Pariſh or Pariſhes, or Bodies Politic or Corporate, for a certain Sum of Money by the Foot or other Meaſure, as the ſaid Commiſſioners, or any five or more of them, ſhall think reaſonable.

Not exceeding 6000 l. may be borrowed on the Credit of the Rates,

'LII. And, for the more effectually enabling the ſaid Commiſſioners to execute the Purpoſes of this Act 'in the moſt expeditious Manner,' It is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any nine or more of them, and they are hereby impowered, from time to time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding ſix thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act, and by any Writing or Writings, upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any five or more of them, to aſſign the ſaid Rates and Aſſeſſments, or a competent Part thereof, to any ſuch Perſon or Perſons who ſhall advance or lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with legal or lower Intereſt for the ſame; which Intereſt ſhall be payable and paid by the ſaid Commiſſioners, out of the Monies to ariſe by or from the Rates or Aſſeſſments to be made by virtue of this Act.

which Sum may be advanced to the Commiſſioners for Purchaſe of Annuities.

'LIII. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be 'ſecured upon and payable out of the ſaid Rates and Aſſeſſments;' Be it therefore further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons, to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any nine or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of ſix thouſand Pounds, for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of nine Pounds by the Hundred by the Year; and ſo in Proportion for any greater or leſſer Sum, to be paid as aforeſaid; and ſo as the ſaid Annuities, to be purchaſed in purſuance of this Act, do not, at any Time, exceed in the Whole the Sum of one thouſand Pounds.

Annuitants dying, Perſons may purchaſe Annuities from Commiſſioners not exceeding 1000 l.

LIV. Provided always, and it is hereby further enacted, That, the better to enable the ſaid Commiſſioners to raiſe Money to pay the Money borrowed on the ſaid Rates, and until the ſaid Sum of ſix thouſand Pounds, firſt mentioned to be borrowed by virtue of this Act, ſhall be fully paid and ſatisfied, that when and as often as any ſuch Annuitant or Annuitants ſhall die, it ſhall and may be lawful for any Perſons to purchaſe of the ſaid Commiſſioners one or more Annuity or Annuities, in the Room of ſuch Annuitant or Annuitants ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner, as above mentioned, ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act, ſhall, at no one Time, exceed the ſaid Sum of one thouſand Pounds.

Annuities charged upon the Rates,

LV. And be it further enacted, That all and every the Annuity or Annuities, ſo to be purchaſed under and by virtue of this Act, ſhall be and are hereby charged upon, and ſhall be paid and payable from time to time out of, the Monies ariſing by the Rates and Aſſeſſments as aforeſaid; and all and every the Contributor or Contributors upon the Credit of this Act, duly paying the Contribution or Purchaſe-money for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed, out of the ſaid Rates or Aſſeſſments by this Act appointed for the Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, or Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſt in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to the Tax charged or to be charged upon Land by Authority of Parliament; and that every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as

and deemed indefeaſible Eſtates,

and chargeable the Land Tax,

Receipts and Orders for Payment to be signed, and given to the Contributors.

aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase-money, shall have a Receipt or Receipts for the same, and also an Order on Parchment (which may be made without any Stamps) for Payment of the said Annuity or Annuities for and during the natural Life of the Person who shall be so nominated as aforesaid, by half-yearly Payments; which Order shall be signed by the said Commissioners, or any five or more of them; and after signing thereof, the same shall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Annuities may be assigned.

LVI. And be it further enacted, That it shall and may be lawful to and for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to assign such Annuity or Annuities, or any Part thereof, or Interest therein, to any Person or Persons whatsoever, and so *toties quoties*, and a Memorandum or Entry of all such Orders and Assignments shall be made, in the Book to be kept as hereafter mentioned, at the Charge of the said Commissioners; for which Entry or Memorandum two Shillings and Sixpence, and no more, shall be paid; and no such Assignment shall be deemed valid, unless such Memorandum or Entry shall be first made as aforesaid.

Houses, &c. to rise perpendicularly, when new-built, or new-fronted.

LVII. And be it enacted by the Authority aforesaid, That all Houses and Buildings hereafter to be built or new-fronted, or any Part thereof, within the District aforesaid, shall, for the effectual and absolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, rise perpendicularly from the Foundation: And if any Person or Persons shall, at any Time or Times hereafter, presume to build or new-front any House or other Building, or any Part thereof, within the District aforesaid, or cause the same to be done, or rise otherwise than perpendicularly from such Foundation, it shall and may be lawful to and for the said Commissioners, or any five or more of them, under their Hands and Seals, to cause the same to be pulled down and removed by any Person, Workmen, or Persons they shall think fit; the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners, or any five or more of them, or their Order, by the Owner or Owners of such Houses or Buildings, or other Person or Persons ordering or directing the same: And in case of such Refusal or Neglect in paying or reimbursing the said Commissioners, or such Person or Persons as they, or any five or more of them, shall appoint to receive the same, it shall and may be lawful for any five or more of them to cause an Action to be brought in the Name of any of their Officers, for the Recovery thereof, with Costs of Suit.

As Annuitants die, the Rates to be lowered.

LVIII. Provided always, and be it enacted, That as such Annuitant or Annuitants shall die off, and such Rates or Assessments can be lowered and reduced, the same shall be so done, in equal Proportions, from time to time.

Monies raised vested in the Commissioners.

LIX. And be it further enacted by the Authority aforesaid, That all Monies raised or collected, by virtue, or by Means, or under the Authority of this Act, shall be, and the same are hereby vested in the said Commissioners; and all Monies raised or collected by virtue of this Act shall be applied for the Purposes of this Act, and to and for no other Use or Purpose whatsoever.

Expences of the Act to be first paid.

LX. Provided always, and be it further enacted by the Authority aforesaid, That the Charges and Expences of procuring and passing this Act, shall be paid out of the first Monies which shall be raised by virtue of this Act.

Out-Streets may be paved by the Commissioners, upon Petition of four-fifths of the Tenants or Landlords.

LXI. And be it further enacted by the Authority aforesaid, That if at any Time hereafter four-fifths or more in Number and Value of the Householders, and also four-fifths or more in Number and Value of the Landlords or Owners of Houses and Tenements, within any the said Streets, Lanes, Alleys, Courts, Passages, or Places, opening immediately into the said Streets, Lanes, and Places herein before mentioned and authorised to be paved, shall, at any Time hereafter, apply by Petition under their Hands to the said Commissioners, or any nine or more of them, expressing their Desire to have the same paved, and cleared of Incroachments, Nuisances, Obstructions, and Annoyances; that then it shall and may be lawful for the said Commissioners, or any nine or more of them, to cause the same to be done; and they are hereby impowered to rate and assess the Inhabitants of such Street, Lane, Passage, Alley, Court, or Place, for the Purposes aforesaid (so as such Assessment does not exceed one Shilling and Sixpence in the Pound for the Foot and Carriage-way, and Sixpence in the Pound for the Foot-way only; and to raise Monies upon Annuities for Lives, or otherwise, upon the Credit of such Rates or Assessments, for defraying the Expences of the said Works, or any Matter or Thing relating thereunto; and the Pavement of the said Street, Lane, or other Place comprehended in such Petition, shall, after an Order made by the said Commissioners, or any nine or more of them, for the Purposes aforesaid, be from thenceforth vested in the said Commissioners appointed by this Act; and such Street or Place shall remain under the same Government, Direction, and Management of them and their Officers, or other Persons appointed by them for that Purpose, as the said several Streets, Lanes, and Places, first authorised to be paved; and the said Commissioners, Officers, Servants, Workmen, and other Persons acting under them, shall have the same Power and Authority, in, over, and through such Street or Place petitioned for as aforesaid, and the several Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commissioners, Bodies Politic and Corporate, and their Officers, Servants, and Workmen, and all and every other Person or Persons whatsoever, interested or intitled to any Privilege therein, and every Matter and Thing relating to the Premises, as the said Commissioners appointed by this Act, and their Officers, Servants, and Workmen acting under them, are invested with by this Act, for the better Management, ordering, regulating, and rendering more commodious the several Streets, Lanes, and Places hereby first authorised to be paved; and every Clause, Matter, and Thing contained in this Act, shall be construed, adjudged, deemed, and taken to extend to every such Street, Lane, and Place, petitioned for as aforesaid, as also to the several Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commissioners, Bodies Politic and Corporate, their Officers, Servants, and Workmen, and all and every other Person or Persons interested

Monies may be raised by Annuities for Lives.

Such Street then may be comprehended in this Act.

or

or intitled to any Privilege therein, and every Matter or Thing relating to or in anywiſe concerning the Premiſes, in like Manner as the ſame Clauſes extend, or ſhall be adjudged or conſtrued to extend, in ſimilar Caſes, to the ſeveral Streets, Lanes, and Places firſt authoriſed to be paved, and the ſeveral Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commiſſioners, Bodies Politic and Corporate, and all and every other Perſon or Perſons whatſoever intereſted or intitled to any Privilege therein, or to any Matter or Thing relating to the Premiſes; and the like Penalties, Forfeitures, and Puniſhments, ſhall be inflicted, and for the like Cauſes, as are herein expreſſed; and ſhall be ſued for, recovered, levied, and executed in the ſame Manner.

Accounts of ſuch Pavement, with the Buſineſs relating thereto, to be kept ſeparate.

LXII. Provided always, and be it further enacted by the Authority aforeſaid, That the Accounts of the Receipts and Diſburſements ariſing upon the Works to be done for the Street or Place compriſed in ſuch Petition, and all other Buſineſs and Tranſactions relating thereto, ſhall be kept ſeparate and diſtinct from the Accounts of the Receipts and Diſburſements ariſing in conſequence of the Works to be done in the ſeveral Streets, Lanes, and Places herein before firſt authoriſed to be paved, and other Buſineſs and Tranſactions relating thereto; but that ſuch Accounts, as alſo the Accounts of the Buſineſs ariſing in conſequence of any ſubſequent Petition, ſhall be kept ſeparate and diſtinct from each other, and in nowiſe interfere one with the other; and the Monies, Caſh, or Fund of each Account, ſhall be applied to the Uſes only for which ſuch Account is kept, and for no other Uſe or Purpoſe whatſoever.

Penalties may be mitigated.

LXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound and agree with any Perſon or Perſons againſt whom any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted, for any Penalties contained in this Act, or in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any five or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act; ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of any Clauſe compriſed in this Act, or of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby; and ſo as the Mitigation of the Forfeitures as aforeſaid, do not extend to remit above one Moiety of the ſaid Forfeitures reſpectively.

Commiſſioners who are Juſtices for Middleſex, and the Liberty of the Tower Without, may act.

LXIV. And be it further enacted, That it ſhall and may be lawful to and for any of the Juſtices of the Peace for the County of *Middleſex*, or for any of the Juſtices for the Liberty of his Majeſty's *Tower of London*, although ſuch Juſtices ſhall be Commiſſioners for the Purpoſes of this Act, to hear and determine any of the Offences ariſing within their reſpective Juriſdictions, which are made ſubject to and puniſhable by any pecuniary Penalty directed to be levied by virtue of this Act.

Perſons injured may appeal to the Quarter Seſſions.

LXV. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and within three Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, twenty-one Days Notice, at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions: And the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be finally binding and concluſive to all Intents and Purpoſes.

Penalties and Forfeitures how to be recovered and applied.

LXVI. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of one Juſtice of the Peace acting in and for the ſaid County or Places, and within his proper Juriſdiction; which Warrant ſuch Juſtice is hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or upon the Information of one or more credible Witneſs or Witneſſes upon Oath; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the Treaſurer to the ſaid Commiſſioners for the time being, and be applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County or Place, there to remain without Bail or Mainprize, for any Time not exceeding three Calendar Months, nor leſs than fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Commiſſioners may reward Informers.

LXVII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them, as they ſhall

ſhall think proper, not exceeding one Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any of them; any Thing herein contained to the contrary notwithſtanding.

Juſtices may adminiſter Oaths.

LXVIII. And be it further enacted by the Authority aforeſaid, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his, her, or their more certain Information in the Matter then depending.

Books to be kept for entering Commiſſioners Names, &c.

LXIX. And be it further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any five or more of them, ſhall appoint, wherein ſhall be fairly entered, from time to time, the Names of ſuch Perſons as they, or any five or more of them, ſhall nominate and appoint to put in Execution the Purpoſes of this Act; and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid by virtue of this Act, and how the ſame ſhall have been applied; and the Names of the Annuitant or Annuitants, and what Sum or Sums he, ſhe, or they paid for ſuch Annuity or Annuities reſpectively, and what he, ſhe, or they is or are to receive for the ſame; which Book or Books the ſaid Annuitants, or any of them, and all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward.

which may be inſpected gratis.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party be deemed a Treſpaſſer ab initio.

LXX. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be hereafter done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Plaintiff not to recover if Tender of Amends hath been made.

LXXI Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by, or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings, or Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LXXII. And be it further enacted by the Authority aforeſaid, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, under the Hand and Seal, or Hands and Seals of, or only ſigned by any Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Proceedings to be entered in a Book.

LXXIII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Clerk or Clerks at any Meeting of any five or more of the ſaid Commiſſioners aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be Original Orders; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Proceedings not to be quaſhed for want of Form, or removable by Certiorari.

LXXIV. And be it further enacted by the Authority aforeſaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted, in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of his Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

LXXV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until twenty Days Notice ſhall be thereof given in Writing to the Clerk to the ſaid Commiſſioners, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after ſix Calendar Months next after the Fact is committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place; and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before twenty Days Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid; then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants

General Iſſue.

fendants shall have Treble Costs; and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law. Treble Costs.

LXXVI. And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Justice as a Public Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded. Public Act.

CAP. XXIV.

An Act for licensing an additional Number of Hackney Coaches, and applying the Monies arising thereby.

Most Gracious Sovereign,

'WHEREAS it is found convenient that a greater Number of Hackney Coaches than are allowed by an Act made in the ninth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for licensing and regulating Hackney Coaches and Chairs; and for charging certain new Duties on Stampt Vellum, Parchment, and Paper; and on Cards and Dice; and on the Exportation of Rock Salt for Ireland; and for securing thereby and by a weekly Payment out of the Post Office, and by several Duties on Hides and Skins, a yearly Fund of one hundred eighty-six thousand six hundred and seventy Pounds, for thirty-two Years, to be applied to the Satisfaction of such Orders as are therein mentioned, to the Contributors of any Sum not exceeding two Millions, to be raised for carrying on the War, and other her Majesty's Occasions*; should be licensed to be employed within the Cities of *London* and *Westminster*, and within the weekly Bills of Mortality:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for licensing and regulating Hackney Coaches for the time being, or the major Part of them, shall have Power and Authority, and are hereby impowered and required, under their Hands and Seals, or the Hands and Seals of the major Part of them, over and above the Number of eight hundred Hackney Coaches, authorised to be licensed by the said Act, to license, in like Manner, at any Time or Times, from and after the passing of this Act, any additional Number of Hackney Coaches, not exceeding two hundred, to be employed for Hire within the Cities and Limits aforesaid, so that the Number of all the said Hackney Coaches licensed, or to be licensed, by virtue of the said former and this present Act, shall not at any one Time exceed one thousand; and that, upon every one of the said Licences, to be granted in pursuance of this Act, there shall be reserved and made payable unto his Majesty, his Heirs and Successors, the like weekly Sum of five Shillings of lawful Money of *Great Britain*, to be paid from the Commencement of every such Licence, during the Continuance thereof respectively, in like Manner, and with like Penalties, Covenants, Conditions, and Provisoes, therein to be inserted for the more effectual Payment thereof, as in other Licences granted in pursuance of the before-mentioned Act; and that the same Hackney Coaches, and the Persons to be licensed to drive or keep the same, shall, in respect thereof, have the same Rates and Benefits, and be subject and liable to all the same Orders, Rules, Regulations, Bye-laws, Penalties, Matters, and Things, as are or were lawfully prescribed in relation to any Persons licensed to keep or drive Hackney Coaches; and the Renters of such Licences, and Drivers of such Coaches, before the making of this present Act: And that all Persons who shall presume to drive or let to Hire by the Hour or Day, or otherwise, any Hackney Coach or Coach Horses, or to carry any Person or Persons for Hire in any Hackney Coach, within the Cities of *London* and *Westminster*, or the Suburbs of the same, or within any of the Parishes or Places comprised within the weekly Bills of Mortality, without such Leave or Licence as aforesaid, shall be liable to all such Forfeitures and Penalties as he, she, or they would have incurred for so doing, if this Act had not been made.

Preamble. Act 9 Annæ.

Commissioners may license, over the Number, 800, any Number of Hackney Coaches, not exceeding 200, to be employed for Hire within the Cities and Liberties of London and Westminster, at 5 s. per Week, payable from the Commencement of such Licence.

Drivers of Coaches, without Licence, liable to former Penalties.

II. And it is hereby declared and enacted by the Authority aforesaid, That all the Monies to arise by Rents of the said additional Number of Hackney Coaches, to be licensed in pursuance of this Act, shall be subject and applicable to the like Uses and Purposes, and under the like Penalties, as the other Rents upon Hackney Coaches are applicable and appropriated by Parliament.

Monies arising by the additional Number of Coaches to be applied as former Rents were appropriated.

III. Provided always, and it is hereby enacted by the Authority aforesaid, That out of the Monies to arise by Rents of Hackney Coaches, it shall and may be lawful to and for any three or more of the Commissioners of the Treasury, or the High Treasurer for the time being, to reward the said Commissioners for licensing and regulating Hackney Coaches, and the Clerks, Officers, and others that shall and may be employed by and under them, for their Labour and Pains, and to discharge such incident Expences as shall necessarily attend the Execution of this Act, in such Manner as any three or more of the said Commissioners of the Treasury, or the High Treasurer for the time being, shall, from time to time, think fit and reasonable in that Behalf; any Thing in this Act, or any other Law, Statute, or Usage, to the contrary notwithstanding.

Commissioners of the Treasury to defray Expences for licensing and other Incidents.

IV. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, the Defendant or Defendants, in any such Action or Suit, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, a Verdict shall be recorded for the Defendant or Defendants: And if the Plaintiff shall be nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Ver-

Persons sued may plead the General Issue.

Double Costs. dict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law, for Recovery of his or their Costs.

CAP. XXV.

An Act for raising a certain Sum of Money, by Loans or Exchequer Bills, for the Service of the Year one thousand seven hundred and seventy-one. 1,800,000 *l.*

CAP. XXVI.

An Act for further continuing the Tolls upon *London Bridge*, for the Purposes therein mentioned; and for impowering the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, in certain Cases, to grant Licences to Persons possessed of Terms for Years, of and in Houses described in an Act of the seventh Year of his present Majesty, to build upon and inclose Part of the Ground and Soil of the Streets in the Front of their said Houses.

Preamble. Act 7 Geo. III. for completing Blackfriars-bridge.

'WHEREAS by an Act made in the seventh Year of the Reign of his present Majesty, intituled, *An Act for completing the Bridge cross the River* Thames, *from* Blackfriars *in the City of* London, *to the opposite Side in the County of* Surry, *and the Avenues thereto on the* London *Side*; *for redeeming the Tolls on the said Bridge, and on* London-bridge; *for rebuilding the Gaol of* Newgate, *in the said City*; *for repairing the* Royal Exchange, *within the same*; *for embanking Part of the North Side of the said River, within certain Limits*; *and for further continuing, towards those Purposes, the Imposition of Sixpence* per *Chaldron, or Ton, of Coals and Culm, imported into the Port of the said City, established by an Act of the fifth and sixth Years of the Reign of King* William *and Queen* Mary; *and also for carrying on the new Pavements in the City and Liberties of* Westminster, *and Parishes adjacent, and in the Town and Borough of* Southwark; *and for other Purposes therein mentioned*; the Sum of thirty thousand Pounds was granted and directed to be applied to and for the Redemption of the prescriptive Tolls, to which the Passage over *London-bridge* was then subject, and to and for the Purchase of the Lease thereof; the Residue, after such Purchase, to be placed out at Interest, upon such Government or real Securities, or laid out in the Purchase of Lands, Tenements, and Hereditaments, as to the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, should seem meet, in Trust, for or towards the Uses, Intents, and Purposes, which the said Tolls, or the Rents and Fines then payable in respect thereof, were then applicable: And it was thereby enacted, That the Mayor and Commonalty, and Citizens of the City of *London*, should pay to the Persons, and for the Uses therein mentioned, certain Annuities of eight hundred Pounds, and four hundred and eighty Pounds, redeemable as therein mentioned: And it was thereby further enacted, That all and every the Tolls which then were or should be payable by virtue of any Act of Parliament, or Prescription, for the Passage over the said Bridge, or for the Passage over the then intended Bridge at *Blackfriars*, should have Continuance, and be paid and payable to the said Mayor and Commonalty, and Citizens, until they should, by and out of the neat Produce thereof, to arise and accrue from and after the twenty-ninth of *September*, one thousand seven hundred and seventy (after deducting the Charges of the Collection thereof, and the Charges which would attend the making and executing the Bonds thereby directed to be given for securing the Payment of the said Annuities, and the Charges of obtaining and passing the said Act) receive and be reimbursed all such Sum and Sums of Money as they should have advanced in Payment of the said Annuities, or for the Redemption thereof, together with Interest for the Money so advanced, at and after the Rate of four Pounds *per Centum per Annum*; but that, from and immediately after such Reimbursement should have been made and completed, the said Tolls should cease and determine, and be no longer paid or payable; any Law, Statute, or Prescription to the contrary thereof in anywise notwithstanding: And whereas the said Mayor and Commonalty, and Citizens, did, on or about the said twenty-ninth Day of *September*, one thousand seven hundred and seventy, treat with the Lessee of the said Tolls upon *London-bridge*, for the Purchase of his said Lease, wherein there were then fifteen Years and three Quarters to come and unexpired, but found his Demand grounded upon the Increase of the said Tolls, since the passing of the said Act, so high, as being deducted out of the said Sum of thirty thousand Pounds, would not leave sufficient for the Purchase or Redemption of the Reversion and Inheritance thereof: And whereas it is computed that, in order to reimburse the said Mayor and Commonalty, and Citizens, what they are directed by the said Act to advance in Payment of the said Annuities of eight hundred Pounds, and four hundred and eighty Pounds, or for the Redemption thereof, with Interest as aforesaid, and the said Charges, which they are by the said in part recited Act authorised to deduct, the said Tolls upon both the said Bridges must have Continuance until *Lady-day* one thousand seven hundred and seventy-nine, or thereabouts; and that the said Tolls upon *London-bridge*, if continued till *Lady-day* one thousand seven hundred and eighty-two, would, together with the said Sum of thirty thousand Pounds, and the Interest or Produce thereof in the mean time, after making good and completing such Reimbursement, be a sufficient Fund for purchasing the then remaining Term of the said Lease of the Tolls for the Passage over *London-bridge*, and the Reversion and Inheritance thereof: May it therefore please your Majesty, upon the Petition of

the said Mayor, Aldermen and Commons, in Common Council assembled, That it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Tolls, which are now payable by Prescription, for the Passage over *London-bridge*, shall, from and after the Time in and by the said in part recited Act limited for the Continuance thereof, have further Continuance, and be paid and payable to the said Mayor and Commonalty, and Citizens, until the twenty-fifth Day of *March*, one thousand seven hundred and eighty-two, and no longer; any Thing in the said Act contained, or any other Law, Usage or Prescription, to the contrary thereof in anywise notwithstanding.

Tolls now payable by Prescription to be continued till March 25, 1782.

II. And be it further enacted, That the said Mayor and Commonalty, and Citizens, shall, as soon as conveniently may be after the passing of this Act, cause the said thirty thousand Pounds to be laid out and invested in the Purchase of some of the public Funds, or placed out at Interest upon Government or real Securities; and, from time to time, until such Reimbursement to the said Mayor and Commonalty, and Citizens, as aforesaid, shall be completed, pay and apply the Dividends, Interest, and Proceed thereof, to the Purposes to which the said Tolls are appropriated by the said in part recited Act.

The Mayor to cause the 30,000 l. to be invested in the public Funds;

III. And be it further enacted, That the said Mayor and Commonalty, and Citizens, shall, on or before the said twenty-fifth Day of *March*, one thousand seven hundred and eighty-two, by, with, or out of the net Produce of the Funds or Securities in or upon which the said thirty thousand Pounds shall be then vested or placed; and the Interest, Dividends, or Proceed thereof, which shall then have arisen or accrued, from and after such Reimbursement to the said Mayor and Commonalty, and Citizens, as aforesaid, purchase the then remaining Term of and in the said Lease of the Tolls, and keep, place, or lay out the Residue thereof at Interest upon Government or real Securities, or in the Purchase of the Freehold and Inheritance of such Lands, Tenements or Hereditaments, as to the said Mayor, Aldermen and Commons, in Common Council assembled, shall seem meet, in Trust, for the Uses, Intents, and Purposes, to which the said Tolls were applicable before the passing of the said in part recited Act.

and, before March 25, 1782, purchase the remaining Term of the Lease of the Tolls.

'IV. And whereas, after reciting that it might, for the greater Regularity or Beauty of the Streets, 'Ways, or Passages, to be improved by virtue of the said Act, as of the twenty-ninth Year of King 'George the Second, be proper to build Houses, or Parts of Houses, on some Part of the Ground and Soil 'of the said Streets, Ways, or Passages, or on some Part of the former Channel of *Bridewell Dock*, it is 'by the said Act of the seventh Year of his present Majesty enacted, That it should and might be lawful 'to and for the said Mayor, Aldermen and Commons, in Common Council assembled, for and in Consi-'deration of such Sum and Sums of Money, or yearly Rent or Rents, to be paid into the Receipt of the 'Chamber of the said City of *London*, as they should think reasonable, to grant to the Owner or Owners 'of the Freehold and Inheritance of the House or Houses fronting any such Street, Way, or Passage, 'Licence or Licences, under the Common Seal of the said City, to build upon and inclose so much of the 'Ground and Soil, in the Front of the said respective House or Houses, as they should think fit to be built 'upon, for the Reasons aforesaid; and that the Ground and Soil so built upon, in pursuance of such Li-'cence or Licences, should for ever, or for and during the Time or Term to be expressed in such Licence 'or Licences respectively, be annexed to and enjoyed with the adjoining Freehold; any Law, Usage, or 'Custom to the contrary notwithstanding: And whereas it has happened, and may happen, that the 'Owner or Owners of the Freehold and Inheritance of the House or Houses fronting some of the said 'Streets, Ways, or Passages, cannot be found, or is or are unwilling to build, and the Tenants of such 'Ground, having Leases thereof for long Term of Years, would be willing to build upon the Ground 'and Soil in the Front thereof, if they might obtain such Licences, and be secured in the free Enjoyment 'of the said Ground and Soil, during the Term for which they respectively hold their said Houses, 'whereby the Regularity and Beauty of the said Streets, Ways, and Passages, would be sooner accom-'plished;' Be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen and Commons, in Common Council assembled, for such Considerations as aforesaid, to grant such Licence or Licences to the Tenant or Tenants of the House or Houses fronting any of the said Streets, Ways, or Passages, having Leases for long Terms, of which there shall be at least thirty-five Years then to come and unexpired; and that the Ground and Soil which shall be built upon by Order or in pursuance of such Licence or Licences, together with the Dwellings and Buildings thereon, shall for ever be annexed to and enjoyed with the House or Houses thereunto respectively adjoining, by the several Persons interested therein, according to their several Estates and Interests in the same; any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Clause in Act 7 Geo. III.

Mayor, &c. may grant Licences to Tenants, on certain Considerations.

V. Provided always, and be it further enacted, That nothing in this, or in the said former Act contained, shall give to any Person or Persons whomsoever, except the Owner or Owners of the Freehold and Inheritance of the said House or Houses, or the Lessee or Lessees thereof, who shall have such Terms remaining therein as aforesaid, any Right or Power to build on the said Ground, lying before the said Houses respectively; any Thing herein, or in the said former Act contained, to the contrary thereof in anywise notwithstanding.

Nothing herein, or in the former Act contained, shall give Right to any Person to build, except Owners.

VI. And be it further enacted, That all and every such Sum and Sums of Money as shall be paid for any Licence or Licences, to be granted by virtue or in pursuance of this Act, shall be, and the same is and are hereby appropriated to the Uses, Intents, and Purposes to which the Monies and Rents payable for the Licences mentioned in the said in part recited Act, are thereby appropriated, and to or for no other Use, Intent, or Purpose whatsoever.

Sums paid for Licences, how to be appropriated.

VII. And it is hereby further enacted, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance or by virtue of this Act, the Defendant or Defendants in

General Iſſue.

ſuch Action or Suit, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial or Trials which ſhall be had thereupon; and if the Plaintiff or Plaintiffs, in ſuch Action or Suit, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if Judgement ſhall be given for the Defendant or Defendants therein; then, and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts in any other Caſes by Law.

Treble Coſts.

Public Act.

VIII. And it is hereby further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXVII.

An Act for regulating and improving the Fiſheries in the River *Tweed*, and the Rivers and Streams running into the ſame; and alſo within the Mouth or Entrance of the ſaid River.

Preamble.

'WHEREAS Salmon, Gilſes, Salmon Trouts, and Whitlings, and the Spawn or Fry thereof, are frequently killed, taken, and deſtroyed at improper Seaſons in the River *Tweed*, and the Rivers and Streams which run into the ſame, and alſo within the Mouth or Entrance of the ſaid River, to the great Detriment of the Owners and Occupiers of the Fiſheries, and Loſs to the Public:' For Remedy whereof, and for the Improvement of the Fiſheries in the ſaid River, may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by Authority of the ſame, That from and after the twelfth Day of *May*, one thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons ſhall take or kill any Salmon, Gilſe, Salmon Trout, or Whitling, or take, kill, or deſtroy the Spawn, Fry, or young Brood of any ſuch Fiſh, in the ſaid River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill-pool, Mill-lead, Sluice, or Cut, which communicates with the ſaid River *Tweed*, or within the Limits of the Mouth or Entrance of the ſaid River *Tweed*, at any Time or Times between the tenth Day of *October* and the tenth Day of *January*, or between ten of the Clock on *Saturday* Night and two of the Clock on *Monday* Morning, every ſuch Perſon and Perſons ſhall forfeit and pay the Sum of ten Shillings for every Salmon, Gilſe, Salmon Trout, or Whitling, ſo taken or killed, and alſo the Sum of ten Shillings for every Parcel or Quantity of the Spawn, Fry, or young Brood of any ſuch Fiſh ſo taken, killed, or deſtroyed.

Perſons killing Salmon, Gilſe, Salmon Trout, or Whitling, between Oct. 10. and Jan. 10. or between 12 o'Clock on Saturday Night and two o'Clock on Monday Morning, ſhall forfeit 10 s. for every ſuch Fiſh.

'II. And whereas Diſputes may ariſe touching the Limits of the Mouth or Entrance of the River *Tweed*,' Be it therefore further enacted, That, for the Purpoſes of this Act, the Limits of the Mouth or Entrance of the River *Tweed* ſhall for the future be deemed and taken to be and extend three Miles from a Pier called *Queen Elizabeth's Pier*, and two Miles from a Rock called *Hood's Head Rock*.

Limits of the Mouth or Entrance of the River Tweed.

III. And be it further enacted, That from and after the ſaid twelfth Day of *May*, one thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons ſhall place, lay, ſet, continue, or draw any Net, Creel, Hamper, Engine, or other Device whatſoever in ſaid River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill-pool, Mill-lead, Sluice, or Cut, which communicates with the ſaid River *Tweed*, or within the Mouth or Entrance thereof, in order to kill or take any Spawn, Fry, or young Brood of any Salmon, Gilſe, Salmon Trout, or Whitling, or ſhall take, kill, or deſtroy, or have in his, her, or their Cuſtody or Poſſeſſion any Spawn, Fry, or young Brood of any ſuch Fiſh as aforeſaid, between the firſt Day of *April* and the firſt Day of *June*, every ſuch Perſon and Perſons ſhall forfeit and pay the Sum of ten Shillings, for every Parcel of Spawn, Fry, or young Brood of any ſuch Fiſh which ſhall be found in his, her, or their Poſſeſſion, between the ſaid firſt Day of *April* and the ſaid firſt Day of *June*.

Any Perſon who ſhall kill, or have in his Poſſeſſion any of the Spawn, Fry, or young Brood of Fiſh, between April 1. and June 1. ſhall forfeit 10s. for every Parcel thereof.

IV. And be it further enacted, That from and after the ſaid twelfth Day of *May*, one thouſand ſeven hundred and ſeventy-one, if any Perſon or Perſons ſhall beat the Water, or place or ſet any white Object, or any other Thing whatſoever in the ſaid River *Tweed*, or in any River, Rivulet, Brook, Stream, Mill-pool, Mill-lead, Sluice, or Cut, which communicates with the ſaid River *Tweed*, or in the Mouth or Entrance of the ſaid River, or in, over, or acroſs the ſaid River *Tweed*, or any River, Rivulet, Brook, Stream, Mill-pool, Mill-lead, Sluice, or Cut, or in the Mouth or Entrance of the ſaid River *Tweed*, in order to prevent the ſaid Fiſh from entering the ſaid River *Tweed*, or from going up and down the ſaid River, or any River, Rivulet, Brook, Stream, Mill-pool, Mill-lead, Sluice, or Cut aforeſaid, or ſhall by any other Ways, or in any other Manner, prevent the Fiſh from entering the ſaid River, and going up and down the ſaid Rivers and Waters before deſcribed, every Perſon ſo offending ſhall, for every Offence, forfeit any Sum not exceeding five Pounds, nor leſs than ten Shillings.

If any Perſon ſhall beat the Water, or in any other Manner prevent the Fiſh entering the River, &c. he ſhall forfeit any Sum not more than 5 l. nor leſs than 10 s.

V. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Owner or Owners of any Fiſhery in the ſaid River *Tweed*, or for the Owner or Owners of any Fiſhery in any River which runs into the River *Tweed*, and for all and every Perſon or Perſons having his, her, or their Authority, Licence, or Leave ſo to do, to angle or fiſh with Rods and Lines at any Time or Times between the ſaid tenth Day of *January*, and the tenth Day of *October*, in any Year, for any Kind or Sort of Fiſh in his, her, or their own Fiſhery or Fiſheries, notwithſtanding the ſame ſhall be let to any Perſon or Perſons; and alſo to take, carry away, and make uſe of the Fiſh ſo taken; and no ſuch Owner or Perſon, having ſuch Authority, Licence, or Leave, ſhall be liable, on account of any ſuch Angling, to any

Perſons may angle at certain Times in their own Fiſheries.

Penalty

Penalty inflicted by this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Laying Dirt, &c. in the River, the Forfeiture 20 s.

VI. And be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, at any Time or Times after the said twelfth Day of *May*, one thousand seven hundred and seventy-one, lay or place any Dirt or Rubbish in the said River *Tweed* below High-water Mark, every such Person shall forfeit and pay the Sum of twenty Shillings for every such Offence.

Persons killing Salmon, &c. in the Entrance of the Tweed, to forfeit 10 s. for each Fish;

'VII. And whereas of late Persons have made a Practice of fishing in the Mouth or Entrance of the 'River *Tweed*, by which Practice the Fish are disturbed and hindered from entering the said River,' Be it therefore further enacted by the Authority aforesaid, That from and after the said twelfth Day of *May*, one thousand seven hundred and seventy-one, if any Person or Persons whatsoever shall, at any Time or Times, fish for, take, or kill any Salmon, Gilse, Salmon Trout, or Whitling, within the Mouth or Entrance of the said River *Tweed*, every such Person or Persons shall forfeit the Sum of ten Shillings for every Salmon, Gilse, Salmon Trout, or Whitling so taken or killed, together with the Boats, Tackle, Nets, Engines, and all other Devices made Use of in taking or killing the same, and also the Fish so killed or taken; and all such Boats, Tackle, Nets, Engines, and other Devices so forfeited, shall be cut to Pieces, burnt, or otherwise destroyed; or if any Person or Persons shall buy or sell, or offer to Sale, or have in his, her, or their Custody or Possession, any Salmon, Gilse, Salmon Trout, or Whitling, knowing the same to have been killed or taken within the Mouth or Entrance of the said River, every Person offending in any of the Cases aforesaid shall forfeit the Sum of ten Shillings for every such Salmon, Gilse, Salmon Trout, or Whitling so bought, sold, or which shall be in his, her, or their Custody or Possession.

and buying or selling, or having such Fish in their Possession, knowing the same to be so killed, to forfeit 10 s.

Persons having a Right may fish in the Entrance of the River by the Regulations herein before-mentioned.

VIII. Provided always, That nothing herein contained shall anyways prejudice or affect the Right of the Owners or Proprietors of Fisheries, or the Right of any other Person or Persons who now are, or at any Time hereafter shall or may be seized, possessed of, or intitled to, any Manors, Seigniories, or Royalties within the Mouth or Entrance of the said River *Tweed*, as the same is herein before described; but that all and every such Owners and Proprietors, and other Person or Persons, as last are mentioned, shall have and enjoy all such Right of Fishery within the said Mouth or Entrance of the said River *Tweed* as they have hitherto lawfully exercised or enjoyed, or could or might have lawfully exercised or enjoyed in case this Act had not been made (so as such Right be used and exercised at such Times and Seasons only, under such Regulations, and subject to such Penalties and Forfeitures, as are herein before directed concerning the Fisheries within the said River *Tweed*, and within the Mouth or Entrance thereof); any Thing in this Act contained to the contrary in anywise notwithstanding.

Penalties, &c. how to be recovered and applied.

IX. And be it further enacted by the Authority aforesaid, That the Penalties or Forfeitures for Offences against this Act may be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, upon Proof of the Offence or Offences before any one or more Justice or Justices of the Peace within that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, or before any Justice or Justices of the Peace, or Sheriff-depute, within that Part of *Great Britain* called *Scotland*, for the County, Shire, Liberty, or Place where the Offender or Offenders shall be or reside, either by the Confession of the Party or Parties, or upon the Oath or Oaths of one or more Witness or Witnesses, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices in that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, or by Warrant or Warrants in due Form of Law of such Justice or Justices, or Sheriff-depute, in that Part of *Great Britain* called *Scotland*, (all which Warrants such Justice or Justices, or Sheriffs-depute, is and are hereby authorised and required to grant, and to administer such Oath or Oaths); and the Penalties and Forfeitures which shall be so levied and paid, shall, from time to time, be applied, one Moiety to the Informer or Informers, and the other Moiety to the Poor of the Parish or Place where the Offender or Offenders shall be or reside; and the Overplus remaining (if any), after such Penalties and Forfeitures, and all Charges attending the levying and recovering thereof, are deducted, shall on Demand be returned to the Owner or Owners of the Goods and Chattels so distrained; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, that then it shall and may be lawful for such Justice or Justices, or Sheriff-depute, and he and they is and are hereby respectively authorised and impowered to commit every such Offender or Offenders to the common Gaol or House of Correction, for any Time not exceeding three Months, nor less than one Month, as the said Justice or Justices, or Sheriff-depute, upon Consideration of the Circumstances, shall think fit.

Convictions shall be in the following Form.

X. And be it further enacted by the Authority aforesaid, That the Conviction or Convictions of all and every Offender or Offenders against this Act, within that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, shall be certified by the Justice or Justices of the Peace, by or before whom the same shall be made, to the next general Quarter Sessions of the Peace to be held for the County or Place where the Offender shall be convicted, and shall be filed amongst the Records of the said Sessions; and such Conviction shall be in the following Form of Words, or to the like Effect; (that is to say)

Form of Conviction for Offences.

To wit, } "BE it remembered, That on the Day of in the Year
" *A. B.* was, upon the Complaint of *C. D.* convicted before me [*or* us, *as the Case shall*
" *happen*] in pursuance of an Act passed in the eleventh Year of the Reign of his Majesty King
" *George* the Third, *for regulating and improving the Fisheries in the River* Tweed, *and the Rivers and*
" *Streams running into the same, and also within the Mouth or Entrance of the said River*. Given
" under my [*or* our] Hand and Seal [*or* Hands and Seals, *as the Case shall happen*] the Day and
" Year above written."

Which

Which ſaid Conviction ſhall be good and valid in the Law to all Intents and Purpoſes, and ſhall not be quaſhed, ſet aſide, or judged void or inſufficient for want of Form only, and ſhall not be liable to be removed by *Certiorari* into his Majeſty's Court of *King's Bench*, but ſhall be deemed and taken to be final to all Intents and Purpoſes whatſoever.

Perſons puniſhed for Offences by this Act, not to be liable to be proſecuted upon any other Act.

XI. Provided always, That where any Offender ſhall be puniſhed for any Offence by virtue of this Act, ſuch Offender ſhall not again be proſecuted, nor incur any Penalty by virtue of any other Law or Statute, or be liable to any other Puniſhment for the ſame Offence; and no Perſon ſhall incur any Penalty, or ſuffer any Puniſhment for any Offence committed againſt this Act, unleſs the Proſecution of the ſame ſhall be commenced within ſix Months after ſuch Offence committed.

Perſons aggrieved by the Act of any Juſtice may appeal to the next Quarter Seſſions.

XII. And be it enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall think himſelf, herſelf, or themſelves aggrieved by any Judgement of any Juſtice or Juſtices of the Peace, in any of the Caſes aforeſaid, may appeal to the Juſtices of the Peace for the County, Shire, Liberty, or Place, where ſuch Judgement ſhall be given, at their then next General Quarter Seſſions; but no ſuch Appeal ſhall be received, heard, or determined, unleſs the Appellant or Appellants ſhall firſt give, or cauſe to be given, fourteen Days Notice in Writing to the Juſtice or Juſtices from whoſe Judgement, Sentence, or Determination, he, ſhe, or they ſhall appeal, of his, her, or their Intention to bring ſuch Appeal, and ſhall alſo enter into a Recognizance, with two ſufficient Sureties conditioned to try ſuch Appeal; and the ſaid Juſtices, at their ſaid Seſſions, upon due Proof of ſuch Notice given as aforeſaid, ſhall hear and determine every ſuch Appeal in a ſummary Way, and ſhall award and order to the Party for whom and in whoſe Behalf ſuch Appeal ſhall be determined, ſuch Coſts and Charges as they, in their Diſcretion, ſhall think reaſonable and juſt to be paid by the Party or Parties againſt whom ſuch Appeal ſhall be determined; and in caſe ſuch Coſts and Charges ſhall not be paid within the Space of ſix Days, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ordered to pay the ſame; and if the Perſon or Perſons ordered to pay ſuch Coſts ſhall happen to remove or go into any County, Shire, Liberty, or Place, out of the Juriſdiction of the ſaid Court where ſuch Appeal ſhall be brought or heard, it ſhall and may be lawful for any Juſtice of the Peace of or for the County, Shire, Liberty or Place wherein ſuch Perſon ſhall inhabit or be found; and every ſuch Juſtice of the Peace is hereby required, upon Requeſt to him for that Purpoſe to be made, and a true Copy of the Order for the Payment of ſuch Coſts and Charges produced, and proved by ſome credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby impowered to adminiſter) by Warrant in due Form of Law, to cauſe the Money mentioned in that Order to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon that is ordered and ought to pay the ſame; and the Determination of the ſaid Juſtices, at ſuch Quarter Seſſion, ſhall be binding and concluſive to all Intents and Purpoſes whatſoever; and no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever: And that all and every Perſon and Perſons who ſhall think himſelf, herſelf, or themſelves aggrieved by any Judgement of any Sheriff-depute in any of the Caſes aforeſaid, may appeal to the Lords of Juſticiary in the next Circuit Court of the Circuit wherein ſuch County or Shire ſhall lie, in the Way, Manner, and Form, and under and upon the Limitations and Conditions preſcribed by and contained in an Act of Parliament paſſed in the twentieth Year of the Reign of his late Majeſty, *for taking away and aboliſhing the hereditable Juriſdictions in that Part of* Great Britain *called* Scotland, and for other Purpoſes therein mentioned.

And thoſe aggrieved by the Judgement of any Sheriff depute may appeal to the Lords of Juſticiary in the next Circuit Court.

Limitation of Actions.

XIII. And be it further enacted by the Authority aforeſaid, That no Action at Law ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done or to be done by virtue of this Act, within that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, until after fourteen Days Notice thereof in Writing ſhall be given to the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, or left at his or their laſt or uſual Place of Abode, ſetting forth the Cauſe of ſuch Action; and that every Action brought for any Thing done or to be done as aforeſaid, ſhall be brought within the Space of ſix Calendar Months next after the Cauſe of Complaint ſhall ariſe, and ſhall be laid and tried in the County or Place where the Fact was committed, and not elſewhere; and the Defendant or Defendants therein may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done by virtue hereof: And if, on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of fourteen Days next after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of ſix Calendar Months next after the Cauſe thereof ſhall have ariſen, or if ſuch Action ſhall be brought or laid in any other County or Place than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved, that then, and in any of the Caſes aforeſaid, the Jury ſhall find for the Defendant or Defendants therein; and in all Caſes where any Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or if the Plaintiff or Plaintiffs ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared, or ſhall be nonſuited; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants in ſuch Action ſhall have Treble Coſts, and have the like Remedies for recovering the ſame as Defendants have for recovering their Coſts in other Caſes by Law.

General Iſſue.

Treble Coſts.

Public Act.

XIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP.

CAP. XXVIII.

An Act for punishing Offences committed by Hackney Coachmen and Chairmen, within certain Districts and Places therein mentioned; and for renewing the Registry of Ca ts and Carriages.

Preamble.

'WHEREAS Doubts have arisen whether Offences committed by Hackney Coachmen and Chairmen, within certain Places, which, by reason of the great Increase of Buildings, are now become the Suburbs of the Cities of *London* or *Westminster*, are cognizable under an Act made in the ninth Year of the Reign of her late Majesty Queen *Anne*, in regard such Places were not the actual Suburbs of either of the said Cities at the Time of passing the said Act, and that some of them are not comprised within the weekly Bills of Mortality:' For Remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, all and every the new Squares, Buildings, and Streets, within the several Parishes of *Saint Mary le Bone*; *Saint George*, *Hanover Square*; *Saint George the Martyr*, *Queen Square*; and *Saint George*, *Bloomsbury*, within the County of *Middlesex*, and also all the several Burying Grounds within five Miles of the Cities of *London* or *Westminster*, belonging to any of the Parishes within the said Cities of *London* or *Westminster*, or the Parishes herein before mentioned, shall be deemed, construed, and adjudged, to be within the Cities of *London* or *Westminster*, or the Suburbs thereof, according to the true Intent and Meaning of the said Act; and that the Jurisdiction and Authorities of the Commissioners for licensing Hackney Coaches and Chairs, and of Justices of the Peace, and all the Provisions, Penalties, and Forfeitures therein contained, shall extend, and be deemed, construed, and adjudged to extend to all and every the said new Squares, Buildings, and Streets, and also to the several Burying Grounds belonging to any of the Parishes within the Cities of *London* or *Westminster*, or any of the several other Parishes herein before particularly mentioned.

Act 9 Annæ.

After June 24, 1771, the Parishes of St. Mary le Bone, St. George the Martyr, St. George, Hanover Square, St. George, Bloomsbury, &c. with all Burying Grounds within five Miles of London and Westminster, deemed to be within the Limits of the said Cities.

II. And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners for licensing and regulating Hackney Coaches and Chairs, to order and direct the several Persons who take out Licences for using Hackney Coaches, that they do provide, for the better Accommodation of the Public, Cheque Strings or Wires, to be placed in such convenient Part of every such Coach as to the said Commissioners shall seem most convenient; and every Hackney Coachman plying for Hire without such Cheque String or Wire, shall forfeit and pay, for every such Offence, the Sum of five Shillings; to be levied and recovered in such Manner as other Penalties and Forfeitures are, by any Law now in being, relating to Hackney Coaches, directed to be levied and recovered.

Commissioners to order Cheque Strings to every Hackney Coach; and every Coachman plying without such shall forfeit 5s.

'III. And whereas, in pursuance of the Directions of several former Acts for that Purpose, a very considerable Number of Carts, Cars, Drays, Fish Machines, and other Carriages, have, from time to time, been entered with the said Commissioners; which said Entries were, by the late Fire which happened in the Hackney Coach Office, entirely consumed, and also all the Books of Entries of such Numbers were totally destroyed, by Means whereof the Public will be deprived of the Benefit intended by the said several Acts, unless some Provision be made to compel the Owners of such Carts, Cars, Drays, Fish Machines, and other Carriages, which had been entered at the said Office, and were in Use at the Time the said Fire happened, to make Entries of such Numbers as they were then possessed of, together with their Names and respective Places of Abode;' Be it therefore further enacted, That all and every Person or Persons who was or were possessed of any Cart, Car, Dray, Fish Machine, or other Carriages, on the sixteenth Day of *November*, one thousand seven hundred and seventy, being the Day on which the said Fire happened, and which had been respectively entered with the said Commissioners, in pursuance of the said former Acts, shall, and they are hereby respectively required to make a new Entry of every such Cart, Car, Dray, Fish Machine, or other Carriage, with the said Commissioners, on or before the twenty-ninth Day of *September*, one thousand seven hundred and seventy-one; and for that Purpose the Owner or Owners of such Cart, Car, Dray, Fish Machine, or other Carriage, shall make out and deliver, or cause to be made out and delivered, in Writing, to the said Commissioners, at the Office for licensing Hackney Coaches, within the Time aforesaid, the true and real Number and Numbers of every such Cart, Car, Dray, Fish Machine, or other Carriage so entered as aforesaid, which was or were in Use, or which might lawfully have been used and employed on the said sixteenth Day of *November*, together with the Name and Place of Abode of the Owner thereof; and thereupon the said Commissioners shall, and they are hereby authorised and required, without Fee or Reward, to make an Entry or Entries of every such Cart, Car, Dray, Fish Machine, or other Carriage, together with the respective Number thereof, and the Name and the Place or Places of Abode of the respective Owners thereof, in Books to be by them provided for that Purpose.

All Persons possessed of Carts, Cars, Drays, &c. entered before Nov. 16, 1770, to make new Entries before Sept. 29, 1771.

IV. And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall neglect or refuse to make such Entry or Entries as aforesaid, with the said Commissioners, within the Time herein before limited, every such Person so neglecting or refusing to make such Entry or Entries, shall be deemed and taken to have and be possessed of no such Number or Numbers, nor to have made any Entry or Entries whatsoever, with the said Commissioners, and shall be subject and liable to all and every the Penalties and Forfeitures incurred by all or any of the several Acts heretofore made for that Purpose, in the same Manner,

Persons neglecting to make such Entries, shall be subject to all former Penalties,

and

and to all Intents and Purposes, as if no such Entry or Entries had been ever made; any Thing in any former Act or Acts to the contrary thereof notwithstanding.

In all Actions commenced, Defendants may plead the General Issue.

V. And be it enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the Defendant or Defendants, in any such Action or Suit, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, a Verdict shall be recorded for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have, in other Cases by Law, for Recovery of his or their Costs.

Double Costs.

CAP. XXIX.

An Act for consolidating, extending, and rendering more effectual the Powers granted by several Acts of Parliament, for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers, within the City of *London*, and Liberties thereof; and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places; and preventing and removing Obstructions and Annoyances within the same.

Preamble.

Act 19 Car. II.

'WHEREAS by an Act of Parliament made and passed in the nineteenth Year of the Reign of his late Majesty King *Charles* the Second, intituled, *An Act for rebuilding the City of* London, it was, amongst other Things, enacted, That the Number and Places for all Common Sewers, Drains, and Vaults, within the City of *London* and Liberties thereof, should be designed and set out by such and so many Persons as the Mayor, Aldermen, and Commonalty of the said City, in Common Council assembled, should, from time to time, authorise and appoint under their Common Seal, or the major Part of them; to which Persons several Powers and Authorities are thereby given, for making new Vaults, Drains, or Sewers, or for cutting into any Drain or Sewer already made; and for altering, enlarging, amending, cleansing, and scouring of any old Vaults, Sinks, or Common Sewers: And whereas by

Act 22 & 23 Car. II.

another Act made in the twenty-second and twenty-third Years of the same Reign, the said Clause, or Branch of the said in part recited Act, was made perpetual, and the Powers and Authorities thereby given were directed to be for ever thereafter put in Execution, according to the Purport and Effect of the said former Act, and for defraying the Charges thereof, the said Persons so to be appointed as aforesaid, or any seven or more of them, were impowered, from time to time, to impose and levy a reasonable Tax or Assessment upon the several Wards within the said City and Liberties, in Manner therein mentioned, to be assessed as well upon the Tenants or Occupiers of Houses, Shops, or other Tenements or Hereditaments, as upon the Owners or others interested in such Houses, Tofts, or Ground, unbuilt, and other Hereditaments whereof there should be no present Occupier: And whereas, by another Act made in the

Act 7 Annæ.

seventh Year of her late Majesty Queen *Anne*, it was amongst other Things enacted, That the said Persons so to be appointed as aforesaid, should execute, within the said City and Liberties, all and every the Powers and Authorities given to or vested in any Commissioners of Sewers in any other County or Place, by force or virtue of any the Laws and Statutes of this Kingdom, or of any Commission to them granted pursuant to the same, and should be deemed and taken to be Commissioners of Sewers, within the Limits aforesaid, subject, nevertheless, to the Limitations and Directions of the said first in part

Act 8 Geo. III.

recited Statute: And whereas, by another Act made in the eighth Year of his present Majesty's Reign, intituled, *An Act for the better paving, cleansing, and enlightening the City of* London *and Liberties thereof, and for preventing Obstructions and Annoyances within the same, and for other Purposes therein mentioned; and for repealing an Act made in the sixth Year of his present Majesty's Reign, for those Purposes*; the sole Power and Authority of pitching, paving, cleansing, and enlightening the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, within the said City and Liberties, are vested in the said Mayor and Commonalty, and Citizens, to be executed by such Persons as by the said Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, by virtue and in pursuance of the said in part recited Act of the twenty-second and twenty-third Years of his said Majesty King *Charles* the Second, then were, or thereafter, from time to time, should be authorised and appointed to be Commissioners of the Sewers for the said City and Liberties, or by any seven or more of them; which said Persons so from time to time authorised and appointed to be Commissioners of the Sewers for the said City and Liberties, were thereby constituted Commissioners for carrying the said Act of the eighth Year of the Reign of his present Majesty into Execution: And whereas the Powers given and granted in and by

insufficient to answer the Purposes intended.

the said several in part recited Acts have been found defective, and insufficient to answer the good Purposes thereby intended: And whereas several of the Streets and Places within the said City and Liberties, for want of proper Sewers, Drains, or Vaults, are frequently annoyed, the Houses and Buildings therein weakened and rendered of less Use, and the Health of his Majesty's Subjects greatly affected: And whereas the Rates and Assessments which the Persons so appointed by the said Mayor, Aldermen, and Commons, in Common Council assembled, are, by the said Act of the eighth Year of the Reign of his present Majesty, authorised and impowered to raise and levy, for paving, cleansing, and lighting the said

'City and Liberties, will be ſufficient, by Degrees, alſo to defray the Expence of making new Sewers and 'public Drains and Vaults, where wanted, and of enlarging and altering old ones where neceſſary, and 'the Expence of repairing and cleanſing all the ſaid Sewers, Drains, and Vaults, ought to be defrayed by 'the Landlords or Proprietors of the Houſes and Lands within the ſaid City and Liberties:' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing this Act, the ſole Power of ordering, deſigning, making, enlarging, widening, deepening, raiſing, altering, removing, repairing, cleanſing, and ſcouring, of all Common Sewers, Drains, and Vaults; and of paving, cleanſing, and lighting the ſeveral Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, within the ſaid City of *London* and Liberties thereof, ſhall be, and the ſame is hereby veſted in the Mayor and Commonalty and Citizens of the ſaid City, to be executed by ſuch Perſons as by the Mayor, Aldermen, and Commons of the ſaid City, in Common Council aſſembled, ſhall, from time to time, be nominated, and, under the Common Seal of the ſaid Mayor and Commonalty and Citizens, be appointed for that Purpoſe; which ſaid Perſon ſo from time to time to be nominated and appointed, ſhall be, and they are hereby conſtituted Commiſſioners for carrying this Act into Execution.

The Recorder and Common Serjeant ſhall be Commiſſioners.

II. Provided always, and it is hereby further enacted, That the Authority of the ſaid Commiſſioners for the time being ſhall nowiſe be ſuſpended or taken away, ſave by the Appointment, from time to time, of new Commiſſioners for the ſaid City and Liberties: Provided alſo, That the Recorder and Common Serjeant of the ſaid City of *London* for the time being ſhall be, and they are hereby conſtituted and appointed two of the Commiſſioners for carrying this Act into Execution.

The Powers to be exerciſed by the major Part of the Commiſſioners.

III. Provided alſo, and it is hereby further enacted and declared, That all the Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners hereby conſtituted as aforeſaid, ſhall and may, from time to time, be exerciſed by the major Part of ſuch of them as ſhall attend at any public Meeting of the ſaid Commiſſioners, to be holden as herein after mentioned, the Number of the ſaid Commiſſioners preſent at ſuch public Meeting not being leſs than ſeven, (except for the Purpoſe of adjourning) and all Acts, Orders, and Proceedings of the ſaid Commiſſioners preſent at ſuch public Meeting, ſhall have the ſame Force and Effect as if done or made by all the Commiſſioners conſtituted by this Act.

First public Meeting.

IV. And it is hereby further declared and enacted, That the firſt public Meeting of the ſaid Commiſſioners, to be had by virtue of and under this Act, ſhall be at ſuch Time and Place, within the ſaid City and Liberties, as the Mayor of the ſaid City ſhall think proper to order and appoint: And the ſaid Mayor is hereby directed to order and appoint ſuch firſt public Meeting to be held on or before the firſt Day of *June* next, and to cauſe the ſaid Commiſſioners to be ſummoned to attend the ſame.

Power to adjourn.

V. And it is hereby further enacted and declared, That it ſhall and may be lawful to and for the major Part of the ſaid Commiſſioners preſent at ſuch public Meeting, or at any ſubſequent public Meeting of the ſaid Commiſſioners (the Number ſo attending not being leſs than three) to adjourn ſuch public Meeting to any future Day and Time, and to any Place within the ſaid City and Liberties: Provided always, That every Commiſſioner ſhall have Notice to attend at ſuch adjourned public Meeting, by Summons from the Clerk to the ſaid Commiſſioners for the time being.

Mayor to appoint a public Meeting.

VI. Provided alſo, and it is hereby further enacted and declared, That it ſhall and may be lawful to and for the Mayor of the ſaid City for the time being, from time to time, to appoint a public Meeting of the ſaid Commiſſioners, at any Time and Place within the ſaid City or Liberties, which he ſhall judge proper for the Execution of this Act, notwithſtanding any Adjournment or Non-adjournment of the ſaid Commiſſioners; and ſhall cauſe the ſaid Commiſſioners to be ſummoned to attend the ſame.

Commiſſioners to appoint Clerks.

VII. And it is hereby further enacted, That the ſaid Commiſſioners ſhall and may, from time to time, at any of their ſaid public Meetings, elect and appoint one or more Clerk or Clerks, and one or more Surveyor or Surveyors, and alſo ſuch and ſo many other Officers as they ſhall find neceſſary for the due Execution of this Act (fourteen Days Notice of their Intention to proceed to ſuch Election or Appointment having been firſt printed and publiſhed in two or more of the Daily News-papers, and Notice thereof being alſo expreſſed in the Summons for ſuch public Meeting); and the ſaid Commiſſioners ſhall take ſuch Security as they ſhall think proper for the due Execution of ſuch reſpective Offices; and ſhall and may, from time to time, remove any of the ſaid Officers at their Will and Pleaſure, and appoint others in the Room of ſuch as ſhall die, or be removed as aforeſaid: And the ſaid Commiſſioners ſhall and may, out of the Monies ariſing or to ariſe by virtue of this Act, appoint and pay ſuch Salaries, Gratuities, and Allowances, as they ſhall judge reaſonable, to ſuch Officers, and to all ſuch other Perſons as ſhall have been or ſhall be employed in, or aiding and aſſiſting about the Execution of this Act.

Clerks, &c. ſhall not take Fee.

VIII. And it is hereby further enacted, That if any Clerk, Surveyor, or other Officer or Servant, who ſhall be employed by the ſaid Commiſſioners, in the Execution of this Act, or any Part thereof, ſhall exact, demand, take, or accept any Fee, Gratuity, or Reward whatſoever (other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners) for or on Account of any Thing done or to be done by virtue of this Act, or for forbearing to do any Thing hereby or by the ſaid Commiſſioners directed to be done, on any Account whatſoever, relative to the Execution or Non-execution of this Act, or ſhall anyway be concerned in Intereſt, in any Bargain made or to be made by the ſaid Commiſſioners, for any of the Purpoſes intended by this Act, every Perſon ſo offending ſhall, from thenceforth for ever, be incapable of being employed under this Act; and ſhall, over and above, forfeit and pay the Sum of fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record at *Weſtminſter*, or within the ſaid City, by Action of Debt, Bill, Plaint, or Information, to be commenced within ſix Calendar Months next after the Offence committed;

in which Action no Suit, nor Protection, Eſſoin, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Proceedings to be entered.

IX. And it is hereby further enacted, That all the Acts, Orders, and Proceedings of the ſaid Commiſſioners, at their ſaid public Meetings, from time to time, ſhall be entered in a Book or Books to be kept for that Purpoſe by the ſaid Commiſſioners, and ſhall be ſigned by their Clerk for the time being; and ſuch Entries ſhall be deemed and taken to be the original Orders and Proceedings of the ſaid Commiſſioners; and ſuch Book or Books ſhall and may be produced and read in Evidence in all Courts whatſoever.

Perſons not free of the City may be employed.

X. And it is hereby further enacted, That the ſaid Commiſſioners may, and they are hereby authoriſed and impowered, from time to time, to employ under them any fit Perſon or Perſons, whether free of the ſaid City or not, in or about all or any of the Works which they ſhall cauſe to be performed, by virtue or in purſuance of this Act, and to contract for the Performance of ſuch Works, or any of them, with any Perſon or Perſons whatſoever, in ſuch Manner as the ſaid Commiſſioners ſhall think fit: And that no Perſon or Perſons who ſhall be ſo employed or contracted with, nor any Perſon or Perſons to be ſet to work by, or under them, or any of them, ſhall for any Act done, or to be done, in or about any of the Works aforeſaid, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the fifth Year of her late Majeſty Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices*, or be liable to be ſued for any Breach of the Cuſtom of *London*, or for any Penalty inflicted by any Bye-law of the ſaid City.

Notice of Contracts to be given.

XI. Provided always, That previous to the making of any ſuch Contract, Notice ſhall be given in ſome of the Daily News-papers, that the ſaid Commiſſioners do intend to make ſuch Contract, and that all Perſons willing to engage therein may make Propoſals to the ſaid Commiſſioners, at a certain Time and Place in every ſuch Notice to be ſpecified; and all Contracts made, or to be made in conſequence of ſuch Notice, ſhall ſpecify the ſeveral Works to be done, and the Price or Prices to be paid for the ſame, and the time or times when the ſaid Works are to be completed, together with the Penalties to be incurred in caſe of the Non-performance thereof, and the ſame ſhall be ſigned by the Clerk for the time being of the ſaid Commiſſioners, as alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively, and ſhall be entered in a Book or Books to be kept for that Purpoſe by the ſaid Commiſſioners.

No Member of the Common Council to be concerned in any Contract.

XII. Provided alſo, and it is hereby further enacted, That no Perſon being a Member of the Court of Common Council of the ſaid City, ſhall be, directly or indirectly, intereſted, or concerned in any Contract, which ſhall be made or entered into by or on Behalf of the ſaid Commiſſioners, for or concerning any of the ſaid Works to be carried on or performed in purſuance of this Act, or for or concerning any Materials to be uſed or employed therein, upon Pain that every ſuch Contract ſhall be null and void, and that the Perſon who, being a Member of the ſaid Court, ſhall be ſo intereſted or concerned therein, ſhall, for every ſuch Offence, forfeit and pay the Sum of one hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record at *Weſtminſter*, or in the ſaid City, by Action of Debt, Bill, Plaint, or Information, to be commenced within ſix Calendar Months next after the Offence committed, in which Action or Suit, no Protection, Eſſoin, or Wager of Law, or more than one Imparlance ſhall be allowed; and every Perſon againſt whom the ſaid Penalty ſhall be recovered, ſhall for ever thereafter be diſabled from being elected a Member of the ſaid Court of Common Council.

Sewers, &c. to be made, and the Streets to be paved by the Commiſſioners.

XIII. And it is hereby further enacted, That the ſaid Commiſſioners may cauſe ſuch and ſo many new Sewers, Drains, and Vaults, as they ſhall think proper to be dug, and made, in, along or croſs any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, within the ſaid City and Liberties, and alſo any of the Sewers, and public Drains, and Vaults, which now are, or hereafter ſhall be, within the ſaid City and Liberties, to be enlarged, widened, deepened, raiſed, altered, removed, repaired, cleanſed, or ſcoured, when and as often as to them ſhall ſeem meet; and alſo may cauſe all or any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, to be new-paved, or repaired, when, and as often, and in ſuch Manner, and with ſuch Materials, as the ſaid Commiſſioners ſhall think fit; and for any of the ſaid Purpoſes may, from time to time, cauſe to be dug, carted, and carried out of, or brought into the ſaid Streets, or Places, or any of them, ſuch Gravel, Stones, Bricks, and other Materials, as they ſhall judge neceſſary, and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channel running in, into, or through the ſame, to be turned or altered, and the Water Pipes which now lie, or hereafter ſhall be laid under Ground, to be taken up and new laid, in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners ſhall judge beſt; and may cauſe ſuch Poſts, Bars, and Chains, as they ſhall think uſeleſs or inconvenient, to be taken away or removed; and likewiſe all Steps, Bulks, Shew-glaſſes, Shew-boards, Balconies, Windows, Window Frames, and Stall Boards, encroaching upon or extending over the Foot-ways, and alſo all Steps and Doors opening or leading from the Foot-ways into Vaults or Cellars to be taken away, removed, or altered; any Thing contained in the Act of the nineteenth Year of the Reign of King *Charles* the Second, for rebuilding the City of *London*, to the contrary thereof in anywiſe notwithſtanding.

Not to extend to the Drains belonging to Saint Paul's Cathedral.

XIV. Provided always, and it is hereby further enacted and declared, That no new Sewer, Drain, or Vault, ſhall be made, nor ſhall any Common Sewer, public Drain, or Vault, which is already made, be enlarged, widened, deepened, raiſed, or altered, in any Manner, by virtue of this Act, ſo as to communicate with, or anywiſe injure, prejudice, or affect any Sewer, Drains, Wydraught, or Vault, now belonging to the Cathedral Church of *Saint Paul* in *London*, and which is ſituate, lying and being in the Church-yard of the ſaid Cathedral Church, as well without as within the Rails thereof, and which hath been made for the Uſe or Benefit of the ſaid Cathedral, and have been and now are kept in Repair by the Order, and under the Direction of the Lord Archbiſhop of *Canterbury*, the Lord Biſhop of *London*, and Lord Mayor of *London* for the time being, as Truſtees for the Fabrick of the ſaid Cathedral Church, with-

out the Conſent of the ſaid Truſtees, or the major Part of them, and of the Dean and Chapter of the ſaid Cathedral Church for the time being, firſt had and obtained in Writing for that Purpoſe.

Signs, &c. to be taken down or removed by the Commiſſioners.

XV. And it is hereby further enacted, That the ſaid Commiſſioners ſhall and may cauſe all Signs, or other Emblems uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign-poſts, Sign-irons, Balconies, Pent-houſes, Shew-boards, Spouts, and Gutters, projecting into any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, and all other Incroachments, Projections, and Annoyances whatſoever, within the ſaid City or Liberties, to be taken down and removed, and ſhall cauſe all Signs, or other Emblems as aforeſaid, Shew-boards and Gutters, or ſuch Parts thereof as they ſhall think fit, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, ſo much of ſuch Signs or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Shew-boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act; and that for the future, all Signs, Sign-boards, and Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe; and if any Perſon or Perſons ſhall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-poſt, or other Poſt, Sign-iron, Balcony, Pent-houſe, Shew-board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance, or cauſe the ſame to be done, contrary to the Direction aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds, and the further Sum of twenty Shillings for every Day ſuch Offence ſhall continue.

Cranes to be kept cloſe to the Walls of Warehouſes.

XVI. Provided always, and it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to keep any Crane or Cranes already fixed up againſt any Warehouſe or Warehouſes, within the ſaid City and Liberties thereof, or to affix any Crane or Cranes to ſuch Warehouſe or Warehouſes, and to make uſe of ſuch Crane or Cranes, ſo as ſuch Crane or Cranes be turned and kept cloſe to the Walls of ſuch Warehouſe or Warehouſes when not in actual Uſe; any Thing in this Act, or any former Law, Cuſtom, or Statute to the contrary thereof in anywiſe notwithſtanding.

Waggons ſhall not ſtand in the Street above one Hour.

'XVII. And, for the more ſpeedy Removal of ſundry Nuiſances and Obſtructions within the ſaid City 'and Liberties,' It is hereby further enacted, That if, after the paſſing of this Act, any common Stage Waggon, or other Waggon, or any Cart, Dray, or other Carriage, ſhall, for the Purpoſe of loading or unloading the ſame, or any Part thereof, be ſuffered to ſtand or continue in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, above the Space of one Hour at any one Time; or if any Cart, Waggon, Dray, or other Carriage, ſhall be placed and ſuffered to ſtand athwart or acroſs any ſuch Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, for the loading or unloading thereof, or for any other Purpoſe whatſoever; or if any ſuch Cart, Waggon, Dray, or other Carriage, ſhall be ſuffered to ſtand or continue in any Part of any ſuch Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, longer than is neceſſary for the loading or unloading thereof; or if any Goods, Materials, or Things whatſoever, ſhall be laid or placed, and left in any ſuch Street, Lane, Square, Yard, Court, Alley, Paſſage, or Place, ſo as to obſtruct the free Paſſage thereof; then, and in every ſuch Caſe, any one of the ſaid Commiſſioners, or any one of their Officers, to be by them appointed to remove Nuiſances, ſhall and may ſeize, or cauſe to be ſeized, the Stage Waggon, Cart, Waggon, Dray, or other Carriage, ſo placed or ſuffered to ſtand or continue, contrary to the true Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials or Things, ſo laid or placed, and left as aforeſaid, and remove the ſame, or cauſe the ſame to be removed, to the common Pound of the ſaid City, commonly called *The Green Yard*, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be, the Sum of twenty Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of twenty Shillings and Charges paid, within the Space of three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, to cauſe the ſame, or a competent Part thereof, to be appraiſed and ſold, for Payment of the ſaid Penalty and Charges, returning to ſuch Owner or Owners, upon Demand, the Goods and Things not ſold, together with the Overplus (if any) of the Monies ariſing by ſuch Sale.

Continuance of Hoards in the Streets, how to be prevented.

XVIII. And it is hereby further enacted, That if any Perſon or Perſons whatſoever, ſhall erect or build, or cauſe to be erected or built, any Poſts, Bars, Rails, Boards, or other Things, by Way of Incloſure, for the Purpoſe of making Mortar, or depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſe or Houſes, Building or Buildings, or other Works, within the ſaid City or Liberties, in any other Manner, or ſhall ſuffer the ſame to remain for any longer Time than ſhall be neceſſary for ſuch Building or Repairs, or ſhall lay any Rubbiſh within ſuch Incloſure, or in any public Street, Paſſage, or Place within the ſaid City or Liberties, or cauſe the ſame to be done, and Complaint thereof ſhall be made to the ſaid Commiſſioners by any two Houſeholders of the ſaid City or Liberties, and the ſaid Commiſſioners ſhall, upon View, or other due Proof of the Matter of the ſaid Complaint, find the ſame to be true; then, and in every ſuch Caſe, the Perſon or Perſons erecting and building ſuch Incloſure, and ſuffering the ſame to remain longer than ſhall be neceſſary as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings; and moreover, it ſhall and may be lawful to and for the ſaid Commiſſioners, to cauſe ſuch Incloſure or Erection to be pulled down and removed, and the Materials thereof, as alſo all Bricks, Mortar, Lime, or other valuable Things contained within the ſame, or thereto belonging, to be depoſited in *The Green Yard* aforeſaid, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody

the same shall be, the Charges of pulling down and removing the same; and in case the same shall not be claimed, and the said Charges paid, within the Space of eight Days next after such Seizure thereof, it shall and may be lawful to and for the said Commissioners to order the same to be appraised and sold, and the Money arising therefrom shall be applied to the Purposes of this Act; and the said Commissioners are further authorised to remove such Rubbish to such Place as they shall think convenient, and every Person laying such Rubbish, or causing or procuring the same to be laid, within, or on the Outside, or near to such Inclosure, or in any public Street, Passage, or Place within the said City or Liberties, shall forfeit and pay the Sum of twenty Shillings, together with the Expence of removing the same.

No Lime to be slaked in the Streets, &c.

XIX. And it is hereby further enacted, That no Person or Persons whatsoever shall slake Lime in the Foot-way or Carriage-way of any of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, or Places, or in any House or Houses within the same, upon Pain that every Person so offending shall, for every such Offence, forfeit and pay the Sum of forty Shillings.

Bricklayers or Plasterers may slake in the Cellars of Houses new building or repairing.

XX. Provided always, That nothing herein contained shall be construed to restrain any Bricklayer or Plasterer from slaking Lime within the Yards or Cellars of Houses which shall be new-building or repairing, or within the Yards or Cellars belonging to the Dwelling-house of any such Bricklayer or Plasterer, so that the Steam of such Lime be conveyed into and through the Chimney of such House respectively; and that no Lime be slaked in any Cellar or Yard after the Hour of seven of the Clock in the Morning, from *Lady-day* to *Michaelmas*, nor after the Hour of eight of the Clock in the Morning, from *Michaelmas* to *Lady-day*; and if any Lime shall be slaked contrary to the Directions of this Act, every Person so offending shall, for each Offence, forfeit and pay the Sum of forty Shillings.

Damage being done to the Foot-pavement.

XXI. And be it further enacted, That if any Person or Persons shall for the future carry, run, drive, roll, or draw, or cause to be carried, run, driven, rolled, or drawn, any Bier, or any Wheel or Wheels, empty Cask or Casks, Sledge, Wheelbarrow, or other Carriage whatsoever, or shall ride, lead, or drive, any Horse, Ass, Mule, or other Cattle, Coach, or other Carriage whatsoever, along any Part of the said Foot-pavements; then, and in any of the said Cases, and so often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons to assist in seizing such Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey or deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of the said City; and the Party or Parties accused being brought before him, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence (which Oath the said Justice is hereby authorised and required to administer), and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they, so convicted, shall forfeit and pay the Sum of ten Shillings for the first Time of offending; the Sum of twenty Shillings for the second Time of offending; and the Sum of forty Shillings for the third, and every other Time of offending.

Offenders to forfeit, for first Offence, 10 s. &c.

Names of Streets, &c. to be fixed up;

XXII. And it is hereby further enacted, That the said Commissioners shall and may cause to be painted, engraved, or described in Stone, or otherwise, and to be affixed in a conspicuous Part of one or more House or Houses, Building or Buildings, at or near each End, Corner or Entrance, of each of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages or Places, the Name by which each respective Street, Lane, Square, Yard, Court, Alley, Passage, or Place, is or shall be properly or usually called or known; and may also cause every House, Shop, or Warehouse in each of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages and Places, to be marked or numbered in such Manner as they shall judge most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, obliterate, or deface any such Names, Descriptions, Marks or Numbers, or any Part thereof, or cause or procure the same to be done, every Person so offending shall, for every such Offence, forfeit and pay the Sum of forty Shillings.

Penalty on destroying, &c. the same.

Alterations in the Pavement of the Streets, not to be altered.

XXIII. And it is hereby further enacted, That no Person or Persons shall, without Authority from the said Commissioners, alter, or cause to be altered, the Form of the Pavement of any of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, or Places, or in any Way incroach thereupon, upon Pain that every Person so offending shall, for every such Offence, forfeit and pay the Sum of five Pounds, over and above the Expence of relaying and reinstating the same, according to the Directions of the said Commissioners; the said Forfeitures and Expences to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, in the Name of the said Mayor and Commonalty and Citizens of the said City of *London*, to be commenced within six Calendar Months next after the Commission of such Offence; in which Action or Suit, no Protection, Essoin, or Wager of Law, or more than one Imparlance shall be allowed.

Bad Pavements to be repaired.

XXIV. And it is hereby further enacted, That, from and after the passing of this Act, if any two Housekeepers within the said City and Liberties shall make Complaint, in Writing, under their Hands, to the said Commissioners, of any Defect or Want of Repair in any of the Pavements of any of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, or Places, either before or after the same shall have been new-paved or repaired by virtue of this Act; then, and in every such Case, the said Commissioners shall forthwith cause the Pavement so complained of to be inspected by their Surveyor; and if the same shall, by him, be found defective, and so reported to be to the said Commissioners, unless such Defect shall appear to arise from a Defect in the Water-pipes under such Pavement, they the said Commissioners shall forthwith give Orders to their Contractor or Contractors, Pavior or Paviors, to repair the same; and if the Contractor or Pavior of the said Commissioners, to whom such Order shall be given, shall not, within four Days next after Receipt thereof, repair the said defective Pavement; then, and in every such Case, the said

ſaid Contractor or Pavior ſhall forfeit and pay the Sum of twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Expiration of the ſaid four Days.

Pavement, when the Water-pipes are broken, how to be taken up.

XXV. And it is hereby further enacted, That when and ſo often as any Pipe or Pipes, belonging to any of the Water Companies, who furniſh any Part of the ſaid City and Liberties with Water, and which now lie, or ſhall hereafter be laid under Ground, in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, ſhall happen to break, burſt, or decay, ſo as to require Reparation, the Surveyor of the ſaid Commiſſioners for the time being, or ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint for that Purpoſe, ſhall forthwith give, or cauſe to be given, Notice thereof in Writing, to the Pavior of the Water Company to whom he apprehends the ſaid Pipe or Pipes do belong, who is hereby required to take up the Pavement, and open the Ground at or near the Place where ſuch Reparation ſhall appear to be wanting; and if the ſaid Pavior ſhall, upon taking up ſuch Pavement, and opening ſuch Ground, diſcover that the Pipe or Pipes ſo broken, burſt, or decayed, does not or do not belong to the Water Company whoſe Pavior he is; then, and in every ſuch Caſe, he ſhall forthwith give, or cauſe to be given, Notice thereof in Writing, to the Pavior of the Company to whom the ſaid Pipe or Pipes ſhall appear to belong, in which Caſe, ſuch laſt-mentioned Pavior is hereby required, upon Demand, to make Satisfaction for the taking up ſuch Pavement, and opening ſuch Ground, to the Pavior giving Notice as aforeſaid; and the Pavior of ſuch Water Company, to whom the ſaid Pipe or Pipes ſhall belong, is hereby required to cauſe or procure the ſaid Pipe or Pipes to be repaired, and afterwards to fill up the ſaid Ground, and ram down the ſame, within two Days next after ſuch Notice to him given; and as ſoon as ſuch Pipe ſhall have been ſo repaired, and the Ground ſo filled up and rammed down, he ſhall give, or cauſe to be given, Notice thereof, in Writing, to the Pavior or Contractor, for the time being, of the ſaid Commiſſioners: And if the Pavior of any of the ſaid Water Companies to or for whom ſuch Notice ſhall be given, or left at his laſt Place of Abode, ſhall, by the Space of two Days next after the giving or leaving ſuch Notice as aforeſaid, refuſe or neglect to take up ſuch Pavement, and open ſuch Ground; or, if upon diſcovering that the Pipe or Pipes ſo broken, burſt, or decayed, doth not or do not belong to the Company whoſe Pavior he is, he ſhall refuſe or neglect to give immediate Notice thereof in Writing to the Pavior of the Company to whom the ſaid Pipe or Pipes doth or do belong; or if the Pavior of the Water Company to whom the ſaid Pipe or Pipes ſhall belong, ſhall, by the Space of two Days next after ſuch Notice given to him, or left at his laſt Place of Abode, refuſe or neglect to cauſe or procure ſuch Pipe or Pipes to be amended and repaired, or afterwards to fill up the Ground ſo taken up, or to give ſuch immediate Notice of his having ſo done, to the Pavior or Contractor of the ſaid Commiſſioners for the time being; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively refuſing or neglecting, ſhall, for every ſuch Offence, ſeverally forfeit and pay the Sum of five Pounds; and if any Pipe or Pipes, not belonging to any of the Water Companies, ſhall happen to break, burſt, or decay, as aforeſaid, in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places; then, and in every ſuch Caſe, the reſpective Owner or Owners thereof ſhall forthwith cauſe the Ground over the ſame to be opened, and ſuch Pipe or Pipes to be repaired, and Notice thereof in Writing to be given to the Clerk for the time being of the ſaid Commiſſioners, or, in caſe of Refuſal or Neglect ſo to do, ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds; and if any Pavement ſhall be broken or taken up, for the Purpoſe of making, repairing, or altering any Vault or Drain, or for any other Purpoſe whatſoever; then, and in every ſuch Caſe, the Perſon or Perſons ſo breaking or taking up the ſaid Pavement, or cauſing the ſame to be ſo broken or taken up, ſhall, as ſoon as the Nature of the Work will permit, cauſe the Ground to be filled up, and Notice thereof in Writing to be given to the Clerk, for the time being, of the ſaid Commiſſioners, or, in caſe of Refuſal or Neglect ſo to do, ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings; and the ſaid Clerk of the ſaid Commiſſioners ſhall forthwith, upon every ſuch Notice as aforeſaid given to him, or left at the Office of the ſaid Commiſſioners, at the *Guildhall* of the ſaid City, tranſmit ſuch Notice, or cauſe the ſame to be tranſmitted to the Pavior or Contractor of the ſaid Commiſſioners for the time being; and if the ſaid Clerk ſhall refuſe or neglect, by the Space of two Days next after any ſuch Notice as aforeſaid given to him, or left at his laſt Place of Abode, to tranſmit ſuch Notice, or cauſe ſuch Notice to be tranſmitted to the ſaid Pavior or Contractor for the time being of the ſaid Commiſſioners, or if ſuch Pavior or Contractor, to whom any ſuch Notice as aforeſaid ſhall be ſo tranſmitted, ſhall, by the Space of two Days next after the tranſmitting of ſuch Notice to him as aforeſaid, refuſe or neglect to relay and repair the Pavement ſo broken up; then, and in every ſuch Caſe, the Perſon ſo refuſing or neglecting ſhall forfeit and pay the Sum of twenty Shillings for every Day ſuch Pavement ſhall continue unrelayed or unrepaired, after the Expiration of the ſaid two Days.

Proviſo.

XXVI. Provided always, That if it ſhall happen that, at any Time, there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe ſuch Notice as aforeſaid ſhall be delivered to, or left at the Office of the Clerk or Secretary of ſuch Company reſpectively; who ſhall, in every ſuch Caſe, be ſubſtituted in the Room of ſuch Pavior, to all the Intents and Purpoſes aforeſaid.

Paviors of the Water Companies to give Notice of their Names, &c.

XXVII. And it is hereby further enacted, That the ſeveral and reſpective Paviors now employed, or hereafter to be employed by the ſaid Water Companies reſpectively, within the ſaid City or Liberties thereof, ſhall, within the Space of thirty Days next after the paſſing of this Act, or within three Days next after they ſhall be reſpectively appointed Paviors to ſuch Company or Companies, give Notice in Writing to the Clerk for the time being of the ſaid Commiſſioners, of their reſpective Names and Places of Abode, and of the Names of the reſpective Company whoſe Paviors they are, and of the reſpective Diſtrict to which they are appointed; and, in like Manner, the Clerk for the time being of the ſaid Commiſſioners ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors of the ſaid ſeveral Water Companies, of the Names and Places of Abode of the Pavior or Paviors, Contractor or Contractors, for the time

time being, of the said Commissioners; and if any of the said Paviors, or the Clerk of the said Commissioners for the time being, shall neglect to give such Notice within the respective Times aforesaid, each of them shall, for every such Offence, severally forfeit and pay the Sum of twenty Shillings.

Water Companies to pay the Expence of new laying Pavement when the Pipes are broken, &c.

XXVIII. Provided always, and it is hereby further enacted and declared, That the Charges and Expences of relaying the Pavement which shall be broken or taken up, for the Purposes of repairing or amending any such Pipe or Pipes, shall be reimbursed and paid to the said Commissioners, or to such Person as they shall appoint to receive the same, by the Clerk or Treasurer for the time being, of the respective Water Companies, to whom such Pipe or Pipes shall belong; or if the same shall not belong to any of the said Water Companies, then, by the respective Owner or Owners thereof, and the Charges and Expences of relaying the Pavement which shall be broken or taken up for the Purposes of repairing, cleansing, or emptying any Sewer, public Drain, or Vault, or of making any new or additional Grates, or of repairing and altering any old Grates belonging to such Sewer, public Drain, or Vault, shall be defrayed and paid by and out of the Rates to be raised under this Act, for the Purposes of repairing and cleansing the said Sewers, public Drains, and Vaults: And if such Clerk or Treasurer to any of the said Water Companies, or the respective Owner or Owners of such Pipe or Pipes, liable to reimburse and pay such Charges and Expences, shall refuse or neglect to pay the same within ten Days next after Demand thereof in Writing, signed by the Clerk of the said Commissioners, and left at their respective Dwelling-houses, or last Places of Abode, together with a Bill to be annexed to such Demand, containing an Account of such Charges and Expences; then, and in every such Case, the Money so expended shall and may be recovered by the said Commissioners, of and from the Person or Persons so liable thereto, by Action or Actions of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, in the Name of the Mayor and Commonalty and Citizens of the said City of *London*, to be commenced within three Calendar Months next after such Demand respectively; in which Action or Actions, Suit or Suits respectively, no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Expence of Alteration of the Pipes to be defrayed out of the Monies of this Act.

XXIX. Provided nevertheless, and it is hereby further enacted, That if at any Time it shall be found necessary, for the Purposes of making, enlarging, widening, deepening, raising, altering, repairing, or removing any Sewer or Drain, within the said City or Liberties, or of new-paving, or altering the Pavement of any of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, or Places, to raise, sink, or any otherwise alter the Position of any of the Pipes or Plugs laid down or placed by any of the said Water Companies, or by any other Person or Persons whatsoever, the Charges attending the same shall be paid out of the Monies arising, or to arise by virtue of this Act, for the Purposes of paving, cleansing, and lighting the said City and Liberties, and making, enlarging, widening, deepening, altering, and removing the Sewers, public Drains, and Vaults, within the same

For procuring Water in Times of Fire.

'XXX. And, for the more easily obtaining of Water, in Cases of Fire,' It is hereby further enacted, That the several Water Companies, who shall supply any of the Inhabitants of the said City with Water, shall, from time to time, within the Space of fourteen Days after the passing of this Act, or within seven Days after the Appointment of any Turncock or Turncocks, give Notice in Writing to the said Commissioners of the Names and Places of Abode of their respective Turncocks, distinguishing the Districts to which they respectively belong; and if any of the said Companies shall neglect to give such Notice within the Times aforesaid, they shall, for every such Neglect, forfeit and pay the Sum of forty Shillings; and the said Commissioners shall, and they are hereby required, yearly, to cause to be printed and distributed through every Ward within the said City and Liberties, to and amongst the several Householders within the same, a List of the Names and Places of Abode of the several Turncocks of the District or Districts within which every such Ward respectively shall lie.

Names of the Turncocks to be delivered in, under Forfeiture of 40 s.

The Streets to be watered.

XXXI. And it is hereby further enacted, That the said Commissioners shall have full Power and Authority to cause the said Streets to be watered as often as they shall think fit, and also to cause any Well or Wells to be dug and sunk in such Places as they shall think proper; and also any Pump or Pumps to be erected in or near such Places, and also any Pumps now standing for the Purpose of watering the said Streets, or for any other Purpose, to be removed or altered, and to defray the Expences thereof out of the Monies to be raised by virtue of this Act, for the Purposes of paving, cleansing, and lighting the said City and Liberties, and making, enlarging, widening, deepening, altering, and removing the Sewers, public Drains, and Vaults, within the same.

Dust Holes, &c. how to be made.

'XXXII. And, for the more effectually cleansing, and keeping clean the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, or Places,' It is hereby further enacted, That it shall and may be lawful to and for the said Commissioners to cause any Number of moveable or fixed Dust Boxes, Dust Holes, or Conveniencies, wherein Dust and Ashes may be deposited for the Scavengers or Rakers, to be erected and placed in such of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, as they shall judge necessary; and the Occupier or Occupiers of Houses or Tenements, within the said City and Liberties, are hereby required, daily and every Day, to cause all their Dust and Ashes to be deposited in the said Dust Boxes, Dust Holes, or other Conveniencies, where any such shall be; or, in Default thereof, to keep all such Dust and Ashes in their respective Houses or Tenements, or the Appurtenances thereof, until the same shall be removed and carried away, by the respective Rakers to be in this Behalf appointed: And in case any such Persons shall deposit, or cause or permit to be deposited, any Ashes or Dust in any Part of the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages and Places, except in some of the said Dust Holes, Dust Boxes, or other Conveniencies, where any such shall be, or if any Person or Persons shall lay or deposit, or cause to be laid or deposited, in the said Dust Holes, or Dust Boxes, or any of them, any Dirt, Dung, or Filth, other than Dust or Ashes, or shall lay or deposit, or cause or permit to be laid or deposited, any Dirt, Dung, or Filth, in any of the said Streets, Lanes, Squares, Yards,

Courts,

Courts, Alleys, Paſſages, or Places, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the ſum of ten Shillings.

Foot-ways to be cleanſed.

XXXIII. And it is hereby further enacted, That every Occupier of any Houſe or Tenement within the ſaid City and Liberties, and (in reſpect of Houſes let to Inmates) every Houſe Owner ſhall, once in every Day, before the Hour of ten of the Clock in the Forenoon, ſcrape, ſweep, and cleanſe the Foot-way all along the Front of their reſpective Houſes or Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof ſhall, for every ſuch Offence, forfeit and pay the Sum of five Shillings.

Streets, &c. how to be lighted.

'XXXIV. And, for the better lighting the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſ-'ſages, and Places,' Be it hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from time to time, to cauſe ſuch and ſo many Lamps to be ſet up in ſuch Places within the ſaid City and Liberties thereof, and to be placed in ſuch Manner, and at ſuch Diſtances, as they ſhall judge neceſſary; and the ſaid Commiſſioners ſhall order and direct at what Time the Lights within the ſame ſhall be lighted, and how long they ſhall continue lighted; and ſhall, from time to time, give ſuch oth r Orders and Directions in the Premiſes as they ſhall think needful for the well and ſufficient lighting the ſaid City and Liberties thereof.

Penalty on Perſons damaging Lamps.

XXXV. And it is hereby further enacted, That if any Perſon or Perſons ſhall wilfully take away, break, or throw down, or damage any Lamp that now is or hereafter ſhall be ſet up for lighting any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, or wilfully extinguiſh the Light or Lights within the ſame, or damage the Irons or other Furniture thereof, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders; and, by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them to the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace of the ſaid City; and ſuch Juſtice ſhall proceed to examine upon Oath any credible Witneſs or Witneſſes who ſhall appear to be produced to give Information touching ſuch Offence (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Oath as aforeſaid, he, ſhe, or they ſo convicted, ſhall forfeit and pay the Sum of twenty Shillings for each ſuch Lamp ſo broken, thrown down, or damaged, or for every Light ſo extinguiſhed as aforeſaid; and, moreover, ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them done, as aforeſaid: And in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them to the *Bridewell* of the ſaid City, there to be kept to hard Labour for any Space of Time not exceeding one Calendar Month; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons careleſsly or accidentally breaking or damaging Lamps, to make Satisfaction.

XXXVI. And it is hereby further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage, any of the ſaid Lamps ſo ſet up, or hereafter to be ſet up as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any one Juſtice of the Peace of the ſaid City, upon Complaint to him made, by one or more credible Perſon or Perſons, upon Oath, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter) to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage; and, upon hearing the Allegations and Proofs upon Oath, touching the ſame, or upon the Non-appearance of the Party or Parties ſo complained of, and ſummoned, to award ſuch Sum or Sums of Money, by way of Satisfaction for ſuch Damage, as ſuch Juſtice ſhall think reaſonable; and in caſe of Refuſal or Neglect of the ſaid Party or Parties to pay the Sum or Sums of Money ſo awarded within three Days next after Demand thereof, to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods or Chattels, the Surplus (if any) ariſing by ſuch Diſtreſs and Sale to be paid to him, her, or them.

Lamps how to be placed.

XXXVII. And be it further enacted, That all Lamps which are or ſhall be put up in any of the ſaid Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places, by any Perſon or Perſons, at his or their own private Expence, ſhall, from and after the paſſing of this Act, be placed in ſuch Manner, as the ſaid Commiſſioners, appointed to put this Act into Execution, ſhall direct.

Property of the Sewers and Pavements, to be veſted in the Mayor, &c.

XXXVIII. And it is hereby further enacted by the Authority aforeſaid, That the Property of the Sewers, and public Drains and Vaults, and of the Pavements, which, at the Time of paſſing of this Act, or at any Time or Times thereafter, ſhall be within the ſaid City and Liberties, and all Materials and Things uſed, or to be uſed, in or about the making or repairing thereof, ſhall be, and ſame are hereby veſted in the ſaid Mayor and Commonalty and Citizens of the ſaid City; and the ſaid Commiſſioners are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of the ſaid Mayor and Commonalty and Citizens, or to prefer, or order the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any, or any Part of ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, or otherwiſe damage or ſpoil, any of the ſaid Materials or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon or Perſons ſo offending therein, and being thereof convicted, by the Oath or Oaths of one or more credible Witneſs or Witneſſes, before any Juſtice of the Peace, which Oath or Oaths ſuch Juſtice is hereby required to adminiſter, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings for the firſt Time of offending, and the Sum of forty Shillings for the ſecond, and the Sum of five Pounds for every other Time of offending, together with all Coſts, Charges, and Expences, in reſpect

of

of such Damage or Spoil as the said Commissioners shall be put unto; such Costs, Charges, and Expences, to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in the Name of the principal Clerk to the said Commissioners for the time being, in which Action or Suit no Protection, Essoin, or Wager of Law, or more than one Imparlance, shall be allowed.

Private Drains to be made,

XXXIX. And be it further enacted, That no Person or Persons shall, without the Leave or Licence of the said Commissioners, make or branch any Drain or Drains into any of the said public Sewers, Drains, or Vaults, made, or to be made, by virtue of this Act, upon Pain that every Person so offending shall, for every such Offence, forfeit and pay the Sum of twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, in the Name of the principal Clerk to the said Commissioners for the time being, in which Action or Suit no Protection, Essoin, or Wager of Law, or more than one Imparlance, shall be allowed.

and cleansed.

XL. And be it further enacted, That all private Drains which now are, or by Permission of the said Commissioners shall hereafter be made, within any of the public Streets or Passages within the said City or Liberties, and which do or shall issue into any of the public Sewers, Drains, or Vaults, shall be repaired and cleansed under the Inspection and Direction of the Surveyor, or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands or Tenements to which the said private Drains do or shall respectively belong.

Rates for Sewers and Pavement.

XLI. And be it further enacted, That for defraying the Expence of paving, cleansing, and lighting the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing Annoyances therein, and of making, enlarging, widening, deepening, altering and removing, all or any the Common Sewers, public Drains, and Vaults, within the said City and Liberties, one or more Rate or Rates, Assessment or Assessments, shall, at such Time or Times as the said Commissioners shall think fit to order and direct, by Writing under their Hands and Seals, or the Hands and Seals of any seven or more of them, be made, laid, and assessed in the several Wards of the said City, by the Aldermen or their Deputies respectively, and the major Part of the Common Councilmen of each Ward, upon all and every Person and Persons, who do or shall inhabit, hold, occupy, possess, or enjoy, any Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement or Hereditament within the said several Wards, and who, by the Laws now in being, are, or shall be liable to be rated towards the Relief of the Poor, in the respective Parishes where he, she, or they shall respectively live or reside, for raising such competent Sum and Sums of Money, as the said Commissioners shall, from time to time, judge needful and direct, so as such Rates or Assessments do not in any one Year exceed, in the Whole, the Sum of one Shilling and Sixpence in the Pound, of the yearly Rents of such of the said Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively, as shall be situate in any Street, Lane, Square, Yard, Court, Alley, Passage, or Place, actually begun to be new-paved by virtue and in pursuance of this Act, or of any former Act of Parliament, and one Shilling in the Pound of the yearly Rents of such of the Lands, Houses, Shops, Warehouses, Cellars, Vaults, Tenements, or Hereditaments respectively, as shall not be so situate; such Rates respectively to be from time to time ascertained by the Rates at which such respective Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments shall be, from time to time, assessed towards the Land Tax.

Major Part of Common Council to compound for Rates on Houses, &c.

XLII. Provided always, and be it further enacted, That it shall and may be lawful to and for the major Part of the Common Council of each respective Ward, from time to time, to compound with the Owner or Owners, Landlord or Landlords, of any House or Houses within the said Streets and Places to be rated as aforesaid, the annual Rent or Value whereof shall be under ten Pounds, for the Rate or Assessment by this Act authorised to be laid upon such House or Houses, so as in such Composition there be not remitted to any such Landlord or Landlords, Owner or Owners respectively, more than one half of the Rate to be laid upon such House or Houses respectively.

Lessees of Markets to pay the Rates,

'XLIII. Provided also, and whereas the Farmers or Lessees of the public Markets, within the said City 'and Liberties, were, by their Leases thereof, or otherwise, bound and liable to pave, cleanse, and light 'the said Markets; and whereas the Expence of paving, cleansing, and lighting the said Markets, greatly 'exceeds the Rate of one Shilling and Sixpence in the Pound of the respective Rents at which the said 'Markets stand rated towards the Land Tax;' Be it further enacted, That the said Farmers or Lessees, their Executors, Administrators, or Assigns, shall from time to time, upon Demand of the said Commissioners, or their principal Clerk for the time being, pay into the Chamber of *London* all such Sum or Sums of Money as the said Commissioners shall actually expend in or about the paving, cleansing, and lighting, the said Markets respectively; which said Sum or Sums of Money shall or may from time to time, in case of Refusal or Neglect to pay the same, be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or within the said City, in the Name of the said principal Clerk for the time being; any Thing herein before contained to the contrary thereof in anywise notwithstanding.

The Farmers and Lessees of Markets, to be compounded with.

XLIV. Provided nevertheless, That it shall and may be lawful to and for the said Commissioners, from time to time, to compound and agree with the Farmers or Lessees of the said Markets for a certain Sum of Money, in lieu and stead of the Sums to be rated and assessed by virtue of this Act, the Account of which Composition shall be entered in a Book or Books to be kept for that Purpose.

How empty Houses shall be assessed.

XLV. And it is hereby further enacted, That if it shall happen that any of the Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements within the said City and Liberties, shall, at the Time of making any of the said Rates or Assessments, be empty, untenanted, or unoccupied, then, and in every such Case, it shall and may be lawful to and for the Aldermen of the Ward where such Premises shall lie, or his

Deputy, with the major Part of the Common Councilmen of the said Ward, to rate and assess the said Premises at the Times the said Commissioners shall direct as aforesaid; and in such Case, as well as in case the said Premises shall, after the making such Rate or Rates, Assessment or Assessments, become empty, untenanted, or unoccupied, one half of every such Rate or Assessment shall be charged on such Premises respectively, and be paid by the first Tenant or Occupier thereof, who shall and may, and is hereby authorised to deduct and detain the same out of his or her Rent, and the Landlord or Owner or Owners of such Premises is and are hereby required to allow such Deductions and Payments upon Receipt of the Residue of his, her, or their respective Rents, and the said Tenant or Occupier shall be, and is hereby acquitted and discharged of and for so much of his or her Rent, as the Rate or Assessments, so paid by him or her, shall amount unto.

'XLVI. And whereas many Houses in several of the Wards of the said City, are, by the several Landlords or Owners thereof, let out to poor Tenants, or in Lodgings or Tenements to divers Tenants, whereby it will be difficult to rate or assess the said Tenants, in respect of such Houses, or to recover such Rates and Assessments when made;' For Remedy whereof, be it enacted, That from and after the passing of this Act, it shall and may be lawful to and for the Alderman of each respective Ward, or his Deputy, with the major Part of the Common Councilmen of the said Ward, at the Times the said Commissioners shall direct as aforesaid, to rate and assess, in every such Rate or Assessment, the Owner or Owners of all such Houses or Tenements as shall be so let for a less Rent than ten Pounds *per Annum*, or occupied by two or more Tenants, which Rate or Assessment shall be paid by the Occupier or Occupiers of any such Houses or Tenements, or of any Part or Parts thereof, and the Occupier or Occupiers of any such Houses or Tenements, or of any Part or Parts thereof, and the Occupier or Occupiers of whom the same shall be demanded, is and are hereby authorised and required to pay such Sum and Sums of Money as shall be so rated or assessed upon the Owner or Owners thereof, and to deduct the same out of his, her, or their respective Rents, and the Landlord and Landlords, or Owner or Owners of such Houses or Tenements, is and are hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of his, her, or their Rents; and every such Occupier paying such Assessment or Assessments, shall be acquitted and discharged for so much of his, her, or their Rent or Rents, as the said Assessment or Assessments, so paid by him or her, shall amount unto, as if the same had been actually paid to the Person or Persons to whom his or her Rent shall be due and payable; and in Default of Payment of the said Rate or Rates, Assessment or Assessments, the same shall be and remain a Charge upon the said Premises, and shall and may be recovered of and from the Landlord or Landlords, Owner or Owners thereof respectively, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or within the said City, to be commenced and prosecuted by the said Commissioners, in the Name of their principal Clerk for the time being; in which Action or Suit, no Protection, Essoin, or Wager of Law, or more than one Imparlance, shall be allowed.

Houses let out in Lodgings, how to be assessed.

'XLVII. And whereas several Manufactures, Trades, Occupations, and Callings, necessarily take up and require great Room, by reason whereof the Persons concerned therein are obliged to pay large Rents, and it may be a great and intolerable Hardship upon such Persons to be rated to the full Extent of their respective Rents, towards the Purposes of this Act; and whereas it may be reasonable to excuse some Persons from the Payment of the aforesaid Rates and Assessments, in the Whole, or in Part, on account of their Poverty;' For Relief therefore, in such Cases, it is hereby further enacted and declared, That in any of the Cases aforesaid, any Person or Persons may apply to the said Commissioners by Petition, in Writing, setting forth the Circumstances of his, her, or their Case, giving Notice to the Alderman of the Ward wherein such Rate or Assessment shall have been made, or his Deputy; and such Petition shall be taken into Consideration by the said Commissioners, at their next public Meeting, of which the Alderman of the Ward, or his Deputy, shall have special Notice; and if it shall then appear to the said Commissioners, upon hearing the said Petitioner or Petitioners, that the said Petitioner or Petitioners is or are intitled to Relief, it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and impowered to award the said Petitioner or Petitioners such Relief as they the said Commissioners shall think just and reasonable.

Owners of large Warehouses, &c. may be relieved by Commissioners.

XLVIII. Provided always, That if the Alderman, or his Deputy, or the major Part of the Common Councilmen of such Ward, shall think such Award unjust or unreasonable, or if the Party or Parties concerned shall think him, or herself, or themselves aggrieved by such Award, it shall and may be lawful to and for any of them to appeal from such Award to the Court of Mayor and Aldermen of the said City, who shall finally determine whether the said Petitioner or Petitioners is or are intitled to any, and what Relief in the Premises.

XLIX. Provided always, and it is hereby further enacted, That no Person or Persons shall, in respect of any Wharf, or of any Warehouse, Vault, or Cellar upon any Wharf, not fronting any Street or Lane, be rated or assessed, or be liable to pay more than two-thirds of the Rates or Assessments herein before directed to be rated and assessed on Lands, Houses, Shops, Warehouses, Cellars, Vaults, and other Tenements, within the several Wards of the said City of *London*; but the Alderman of the Ward where any Ground, which shall be claimed to be a Wharf, shall lie, or his Deputy, and the Common Councilmen of such Ward, or the major Part of them, shall, and they are hereby directed and impowered to conform to and pursue such Determination as they shall respectively receive from the said Commissioners, and which the said Commissioners are hereby impowered and required to signify by their principal Clerk for the time being, in Writing, as to what Part of the said Ground ought to be deemed a Wharf, within the Intent and Meaning hereof, and shall rate and assess the same accordingly; any Thing herein before contained to the contrary thereof in anywise notwithstanding.

Wharfs, &c. how to be assessed.

Books relating to the Poors Rates, to be examined.

'L. And, in order to enable the ſeveral Aldermen of the ſaid City, or their reſpective Deputies, and 'alſo the ſaid Commiſſioners, to form proper Judgement of any Rate or Rates made, or to be made, in 'purſuance of this Act, and to grant proper Relief,' Be it further enacted, That the ſaid Aldermen, or their reſpective Deputies, and alſo the ſaid Commiſſioners, ſhall and may, and they are hereby authoriſed and impowered, to cauſe any of the Books of the Aſſeſſment of the Land Tax, within the ſaid City or Liberties, and alſo any of the Books of the Aſſeſſments of the Rates towards the Relief of the Poor, within any of the Pariſhes within the ſame, to be brought before them, or any of them, and to take Copies of ſuch Books, or any Part thereof, as they or any of them ſhall think fit, without Fee or Reward; and if any Perſon or Perſons, in whoſe Cuſtody or Power any of the ſaid Books ſhall be, ſhall refuſe or neglect to attend the ſaid Aldermen or their Deputies reſpectively, or their ſaid Commiſſioners, with ſuch Book or Books, or to permit them, or any of them, to take Copies thereof as aforeſaid; then, and in every ſuch Caſe, every Perſon who ſhall ſo refuſe or neglect ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings.

Churches and public Buildings, Meeting-houſes, and void Spaces of Ground, to be aſſeſſed.

'LI. And, foraſmuch as it is reaſonable, that all public Buildings (Hoſpitals excepted) and all dead 'Walls, and void Spaces of Ground, ſhould be rated and aſſeſſed in a due Proportion towards the paving, 'cleanſing, and lighting the ſaid City and the Liberties thereof, and the making and altering the public 'Sewers, Drains, and Vaults, within the ſame,' It is hereby further enacted, That it ſhall and may be lawful to and for the Alderman of each Ward within the ſaid City and Liberties, or his Deputy, with the major Part of the Common Councilmen of ſuch Ward, and they are hereby required, at ſuch Time as the Rates and Aſſeſſments herein before directed to be made by them, by Order of the Commiſſioners, ſhall, from time to time, be made, to rate and aſſeſs towards the ſaid Purpoſes, all Pariſh Churches, Church-yards, Chapels, Meeting-houſes, and other public Buildings whatſoever, not charged to the Land Tax, and all void Spaces of Ground, ſituate, lying, and being within their Ward, other than and except the Cathedral Church of *Saint Paul* in *London*, and the Church-yards and Ground within the Iron Rails encompaſſing the ſaid Cathedral Church, at ſuch Rate as the Commiſſioners, by Writing under their Hands and Seals, or the Hands and Seals of any ſeven or more of them, ſhall order and direct, for every ſquare Yard of ſuch Churches, Church-yards, Chapels, Meeting-houſes, public Buildings, and void Spaces of Ground, not exceeding the Rate of Four-pence *per* ſquare Yard; and alſo to rate and aſſeſs all dead Walls within their Wards, towards the Purpoſes aforeſaid, at ſuch Rate as the ſaid Commiſſioners ſhall order and direct, in Manner aforeſaid, for every Yard running Meaſure of ſuch dead Walls, not exceeding the Rate of Sixpence *per* Yard; ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be, from time to time, made upon any Pariſh Church, Church-yard, or Chapel, to be paid by their reſpective Church or Chapel Wardens; and the Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be made, from time to time, upon any Meeting-houſe within the ſaid City or Liberties, to be paid by the Miniſter or Deacons, or other Perſon uſually officiating therein: And if ſuch Church or Chapel Wardens, Miniſter, Deacons, or other Perſon, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall and may be recovered of and from the Perſon or Perſons ſo required to pay the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or within the ſaid City, to be commenced and proſecuted in the Name of the principal Clerk to the ſaid Commiſſioners for the time being, in which Action or Suit no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed: And in Default of Payment of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, by the Miniſter or Deacons of ſuch Meeting-houſe, or the Perſon or Perſons officiating therein, the ſame ſhall be and remain a Charge upon ſuch Meeting-houſe, and ſhall and may be recovered by ſuch Action, Bill, Plaint, or Information, as aforeſaid, againſt the Landlord or Landlords, Owner or Owners thereof; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from time to time made upon any public Building (not being an Hoſpital) or upon any dead Wall or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof; and in caſe the Owner or Owners, Proprietor or Proprietors, of any ſuch void Space of Ground, ſhall not be known, or cannot be found, then the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, to be thereon made, ſhall be advanced by the Chamberlain of the City of *London* for the time being, out of the Caſh of the ſaid City in his Hands, and the ſaid Ground ſhall be and remain a Security to the ſaid Chamberlain and his Succeſſors for Repayment of all Rates ſo to be by him advanced.

Tenants to Hoſpitals to be aſſeſſed.

'LII. Provided always, and whereas ſeveral Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or 'other Tenements or Hereditaments, within the ſaid City and Liberties, belonging to ſome of the public 'Hoſpitals thereof, are or may be by Law exempted from being aſſeſſed towards the Land Tax, in reſpect 'of the Rents payable to the ſaid Hoſpitals,' Be it enacted, That at all Times after the paſſing of this Act, the Tenants or Occupiers of all ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements and Hereditaments, ſhall be aſſeſſed, and pay towards the Purpoſes of this Act, at ſuch Rates reſpectively, in the ſame Proportion, and to the full Extent as other Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements and Hereditaments, within the ſaid City and Liberties, are or ſhall be aſſeſſed, without any Exemption or Deduction in reſpect of the Rent or Rents which is, are, or ſhall be payable to the ſaid Hoſpitals, or the Governors thereof; any Thing herein before contained, or any other Law or Uſage to the contrary thereof in anywiſe notwithſtanding.

The Pavements belonging to the Cathedral Church of Saint Paul to be aſſeſſed.

'LIII. And whereas, before the paſſing of the ſaid Act of the eighth Year of his preſent Majeſty, the 'Pavement then lying between the Fence of the Church-yard belonging to the Cathedral Church of *Saint* '*Paul*, in the ſaid City of *London*, and the Channels of the ſeveral Streets and Ways adjoining to and ſurrounding the ſaid Church, contained two thouſand two hundred and forty ſquare Yards, and the Charges 'and Expences of repairing, cleanſing, and lighting the ſame, was then paid out of the Intereſt and yearly

'Produce of the Surplus-money of certain Duties on Coals, granted by divers Acts of Parliament, and 'vested in the Lord Archbishop of *Canterbury*, Lord Bishop of *London*, and Lord Mayor of the City of '*London* for the time being;' Be it hereby further enacted, That it shall and may be lawful to and for the Alderman of the Ward of *Castlebaynard*, or his Deputy, with the major Part of the Common Council of the said Ward, and they are hereby required, when, and at such Times as the Rates and Assessments herein before directed to be made shall, from time to time, be made, to rate and assess the said Cathedral Church towards the paving, cleansing, and lighting the said Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and of making, enlarging, widening, deepening, altering, and removing the common Sewers, public Drains, and Vaults within the said City and Liberties, at such Rate as the said Alderman, or his Deputy, with the major Part of the Common Council of the said Ward, shall judge reasonable, not exceeding the Rate of one Shilling and Three-pence by the Year for every square Yard of the said Pavement now kept in Repair, out of the Interest of such Trust-monies as aforesaid; and that such Rates or Assessments so to be, from time to time, made on the said Cathedral Church as aforesaid, shall be paid by the Lord Archbishop of *Canterbury*, Lord Bishop of *London*, and Lord Mayor of the said City of *London* for the time being, or their Treasurer, or other proper Officer, out of the Interest and Produce of the said Surplus-monies so vested in them, upon the Trusts and for the Purposes aforesaid.

The Ground, Area, or Space in the West-Front of Saint Paul's Church, may be laid into the public Street.

'LIV. And whereas it would be a great Accommodation to the Public, without any Diminution of the 'Grandeur or Beauty of the said Cathedral Church of *Saint Paul*, if the Ground, Area, or Space in the 'West Front thereof, now inclosed with an Iron Rail or Fence, or some Part thereof, was to be opened 'and laid into the Street;' Be it therefore enacted, That it shall and may be lawful to and for the said Commissioners under this Act to treat and agree with the Lord Archbishop of *Canterbury*, Lord Bishop of *London*, and Lord Mayor of the said City for the time being, Trustees for the Fabric of the said Cathedral Church, or any two of them, and with the Dean and Chapter of the said Cathedral Church for the time being, (who are hereby severally authorised and impowered to contract with the said Commissioners accordingly) for opening and laying into the said public Street all or any Part of the said Ground, Area, or Space, lying Westward of the great Steps leading up to the said Church, (except that Part encompassed with an Iron Rail, whereon the Statue of the late Queen *Anne* is erected) and the said Commissioners are hereby authorised and impowered, by and out of the Monies arising from the Rates and Assessments to be made by virtue of this Act, for paving, lighting, and cleansing the said City and Liberties, to make such Compensation for the same to the said Trustees, as shall be agreed for; and thereupon to cause the said Ground, Area, or Space (except as before excepted) or so much thereof as shall be so agreed for, to be opened and laid into the public Street; any Law or Prescription to the contrary thereof in anywise notwithstanding.

Inns of Court shall be rated.

LV. And be it further enacted, That it shall and may be lawful to and for the Alderman of *Farringdon Ward Without*, for the time being, or his Deputy, with the major Part of the Common Councilmen of the said Ward, and they are hereby required, from time to time, to rate and assess, in every such Rate and Assessment as aforesaid, the several Inns of Court and Chancery herein after named, in the several and respective Sums herein after mentioned, as a Composition for the Repairs of the Pavements which they have respectively sustained; that is to say, *The Inner Temple*, in the Sum of two Pounds two Shillings *per Annum*; *the Middle Temple*, in the Sum of six Pounds six Shillings *per Annum*; *Serjeants Inn* in *Chancery Lane*, in the Sum of ten Pounds *per Annum*; and also to rate and assess the several Inns of Chancery herein after named, in the several and respective Sums herein after mentioned; that is to say, *Staples Inn*, in the Sum of fourteen Pounds *per Annum*; *Furnival's Inn*, in the Sum of twenty Pounds *per Annum*; *Bernard's Inn*, in the Sum of six Pounds *per Annum*; *Clifford's Inn*, in the Sum of two Pounds two Shillings *per Annum*; which Rates or Assessments shall be paid by the Treasurer, Principal, or other proper Officer of the said Inns of Court and Inns of Chancery respectively; and in Default of Payment may be sued for and recovered in like Manner as the Rates and Assessments upon Parish Churches, Church-yards, and Chapels, are herein before directed to be levied and recovered.

Streets in building, may be compounded for.

'LVI. And whereas there are and hereafter may be several new Streets and Places, which are not paved, 'Part of which are or may be built and in building, and small Pieces or Parcels of Ground in several of the 'Streets, Lanes, Squares, Courts, Yards, Alleys, Passages, or Places, within the said City and Liber-'ties, unbuilt, which are neither paved, cleansed, or lighted; and whereas it would be a Means of greatly 'forwarding the good Purposes intended by this Act, if Builders or others, Owners of Lands or Houses in 'such new Streets or Places, were to pay such Sum or Sums of Money towards the new-paving the same, 'as is herein after directed, to the said Commissioners;' Be it therefore enacted, That it shall and may be lawful to and for the said Commissioners to view and inspect any such Street, Lane, Square, Yard, Court, Alley, Passage, or Place, which now is, or hereafter may be built upon or building upon; and if, upon such View, they shall be of Opinion that the same, or any Part or Parts thereof, is or are fit and proper to be paved, the said Commissioners, at any Meeting after such View, shall and may order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of any Land, Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Tenement, or Hereditament, in any such Street, Lane, Square, Yard, Court, Alley, Passage, or Place, or leave the same at his, her, or their last or usual Place of Abode, or with his, her, or their known Servant or Servants, or if no such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, can be found, then such Notice shall be stuck against the said Premises, or any conspicuous Part thereof; which Notice shall require such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, to meet such Commissioners at the Time and Place therein mentioned, not being less than fourteen Days from the Date of such Notice, to compound for the paving thereof, at

any Sum not exceeding three Shillings for every ſquare Yard of ſuch Pavement, whether Carriage-way or Foot-way, which Compoſition the ſaid Commiſſioners, at their public Meeting, are hereby authoriſed to make; and if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners as aforeſaid; then it ſhall and may be lawful to and for the ſaid Commiſſioners, at their public Meeting, to order the ſame to be paved as ſoon as conveniently can be, and all the Charges and Expences attending ſuch paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or within the ſaid City, in the Name of the principal Clerk to the ſaid Commiſſioners for the time being, in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Not to vacate any Agreement between Landlord and Tenant.

LVII. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant, touching or concerning any Matter or Thing to be done or performed in purſuance of this Act; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Court of Mayor and Aldermen ſhall have Power to hear and finally determine the ſame.

Commiſſioners may compound with Perſons for Breach of Contract.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from time to time, and at all Times hereafter, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Forfeiture contained in any Contract or Contracts hereafter to be made or entered into in purſuance of this Act, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts; and all Coſts, Charges, and Expences, which ſhall be occaſioned thereby, and ſo as ſuch Compoſition doth not extend to remit more than one half of the ſaid Penalty or Forfeiture.

Perſons refuſing or neglecting to attend after Notice, to forfeit 20s.

LIX. And be it further enacted, That if any Perſon or Perſons againſt whom Complaint ſhall be made to any one of the ſaid Aldermen, touching any Offence or Offences to be committed againſt this Act, ſhall neglect or refuſe, after three Days Notice ſerved upon him, her, or them, for that Purpoſe, to attend ſuch Alderman, at the Time and Place for which he, ſhe, or they ſhall have Notice to attend, every ſuch Perſon or Perſons ſo offending ſhall, upon the Oath of any one or more credible Witneſs or Witneſſes (which Oath any one of the ſaid Aldermen is hereby authoriſed and required to adminiſter) forfeit and pay the Sum of twenty Shillings.

Recovery of Rates againſt any Perſons who ſhall be liable to pay the ſame, becoming Bankrupts.

LX. And be it further enacted, That if any Perſon or Perſons who ſhall be liable to pay any Rate or Aſſeſſment to be made by virtue or in purſuance of this Act, ſhall become a Bankrupt or Bankrupts before he, ſhe, or they ſhall have fully paid and ſatisfied all the Money then due and owing for ſuch Rates and Aſſeſſments, then, and in every ſuch Caſe, the Aſſignee or Aſſignees of his, her, or their Eſtate and Effects, or other Perſon or Perſons poſſeſſing the ſame, ſhall, out of ſuch Eſtate and Effects, after paying to the petitioning Creditor or Creditors, his, her, or their Coſts of ſuing out and proſecuting the Commiſſion againſt any ſuch Bankrupt or Bankrupts, in the next place, pay unto the Chamberlain of the ſaid City of *London*, for the time being, all ſuch Sums of Money as were due for ſuch Rates and Aſſeſſments at the Time of the ſuing out any ſuch Commiſſion againſt him, her, or them reſpectively, or ſo much thereof as the ſaid Eſtate and Effects will extend to pay; and the Receipt of the ſaid Chamberlain ſhall be a good Diſcharge for the ſaid Money, and every Aſſignee and Aſſignees, or other Perſon as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Payment of the ſame, and ſhall be allowed ſuch Payment out of the Eſtate or Effects of ſuch Bankrupt or Bankrupts, prior to any other Debt or Demand whatſoever (except as before is excepted); and in caſe of Non-payment of the ſame, by the Space of one Calendar Month after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid Commiſſioners to commence and proſecute one or more Action or Actions, Suit or Suits, for the ſame, in the Name of the principal Clerk of the ſaid Commiſſioners for the time being, in any of his Majeſty's Courts of Record at *Weſtminſter*, or within the ſaid City, againſt ſuch Aſſignee or Aſſignees, or other Perſons as aforeſaid.

Duplicates of Rates, how to be made.

LXI. And it is hereby further enacted, That the Alderman, or his Deputy, and the major Part of the Common Councilmen, for the time being, in each Ward, within the ſaid City or Liberties, are hereby required to ſet down in Writing, and ſign two Duplicates of the Rates and Aſſeſſments, which they ſhall, from time to time, make by virtue of this Act, for the Purpoſes aforeſaid; in which ſhall be expreſſed the Names of the Collectors who ſhall be appointed to collect the ſame, one of which Duplicates ſhall, within ten Days next after the making thereof, be depoſited by the Beadle of the ſaid Ward in the Office of the Chamberlain of the ſaid City of *London*, where the ſame ſhall remain, and every Citizen of *London*, liable to be rated by virtue of this Act, ſhall and may have free Acceſs thereto at all convenient Times, and be permitted to inſpect the ſame without Fee or Reward; and the Perſon or Perſons neglecting to depoſit ſuch Duplicates, in the Manner or within the Time aforeſaid, or refuſing to permit ſuch Inſpection as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of five Pounds.

Collectors, how to be appointed.

' LXII. And, to the End that the ſaid ſeveral Rates and Aſſeſſments may be fully and completely raiſed ' and paid for the Purpoſes aforeſaid,' it is hereby further enacted, That it ſhall and may be lawful to and for the Alderman, or his Deputy, with the major Part of the Common Councilmen of each Ward, at the Court of Wardmote to be holden upon or near the Feaſt-day of *Saint Thomas the Apoſtle*, for the Choice of Ward Officers, to return to the ſaid Wardmote the Names and Places of Abode of a competent Number of ſubſtantial Inhabitants of ſuch Ward, of whom ſo many as the ſaid Alderman, or his Deputy, and the major Part of the ſaid Common Councilmen, ſhall think fit and direct, not exceeding half the Number of

Perſons

Perſons ſo returned, ſhall be choſen and appointed at the ſaid Wardmote to be Collectors of the ſaid Rates and Aſſeſſments for one whole Year from the ſaid Feaſt-day of *Saint Thomas the Apoſtle* to the ſame Feaſt-day then next following, and ſo yearly, and from Year to Year: And the ſaid Collectors for the time being are hereby authoriſed and required, in the reſpective Wards for which they ſhall be ſo choſen Collectors, to collect and receive, from time to time, ſuch of the ſaid Rates, Aſſeſſments, and Sums of Money, as ſhall be due and payable by virtue of this Act, of and from all Perſons liable to pay the ſame; and all Perſons who, by virtue of this Act, ſhall be charged therewith, or be liable thereunto, are hereby required to pay ſuch Rates or Aſſeſſments unto ſuch reſpective Collectors for the time being accordingly; ſuch Collectors, from time to time, giving Receipts for the ſame *gratis*, if thereunto required, and which they are hereby enjoined to do, upon Requeſt: And every ſuch Collector who ſhall be ſo choſen ſhall, at the Wardmote at which he ſhall be choſen as aforeſaid, or within the Space of twenty Days then next enſuing, before the Alderman of the Ward for which he ſhall be ſo choſen Collector, or his Deputy, take and ſubſcribe the following Oath, or, being one of the People called Quakers, make and ſubſcribe the following ſolemn Affirmation, for the true and faithful Execution of the ſaid Office. Collectors to take an Oath.

"I *A. B.* do ſwear (or ſolemnly affirm) that I will, according to the beſt of my Skill and Knowledge, well and truly perform and execute the Office of a Collector within the Ward of according to the Directions and true Intent of an Act made in the eleventh Year of the Reign of his Majeſty King *George* the Third, *for conſolidating, extending, and rendering more effectual, the Powers granted by ſeveral Acts of Parliament, for making, enlarging, amending, and cleanſing the Vaults, Drains, and Sewers within the City of* London *and Liberties thereof, and for paving, cleanſing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, and Places, and preventing and removing Obſtructions and Annoyances within the ſame.*" The Oath.

Which Oath, or Affirmation, ſhall be adminiſtered without Fee or Reward by the Alderman of each reſpective Ward for the time being, or his Deputy: And if any Collector choſen in purſuance of this Act ſhall refuſe or neglect to take the ſaid Oath, or (being one of the Perſons called Quakers) to make the ſaid Affirmation, or to take upon himſelf the ſaid Office, or after having taken upon himſelf the ſaid Office, ſhall refuſe or neglect to ſerve and execute the ſame, according to the true Intent and Meaning of this Act, he ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of fifty Pounds; and ſhall, nevertheleſs, continue liable to be choſen into the ſaid Office again the Year following, or at any other Time, and ſhall be liable to the like Penalty ſo often as he ſhall thereupon refuſe or neglect to take upon him, and duly to execute the ſame.

LXIII. And it is hereby further enacted, That when and as often as any Perſon ſhall refuſe or neglect to take upon him the ſaid Office, or to execute the ſame when choſen, or ſhall die, or remove out of the Ward in and for which he ſhall be ſo choſen and appointed, before he has finiſhed his Collection, then, and in every or any ſuch Caſe, it ſhall and may be lawful to and for the Alderman of ſuch Ward for the time being, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, by Appointment under their Hands and Seals, to nominate and appoint ſome other fit and proper Perſon within ſuch Ward to collect the ſaid Rates therein, or ſuch Sum or Sums of Money as ſhall remain due and unpaid thereof; and if ſuch other Perſon ſo appointed ſhall refuſe or neglect to take and ſubſcribe the ſaid Oath, or (being one of the Perſons called Quakers) to make the ſaid Affirmation, or to ſerve and execute the ſaid Office, then, and in every ſuch laſt-mentioned Caſe, every Perſon ſo refuſing or neglecting ſhall be liable to the like Penalty of fifty Pounds, as if he had been choſen into the ſaid Office at the Wardmote as aforeſaid. In caſe of Refuſal or Neglect to take the Office, the Alderman, &c. of the Ward, &c. may appoint others.

LXIV. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to oblige any Perſon or Perſons to ſerve the ſaid Office of Collector, who, by the Laws now in being, is or are exempted from ſerving any Ward Office. Perſons not to ſerve who are by Law exempted.

LXV. Provided alſo, and it is hereby further enacted, That if the Alderman of any Ward of the ſaid City, or his Deputy, and the major Part of the Common Councilmen of ſuch Ward, ſhall at any time refuſe or neglect to do and perform all or any of the Matters and Things which they are hereby reſpectively directed or impowered to do or perform, within the Space of fourteen Days next after they ſhall reſpectively be ordered or required to do or perform the ſame by the ſaid Commiſſioners, in purſuance of this Act; or if any Matter or Thing ſo directed to be done or performed, ſhall not or cannot legally be done within the ſaid fourteen Days, then, and in any ſuch Caſe, ſo often as the ſame ſhall happen, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed, impowered, and directed to do and perform all ſuch Matters and Things, as fully and effectually as the Aldermen of the reſpective Wards, or their Deputies, and the major Part of the Common Council of ſuch Wards, might or could do or perform the ſame, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding. On Refuſal or Neglect of Aldermen to do any Act, Commiſſioners impowered to execute the ſame.

LXVI. Provided alſo, and it is hereby further enacted, That in caſe it ſhall, at any Time or Times hereafter, happen that no Collector, or ſufficient Number of Collectors of the Rates and Aſſeſſments, ſhall be choſen and appointed in any Ward of this City, in Manner herein before directed, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed, impowered, and directed to nominate and appoint fit and able Perſons, being Inhabitants of ſuch Ward, to collect and receive the ſaid Rates and Aſſeſſments; which Perſons, to be nominated and appointed by the ſaid Commiſſioners, ſhall, and they are hereby impowered and enjoined to collect and pay the ſame into the ſaid Chamber of *London*, and to do and perform all other Matters and Things which the Collectors nominated and appointed by, or at the Wardmote of ſuch Ward, are hereby before authoriſed to do or perform, If no Collector appointed, Commiſſioners to appoint.

perform, and ſhall be ſubject and liable to the ſame Penalties for Neglect of Duty as ſuch laſt-mentioned Collectors are herein before made ſubject or liable to; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Time for Night Carts, &c. limited.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall come with any Night Cart or Carts, or begin to empty any Bog-houſe or Bog-houſes, or to take away any Night-ſoil from any Houſe or Houſes within any of the Streets, Lanes, Squares, Courts, Yards, Alleys, Paſſages, and Places within the ſaid City and Liberties, before the Hour of Eleven of the Clock in the Night, or ſhall continue to take away ſuch Soil after the Hour of Five in the Morning; or if any Perſon or Perſons ſhall put or caſt any ſuch Soil, or wilfully or negligently permit the ſame to run out of any Cart, Tub, or Pail, or otherwiſe into any of the ſaid Streets, Lanes, Squares, Courts, Yards, Alleys, Paſſages, or Places, then, and in every ſuch Caſe, it ſhall and may be lawful to and for any Conſtable, Beadle, or Watchman, (and they, and each and every of them, is hereby required and enjoined ſo to do) and to and for every or any other Perſon or Perſons whomſoever, to apprehend the Perſon or Perſons ſo offending, and to carry him, her, or them, to one of the Compters of the ſaid City, the Keepers whereof reſpectively are hereby required to take ſuch Offender or Offenders into Cuſtody, and thereafter, as ſoon as conveniently may be, convey him, her, or them, before one or more of the Aldermen of the ſaid City, who, upon Oath made of ſuch Offence or Offences reſpectively (which Oath ſuch Alderman or Aldermen is and are hereby impowered and required to adminiſter) ſhall and may commit ſuch Offender or Offenders to the *Bridewell* of the ſaid City, for any Time not exceeding one Month, nor leſs than ten Days, there to be kept to hard Labour; and the ſaid Commiſſioners are hereby authoriſed to order any Sum not exceeding twenty Shillings, nor leſs than five Shillings, to be paid out of the ſaid Rates to be raiſed by virtue of this Act, to the Perſon or Perſons by whom the ſaid Offender or Offenders ſhall be ſo detected, apprehended, and conveyed to one of the ſaid Compters.

Penalty on Sugar-bakers and Soap-boilers throwing Lime or Clay into the Streets.

LXVIII. And be it further enacted, That if any Sugar-baker, Sugar-refiner, Soap-boiler or Soap-maker, or any other Perſon or Perſons, ſhall depoſit, or cauſe to be depoſited, any Lime or Clay uſed in his, her, or their Trade, in any of the public Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places within the ſaid City, or Liberties thereof, and ſuffer the ſame to remain for any longer Time than is neceſſary for the Purpoſe of loading or carting away the ſame; or ſhall depoſit or throw, or permit or ſuffer to be depoſited or thrown, any ſuch Lime or Clay in or into any of the Channels within the ſaid City or Liberties; then, and in every ſuch Caſe, every ſuch Sugar-baker, Sugar-refiner, Soap-boiler, Soap-maker, or other Perſon or Perſons ſo offending, ſhall, for the firſt Offence, forfeit and pay the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of five Pounds.

Rate for repairing and cleanſing and keeping in Repair Sewers and Drains.

LXIX. And be it further enacted, That for defraying the Expence of repairing and cleanſing the public Sewers, Drains, and Vaults, which now are or hereafter ſhall be within the ſaid City and Liberties, it ſhall and may be lawful to and for the ſaid Commiſſioners, by Writing under their Hands and Seals, or the Hands and Seals of ſeven or more of them, to make, lay, and aſſeſs one or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenements or Hereditaments, within the ſaid City or Liberties, for raiſing ſuch competent Sum or Sums of Money as the ſaid Commiſſioners ſhall, from time to time, think needful; ſo as ſuch Rates or Aſſeſſments do not, in any one Year, exceed the Sum of Four-pence in the Pound of the real yearly Rack Rents of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively: And the ſeveral and reſpective Tenant or Tenants, Occupier or Occupiers, of all ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, Tenements or Hereditaments, who ſhall be rated for the Purpoſe laſt above mentioned, are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be rated upon him, her, or them, in reſpect of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall, from time to time, appoint to collect and receive the ſame, and to deduct the ſame out of his, her, or their Rent; and the Landlord or Landlords, mediate and immediate, according to their reſpective Intereſts, are hereby required to allow ſuch Deductions and Payments, upon Receipt of the Reſidue of their Rents.

Commiſſioners to appoint Collectors.

'LXX. And, to the End that the ſaid laſt-mentioned Rates and Aſſeſſments may be fully rated and paid, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby directed, from time to time, to nominate and appoint a ſubſtantial Perſon or Perſons to collect the ſaid Rates and Aſſeſſments; and ſhall and may allow unto ſuch Collector or Collectors ſuch reaſonable Recompence or Satisfaction for his or their Trouble therein as to the ſaid Commiſſioners ſhall ſeem meet.

Commiſſioners to repair and cleanſe Sewers, &c. in certain Places out of the Liberties of the City.

'LXXI. And whereas there are ſeveral Places within the ſaid City and Liberties which are not ſubject 'to the Juriſdiction thereof, but in which the Commiſſioners of Sewers for the ſaid City and Liberties 'have exerciſed the Power of repairing and cleanſing the public Sewers, Vaults, and Drains, and of 'aſſeſſing the Inhabitants and Occupiers of Lands, Houſes, Shops, Warehouſes, Cellars, and other He-'reditaments, towards the Expence thereof, in the ſame Manner as the Inhabitants of the ſaid City and 'Liberties have been aſſeſſed;' Be it enacted, That, from and after the paſſing of this Act, it may be lawful to and for the ſaid Commiſſioners, from time to time, and they are hereby authoriſed and impowered, at any public Meeting, to order and direct the repairing and cleanſing all and every the public Sewers, Vaults, and Drains, within the Places aforeſaid, when and as often as the ſaid Commiſſioners ſhall judge fit and neceſſary, and alſo to make ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, as aforeſaid, for defraying the Expences thereof, on the ſeveral Tenants or Occupiers of Lands, Houſes, Shops, Cellars, Warehouſes,

houſes, and other Tenements and Hereditaments, within the ſaid ſeveral Places, to be in like Manner deducted by and allowed to them by their reſpective Landlord or Landlords.

Sugar-bakers, &c. not to throw Lime into the Sewers.

LXXII. And be it further enacted, That if any Sugar-baker or Sugar-refiner, Soap-boiler or Soap-maker, or any other Perſon or Perſons whatſoever, ſhall convey, throw, or cauſe, or permit, or ſuffer to be conveyed or thrown, any Lime or Clay uſed in his, her, or their Trade, into any of the public Sewers, Drains, or Vaults, which now are, or hereafter may be made, within the ſaid City and Liberties, or into any public Sewer, Drain, or Vault, without the ſaid Liberties, which have been, or now are, or ſhall hereafter be under the Management or Direction of the ſaid Commiſſioners, every ſuch Sugar-baker or Sugar-refiner, Soap-boiler or Soap-maker, or other Perſon or Perſons ſo offending, ſhall, for the firſt Offence, forfeit and pay the Sum of forty Shillings; for the ſecond Offence, the Sum of five Pounds; and for the third and every other Offence, the Sum of ten Pounds; and ſhall alſo pay all ſuch Coſts, Charges, Damages, and Expences, which the ſaid Commiſſioners ſhall or may be put unto for or on account of the opening, ſcouring, cleanſing, cloſing up, and paving over the Sewer or Sewers, Drain or Drains, Vault or Vaults, into which the ſame ſhall be by him, her, or them, conveyed or thrown into as aforeſaid, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or within the ſaid City, in the Name of the principal Clerk to the ſaid Commiſſioners for the time being; in which Action or Suit, no Protection, Eſſoin, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Account to be kept for cleanſing and repairing Sewers, &c.

LXXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall, and they are hereby required to keep a ſeparate and diſtinct Account of all the Money raiſed for the Purpoſes of cleanſing and ſupporting of all public Sewers, Vaults, and Drains, and the Expenditure thereof.

Impowering the Collectors to diſtrain in caſe of Non-payment.

LXXIV. And it is hereby further enacted and declared, That if any Perſon or Perſons, who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall, by the Space of ten Days next after his, her, or their reſpective Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be due and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand and Seal of the ſaid Commiſſioners, or any three of them, (which Warrant or Warrants the ſaid Collector and Collectors is and are hereby required to apply for, and the ſaid Commiſſioners, or any three of them, are hereby authoriſed and required to grant) and, with the Aſſiſtance of a Conſtable, or other Peace-officer of the Ward, County, City, or Liberty, where the Perſon or Perſons ſo refuſing or neglecting ſhall reſide, to enter his, her, or their Houſe or Houſes, Apartment or Apartments, and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid, within five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to appraiſe and ſell ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels; the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Commiſſioners, or any three or more of them, who ſhall have granted ſuch Warrant or Warrants reſpectively.

Warrant of Diſtreſs to be backed.

LXXV. Provided always, That no ſuch Diſtreſs ſhall, by virtue of this Act, be made out of the Limits of the ſaid City, and Liberties thereof, unleſs ſuch Warrant or Warrants reſpectively ſhall be firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty, where ſuch Diſtreſs is propoſed to be made; which Warrant or Warrants any Magiſtrate who ſhall be applied to for that Purpoſe ſhall forthwith back or counterſign, without Fee or Reward.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party be deemed a Treſpaſſer ab initio.

LXXVI. And be it further enacted, That where any ſuch Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage by an Action on the Caſe.

Plaintiff not to recover if Tender of Amends is made.

LXXVII. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings or Orders and Judgements ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons neglecting their Duty in granting or executing any Warrant, to forfeit 5 l.

LXXVIII. And it is hereby further enacted, That if any ſuch Collector or Collectors ſhall refuſe or neglect to apply for ſuch Warrant or Warrants as aforeſaid, or to make ſuch Diſtreſs and Sale purſuant to the Directions of this Act, except in Caſes where ſuch Diſtreſs ſhall be diſpenſed with by the Alderman, or his Deputy, and the major Part of the Common Councilmen of each reſpective Ward, by Writing under their Hands, in reſpect of the Poverty of the Party or Parties aſſeſſed, ſuch Collector or Collectors ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of five Pounds; and if any Juſtice of the Peace, upon ſuch Application to him made, to back or counterſign ſuch Warrant or Warrants as aforeſaid,

ſaid, ſhall refuſe or neglect ſo to do, ſuch Juſtice ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of five Pounds; and if any Conſtable, being called upon by any Collector or Collectors, having ſuch Warrant or Warrants, ſhall refuſe or neglect to aid and aſſiſt him or them in making ſuch Diſtreſs and Sale, he ſhall, for every ſuch Offence, forfeit and pay the Sum of forty Shillings.

Freemen, not paying the Rates, incapable of voting at Elections.

'LXXIX. And, for the more effectual enforcing the Payment of the ſaid Rates and Aſſeſſments for the Purpoſes aforeſaid,' It is hereby further enacted, That if any Freeman of *London*, liable to pay the ſaid Rates and Aſſeſſments, or any Re-aſſeſſments which ſhall and may be made in the Caſes herein before or after mentioned, ſhall have neglected or refuſed to pay the ſame, or any Part thereof, after ſuch Demand as aforeſaid; or if any ſuch Freeman ſhall, for or in reſpect of Poverty or Inability, have deſired to be excuſed, and accordingly ſhall have been excuſed, from paying any ſuch Rate, Aſſeſſment, or Re-aſſeſſment; then, and in every ſuch Caſe, every ſuch Freeman ſhall be under the ſame Incapacity of voting at Elections within the City of *London*, as any Perſon or Perſons now is or are who do not pay their Scot and Lot to any of the yearly Rates and Aſſeſſments, to which the Citizens of *London* are at this Time, or ſhall hereafter become liable.

Appeal to the Commiſſioners allowed.

LXXX. Provided always, and it is hereby declared and enacted, That any Perſon or Perſons who ſhall think him, her, or themſelves aggrieved by any Rate or Aſſeſſment to be made by virtue or in purſuance of this Act, may, within the Space of thirty Days next after ſuch Rate and Aſſeſſment ſhall have been demanded as aforeſaid, appeal to the ſaid Commiſſioners, and they are hereby authoriſed and required forthwith to appoint a Day for hearing ſuch Appeal, and the Party or Parties ſo appealing ſhall give three Days Notice at the leaſt of the Day ſo appointed, to the Alderman of the Ward in which the ſaid Aſſeſſment ſhall have been made, or to his Deputy; and ſuch Notice having been given, the ſaid Commiſſioners ſhall and may, upon the Day ſo appointed, proceed to hear and determine ſuch Appeal, and their Determination ſhall be final, and no Fees ſhall be paid on the making, hearing, or determining of ſuch Appeal.

Commiſſioners to hear and determine Complaints of Inhabitants, upon any Deficiency of Rate, or Omiſſion.

LXXXI. Provided alſo, and it is hereby further enacted and declared, That if the Alderman of any Ward within the ſaid City of *London*, or his Deputy, with the major Part of the Common Councilmen of the ſaid Ward, ſhall, at any Time or Times hereafter, in any Rates or Aſſeſſments by them to be made by virtue and in purſuance of this Act, neglect or omit to rate or aſſeſs any Perſon or Perſons liable to ſuch Rates or Aſſeſſments, or ſhall neglect or omit to rate or aſſeſs any Lands, Tenements, or Hereditaments, or the Inhabitants or Occupiers thereof, within their Ward, in Proportion to the yearly Rent of ſuch Lands, Tenements, or Hereditaments reſpectively, as the ſame ſhall be aſcertained and rated in the Rate or Aſſeſſment towards the Land Tax; then, and in every ſuch Caſe, upon Complaint thereof made by any Inhabitant of the ſaid City to the ſaid Commiſſioners, they are hereby authoriſed and required forthwith to appoint a Day for hearing ſuch Complaint, and the Party or Parties complaining ſhall give three Days Notice at the leaſt of the Day ſo appointed, to the Alderman of the Ward to which ſuch Complaint ſhall relate, or to his Deputy; and ſuch Notice having been given, the ſaid Commiſſioners ſhall and may proceed to hear and determine ſuch Complaint, and for that Purpoſe ſhall and may ſummon Witneſſes before them, and examine ſuch Witneſſes upon Oath, (which Oath the ſaid Commiſſioners are hereby authoriſed and impowered to adminiſter;) and if the ſaid Commiſſioners ſhall judge the Matter of ſuch Complaint to be true, they ſhall make ſuch Alterations in the ſaid Rate or Aſſeſſment as ſhall be juſt.

The Money collected to be paid into the Chamberlain's Office.

LXXXII. And it is hereby further enacted, That every Collector of the Rates and Aſſeſſments for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and for making, enlarging, widening, deepening, altering, and removing the common Sewers, public Drains, and Vaults within the ſame, ſhall, from time to time, pay the Monies ariſing therefrom, as he ſhall receive the ſame, to the Chamberlain of the ſaid City of *London* for the time being; and, upon every ſuch Payment, the ſaid Chamberlain, or one of his Clerks, ſhall, without Fee or Reward, ſign and give Receipts in Writing to ſuch Collector, expreſſing his Name, the Sum paid, and the Name of the Ward to which the ſaid Collector ſhall belong; and if ſuch Collector ſhall, at any Time, keep and retain in his Hands, of the Monies ſo to be collected by him, the Sum of twenty Pounds or upwards, above two Days (the Chamber of *London* being within that Time open to receive the ſame); then, and ſo often, ſuch Collector ſhall forfeit and pay the Sum of ten Shillings for every Day he ſhall retain the ſaid Sum of twenty Pounds or upwards, beyond the ſaid two Days.

Collectors to deliver in an Account in Writing under their Hands.

LXXXIII. And it is hereby further enacted by the Authority aforeſaid, That every Collector to be appointed by virtue or in purſuance of this Act, to collect the Rates and Aſſeſſments for the paving, cleanſing, and lighting the ſaid City and Liberties, and for making, enlarging, widening, deepening, altering, and removing the common Sewers, public Drains, and Vaults within the ſame, ſhall, upon three Days Notice, in Writing, given to or left for him, at his uſual Place of Abode, by the Alderman of the Ward to which ſuch Collector ſhall belong, or his Deputy, attend the ſaid Alderman, or his Deputy, at ſuch Time and Place, within their Ward, as he ſhall appoint, or upon Notice in Writing to be given or left as aforeſaid by the Clerk to the ſaid Commiſſioners, ſhall attend the ſaid Commiſſioners at ſuch Place as they ſhall appoint in ſuch Notice, and then and there, if required, deliver to ſuch Alderman, or his Deputy, or to the ſaid Commiſſioners, upon Oath, (or if ſuch Collector be a Quaker, then upon his ſolemn Affirmation, which Oath or Affirmation ſuch Alderman, or Deputy, is, or the ſaid Commiſſioners are, hereby impowered to adminiſter) a true, exact, and perfect Account, in Writing, under the Hand of ſuch Collector, of all Sums of Money which he ſhall then have received by reaſon of the ſaid Office; and alſo a true Liſt of the Names of all Perſons within his Ward who ſhall have refuſed or neglected to pay his, her, or their ſaid Rates or Aſſeſſments, with a true Account of the ſeveral Sums of Money which ſuch Perſons ſhall reſpectively be in Arrear, to the Intent that the ſame may be ſpeedily got in and recovered: And if any Collector, after ſuch reſpective Notices given as aforeſaid, ſhall refuſe or neglect to attend or deliver in his Accounts

counts as aforesaid, or to produce and deliver in the Vouchers relating to the same, or to account for any Sum or Sums of Money by him collected or received, and to pay the same, and every Part thereof, as is herein above directed; then, and in every such Case, such Collector shall, for every such Refusal or Neglect, forfeit and pay such Sum of Money as the Rates and Assessments, which he shall have been intrusted or authorised to collect, shall amount unto, after deducting the Amount of the Sum or Sums by him actually paid to the Chamberlain of the said City for the time being; which Forfeiture shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, to be commenced and prosecuted in the Name of the principal Clerk of the said Commissioners for the time being; in which Action or Suit such Collector shall be held to Special Bail, and no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Collectors refusing to account, the same to be levied by Distress and Sale.

LXXXIV. Provided always, and it is hereby further enacted and declared, That if any Collector or Collectors of any of the said Rates and Assessments shall have, in his or their Hands, any of the said Rates or Assessments, collected by him or them, and shall refuse to account for and pay the same as aforesaid, it shall and may be lawful to and for any Justice of the Peace for the said City, by Warrant under his Hand and Seal, to cause such Collector or Collectors to be brought before him, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of such Collector or Collectors, or the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby impowered and required to administer) it shall appear to him that any of the Monies which shall have been collected and raised by virtue of this Act shall then be in the Hands of such Collector or Collectors, and that he or they refuseth or refuse to pay the same according to the true Intent and Meaning of this Act, the said Justice is hereby authorised and required, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector or Collectors respectively; and if no Goods or Chattels of such Collector or Collectors can be found, sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale, then the said Justice may and shall commit such Collector or Collectors to one of the Compters of the said City, there to be detained and kept, without Bail or Mainprize, until he or they shall pay the same, or such Composition as the said Commissioners shall agree to accept in full, which Composition such Commissioners are hereby impowered to make.

Commissioners to summon and examine Collectors, upon Oath, touching any Complaint or Neglect of Duty.

LXXXV. And it is hereby further enacted, That every Collector to be appointed, by virtue or in pursuance of this Act, to collect the Rates and Assessments for the Purposes of paving, cleansing, and lighting the said City and Liberties, and for making, enlarging, widening, deepening, altering, and removing the common Sewers, public Drains, and Vaults within the same, shall, upon three Days Notice, in Writing, given to or left for him at his usual Place of Abode, by the Clerk of the said Commissioners, attend the said Commissioners at such Time and Place as shall be appointed in such Notice, and then and there, if required, answer upon Oath (or if such Collector shall be a Quaker, then upon his solemn Affirmation, which Oath or Affirmation such Commissioners, or any two of them, are hereby impowered to administer) touching any Neglect of Duty, or other Matters of Complaint against him; and if any such Collector shall refuse or neglect to attend on such Notice as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorised and required, by Warrant under their Hands and Seals, or the Hands and Seals of any three or more of them, to cause such Collector to be brought before them, and to hear and determine the Matter of such Complaint in a summary Way; and if such Collector shall not shew good Cause of Excuse, to the Satisfaction of the said Commissioners, for his neglecting or refusing to attend on such Notice as aforesaid, he shall, for every such Neglect or Refusal, forfeit and pay the Sum of forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods and Chattels of such Collector can be found sufficient to answer and satisfy the same and the Charges of such Distress and Sale, then the said Commissioners, by their Warrant as aforesaid, may and shall commit such Collector to any of the Compters of the said City, there to be detained and kept for any Time not longer than one Month, nor less than fourteen Days.

In case of Collectors becoming Bankrupts, Executors or Assignees to pay the Money.

LXXXVI. And it is hereby further enacted, That if any Collector or Collectors, appointed, in pursuance of this Act, to collect the said Rates and Assessments, shall happen to die, or become Bankrupt, before he or they shall have fully paid and satisfied all the Money by him or them received, by virtue of this Act, or such Composition for the same as aforesaid; then, and in every such Case, the Executors or Administrators, Executrix or Administratrix, or other legal Representative or Representatives of such Collector or Collectors, or other Person or Persons possessing his or their Estate and Effects, shall, in the first Place, out of such Estate and Effects, pay unto the Chamberlain of the said City of *London* for the time being, all such Sums of Money as were in the Hands of such Collector or Collectors, at the Time of his or their Death; and the Assignee or Assignees of his or their Estate and Effects, in case of Bankruptcy, shall, after paying to the petitioning Creditor or Creditors, his, her, or their Costs of suing out and prosecuting the Commission against such Bankrupt or Bankrupts, in the next Place, pay unto the said Chamberlain all such Sums of Money as were in the Hands of such Collector or Collectors, at the Time of the suing out of any such Commission of Bankruptcy against him or them, or so much thereof as the said Estate or Effects will extend to pay, and the Receipt of the said Chamberlain shall be a good Discharge for the said Money; and every Executor and Administrator, Assignee or Assignees, or other Person as aforesaid, may, to any Action or Suit, commenced and brought against him or them, plead, or give in Evidence the Payment of the same, and shall be allowed such Payment out of the Estate and Effects of such Collector or Collectors, prior to any other Debt or Demand whatsoever; and in case of Non-payment of the same, by the Space of one Month after the same shall be demanded, it shall and may be lawful to and for the said Commissioners to commence and prosecute one or more Action or Actions for the same, in the Name of the principal Clerk of

of the said Commissioners for the time being, in any of his Majesty's Courts of Record, against such Executors or Administrators, Assignee or Assignees, or other Person as aforesaid.

If Collectors or Receivers become insolvent, &c. the Money to be again assessed.

'LXXXVII. And to the Intent that substantial Persons may be chosen and appointed Collectors in each 'Ward,' It is hereby further enacted, That in case any such Collector or Receiver shall become insolvent, or shall embezzle, or make away with, detain, or misapply any Sum or Sums of Money, so collected by him, so that the same cannot be recovered, or shall die possessed of any such Sum or Sums of Money, and the same shall not be paid by his Executors or Administrators; then, and in every such Case, such Sum and Sums of Money shall be again rated and assessed on the Inhabitants of the Ward, for which such Person was chosen and appointed Collector, by the Alderman of such Ward, or his Deputy, with the major Part of the Common Councilmen of the said Ward, in such Proportion and Manner as the said Rates are directed to be made by this Act, and shall be collected and levied in such Manner and under such Penalty as are herein provided for collecting and levying the said original Rate and Assessment.

Penalty on interrupting Workmen.

LXXXVIII. And be it further enacted, That if any Person or Persons shall, at any Time or Times, obstruct, hinder, or molest, any of the said Commissioners, or any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whomsoever, who shall be employed, by virtue of this Act, in the Performance or Execution of their Duty, every such Person so offending shall, for the first Offence, forfeit and pay the Sum of five Shillings; for the second, the Sum of twenty Shillings; and for the third, and every other Offence, the Sum of five Pounds.

Chamberlain to pay all Sums of Money, by Order of the Commissioners, and to make Entries.

LXXXIX. And it is hereby further enacted, That the Chamberlain of the said City of *London* for the time being, shall and may, and is hereby authorised and required, out of the Monies collected and paid into the Chamber of the said City, pursuant to this Act, to pay all Sums of Money which the said Commissioners shall, from time to time, draw upon him for, or order him to pay; and the said Chamberlain for the time being shall, and he is hereby required to keep regular and clear Entries, in a Book or Books to be for that Purpose by him provided and kept, of all and singular his Receipts and Payments, on account or in pursuance of this Act, to which Book or Books every Citizen of *London*, liable to the said Rates, shall and may have free Access, at all convenient Times, with full Liberty to inspect the same, without Fee or Reward; and also that the said Chamberlain for the time being shall, once in every Year, have the said Accounts audited and passed by the said Commissioners, and shall deliver Copies of the said Accounts to each House of Parliament, within twenty Days after the opening of every Session.

Commissioners impowered to borrow Money upon the Credit of the Rates,

'XC. And, for the more effectually enabling the said Commissioners to execute the Purposes of this 'Act, in the most expeditious Manner,' It is hereby further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby impowered, from time to time, when they shall judge it necessary for the Purposes of paving, cleansing, and lighting, the said City and Liberties, and of making, enlarging, widening, deepening, altering, and removing, the common Sewers, public Drains, and Vaults within the same, to borrow and take up at Interest, any Sum or Sums of Money, not exceeding forty thousand Pounds, upon the Credit of the Rates or Assessments to be made and payable for the said Purposes, by virtue of this Act, and by any Writing or Writings, upon Vellum or Parchment, signed by them, to assign the said Rates or Assessments to any such Person or Persons who shall advance or lend such Money thereon, as a Security or Securities for the several Sums so borrowed, with legal or lower Interest for the same, which Interest shall be payable and paid half-yearly by the Chamberlain of the said City for the time being, out of the Monies to arise by or from the said Rates or Assessments.

Money by Annuities on Lives may be borrowed.

'XCI. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, to be 'secured upon and payable out of the said Rates and Assessments,' It is hereby further enacted, That it shall and may be lawful to and for any Person or Persons, to contribute, advance, and pay into the Hands of the said Commissioners, for the Purposes of paving, cleansing, and lighting the said City and Liberties, and of making, enlarging, widening, altering, and removing the common Sewers, public Drains, and Vaults within the same, any Sum or Sums of Money, not exceeding in the Whole the Sum of sixty thousand Pounds, over and above all such Sums as have been already borrowed for the Purposes of paving, cleansing, and lighting the said City and Liberties, for the absolute Purchase of one or more Annuity or Annuities, for the natural Life of such Persons, being of the Age of forty-five Years, or upwards, as shall be nominated by or on Behalf of such respective Contributors, at the Time of Payment of their respective Contribution-monies; which Annuity or Annuities shall not exceed the Rate of eight Pounds *per Centum per Annum* for every one hundred Pounds, or for the absolute Purchase of one or more Annuity or Annuities for the natural Life of such Person, being of the Age of sixty Years or upwards, as shall be so nominated, which last Annuity or Annuities shall not exceed the Rate of ten Pounds *per Centum per Annum* for every one hundred Pounds; all which Annuities, so to be purchased, shall be payable and paid by the said Chamberlain of the said City for the time being, out of the Monies to arise by or from the said Rates and Assessments, by four equal quarterly Payments, the first Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of the first Quarter after Payment of their respective Purchase-monies, the Rate whereof shall be settled and adjusted by a public Sale of the said Annuities, by the said Commissioners, to the best Bidder for the same.

If Annuitants die any Persons may purchase Annuities for other Lives.

XCII. Provided always, and it is hereby further enacted, That when and as often as any of the Persons for whose Lives any Annuities have been purchased by virtue of or under any of the said recited Acts, or for whose Lives any Annuities shall or may be purchased by virtue of or under this present Act, shall happen to die, it shall and may be lawful to and for the said Commissioners to sell and grant one or more Annuity or Annuities for the Lives of other Nominees, upon the Terms aforesaid, so that the Whole of the Monies paid for the Purchase of such Annuities, then actually existing, doth not exceed the Sum of one hundred

hundred and ſeventy-five thouſand Pounds; any Thing herein before contained to the contrary thereof in anywiſe notwithſtanding.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

XCIII. And it is hereby further enacted, That the Clerk of the ſaid Commiſſioners for the time being, ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Money borrowed, or Annuities granted, by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall, from time to time, be intitled to ſuch Securities, and the Sums received upon ſuch Securities, and alſo the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall reſpectively be payable; to which Book and Books the Perſon and Perſons intitled to and poſſeſſed of ſuch Annuities, and all and every the Perſon and Perſons liable to the Payment of the ſaid Rates and Aſſeſſments, ſhall, at all ſeaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Annuities ſhall not be liable to Taxes.

XCIV. And it is hereby further enacted, That all and every Perſon and Perſons, who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe-monies for the ſame, at the Rates aforeſaid, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities ſo purchaſed, during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Tenor and Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or her Purchaſe-money as aforeſaid, have an Order on Parchment or Vellum for Payment of the Annuity or Annuities ſo purchaſed by him or her, for and during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her as aforeſaid, which Order ſhall be ſigned by the ſaid Commiſſioners; and after ſigning thereof, ſhall be firm, good, valid, and effectual in the Law, according to the Purport and Meaning thereof, and of this Act.

Securities may be aſſigned.

XCV. And it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons, intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo *toties quoties*; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk of the ſaid Commiſſioners in Manner aforeſaid, which he is hereby required to do without Fee or Reward ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Felony in caſe any Perſon ſhall forge, &c. any Aſſignment, Certificate, &c. of all Annuitants.

XCVI. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or aſſiſt in forging or counterfeiting any Aſſignment of any ſuch Annuity as aforeſaid, or any Certificate of the Age, or of the Life of any Nominee, or any Order or Authority, in Writing, to receive any Annuity due, or to grow due, to any Proprietor thereof, or any Part thereof; or ſhall knowingly or fraudulently demand, or endeavour to have or receive any ſuch Annuity or Annuities, or any Part thereof, by virtue of any forged or counterfeited Aſſignment, Letter of Attorney, Certificate, Inſtrument, Order, or Authority, in Writing; or ſhall falſely and deceitfully perſonate any true and real Proprietor or Proprietors of any ſuch Annuity or Annuities, or the Aſſignee of any ſuch Proprietor or Proprietors, and thereby receiving, or endeavouring to receive, the Money of any ſuch true and lawful Proprietor or Aſſignee, as if ſuch Offender were the true and lawful Owner thereof; then, and in every and any of the ſaid Caſes, all and every ſuch Perſon and Perſons ſo offending, and being thereof convicted in due Form of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death without Benefit of Clergy.

Annuities to be paid out of Money borrowed on the Rates.

XCVII. And it is hereby further enacted, That all and every the Sum and Sums of Money ſo to be advanced and lent, and the Intereſt thereof, and all and every the Annuity and Annuities, ſo purchaſed, and to be purchaſed, ſhall be, and they are hereby charged upon, and ſhall be paid and payable, from time to time, out of the Monies ariſing from the Rates and Aſſeſſments, to be rated and aſſeſſed by virtue of this Act, for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and of making, enlarging, widening, deepening, altering, and removing, the common Sewers, public Drains, and Vaults within the ſame; and all the Perſons who ſhall be ſo poſſeſſed of ſuch Securities, ſhall be Creditors in equal Degree, without Preference in reſpect of the Priority of his, her, or their advancing the Money thereon.

Certain Places in Holborn, &c. out of the Liberties of the ſaid City, to be aſſeſſed.

'XCVIII. And whereas certain Parts of *Holborn*, the *Minories*, and *Alderſgate Street*, are ſuppoſed to 'be out of the Liberties of the ſaid City of *London*, by Means whereof the Pavements of the ſeveral Streets 'and Places within the ſame reſpectively cannot be completely finiſhed by the Powers hereby veſted in the 'ſaid Commiſſioners;' Wherefore, for the better and more ſpeedy Completion of the ſame, be it enacted, That the ſeveral Powers and Authorities hereby veſted in the ſaid Commiſſioners, and all the Proviſions and Regulations herein before eſtabliſhed, declared, and provided, for the Purpoſes of paving, cleanſing, and lighting the ſaid City and the Liberties thereof, and of making, enlarging, widening, deepening, altering, and removing, all or any of the ſaid public Sewers, Drains, and Vaults, within the ſame, ſhall reſpectively extend, and ſhall be in Force, and in all Reſpects be executed by the ſaid Commiſſioners, within ſuch Parts of *Holborn*, the *Minories*, and *Alderſgate Street*, as are, or are ſuppoſed to be, out of the Liberties of the ſaid City of *London*, and the Courts and Alleys leading into the ſame, or communicating therewith; and the Inhabitants of the ſeveral Parts and Places aforeſaid ſhall be rated and aſſeſſed according to the Proviſions herein

herein before made, by the Alderman of the Ward next adjoining to the ſame reſpectively, or by his Deputy, with the major Part of his Common Councilmen; and ſuch Rates ſhall be recovered in Manner herein before directed; any Law, Statute, Cuſtom, Uſage, or Preſcription to the contrary notwithſtanding.

Proviſo.

XCIX. Provided always, and be it further enacted and declared, That nothing in this Act contained, with regard to paving, cleanſing, and lighting, ſhall extend, or be conſtrued to extend, to the Liberty of *St. Martin le Grand*, belonging to the Dean and Chapter of *Weſtminſter*; any Thing in this Act to the contrary in anywiſe notwithſtanding.

Same Powers given to Commiſſioners, as to Commiſſioners of Counties.

C. And be it further enacted, That the ſaid Commiſſioners ſhall and may, at all Times hereafter, exerciſe and put in Practice all and every the Powers and Authorities given to and veſted in any Commiſſioners of Sewers, in any other County or Place, by force and virtue of any of the Laws and Statutes of this Kingdom, or of any Commiſſion to them granted purſuant to the ſame.

A Toll to be taken at the ſeveral Turnpikes hereafter mentioned, before any Cattle or Carriage ſhall be permitted to paſs on a Sunday.

'CI. And, to the End and Intent that the uſeful Purpoſes of this Act may be the better and more ſpeedily carried into Execution, and for and towards increaſing the Fund for defraying the Charges of paving, cleanſing, and lighting the ſaid City and Liberties, and of making, widening, deepening, altering, and removing the common Sewers, public Drains, and Vaults, within the ſame,' It is hereby further enacted, That upon and after the firſt *Sunday* next after the paſſing of this Act, there ſhall be paid to the Receiver or Receivers, Collector or Collectors, to be nominated and appointed as herein after-mentioned, before any Cattle or Carriage ſhall be permitted to paſs on a *Sunday* through any or either of the Turnpikes herein after-mentioned, or through any Turnpike to be erected by virtue of this or any other Act or Acts of Parliament near the ſame, *(videlicet)* The Turnpike at *Mile End*, the Turnpike at *Bethnal-green*, the Turnpike at *Hackney*, the Turnpike at *Kingſland*, the Turnpike at *Ball's Pound*, or *Pond*, *Iſlington*, the Turnpike at *Holloway*, the Turnpike at the End of *Saint John's Street*, the Turnpike at the End of *Goſwell Street*, and the Turnpike on the New Road, commonly called *The City Road*, all which Turnpikes are in the County of *Middleſex*; the following Tolls, *(videlicet)*

The Tolls.

For every Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, or other Carriage, drawn by ſix or more Horſes, or Mules, the Sum of Tenpence.

For every Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, or other Carriage, drawn by four Horſes, or Mules, the Sum of Eightpence.

For every Coach, Chariot, Berlin, Chaiſe, Chair, Calaſh, or other Carriage, drawn by three or two Horſes, or Mules, the Sum of Sixpence.

For every Chaiſe, Chair, Calaſh, or other Carriage, drawn by one Horſe, or Mule, the Sum of Threepence.

And for every Horſe, Mule, or Aſs not drawing, the Sum of one Penny.

The ſaid Tolls to be taken above and excluſive of all other Tolls.

Which ſaid reſpective Sums of Money ſhall and may be demanded and taken for and in the Name of a Street-toll, over and above and excluſive of all other Tolls, which are or ſhall be authoriſed to be taken and collected, upon or on account of the ſaid Roads, or any of them, and the Monies ariſing therefrom ſhall be and are hereby veſted in the ſaid Mayor and Commonalty, and Citizens, and ſhall be diſpoſed of for the Purpoſes of paving, cleanſing, and lighting the ſaid City and Liberties, and of making, enlarging, widening, deepening, altering, and removing the common Sewers, public Drains, and Vaults, within the ſame: And the ſaid Commiſſioners are hereby impowered by themſelves, or by any Perſon or Perſons by them thereto authoriſed, to levy the Toll hereby required to be paid, upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, or to deny or hinder any Paſſage through the ſaid Turnpikes reſpectively, until Payment thereof; which ſaid Toll ſhall and may be levied by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which the Toll is by this Act impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and all ſuch Horſes, Cattle, or Goods, may be detained until ſuch Toll, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and it ſhall and may be lawful for the Perſon or Perſons ſo diſtraining, after the Space of four Days from the Time of making and taking ſuch Diſtreſs, to ſell the Horſe or Horſes, Cattle, Goods, or Chattels, ſo diſtrained, rendering the Owner or Owners thereof the Overplus upon Demand, after Satisfaction of the ſaid Toll, and the reaſonable Charges in and about making ſuch Diſtreſs, Keeping, and Sale, ſhall be fully paid and ſatisfied.

Tolls veſted in the Mayor and Commonalty and Citizens; to be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after four Days.

Commiſſioners may erect Turnpikes, &c.

CII. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, if they ſhall think proper, at any Time or Times during the Continuance of this Act, to cauſe to be erected any Turnpike or Turnpikes, at or near all or any of the reſpective Places aforementioned, for the Purpoſes of collecting the ſeveral and reſpective Tolls hereby made payable, and alſo cauſe to be erected or provided a Toll-houſe at or near each Turnpike, and, from time to time, to remove or alter the ſame as they the ſaid Commiſſioners ſhall think expedient; and the Right and Property of all the Turnpikes and Toll-houſes, to be from time to time erected and provided by virtue of this Act, and the Right and Property of the Materials provided for building or repairing the ſame, ſhall be, and are hereby veſted in the Mayor and Commonalty, and Citizens; and they are hereby impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of the Corporation, and to prefer, or order the preferring of Indictments againſt any Perſon or Perſons who ſhall injure the ſame, or any Part thereof, or diſturb them in the Poſſeſſion thereof, or take or retain, or hold Poſſeſſion thereof, after being required by Order of the Commiſſioners to deliver up the ſame.

Turnpikes, &c. veſted in the Mayor and Commonalty and Citizens.

Tolls may be collected at the

CIII. Provided always, and it is hereby further enacted and declared, That it ſhall and may be lawful for the ſeveral and reſpective Receivers or Collectors, and other Perſons to be appointed by virtue of this Act,

Act, to receive and collect the ſeveral Tolls hereby made payable; and they are hereby authoriſed and impowered, for the Purpoſes of this Act, without the Let, Hinderance, or Moleſtation of any Perſon or Perſons whatſoever, to make uſe of all or any of the Gates, Turnpikes, and Toll-houſes, already erected, or hereafter to be erected or continued, by virtue of any Act or Acts of Parliament, at or near the ſeveral and reſpective Places whereat any Toll is hereby authoriſed to be taken, ſo as ſuch reſpective Receivers, Collectors, or other Perſons, do in nowiſe hinder or interrupt the tranſacting of any Buſineſs or Purpoſe for which ſuch Turnpikes and Toll-houſes were reſpectively erected or provided. Turnpikes already erected.

CIV. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be liable to pay the ſaid Street-toll more than once for paſſing or re-paſſing at any Time or Times on the ſame Day as aforeſaid, with the ſame Cattle and Carriage, but that all and every Perſon and Perſons, after having paid ſuch Toll once as aforeſaid, ſhall, during the Remainder of ſuch Day, paſs Toll-free, with reſpect to the ſaid Street-toll, with the ſame Cattle and Carriages, through the Gate or Turnpike at which any ſuch Toll was paid, and alſo through all other Gates and Turnpikes whereat the ſaid Tolls are hereby made payable, upon producing a Note or Ticket, denoting the Payment of ſuch Toll; which Notes or Tickets the Collector of the ſaid Tolls are hereby required to give *gratis*, on Receipt of ſuch Tolls. Tolls to be paid but once a Day.

CV. And it is hereby further enacted, That the ſaid Commiſſioners may, and they are hereby impowered, upon ten Days Notice being given in the *London Gazette*, to leaſe, or farm by the Year, the Tolls by this Act granted, or any Part or Parts thereof, to any Perſon or Perſons, at or for the largeſt yearly Sums that can be got for the ſame; provided that ſuch Lettings or Agreements be made in Writing, and ſigned by the Perſon or Perſons taking or farming any ſuch Tolls, and by the ſaid Commiſſioners letting the ſame, and be not made for more than three Years at a Time; and that the Money that ſhall be ſo agreed to be paid for the ſaid Tolls, ſhall be made payable, and ſhall be paid to the Chamberlain of the ſaid City for the time being, by quarterly Payments; and that the Perſon or Perſons to whom the ſame ſhall be ſo lett, ſhall always pay one Quarter's Pay in Advance; and if any Letting or Agreement for letting the ſaid Tolls, or any Part or Parts thereof, ſhall be made, and any Default ſhall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act; then every ſuch Letting and Agreement ſhall be void, and the Perſon or Perſons to whom the ſaid Tolls ſhall be lett, ſhall be liable to account for the ſame, and to have the ſame levied and recovered upon and of him or them, in the ſame Manner as is by this Act directed for the accounting for the ſaid Tolls by the Collectors thereof, and for the levying and recovering the ſame upon and of them. Commiſſioners may leaſe, &c. the Tolls.

CVI. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Time or Times, by any Writing or Writings under their Hands and Seals, to nominate and and appoint ſuch Perſon or Perſons, to be Receiver or Receivers, Collector or Collectors of the ſaid reſpective Tolls, as they ſhall think fit; and all Perſons by this Act made liable to pay the ſaid Tolls, or any of them, are hereby required to pay the ſame to ſuch Receiver or Receivers, Collector or Collectors as aforeſaid; and all ſuch Receivers and Collectors, ſhall reſpectively pay the ſame into the Office of the Chamberlain of the ſaid City, in like Manner, and under the like Regulations and Reſtrictions, as are herein before expreſſed, of and concerning the collecting and paying the Rates and Aſſeſſments aforeſaid; and ſhall alſo upon Oath, if thereunto required by the ſaid Commiſſioners conſtituted by this Act, (which Oath the ſaid Commiſſioners are hereby authoriſed and impowered to adminiſter) from time to time give unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, a true, exact, and perfect Account, in Writing, under their reſpective Hands, of all Monies which they, and every or any of them, ſhall to ſuch Time have received, by virtue of this Act; and if ſuch Receiver or Collector ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to make Payment as aforeſaid; then, or in either of ſuch Caſes, it ſhall be lawful to or for one or more Juſtice or Juſtices of the Peace, and ſuch Juſtice or Juſtices, upon Complaint to him or them made, is and are hereby authoriſed and required, to make Enquiry concerning ſuch Default, as well by Confeſſion of the Party as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward;) and if any ſuch Receiver or Collector ſhall be convicted of any or either of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common County Gaol, without Bail or Mainprize, until he ſhall give or make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners conſtituted by this Act, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners are hereby impowered to make; and the ſaid Commiſſioners ſhall and may, out of the Monies ariſing by the ſaid Tolls, or otherwiſe, make ſuch Allowance unto their Receivers and Collectors, and all other Perſons to be employed by or under the ſaid Commiſſioners, in the Execution of this Act, for their Care and Pains in their reſpective Offices, as the ſaid Commiſſioners ſhall think fit and reaſonable. Commiſſioners may appoint Officers. Juſtices to inquire into the Default, and commit the Offender until Payment or Compoſition be made. Commiſſioners to allow Officers Salaries.

CVII. And it is hereby further enacted, That it ſhall and may be lawful to and for the Commiſſioners of any one of the ſaid Turnpikes for the time being, or for any three or more of the Commiſſioners of each of the ſaid Turnpikes, at any of their public Meetings, to treat and agree with the Commiſſioners conſtituted by this Act, for the taking or farming any of the ſaid Tolls. For farming the Tolls.

CVIII. And it is hereby further enacted, That the ſaid Commiſſioners, at any public Meeting, may, and they are hereby impowered to borrow, and take up at Intereſt, any Sum or Sums of Money, upon the Credit of the Tolls payable by virtue of this Act, and to aſſign over the ſame, or any Part thereof, by any Writing or Writings, under their Hands and Seals, or under the Hands and Seals of any ſeven or more of them, the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Tolls reſpectively, to any Perſon or Perſons who ſhall advance or lend their Money thereon, as a Security or Securities for the Tolls may be aſſigned for Money borrowed.

Assignments to be entered in a Book.

several Sums which shall be borrowed, and the Interest thereof, as aforesaid: And Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose, by the Clerk for the time being of the said Commissioners; and all and every Person and Persons, to whom such Assignments shall be made, are hereby impowered, from time to time, to assign and transfer their Right and Interest, by Indorsement on the Back of their Securities, in like Manner and Form as the Securities for the Monies borrowed on the Rates and Assessments, to be made and levied by virtue of this Act, are before directed to be assigned and transferred; and all such Assignments and Transfers shall be produced, notified, and entered in like Manner as is before described, with respect to the Producing, Notification, and Entry of the Assignments and Transfers of the Securities for such Rates and Assessments; and it shall not be in the Power of any Person who shall have made any Assignment or Transfer of their Securities on the said Tolls to make void or discharge the same, or any Money due thereon; and no Person or Persons advancing any Sums of Money on the Credit of the said Tolls, shall be intitled to any Preference with respect to the Priority of advancing any such Sum or Sums, but all Persons to whom any Mortgages or Assignments shall be made as aforesaid, shall be Creditors in equal Degree, one with another, in Proportion to the Sums therein mentioned.

All Creditors deemed equal in Degree.

Penalty on forcibly passing through the Gates, &c. or giving or receiving Tickets, &c. to avoid Payment of the Tolls.

CIX. And it is hereby further enacted, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage through any Turnpike whereat any Toll is, by virtue of this Act, to be paid, without paying such Toll, or producing a Note or Ticket as aforesaid, at such Turnpike; or shall knowingly or designedly assault, interrupt, or obstruct any or either of the Collectors or Persons employed in the collecting or receiving any or either of the said Tolls, in the Execution of his or their respective Office or Offices, or shall forge, counterfeit, or alter, or shall deliver to, or receive from any other Person or Persons, any Note or Ticket with an Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof, every Person so offending shall, for every such Offence, forfeit and pay the Sum of forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law; and it shall and may be lawful to and for the said Receivers or Collectors, and for every of them, and all other Persons required by them, to assist in that Respect to seize any Horse or Horses, Cattle or Goods, belonging to, or in the Possession, or under the Care of any Person or Persons so offending in the Premises, and to take such Offenders before any Justice of the Peace, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to enquire into the same, as well by Examination of the Party or Parties, as by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby impowered to administer without Fee or Reward;) and if the said Justice shall see Cause, to convict the Party or Parties complained of in the Penalty aforesaid, and for Non-payment thereof, and of the Tolls that shall be due (though the same shall not be demanded) by Warrant under his Hand and Seal, to cause the said Horse or Horses, Cattle or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing and keeping the same, and of such Sale, rendering the Overplus, if any there shall be, to the Owner or Owners of the said Horse or Horses, Cattle or Goods, or to the Person or Persons under whose Care or in whose Possession they respectively were when so seized as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalty and Tolls shall be levied and recovered by such Means, and applied in such Manner, as herein after mentioned: And moreover, it shall and may be lawful for any of the Collectors of the Rates and Tolls hereby granted, or other Officer to be appointed by virtue of this Act, who shall be assaulted, obstructed, or interrupted in the Execution of any of their respective Offices, and for every of them, and all other Persons required by them to assist in that Respect, to take such Offender before any Justice of the Peace, who is hereby required to enquire into the same in Manner as above directed; and if he shall see Cause, to convict the Party or Parties complained of in the Penalty last mentioned, to be levied and recovered as hereafter directed.

Person assaulting, &c. the Collectors, they are impowered to take them before a Justice of the Peace.

Money raised by this Act vested in the Mayor, &c.

CX. And it is hereby further enacted, That all the Monies to be raised by virtue of this Act, shall be, and the same are hereby vested in the said Mayor and Commonalty, and Citizens of the said City, and shall be applied to the Purposes of this Act, and to and for no other Use or Purpose whatsoever.

Writings to be without Stamps.

CXI. Provided also, and it is hereby further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, or only signed by any Commissioner or Commissioners, constituted by this Act, or any Justice or Justices of the Peace, or exhibited before any of them, or under the Hand and Seal, or Hands and Seals, or only signed by any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Duty whatsoever.

For limiting the Number and Distances of Coaches.

'CXII. And whereas it would be very convenient and beneficial to the Public, if the Number of Hackney Coaches which are allowed to ply for Hire in certain Streets or Places within the said City and Liberties, were, in some Instances, to be limited, and their Distances one from the other, when so plying, were to be regulated and settled, and a proper Register of the Places of Abode of the several Owners of such Coaches was to be kept at the Office of the Commissioners under this Act, at the *Guildhall* in the said City;' Be it therefore enacted, That from and after the passing of this Act, the Number of Coaches to stand and ply for Hire, between the End of *Freeman's Court* in *Cornhill* and the End of *Cornhill* Eastward, in the said City, shall be no more than ten at any one Time; and from the End of *Bucklersbury* to the End of *King-street*, *Cheapside*, no more than five, and not to approach or continue nearer the one to the other than twenty Feet; and that all and every other Coach, standing or plying for Hire in any other Street or Place within the said City and Liberties, shall so stand or ply, except where the Standing shall be against any Dead Wall, at the Space or Distance of eight Feet at the least from each other; and that all and every Coach or Coaches, plying or standing for Hire within the said City and Liberties, shall give Way to, and

make

make Room for all Waggons, Drays, Carts, and other Carriages, to paſs or repaſs along or acroſs any of the ſaid Streets and Places, upon Pain that the Owner or Driver of every Hackney Coach, which ſhall ſtand or ply for Hire in any of the ſaid Places where the Number of Hackney Coaches is hereby limited, after the Number of Coaches ſo reſpectively limited ſhall be ſtanding or plying therein, or ſhall ſtand or ply for Hire nearer to any other Hackney Coach than is hereby directed, or ſhall not, upon Demand, from time to time, give Way, and make ſufficient Room for ſuch other Carriage to paſs or repaſs as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings; to be recovered and levied by ſuch Ways and Methods as by the ſeveral Acts of Parliament now in Force concerning Hackney Coaches, or any of them, as all or any of the Penalties and Forfeitures incurred by Hackney Coachmen, may be now recovered and levied.

Places of Abode of Hackney Coachmen to be regiſtered.

CXIII. And be it further enacted, That within ſeven Days after the Owner of every Hackney Coach ſhall be licenſed by the Commiſſioners appointed for licenſing and regulating Hackney Coaches and Chairs, every ſuch Owner ſhall leave at the Office of the ſaid Commiſſioners under this Act, at the *Guildhall* aforeſaid, with the principal Clerk, or the Aſſiſtant Clerk, to the ſaid Commiſſioners, a true Account in Writing, of his, her, or their Place or Places of Abode, with the Figure or Number of each Coach; and the ſeveral Owners of Hackney Coaches already licenſed by the ſaid Commiſſioners, ſhall, within ſixty Days after the paſſing of this Act, leave the like true Account in Writing of their reſpective Places of Abode, Figures and Numbers, at the aforeſaid Office, with the ſaid principal Clerk, or Clerk-aſſiſtant; and ſo, from time to time, every licenſed Hackney Coachman ſhall, within ſeven Days after his Place of Abode ſhall be changed, give the like Account at the ſaid Office, upon Pain that the Owner or Owners of every ſuch Hackney Coach ſhall, upon every Refuſal or Neglect ſo to do, forfeit and pay the Sum of twenty Shillings.

Proviſo.

CXIV. Provided always, That the ſaid Juſtice or Juſtices may, and they are hereby impowered, at his or their Diſcretion, to mitigate or compound any of the ſaid Forfeitures or Penalties to or for any leſſer Sum, not leſs than one half thereof.

Offenders not paying Penalties to be committed.

CXV. And it is hereby further enacted, That in every Caſe where any Perſon ſhall, either upon his or her own Confeſſion, or by the Oath of one or more credible Witneſs or Witneſſes, be convicted before one or more Juſtice or Juſtices of the Peace of the ſaid City, or of the Place where ſuch Perſon ſhall be found, of any Offence by him or her committed againſt this Act, for which Offence any Forfeiture or Penalty is or are hereby enacted, the Manner of recovering whereof is not hereby particularly directed, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter) it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, and he and they are hereby authoriſed and directed, upon the ſaid Party's Refuſal or Neglect to pay down ſuch Forfeiture or Penalty, immediately to commit him or them to one of the Compters of the ſaid City, for any Time not exceeding one Month, and not leſs than fourteen Days, unleſs the ſaid Forfeiture or Penalty ſhall be ſooner paid; and all and every the Forfeitures and Penalties to be recovered by virtue of this Act, ſhall be paid into the Chamber of the ſaid City, and applied to ſome of the Purpoſes to which any of the Rates or Aſſeſſments, to be raiſed by virtue hereof, are hereby directed to be applied.

Proceedings not to be quaſhed for want of Form.

CXVI. And it is hereby further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

CXVII. And it is hereby further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until twenty-one clear Days Notice ſhall be thereof given in Writing to the Clerk for the time being of the Commiſſioners conſtituted by this Act, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after ſix Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the City or County where the Cauſe of Action ſhall ariſe, and not elſewhere; and that the Defendant or Defendants, in ſuch Actions or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before twenty-one clear Days Notice given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs, in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Act 8 Geo. 3. repealed.

CXVIII. And it is hereby further enacted and declared, That immediately after the ſeveral Authorities, Powers, and Proviſions herein before given or granted, eſtabliſhed, declared, and provided, ſhall commence and take Effect reſpectively, for the Purpoſes of paving, cleanſing, and lighting the ſaid City, and the Liberties thereof, and the other Purpoſes of this Act, according to the Tenor and true Meaning thereof, the ſaid Act made in the eighth Year of his preſent Majeſty's Reign, for the better paving, cleanſing, and lighting the City of *London*, and the Liberties thereof, and for preventing Obſtructions and Annoyances within

within the ſame, and for other Purpoſes therein mentioned, and for repealing an Act made in the ſixth Year of his preſent Majeſty, for thoſe Purpoſes, ſhall be, and the ſame is hereby repealed.

Rates under former Acts not to be annulled.

CXIX. Provided alſo, and it is hereby further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, annul, or make void, any of the Rates or Aſſeſſments made or charged by virtue or in purſuance of any ſuch former Act or Acts of Parliament, which were due and payable, or in Arrear, on the twenty-fifth Day of *March*, in the year one thouſand ſeven hundred and ſeventy-one, or any of the Remedies, Powers, or Proviſions given or provided by ſuch former Act or Acts reſpectively, for the collecting, levying, or recovering the ſame; but all ſuch Rates and Aſſeſſments, and all Arrears thereof reſpectively, which were due and payable on the ſaid twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one, and all the Remedies, Powers, and Proviſions in and by ſuch former Act or Acts reſpectively granted, enacted, or provided, for the collecting, recovering, and levying the ſame reſpectively, ſhall continue and be in Force; any Thing herein before contained to the contrary thereof in anywiſe notwithſtanding.

Not to make void Proceedings under the ſaid Act.

CXX. Provided always, and it is hereby enacted and declared, That nothing herein contained ſhall extend, or be conſtrued to extend, to make void the Appointment of any Officers already appointed, by virtue of the ſaid Act hereby repealed, or to make void any other Proceeding, already had or commenced by virtue of, and under the Authority of the ſaid Act, or to prevent the completing of any ſuch Proceedings; but that the ſaid Commiſſioners, conſtituted by this Act, ſhall and may carry into Execution and complete all ſuch Proceedings commenced under the ſaid Act, although repealed, in the like Manner as if the ſame had been commenced under and by virtue of this Act.

Act 19, 22, & 23 Car. II. 2 Gul. & Mary. 10 Geo. II. 17 Geo. II. 33 Geo. II. 6 Geo. III.

CXXI. Provided alſo, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revive the ſaid Acts made in the nineteenth, and twenty-ſecond, and twenty-third Years of the Reign of the late King *Charles* the Second, or the ſaid Act made in the Second Year of the Reign of their late Majeſties King *William* and Queen *Mary*, or the ſaid Act made in the tenth Year of the Reign of his late Majeſty King *George* the Second, or the ſaid Act made in the Seventeenth Year of the Reign of his ſaid late Majeſty King *George* the Second, or an Act made in the thirty-third Year of the Reign of his ſaid late Majeſty, or an Act made in the ſixth Year of his preſent Majeſty's Reign, but ſuch Parts of the ſaid ſeveral Acts as reſpectively relate to the public Sewers, Drains, Vaults, or Pavements of the ſaid City and Liberties, ſhall, and the ſame are hereby declared to be repealed; any Thing in any of the ſaid Acts to the contrary thereof in anywiſe notwithſtanding.

Public Act.

CXXII. And it is hereby further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXX.

An Act for cleanſing and lighting the Streets of the Town of *South Leith*, the Territory of *Saint Anthony*'s, and *Yard Heads* thereunto adjoining, and for ſupplying the ſeveral Parts thereof with freſh Water.

Preamble.

'WHEREAS it would be of great Advantage to the Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, lying within the County of *Edinburgh*, in *North Britain*, and contribute to the Health of the Inhabitants, if the ſame were ſufficiently ſupplied with Water, and the Streets, Lanes, Ways, Avenues, and Paſſages, were properly cleanſed and lighted; and all Incroachments, Obſtructions, and Annoyances were removed therefrom, and prevented for the future:' May it therefore pleaſe your Majeſty, That it may be enacted, and be it enacted, by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *John Dalrymple*, or the Lord Provoſt of the City of *Edinburgh* for the time being; *Andrew Pringle* of *Alemoor*, and *James Veitch* of *Elliock*, Eſquires, Senators of the College of Juſtice; Major-general *James Adolphus Oughton*, Major-general *Robert Horn Elphingſton*, *Archibald Cockburn* of *Cockpen*, *James Balfour* of *Pilrigg*, *Alexander Sheriff* of *Craigleith*, *Robert Keith*, *William Alexander*, *Alexander Aliſon*, *Henry Balfour*, *Walter Hamilton*, *William Haggarth*, *James Edgar*, *Andrew Aliſon*, *George Fullarton*, *Robert Mylne*, and *William Myne*, Eſquires; the Admiral and Magiſtrates of *Leith* for the time being, the Town Clerk for the time being, the Maſters of the four Incorporations of Shipmaſters, Maltmen, Trades, and Traffickers of *Leith*, or preſiding Officer of theſe Incoporations reſpectively for the time being; *James Ogilvy*, *William Pillans*, *George Ritchie*, *Richard Scougall*, and *William Smith*, Shipmaſters; *James Cundell*, *William Comb*, *George Muckle*, and *William Scott*, Brewers; *Walter Gibſon* Surgeon, *John Crokat* Slater, *James Macdonald* Wright, *William Bell*, *Alexander Bryce*, *John Haddaway*, *James Hutton*, *Robert Kerr*, *James Lindſay*, *William Mitchel*, *David Nelſon*, *Alexander Ogilvy*, *Thomas Parker*, *James Pillans*, *James Rannie*, *Robert Ramſay*, *Charles Sheriff*, *Richard Tod*, and *Chriſtopher Wood*, Merchants, all in *Leith*; the Baillie of *Saint Anthony* for the time being; and *Thomas Hadaway*, and *James Young*, Brewers there, and their Succeſſors, to be elected in Manner herein after mentioned, or any ſeven or more of them, ſhall be, and they are hereby conſtituted and appointed Commiſſioners for putting this Act in Execution; and to be and continue as ſuch for three Years, to be computed from the paſſing of this Act, and to continue afterwards until the twentieth Day of *December* next, and immediately following the End and Determination of the ſaid three Years.

Commiſſioners Names.

II. And be it further enacted by the Authority aforesaid, That upon the twentieth Day of *December* next, and immediately following the End and Determination of three complete Years, to be computed from the Time of passing this Act as aforesaid, and upon every following twentieth Day of *December* (unless the same shall fall upon a *Sunday*, in which Case, and so often as it shall so happen, the Election herein after mentioned shall be made upon the Day immediately following) the Magistrates of *Leith*, the Masters of the four Incorporations there, six Assistants from each Incorporation (who shall for the Purpose be chosen by the said Incorporations respectively), and the whole Heritors, Liferenters, and Proprietors of Lands and Tenements in the said Town of *Leith*, shall meet at the Convening House of the Incorporations in the Town of *Leith*, between the Hours of Ten and Twelve in the Forenoon, and then and there, by Majority of Voices of the Persons present, and intitled to vote at the said Meeting, shall elect and chuse thirty Persons, all Heritors, Liferenters, or Inhabitants of the Town of *Leith* for the time being, who, with the Admiral and other Magistrates of *Leith*, the Town Clerk, the Master of the four Incorporations of *Leith*, and the Baillie of *Saint Anthony* for the time being, and two Commissioners, to be elected annually by the Heritors of the Territory of *Saint Anthony's* and *Yard Heads* (in Manner herein after mentioned) shall be, and are hereby declared to be Commissioners for putting this Act in Execution, and to continue as such for and during the Space and Term of one full Year next and immediately following such Election and Elections respectively. New Commissioners how to be elected.

III. And be it also enacted, That the Baillie of the Territory of *Saint Anthony* for the time being, and all the Heritors, Liferenters, and Proprietors of Lands and Tenements, in the said Territory of *Saint Anthony* and *Yard Heads* of *Leith*, shall also, upon the said twentieth Day of *December* next, and immediately following the End and Determination of three complete Years, to be computed from the Time of the passing of this Act as aforesaid, and upon every following twentieth Day of *December*, unless the same shall fall upon a *Sunday*, in which Case, and so often as it shall so happen, the Election immediately herein after mentioned shall be made upon the next following Day, meet in the said Convening House between the Hours of Two and Four in the Afternoon, and then and there, by Majority of Voices, elect and chuse two Persons, Heritors, Liferenters, or Inhabitants within the said Territory of *Saint Anthony* and *Yard Heads*, who, with the said thirty Commissioners, and other Commissioners aforesaid, shall be Commissioners for executing this Act for one Year from the Time of such Election as aforesaid; and the Baillie of *Saint Anthony* for the time being shall be President of the said Meeting: And in case of his Absence, such one of the said Electors, as the major Part of the Voters at such last-mentioned Meeting shall appoint, shall be President; and in case of Equality of Voices, the President of the Meeting shall have a casting and decisive Vote (besides his Vote in common with the rest) in the said Election. Annual Commissioners.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time that he shall hold any Office of Profit under the said Commissioners, or during such Time as he shall enter into, be engaged in, or have the Benefit of any Contract, or shall have any Interest in any Contract whatsoever. No Person shall act as a Commissioner who is interested.

V. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, shall meet at the Convening House of the Incorporations within the said Town of *South Leith*, upon the first *Monday* in *June*, one thousand seven hundred and seventy-one, and shall have Power, at such first and at every following Meeting, to adjourn themselves, from time to time, to such Place or Places as to the said Commissioners, or to the Majority of them so assembled, shall appear to be necessary and most convenient, for the Purposes of carrying this Act into Execution: And that, at such first and every following Meeting, the Admiral, or eldest Magistrate of *Leith* for the time being, and in case of his Absence, the next senior Magistrate of *Leith* then present; and if none of the said Magistrates shall happen to be present at the Time, then such one of the said Commissioners as shall for that Purpose be chosen by the Majority of the Commissioners assembled at the Time, shall preside at every such Meeting and Meetings; and, besides his Vote as an ordinary Commissioner, shall, in all Cases of Equality of Voices, have a casting or decisive Voice. First Meeting of the Commissioners.

VI. Provided always, and be it further enacted by the Authority aforesaid, That it shall at all Times be in the Power of any seven or more of the said Commissioners, to call a General Meeting of the said Commissioners by this Act appointed for the Purposes of carrying the same into Execution, by a Notice or Requisition to that Effect in Writing, signed by such Commissioners, or any seven or more of them, and stuck up on some conspicuous Part of the said Convening House, at least ten Days before such Meeting; and that the Meeting and Meetings so called shall be held at the Place where the General Meeting immediately preceding was held, or (in the Option of seven or more of the said Commissioners, signing such Notice or Requisition as aforesaid, and signifying therein) at the said Convening House; and that the said Commissioners, or any seven or more of them, assembled at such Meeting and Meetings, so called as aforesaid, shall have the same Powers and Authorities as any other General Meeting, which shall be held pursuant to the Powers given by this present Act; and that no Business shall be done at any General Meeting, called for the Purpose of putting this Act in Execution, unless seven Commissioners, at least, shall attend, and act at the same; and that all Questions and Matters shall be determined by the Majority of Voices of Commissioners present at the Time. For appointing General Meetings.

VII. And be it also enacted, That the said Commissioners, or any seven or more of them, at a General Meeting assembled, shall have Power, and are hereby authorised and impowered, from time to time, and at all times hereafter, to direct, order, and appoint, in all Matters and Things respecting the providing, collecting, supplying, and distributing of Water to the said Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, and to the Houses and Inhabitants within the same; and to the cleansing and lighting of the Streets, Lanes, Ways, Avenues, and Passages within the Limits aforesaid; and also Town of Leith, Territory of Saint Anthony and Yard Heads, how to be supplied with Water.

Treaſurers, &c. to be appointed.

to nominate and appoint Treaſurers, Clerks, Collectors, Scavengers, Rakers, and Cleanſers of the Streets, and Keepers and Lighters of Lamps, and other Officers and Servants, neceſſary in the Execution of the preſent Act; and, at Pleaſure, to remove and diſplace them, or any of them, reſpectively; and to name and appoint the Salaries, Wages, and other Allowances, to be made and given to ſuch Officers and Servants; and to direct and appoint the Number of Lamps to be ſet up, and the Places to which they ſhall be affixed; and to make ſuch other and farther Orders, Rules, and Regulations, as the Nature of the particular Service ſhall ſeem to require; and, from time to time, to vary, alter, revoke, or make void, any of the ſaid Rules and Regulations; and to do ſuch other Acts and Things as to the ſaid Commiſſioners, or to the Majority of them, in a General Meeting aſſembled, ſhall ſeem proper and neceſſary for putting this Act into Execution.

Officers to give Security.

VIII. Provided always, That all and every Officers and Servants, (other than Day Labourers) who ſhall be employed by the ſaid Commiſſioners under the Powers given by this Act, ſhall, before his or their Admiſſion into ſuch Office or Service, give ſuch Security and Securities for due and faithful Performance as to the ſaid Commiſſioners, or to the Majority of them, in a General Meeting aſſembled, ſhall appear to be juſt and reaſonable.

Commiſſioners to take Water from Brooks, &c.

IX. And be it likewiſe enacted, That it ſhall be in the Power of the ſaid Commiſſioners, or of any ſeven or more of them, to take, preſerve, and uſe, for the Purpoſes of ſupplying the ſaid Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, and the Inhabitants of the ſame, with Water, all ſuch Brooks, Streams, Watercourſes, and other Supplies of Water which the ſaid Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, or the Heritors and Inhabitants of the ſame have Right to by virtue of their, either, or any of their Charters, Grants, and original Titles; or by immemorial Poſſeſſion, as Parts and Pertinents of the ſame: And to contract and agree with the Owner and Owners of any other Brooks, Streams, Watercourſes, or other Supplies of Water lying within the Diſtance of one Mile from the ſaid Town of *South Leith*, for the Uſe and Benefit of the ſame, for the Purpoſes aforeſaid: And to lay down leaden and other Pipes for the carrying and conveying the Water from all or any of the ſaid Brooks, Streams, Watercourſes, and other Supplies of Water before mentioned, unto the Reſervoir already erected within the ſaid Town of *South Leith*, and now belonging to, and uſed by the ſaid Town of *South Leith*; or to ſuch other proper Place or Places as to the ſaid Commiſſioners, or the Majority of them at a General Meeting aſſembled, ſhall, from time to time, appear neceſſary and proper: And for carrying and conveying the Water from the ſaid Reſervoir, or other Place or Places aforeſaid, into the ſeveral Streets, Lanes, Ways, Avenues and Paſſages within the Limits aforeſaid, and to the Houſes within the ſame: And ſo often as there ſhall be Occaſion for ſo doing, to cleanſe, mend, and repair the ſaid Watercourſes and Pipes: And to erect ſuch and ſo many Fountains and Reſervoirs as ſhall, from time to time, appear to the ſaid Commiſſioners, or the Majority of them at a General Meeting aſſembled, to be neceſſary for the collecting, preſerving, and effectually diſtributing the ſaid Water, according to the true Intent and Meaning of this preſent Act.

Satisfaction to be made for Damages in laying down Pipes.

X. Provided nevertheleſs, and be it further enacted, That full Indemnification ſhall be previouſly made and given by the ſaid Commiſſioners to the Owner and Owners, Leſſee and Leſſees of all ſuch Water as ſhall be ſo taken, or of the Grounds in which the ſaid Pipes ſhall be ſo laid down as aforeſaid, for the Value of the ſaid Water, and for all Damages that ſhall be done to the ſaid Grounds, as well by the firſt laying down of the Pipes, as by the cleanſing, mending, and repairing of the ſame from time to time afterwards: And that in caſe of Difference between the Parties reſpecting the Amount of ſuch Value and Damages, the Sheriff of the County of *Edinburgh* ſhall have Power, and he is hereby impowered and required, in a ſummary Manner, and upon the Application of either Party, and after reaſonable Notice to the other Party, to aſcertain and determine the Amount of ſuch Value and Damages reſpectively; and that whatever the ſaid Sheriff ſhall do in the Premiſes, ſhall be final and concluſive: And that afterwards, upon Payment or Tender of the Monies adjudged by the ſaid Sheriff in lieu of the Value and Damages as aforeſaid to the Perſon or Perſons intitled to receive the ſame reſpectively, the ſaid Commiſſioners, or any ſeven or more of them, ſhall, from thenceforth, have Power, and are hereby impowered, to take and uſe the ſaid Water, and to lay down, cleanſe, mend, or repair the aforementioned Pipes, (as the Caſes ſhall reſpectively happen to be) without being liable or anſwerable on that Account for any other or further Damage.

Right of the Town of Leith, &c. to Supplies of Water by virtue of former Laws, reſerved.

XI. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to deprive the Inhabitants of the ſaid Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, of any Claim or Right competent to them, for being ſupplied with Water under or by virtue of any other Statute or Statutes now in force and being, or to hurt or prejudice ſuch Claim and Right, or the Rights and Intereſts of the City of *Edinburgh* reſpecting the ſame; all which are hereby reſerved intire, in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

Contracts may be made for laying down Pipes to convey Water.

XII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, and they are hereby authoriſed and impowered, to contract with any Perſon or Perſons for laying Pipes for conveying and diſtributing Water, erecting Fountains, lighting and cleanſing the Streets and other Paſſages of the ſaid Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*; and that ſuch Contract or Contracts ſhall be ſigned by the ſaid Commiſſioners, or any ſeven or more of them, and by the Perſon or Perſons contracting to perform ſuch Work: And that the ſaid Commiſſioners, or any ſeven or more of them, are hereby further authoriſed and impowered to pay ſuch Sum or Sums as they ſhall ſo contract for, out of the Money to be raiſed for the Purpoſes of this Act, by virtue of the Powers herein after mentioned.

Writings exempt from Stamp Duties.

XIII. Provided always, and be it further enacted, That no Nomination, Appointment, Contract, Bond, or other Writing whatſoever, under the Hand or Hands of any of the ſaid Commiſſioners, touching, concerning,

cerning, or in the Execution of any of the Powers and Authorities by this Act in them veſted, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Dung, &c. of the Streets may be diſpoſed of.

XIV. And be it alſo enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to let in Tack or Leaſe, for any Space not exceeding the Term of three Years, the Dung or Fulzie of and upon the Streets, Lanes, Paſſages, Courts, Avenues, and other Places within the ſaid Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, to any Perſon or Perſons, on ſuch Conditions as to the ſaid Commiſſioners ſhall ſeem fit and reaſonable; and to apply the Tack-duty to the Purpoſes of putting this Act in Execution.

Dung, &c. not to be laid in the Street.

XV. And be it further enacted, That if any Perſon or Perſons ſhall throw Dung, Water, or Aſhes, out of any Door or Window within the ſaid Town of *South Leith*, Territory of *Saint Anthony*, and *Yard Heads* of *Leith*, by Night or Day; or duſt Carpets from or over any Window or Stair opening to a Street, Court, Cloſe, or Lane, within the Limits aforeſaid; or ſhall lay, or cauſe to be laid down, any Dung, Aſhes, Rubbiſh, or Filth of any Kind, between the Hours of Eight in the Morning and Ten at Night; or ſhall ſift Aſhes on the Streets within the ſaid Time, ſuch Perſon or Perſons ſhall, for the firſt Commitment of every ſuch Offence reſpectively, forfeit the Sum of one Shilling Sterling; and for the ſecond and every ſubſequent Offence of the like Nature, two Shillings and Sixpence Sterling: And that any Perſon or Perſons laying down Furze or Whins, or other Fuel, on the Streets, Lanes, or Paſſages of the ſaid Town, for the Space of ſix Hours, ſhall, for the firſt Offence, forfeit the Sum of five Shillings Sterling; and for every Day the ſame ſhall lie after the firſt Day, the Sum of five Shillings Sterling more: And if any Perſon or Perſons ſhall leave any Iron, Lead, Wood, Ships Anchors, Merchandiſe, or Lumber of any Kind, upon the Quays, or Shore, or any other Part of the Streets of the ſaid Town more than forty-eight Hours, he, ſhe, or they ſhall, for every ſuch Offence, forfeit five Shillings Sterling: And it ſhall be lawful for the ſaid Commiſſioners, or any one of them, and they and he are and is hereby impowered to cauſe to be carried off and removed ſuch Iron, Lead, Wood, Ships Anchors, Merchandiſe, or Lumber, into the Timber Buſh, or Weigh-houſe of *Leith*, there to lie and remain at the Riſk of the Owner or Owners, till Payment ſhall be made of the ſaid five Shillings Sterling, and of the Expence of carrying off, removing, and keeping the ſame in the ſaid Timber Buſh, or Weigh-houſe: And that if any Perſon or Perſons ſhall leave any Coach, Cart, Chaiſe, or other Carriage, yoked or unyoked, in any of the ſaid Streets or Lanes over Night, without having ſome Perſon attending to take care of the ſame, he, ſhe, or they ſhall, for ſuch Offence, forfeit one Shilling Sterling: And every Perſon or Perſons who ſhall ſuffer any Hogs or Pigs belonging to them to ſtray looſe through the Streets, Lanes, or Paſſages of the ſaid Town of *Leith*, ſuch Perſon or Perſons ſhall not only forfeit the Sum of two Shillings and Sixpence Sterling for ſuch Offence, but it ſhall alſo be lawful for the Magiſtrates of the ſaid Town, and they are hereby authoriſed and impowered, to declare the ſaid Swine and Pigs confiſcated, and to adjudge the Property to ſuch Perſon or Perſons as ſhall ſeize the ſame: And if any Perſon or Perſons ſhall lay down any Stones, Lime, or other Materials, taken from any Buildings, demoliſhed, or demoliſhing, or intended to be uſed in any Building, upon any Street, Lane, or Paſſage of the ſaid Town, without Leave firſt had from a Magiſtrate thereof in Writing, he, ſhe, or they ſhall, for every ſuch Offence, forfeit two Shillings and Sixpence Sterling, and the like Sum for every Day after, during which the ſaid Stones, Lime, or Rubbiſh ſhall lie upon the ſaid Street, Lane, or Paſſage.

Iron, Ships Anchors, &c. not to be left on the Quays or Shore.

Signs, &c. to be removed.

XVI. And it is hereby further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, at a General Meeting aſſembled, may, if they think proper, cauſe all Signs, or other Emblems uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign-poſts, Sign-irons, Penthouſes, Shew-boards, Spouts, and Gutters, projecting into any of the ſaid Streets, Lanes, Alleys, Avenues, or Paſſages, and all other Projections, Incroachments, and Annoyances whatſoever, within the ſeveral Limits compriſed in this Act, to be taken down and removed; and ſhall cauſe all Signs, or other Emblems as aforeſaid, Shew-boards, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be fixed or placed in the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to the reſpective Owners, ſo much of ſuch Signs, or other Emblems, Sign-poſts, or other Poſts, Sign-irons, Shew-boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act; and that for the future all Signs, Sign boards, and Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build any Sign-poſt, or other Poſt, Sign-iron, Penthouſe, Shew-board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance, or cauſe the ſame to be done contrary to the Direction aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of five Shillings Sterling, and the further Sum of ten Shillings Sterling for every Day ſuch Offence ſhall continue.

Cranes may be affixed to the Sides of Houſes.

XVII. Provided always, and it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to keep any Crane or Cranes already fixed up againſt any Warehouſe or Warehouſes within ſuch Part or Parts of the ſaid ſeveral Diſtricts as is or are compriſed in this Act; or to affix any Crane or Cranes to ſuch Warehouſe or Warehouſes, and to make uſe of ſuch Crane or Cranes, ſo as ſuch Crane or Cranes be turned and kept cloſe to the Walls of ſuch Warehouſe or Warehouſes when not in actual Uſe; any Thing in this Act, or any former Law, Cuſtom, or Statute to the contrary thereof in anywiſe notwithſtanding.

To prevent deſtroying Lamps, &c.

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly break, throw down, take away, or extinguiſh, damage, or ſpoil any Lamp or Lamps to be put up by virtue of this Act; or damage the Poſts, Irons, and other Furniture thereof; or Pipes to be laid for conveying and diſtributing

distributing the Water, and Fountains to be erected as aforesaid; every Person or Persons so offending shall forfeit, for the first Offence, the Sum of twenty Shillings Sterling; for the second Offence, forty Shillings Sterling; and for the third and every subsequent Offence, the Sum of five Pounds Sterling, over and above the Reparation of the real Damage done.

Rate how to be made.

'XIX. And, in order to raise a Fund for defraying the Charges and Expences of carrying this Act into 'Execution,' be it enacted by the Authority aforesaid, That the Stent-masters of the Town of *Leith* shall be, and they are hereby impowered and required, at the Time of imposing and proportioning the Land Tax or Cess of the said Town of *Leith*, annually to assess and lay upon all Heritors, Liferenters, and other Proprietors of Houses, Lands, and Tenements, within the said Town of *South Leith*, subject to the Payment of the Land Tax or Cess, an annual Assessment not exceeding Sixpence Sterling in the Pound of valued Rent, as the same are now, or shall at any Time hereafter stand valued in the Cess or Supply Books of the said Town of *South Leith*; which annual Assessment shall be payable in the same Proportions, and at the same Terms, as the Land Tax or Cess for each Year respectively is and shall be payable; and shall be levied and collected by the Collector of the Cess for the said Town of *South Leith*; and the like Action and Execution shall be, and is hereby directed and appointed to be competent for Recovery and levying such Assessment as by the Law and Practice of that Part of *Great Britain* called *Scotland* is authorised by Law, and used for levying and bringing in of the Cess or Land Tax; and the Collector of the Cess for the Town of *Leith* for the time being is hereby impowered and required so to levy, collect, and afterwards to pay over the said Assessment to the said Commissioners, or to such Person or Persons as they, or any seven of them, shall appoint.

Assessors to be appointed.

XX. And be it further enacted by the Authority aforesaid, That, in order for levying a like proportional Assessment within the said Territory of *Saint Anthony* and *Yard Heads* of *Leith*, the Baillie of *Saint Anthony* for the time being, and whole Heritors, Liferenters, and Proprietors of Lands and Tenements within the said Territory of *Saint Anthony* and *Yard Heads*, shall, on the last *Monday* in the Month of *August* that shall first happen after the passing of this Act, and on the last *Monday* in *August* annually thereafter, between the Hours of Three and Five in the Afternoon, meet and assemble in the said Convening-house, and then and there, by the Majority of Voices of the said Meeting, elect and chuse four Persons as Assessors, who are hereby impowered and appointed to take up a Valuation of the Rents of the Houses, Lands, and Tenements, in the said Territories of *Saint Anthony* and *Yard Heads*, in the same Proportion as is or shall be done within the Town of *Leith*, and to assess and impose on the said Lands, Houses, and Tenements, an annual Assessment not exceeding Sixpence Sterling in the Pound of valued Rent aforesaid; and to elect and chuse a Collector for levying and collecting the said Assessment, which shall be payable in the same Proportions, and at the same Terms, as the Land Cess for each Year respectively; and the like Action and Execution competent for recovering the same, as is provided for levying the aforesaid Assessment in the Town of *Leith*; and the said Collector so to be elected is hereby authorised and impowered accordingly so to levy, collect, and pay over the said Assessment to the said Commissioners, or to such Person or Persons as the said Commissioners, or any seven or more of them, shall appoint.

Empty Houses exempted from the Assessment.

XXI. Provided nevertheless, That empty or untenanted Houses shall be, and are hereby declared to be free and exempted, so long as they shall respectively continue in that State, from the Assessment by this Act imposed; any Thing in the same to the contrary notwithstanding.

Proprietors to be relieved from the Assessment by their Tenants.

XXII. Provided always, and be it hereby enacted, That each Heritor, Liferenter, or other Proprietor liable to the Payment of the said Assessment, shall have Relief of and from the Tenant or Tenants of the said Houses, Lands, and Tenements, within the Limits aforesaid, for and in respect of all Assessments which, under and by virtue of this Act, shall be paid by such Heritor, Liferenter, or other Proprietor, or which shall be levied out of his or her Houses, Lands, and Tenements; and that the like Action and Execution shall be allowed and competent to the said Heritors, Liferenters, and Proprietors, for their Relief and Repayment of the said Assessment, as by Law is competent to them for the levying and recovering Payment of the Rents of the said Lands, Houses, and Tenements.

Rates how to be applied.

XXIII. And be it further enacted, That the Sums arising from the Assessment aforesaid, and pecuniary Penalties and Forfeitures before recited, shall be by the said Commissioners, or any seven or more of them, in the first place, applied to the defraying the Charges of passing this Act, and afterwards wholly and solely to the Uses and Purposes herein before mentioned for the putting this Act in Execution, respecting the cleansing and lighting the Streets, Lanes, Avenues, and Passages within the Limits aforesaid, and for bringing in Water to the same, and to no other Intent, Use, or Purpose whatsoever; and that no Allowance or Allowances shall, on any Account whatsoever, be made out of the Funds aforesaid, to any Commissioner or Commissioners, for his or their Attendance or personal Labour in putting this Act in Execution.

Proceedings to be entered in a Book.

XXIV. And be it likewise enacted, That all and every Act and Acts of the said Commissioners shall be entered in a Book, to be for that Purpose kept by their Treasurer or Clerk; which said Book, and all Books and Entries respecting the same, or which otherwise contain any Account or Accounts relative to the Purposes of this Act, shall be produced at every public Meeting, to the End that any of the Inhabitants of the said Town may, if they think proper, then inspect and see the same, without Fee or Reward.

Books may be inspected.

XXV. And be it further enacted, That the said Commissioners, some time between the first Day of *August* and the first Day of *November* yearly, shall cause a fair and just Account to be made and wrote out of all Money received and paid by virtue of this Act; a Copy or Duplicate of which Account, signed by seven or more of the said Commissioners, shall be deposited with the Clerk of the Commissioners, who shall permit any Person so assessed as aforesaid to inspect the same at reasonable Times, paying one Shilling Sterling for each Inspection; and the said Clerk shall, upon Demand, give Copies of the same, or any Part

Part thereof, to such Person, upon his paying at the Rate of Three-pence Sterling for every hundred Words, and so in proportion for any greater or lesser Number of Words.

XXVI. Provided always, and be it further enacted, That the Stent-masters of the Town of *Leith* for the time being may notwithstanding, at all Times, be and exercise the Office of Commissioners under and by virtue of this Act. Proviso.

XXVII. And be it also enacted by the Authority aforesaid, That all and every the Offence and Offences committed against, and made punishable by this Act, shall, in the first Instance, be tried and cognizable before the Magistrates of the Town of *Leith* for the time being (notwithstanding of their being Commissioners for putting this Act in Execution); and that all Parties having an Interest shall be at Liberty to apply for Redress, in case of Wrong done, or apprehended to be done therein, by the said Magistrates, in the same Manner, and by the like Form of Proceeding, as by the Laws now in being are allowed to be done against the Decrees of Magistrates within Boroughs in that Part of *Great Britain* called *Scotland*. Offences how triable.

XXVIII. Saving and reserving to the City of *Edinburgh* all Jurisdictions, Commodities, Rights, and Privileges, competent and belonging to them within the Village of *Leith*, and other Places mentioned in this Act, in the same Manner as the City and Community now have and enjoy the same. Saving of Rights to the City of Edinburgh.

XXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and of which Notice shall, by all Courts in the Kingdom, be judicially taken, and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same. Public Act.

CAP. XXXI.

An Act for the Encouragement of the White Herring Fishery.

'WHEREAS the carrying on and Improvement of the *British* White Herring Fisheries are of great Importance to these Kingdoms, by increasing the Trade and Navigation thereof; and being a Nursery for Seamen, and otherwise a Means of employing and providing for great Numbers of industrious Poor, provided that reasonable Encouragement be given to such Persons as are willing to carry on the said Fisheries:' Therefore, and for the better Regulation of the said Trade, and for preventing Frauds and Impositions in the Management thereof, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That as an Encouragement to all Persons whatsoever, as well Bodies Politic and Corporate as others, to engage in the said White Herring Fisheries, that, from and after the twenty-second Day of *October*, one thousand seven hundred and seventy-one, a Bounty of thirty Shillings *per* Ton shall be paid annually, in Manner as herein after provided for, to the Owner or Owners of all decked Vessels from twenty to eighty Tons Burthen, which shall be fitted out and employed in the said Fisheries, in Manner and under the Regulations herein after mentioned, and that for the Space and Term of seven Years, from and after the said twenty-second Day of *October*, one thousand seven hundred and seventy-one, and to the End of the then next ensuing Session of Parliament. Preamble. Bounty of 30 s. per Ton on the Vessels employed in the Fisheries.

II. And be it also enacted by the Authority aforesaid, That the said Bounty of thirty Shillings *per* Ton shall, for every Vessel or Vessels proceeding to the said Fisheries immediately from any Port or Place within that Part of *Great Britain* called *England*, be paid out of such Monies as shall be produced out of his Majesty's Customs there; and for all other Vessels which shall take their Departure from any Port or Place within that Part of *Great Britain* called *Scotland*, out of the Monies which shall be produced out of his Majesty's Customs or Excise within that Part of the united Kingdom last mentioned. How and where the Bounty shall be paid.

III. Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be allowed or intitled to receive the Bounty herein before granted for any Buss or Vessel which shall not proceed directly upon the said Fishery from that Part of the united Kingdom to which such Buss or Vessel shall belong, and where her Owners reside; and that the Master and Owners of such Buss or Vessel shall take out their Licence from the Collector and Comptroller of the Port where such Buss or Vessel was *bona fide* manned, victualled, furnished, accoutred, and fitted out for that Voyage; any Thing in this Act, or any Law, Custom, or Usage, to the contrary notwithstanding. Proviso.

IV. And be it further enacted, That every such Buss or Vessel which shall be employed in the said White Herring Fisheries, whose Owner or Owners shall be intitled to the Bounty of thirty Shillings *per* Ton by virtue of this Act, shall be a decked Buss or Vessel, built in *Great Britain* after the first Day of *January*, one thousand seven hundred and sixty, and shall proceed on the said Fisheries from some Port in *Great Britain*, manned and navigated as by the Law now in Force is directed; and before such Buss or Vessel proceed on such Voyage, or be intitled to the Benefit of this Act, she shall be visited by such Officer or Officers of the Customs belonging to such Port, who shall be appointed by the Commissioners of the Customs to examine into such Buss or Vessel, and who shall take an Account of the Tonnage thereof by Admeasurement, and shall certify such his or their Visitation, Examination, and Admeasurement, to the Commissioners of his Majesty's Customs; and that she hath on board such a Quantity of Fishing-nets, and other Stores, to be used in the said Fishery, as herein after mentioned, and otherwise is a proper Vessel to be employed in the said Fishery; and upon its further appearing, by the Oath of one or more Owner or Owners, or Agent appointed by them, and of the Master or chief Officer of such Vessel, written at the Foot of the said Certificate, and made before the Collector or Comptroller of such Port, who are hereby impowered and required to administer the same, That it is really and truly their firm Purpose and determined Resolution, that such Buss or Vessel shall proceed respectively, so manned, furnished, and accoutred, either to *Yarmouth*, in the County of *Norfolk*; *Whitehaven*, in the County of *Cumberland*; *Leith*, in the County All Busses or Vessels to be decked.

County of *Edinburgh*; *Inverneſs*, in the County of *Inverneſs*; or to *Braſſey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleſhire*; or *Kirkwall*, in *Orkney*; and be at the Rendezvous of the ſaid Fiſhery there on or before the twenty-ſecond Day of *June*, and ſhall not ſhoot or wet their Nets before the twenty-fourth Day of the ſaid Month of *June*, and ſhall continue fiſhing to the twelfth Day of *October*; or ſhall proceed to *Yarmouth*, in the County of *Norfolk*; *Whitehaven*, in the County of *Cumberland*; *Leith*, in the County of *Edinburgh*; *Inverneſs*, in the County of *Inverneſs*; or to *Braſſey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleſhire*; or *Kirkwall*, in *Orkney*; and be at the Rendezvous of the ſaid Fiſheries on or before the firſt Day of *October*, and ſhall continue fiſhing to the eleventh Day of *January* following, unleſs they ſhall have ſooner completed their Loading of Fiſh; and ſhall fiſh in an orderly and regular Manner, without impeding or obſtructing other Veſſels which ſhall be employed in the ſaid Fiſhery; and ſhall keep a Journal of their Proceedings: And if, after ſuch Certificate had, and Oath made, ſuch Owner or Owners, or their Agents, and Maſter, or chief Officer of ſuch Veſſel as aforeſaid, do alſo become bound, with two ſufficient Sureties, unto his Majeſty, his Heirs and Succeſſors, in the Penalty of ſuch Sums as ſhall be equal to Treble the Bounty on the Tonnage of his Veſſel intended by this Act (which Bond the Collector, with the Approbation of the Comptroller, is hereby required to take, and is to be in Force for the Space of three Years, againſt the Maſter and his Sureties, for the faithful Dealing of the ſaid Maſter and Ship Company, in regard to the ſaid Veſſel and Voyage); then, and in ſuch Caſe, it ſhall and may be lawful for the Collector and Comptroller of ſuch Port to give and grant, and they are hereby required to give and grant to the Maſter and Owners of ſuch Buſs or Veſſel, full Licence and Authority to proceed on ſuch Voyage as aforeſaid.

Such decked Veſſel to have on board 12 Winchester Buſhels of Salt for every Laſt of Fiſh.

'V. And, to prevent any Diſputes which may ariſe, whether a Veſſel be properly qualified and duly 'fitted out for the Herring Fiſhery, according to the true Intent and Meaning of this Act, and intitled to 'a Certificate from the Cuſtom-houſe Officers,' it is hereby enacted, That every ſuch Veſſel ſhall be a decked Veſſel, built in *Great Britain*, after the firſt Day of *January*, one thouſand ſeven hundred and ſixty, and ſhall have on board twelve *Winchester* Buſhels of Salt for every Laſt of Fiſh which ſuch Veſſel is capable of holding; which Salt ſhall be barrelled up in new Barrels, and as many more new Barrels as ſuch Buſs or Veſſel is capable of carrying, and ſhall have on board, at the Place of Rendezvous, two hundred and fifty ſquare Yards of Netting for each Ton of Buſs Meaſurement, together with the cuſtomary Quantity of other Materials for the Equipment and Mounting of the ſaid two hundred and fifty Yards of Netting in the Fiſhery Buſineſs; but with Liberty to make uſe of ſuch Nets in the ſame as they ſhall find beſt adapted to the ſaid Fiſheries.

Every Veſſel of 200 Tons to have ſix Men on board.

VI. And be it further enacted, That every ſuch Veſſel of twenty Guns which ſhall be employed in the ſaid Fiſhery, ſhall have on board, at ſuch of the Places aforementioned as ſhall be appointed for their Rendezvous, not leſs than ſix Men; and every Veſſel of greater Burden ſhall, over and above the ſix Men aforeſaid, have one for every five Tons which ſhe ſhall exceed twenty Tons.

Veſſels to be inſpected by Officers of the Cuſtoms.

VII. And be it further enacted by the Authority aforeſaid, That, on the Return of ſuch Veſſel into any Port of *Great Britain* for her Diſcharge, the chief Officer of the Cuſtoms, or ſuch other Officer of the Cuſtoms as he ſhall appoint at ſuch Port, ſhall immediately repair on board ſuch Veſſel, and view the Condition of ſuch Veſſel and her Lading, and certify the ſame, together with their Obſervations thereon, and alſo the real Tonnage of the ſaid Buſs or Veſſel; and the ſaid Officers are alſo to take an Account of the Names of the Maſter and other Perſons on board, and to certify the ſame; and the Maſter ſhall make Oath before the Collector and Comptroller of ſuch Port (who are hereby impowered and required to adminiſter the ſame), which ſhall be wrote on the Back of, or annexed to the Licence granted as aforeſaid, and which they are hereby required to deliver up, and what they did in purſuance thereof, That ſuch Veſſel was at one of the Places before mentioned at the Time appointed by this Act, and has not ſince been on any other Voyage, or purſued any other Deſign or View of Profit; and that they did remain fiſhing according to the Directions of this Act, and had, at the Time of their Rendezvous, the Quantity of Nets and other Stores and Number of Men herein before directed to be on board the ſaid Veſſel; which Certificate, Schedule, Licence, and Oath, together with the Account of the Fiſh taken by the ſaid Veſſel, ſhall be tranſmitted by the Collector or Comptroller of ſuch Port, in caſe the ſaid Buſs or Veſſel departed with her Licence from any Port within that Part of *Great Britain* called *England*, to the Commiſſioners of the Cuſtoms of *England*; and in caſe ſuch Buſs or Veſſel departed with her Licence from any Port within that Part of *Great Britain* called *Scotland*, to the Commiſſioners of Cuſtoms or Exciſe for that Part of the united Kingdom; and ſuch Commiſſioners reſpectively, being fully ſatisfied of the faithful Dealings of the Maſter and other Perſons employed in ſuch Veſſels with reſpect to ſuch Voyage and Fiſhing, ſhall, on Demand, cauſe Payment to be made to the Owner or Owners, or to his or their Aſſigns, by the Receiver-general of the Cuſtoms or Exciſe, as the Caſe ſhall happen, the Sum of thirty Shillings *per* Ton, according to the Admeaſurement of ſuch Veſſel, duly certified as aforeſaid.

Owners not intitled to have the Bounty of 30 s. per Ton, in reſpect of ſuch Veſſels as ſhall return with a leſs Number of Hands than required.

VIII. Provided always, and it is further enacted by the Authority aforeſaid, That the Owner and Owners aforeſaid ſhall not be intitled to have and receive the Bounty of thirty Shillings *per* Ton by this Act given, or allowed to Veſſels employed in the ſaid Fiſheries, in reſpect of ſuch Veſſels as ſhall return into Port with a leſs Number of Hands than ſuch Veſſel is required by this Act to have on board at the Rendezvous, unleſs it ſhall be made appear, that ſuch Number hath been reduced by Death, or that ſuch Reduction is occaſioned by Sickneſs, or Deſertion, without any Default, Fraud, or Colluſion, on the Part of the ſaid Owner and Owners.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Owner and Owners ſhall not be deemed liable to forfeit or incur a Forfeiture of the ſaid Bounty of thirty Shillings *per* Ton, ſo given to Veſſels employed in the ſaid Fiſheries, in reſpect of ſuch Buſſes as ſhall not arrive at one of the Places in

and by this preſent Act appointed for the rendezvouſing of the Buſſes or Veſſels to be employed in the ſaid Fiſheries, by or on the reſpective Days appointed for the Rendezvous of ſuch Buſſes or Veſſels; provided that ſuch Buſſes or Veſſels did really and *bona fide* take their Departure for ſuch reſpective Places of Rendezvous, or one of them, at leaſt five Days before the reſpective Days herein before named and appointed for the Veſſels employed in the ſaid Fiſheries to be at ſuch reſpective Places of Rendezvous, and that ſuch Buſſes or Veſſels be fitted out in all Reſpects conformable to the Directions and Regulations herein before provided. Owners not deemed liable to forfeit the Bounty, if the Veſſels did depart for ſuch reſpective Places at the Time appointed.

X. And be it further enacted by the Authority aforeſaid, That in all Caſes where the reſpective Buſſes employed in the ſaid Fiſheries, and taking their Departure for ſuch reſpective Places of Rendezvous at the reſpective Times before mentioned, ſhall not arrive at the ſaid reſpective Stations at *Yarmouth*, in the County of *Norfolk*; *Whitehaven*, in the County of *Cumberland*; *Leith*, in the County of *Edinburgh*; *Inverneſs*, in the County of *Inverneſs*; or to *Braſſey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleſhire*; or *Kirkwall*, in *Orkney*, or one of them, on or before the reſpective Days herein before directed and appointed, the before-mentioned Oath, required to be made by the reſpective Maſters of ſuch Buſſes or Veſſels at their Return into Port for their Diſcharge, with reſpect to ſo much of ſuch Oath as relates to their having arrived at ſuch reſpective Places of Rendezvous, or one of them, on ſuch Days as is for that Purpoſe already mentioned and appointed, or either of them, and to their having remained fiſhing, according to the Directions of this preſent Act, may and ſhall, from henceforth, be varied, and made conformable to the particular Circumſtances attending ſuch reſpective Buſſes or Veſſels ſo quitting their reſpective Stations at Sea, from whence the ſaid Fiſheries are directed to be carried on, or either of them, or to their not arriving at any of the ſaid reſpective Stations of *Yarmouth*, in the County of *Norfolk*; *Whitehaven*, in the County of *Cumberland*; *Leith*, in the County of *Edinburgh*; *Inverneſs*, in the County of *Inverneſs*; or to *Braſſey Sound*, in *Shetland*; *Campbeltown*, or *Oban*, in *Argyleſhire*; or *Kirkwall*, in *Orkney*, herein before appointed for the Rendezvous of ſuch Buſſes or Veſſels; and that ſuch Oath ſhall be made and taken by the Maſter or other chief Officer of ſuch Buſs or Veſſel ſo returning into Port for a Diſcharge. In caſe Buſſes do not arrive at their Rendezvous, the Oath may be varied.

XI. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons employed in the ſaid Fiſheries may fiſh in any Part of the *Britiſh* Seas, and ſhall have and exerciſe the free Uſe of all Ports, Harbours, Shores, and Forelands in *Great Britain*, or the Iſlands belonging to the Crown of *Great Britain*, below the higheſt High-water Mark, and for the Space of one hundred Yards on any waſte or uncultivated Land beyond ſuch Mark, within the Land, for landing their Nets, Caſks, and other Materials, Utenſils, and Stores, and for erecting Tents, Huts, and Stages, and for the landing, pickling, curing, and reloading their Fiſh, and in drying their Nets, without paying any Foreland or other Dues, or any other Sum or Sums of Money, or other Conſideration whatſoever, for ſuch Liberty (except as herein after is excepted), any Law, Statute, or Cuſtom, to the contrary notwithſtanding: And if any Perſon or Perſons ſhall preſume to demand or receive any Dues, Sums of Money, or other Conſideration whatſoever, for the Uſe of any ſuch Ports, Harbours, Shores, or Forelands, within the Limits aforeſaid, or ſhall obſtruct the Fiſhermen, or other Perſons employed in the taking or curing of Fiſh, or drying their Nets, in the Uſe of the ſame, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of one hundred Pounds, to be recovered and levied in Manner herein after directed. Perſons employed in the ſaid Fiſheries to have the free Uſe of all Ports, Harbours, &c. in Britain and the Iſlands thereto belonging. Offenders to forfeit 100 l.

XII. Provided always, That nothing in this Act contained ſhall extend to exempt the Veſſels or Boats employed in the ſaid Fiſheries from the Payment of ſuch Harbour or Pier Duties as are, and by the Law ought to be, demanded for Ships, Veſſels, or Boats, in Piers or Harbours, which are built or artificially made, but that ſuch Harbour or Pier Dues ſhall be paid in like Manner as the ſame were liable to be paid before the paſſing of this Act.

XIII. And be it further enacted by the Authority aforeſaid, That the Penalty herein before mentioned ſhall and may be proſecuted and determined by Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer in *Scotland* reſpectively; wherein no Eſſoin, Protection, Privilege, Wager of Law, or more than one Imparlance, ſhall be allowed; and one Moiety of ſuch Penalty ſhall be to the Uſe of his Majeſty, and the other Moiety to ſuch Perſon or Perſons as will ſue for and proſecute the ſame. Penalty to be determined by Bill or Information.

XIV. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of his Majeſty's Cuſtoms for *England* and *Scotland* reſpectively, to order the ſaid Bounty to be paid by the Receiver-general or Caſhier of the Cuſtoms for that Part of *Great Britain* from whence the Buſs or Veſſel ſhall have departed as herein before directed, out of any Money in the Hands of ſuch Receiver-general or Caſhier, ariſing from any of the Duties, Revenues, and Cuſtoms, under the Management of ſuch reſpective Commiſſioners; and if the Receiver-general or Caſhier of the Cuſtoms at *Edinburgh* ſhall not have ſufficient Money in his Hands to pay the ſaid Bounty, the Commiſſioners of his Majeſty's Cuſtoms at *Edinburgh*, or any three of them, ſhall forthwith give the Perſon or Perſons intitled to receive ſuch Bounty a Certificate, certifying the ſame to the Commiſſioners of his Majeſty's Exciſe for that Part of *Great Britain* called *Scotland*; which Certificate, being affixed to the Licence, and other Certificates and Documents required by Law, and being produced to the ſaid Commiſſioners of Exciſe, they the ſaid Commiſſioners are hereby authoriſed and required, on Demand, to cauſe the Money therein certified as aforeſaid to be due, to be paid by the Receiver-general, or Caſhier of the ſaid Exciſe, out of any Money in his Hands ariſing from any of the Duties and Revenues under the Management of ſuch Commiſſioners; any Law, Cuſtom, or Uſage to the contrary notwithſtanding. Commiſſioners of Cuſtoms to order Payment of ſaid Bounty, according as the Veſſel, &c. ſhall have departed. Receiver-general of Cuſtoms at Edinburgh not having Money to pay the Bounty, Commiſſioners to give a Certificate to the Perſon intitled to the Commiſſioners of Exciſe for Payment.

'XV. And whereas the Revenue in that Part of *Great Britain* called *Scotland*, hitherto applicable to 'the Payment of the Bounties granted for the Encouragement of the *Britiſh* White Herring Fiſhery, hath 'not been ſufficient to ſatisfy and pay the ſaid Bounties for ſeveral Veſſels and Buſſes which have pro-

'ceeded.

'ceeded by Licence on the said Fishery from thence, and divers Certificates and Orders for the Payment 'of such Bounties do for that Reason remain unsatisfied:' Now, for making a reasonable Compensation for such Delay of Payment, be it further enacted by the Authority aforesaid, That every Person and Persons who, from and after the fifth Day of *April*, one thousand seven hundred and seventy-one, shall be legally intitled to receive any such Bounty which shall then remain due and unsatisfied, for or in respect of any Buss or Vessel which, before the first Day of *October*, one thousand seven hundred and seventy, proceeded from *Scotland* upon the said White Herring Fishery, shall, for the Forbearance of such Money as shall be so due, be allowed Interest, after the Rate of three Pounds *per Centum per Annum* for the same, such Interest to be computed from the said fifth Day of *April*, one thousand seven hundred and seventy-one, and be continued until Notice shall be given in the *London Gazette*, and *Edinburgh Courant*, by Order of the Lord High Treasurer, or the Commissioners of his Majesty's Treasury for the time being, that the Money due for such Bounties shall and will be paid off and discharged.

Persons to whom Bounty remains unsatisfied, shall, after April 5, 1771, be intitled to Interest of 3 per Cent. for Forbearance.

XVI. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of his Majesty's Customs for that Part of *Great Britain* called *Scotland*, to cause the said Interest allowed by this Act to be paid annually by the Receiver-general of the Customs in *Scotland*, out of any Money in his Hands arising from any of the Duties, Revenues, and Customs, under the Management of such Commissioners.

Commissioners of the Customs in Scotland may cause said Interest to be paid annually.

XVII. And be it further enacted by the Authority aforesaid, That, for preventing any Difficulties about ascertaining, getting in, and receiving all such Sums of Money as shall for the future become due and payable by Law, as a Duty of Sixpence *per* Month from all Seamen who are or shall be employed in the Service of the *British* White Herring Fishery, for the Support of the Royal Hospital at *Greenwich*, the Commissioners for the time being of his Majesty's Customs, or of Excise, if in *Scotland*, as the Case may be, shall, and they are hereby required, from time to time, after the Commencement of this Act, to transmit, or cause to be transmitted, with all convenient Speed, to the Office of the Receiver for the time being of the said Duty in *London*, a true and exact Copy of every Certificate which shall, from time to time, after the said Commencement, be transmitted to them the said Commissioners, by all or any of the respective Collectors and Comptrollers of the several Outports in *Great Britain*, in order to the said Commissioners causing Payment to be made of the Bounty of thirty Shillings *per* Ton, pursuant to the Directions of an Act of Parliament made in the twenty-third Year of his said late Majesty's Reign, intituled, *An Act for the Encouragement of the* British *White Herring Fishery*.

Commissioners, &c. in Scotland, to transmit exact Copies of Certificates to the Office in London, for Recovery of Money due to Greenwich Hospital from Seamen employed in the White Herring Fishery.

CAP. XXXII.

An Act for defraying the Charge of the Pay and Clothing of the Militia in that Part of *Great Britain* called *England*, for one Year, beginning the twenty-fifth Day of *March*, one thousand seven hundred and seventy-one; for indemnifying the Landholders of the Isle of *Wight* from the Payment of the Monies due by virtue of an Act of the ninth Year of his present Majesty; and for other Purposes therein mentioned.

CAP. XXXIII.

An Act for paving, repairing, cleansing, lighting, and watching the Streets, Squares, Lanes, and other Passages within the Parish of *Saint John, Clerkenwell*, in the County of *Middlesex*, and for removing Obstructions and Annoyances therein.

Preamble.

'WHEREAS the several Streets, Squares, Lanes, Courts, Yards, and other public Passages within 'the Parish of *Saint John, Clerkenwell*, in the County of *Middlesex*, are extremely ill paved, and 'the Passage through the same greatly obstructed by Posts and Projections, and annoyed by Signs, Spouts, 'and Gutters, projecting into and over the same, and are in general very ill paved, and not duly lighted, 'and the present Methods prescribed by Law are ineffectual for paving, cleansing, and lighting the same: 'And whereas, if Powers were given to new-pave, and to maintain and preserve the Pavements of the 'said Streets, and other Places, and to remove all the Nuisances and Obstructions therein, and to prevent 'the same for the future, and also for lighting, cleansing, and watching the same in a proper Manner, it 'would tend greatly to the Safety of the Inhabitants of the said Parish, and be of public Utility:' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Reverend Sir *George Booth*, Baronet; the Reverend *Roger Parry* Rector, and the Rector of the said Parish for the time being; *Uriah Briflow* and *Joseph Faikney*, Churchwardens, and the Churchwardens of the said Parish for the time being; *William Montague*, *Giles Grindey*, *Heaton Wilkes*, *William Wildman*, *John Craggs*, *William Spencer* senior, *Humphrey Gammon*, *Francis Peter Mallett*, *William Storey*, *John Lunn*, *Thomas Farren*, *George Ion*, *James Bailey*, *John Kirk*, *William Nightingale*, *James Emonson*, *James Upjohn*, *Thomas Titter*, Vestrymen; *Joseph Wimpey*, *William Gomm*, *Gabriel Wirgman*, *David Henry*, *Richard Barwell*, *John Court*, *John Parson*, *Benjamin Lyon*, *William Fosbrooke*, *Richard Rugge*, *Thomas Boys*, *William Blackborrow*, *Joseph Keeling*, and *Richard Gomm*, shall be and be called Commissioners for putting this Act in Execution.

Commissioners Names.

II. And be it further enacted by the Authority aforesaid, That as often as any Commissioner by this Act appointed, or to be elected, shall die, or refuse to act, it shall and may be lawful for the surviving or remaining Commissioners, or any seven or more of them, at any Meeting assembled, by Writing under their

Commissioners dying, &c. others to be elected.

their Hands and Seals, to elect and appoint one other Perſon a Commiſſioner in the Room of the Commiſſioner ſo dying, or refuſing to act; but Notice in Writing, or printed, and ſigned by the Clerk or Clerks, ſhall be given to or left for ſuch Commiſſioners, at their laſt or uſual Place of Abode, one Day at leaſt before ſuch Election; and all Perſons who ſhall be ſo elected and appointed (being qualified as herein after mentioned) are hereby veſted with the ſame Powers and Authorities as any Commiſſioner or Commiſſioners hereby appointed is or are veſted with.

No Commiſſioner to hold a Place of Profit.

III. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during the Time he ſhall hold any Place of Profit, or enter into any Contract, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act.

Qualification of Commiſſioners.

IV. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents, Iſſues, or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of ſixty Pounds, or ſhall be Heir-apparent to ſome Perſon having ſuch Eſtate of the clear yearly Value of one hundred and twenty Pounds, or be poſſeſſed of or intitled unto a perſonal Eſtate to the Amount or Value of two thouſand Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Commiſſioner in the Execution of this Act.

Penalty on Perſons acting, if not qualified.

Commiſſioners to appoint Officers,

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, at any Meeting to be held in purſuance of this Act, to appoint one or more Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, with ſuch Allowances as ſhall be judged reaſonable by the ſaid Commiſſioners, or the major Part of them, at ſuch Meeting or Meetings; and alſo may, from time to time, appoint ſuch other Officer or Officers as they ſhall find neceſſary and convenient; and ſhall or may take ſuch Security as they ſhall think proper from ſuch Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers ſo to be appointed as aforeſaid; and likewiſe may, from time to time, remove any or either of ſuch Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die; and ſuch Commiſſioners as aforeſaid ſhall and may, out of the Monies ariſing or to ariſe by virtue of this Act, pay or cauſe to be paid ſuch Salaries or other Allowances as they ſhall judge reaſonable to be paid or made to the Officers or other Perſons ſo appointed, for and in conſideration of his and their Office and Offices reſpectively, and to ſuch other Perſon or Perſons as have been or ſhall be aiding and aſſiſting in and about the Execution of this Act.

and take Security.

Commiſſioners to appoint Officers Salaries.

Penalty on Officers neglecting their Duty, &c.

VI. And be it further enacted by the Authority aforeſaid, That if any Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, Servant or Servants, which ſhall or may hereafter be appointed by the ſaid Commiſſioners in the Execution of this Act, or any Part thereof, ſhall exact, demand, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries and Rewards as ſhall be appointed, allowed, and approved of by ſuch Commiſſioners as aforeſaid, for or on account of any Thing done or to be done by virtue of this Act, or for forbearing to do any Thing ordered or directed by the Commiſſioners for putting this Act in Execution, or on any Account whatſoever relating to the Execution thereof, or ſhall any Way be concerned or intereſted in any Bargain made, or to be made, by ſuch Commiſſioners, or any of them, for any of the Purpoſes intended by this Act, every Perſon ſo offending ſhall for ever be incapable of being employed under this Act, and ſhall, over and above, forfeit and pay the Sum of fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record, within ſix Months next after the Offence committed, wherein no Protection, Eſſoin, or Wager of Law, or more than one Imparlance, ſhall be allowed.

First Meeting of Commiſſioners.

VII. And be it further enacted, That the ſaid Commiſſioners, or any five or more of them, ſhall meet together in the Veſtry-room in the ſaid Pariſh, on the ſecond *Monday* next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall proceed to the Execution of this Act; and ſhall then, and from time to time afterwards, adjourn themſelves to meet at the Place aforeſaid, or at any other Place or Places within the ſaid Pariſh, as ſuch Commiſſioners ſhall think proper or convenient for putting this Act in Execution, and of which Adjournment Notice in Writing, or printed, and ſigned by the Clerk or Clerks, ſhall be given to or left for ſuch Commiſſioners, at their laſt or uſual Place or Places of Abode, one Day at leaſt before ſuch intended Meeting: And if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be had or held by ſuch Commiſſioners, a ſufficient Number of ſuch Commiſſioners as are hereby appointed to conſtitute a Quorum to act at ſuch Meeting, and to adjourn to another Day; then, and in ſuch Caſe, the Clerk or Clerks of ſuch Commiſſioners for the time being ſhall, and is and are hereby required to ſummon ſuch Commiſſioners to meet at the Place where the laſt Meeting was appointed to be held, within eight Days next after the Day on which ſuch Meeting was to have been held as aforeſaid, ſuch Summons to be ſigned by the Clerk or Clerks, and to be delivered at the laſt or uſual Place of Abode of ſuch Commiſſioners, at leaſt two Days before ſuch Meeting; and in caſe the ſaid Clerk or Clerks ſhall happen to die before ſuch Summons iſſued, or ſhall neglect to iſſue ſuch Summons in Manner aforeſaid, then the Treaſurer or Treaſurers for the time being to ſuch Commiſſioners ſhall and may, and he or they is and are hereby required to iſſue ſuch Summons

Power to adjourn.

Commissioners to defray their own Expences.

within eight Days from the Time the said Commissioners ought to have been summoned by the Clerk or Clerks in Manner aforesaid; and such Commissioners shall at their Meetings pay their own Expences.

Proceedings to be entered in a Book, to be read in Evidence.

VIII. And be it further enacted by the Authority aforesaid, That all the Acts, Orders, and Proceedings of such Commissioners, from time to time, shall be entered in a Book or Books to be kept for that Purpose, and signed by the Chairman for the time being, at their next Meeting; and such Orders shall then be deemed and taken to be original Orders; and such Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

No Act valid unless done at a public Meeting.

IX. Provided always, and be it enacted by the Authority aforesaid, That no Act of such Commissioners shall be valid, unless done or made at some Meeting to be held in pursuance of this Act, where either five or more Commissioners (as may be necessary under any Part of this Act) shall be present.

Majority at public Meetings to act.

X. Provided also, and it is hereby enacted and declared, That all the Powers and Authorities by this Act granted to or vested in such Commissioners shall and may, from time to time, be exercised by the major Part of them who shall attend any public Meeting to be holden as herein before mentioned, the Number of such Commissioners present at such public Meetings not being less than five (except where a greater Number is declared necessary by this Act); and all the Orders and Proceedings of the major Part of such Commissioners present at such public Meetings shall have the same Force and Effect as if done or made by all such Commissioners for the time being.

Property of Pavements vested in Commissioners.

XI. And be it further enacted, That the Property of the said Pavements, Posts, Lamps, Iron, Timber, Furniture, and all other Materials and Things which shall be made use of for the Purposes of this Act, shall be, and the same is hereby vested in the Commissioners for the time being; and they, or any five of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any one or more of them, or to prefer and order and direct the preferring of Indictments against any Person or Persons who shall steal, take, or carry away any or any Part of such Materials or Things; and if any Person or Persons shall wilfully or maliciously break up, destroy, or otherwise damage or spoil any of the said Materials or Things, or any of the Works done in pursuance of this Act, or any Part or Parts thereof, every Person so offending therein, and being thereof convicted by the Oath of one or more Witness or Witnesses before any one or more Justice or Justices of the Peace for the County of *Middlesex*, shall, for the first Offence, forfeit any Sum not exceeding forty Shillings, nor less than ten Shillings, and for the second, and every other Offence, any Sum not exceeding three Pounds, nor less than twenty Shillings, to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made; which Forfeiture shall be applied to the Purposes of this Act: And in case the Person or Persons so offending and convicted shall have no Goods or Chattels whereupon the same can be levied; then, and in such Case respectively, it shall and may be lawful to and for one or more of such Justice or Justices of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons respectively to the House of Correction, there to remain for any Space not exceeding two Calendar Months, nor less than ten Days, to be reckoned from the Day of Commitment; and the Person or Persons so incurring and being convicted of any of the said pecuniary Penalties, shall not be discharged until he, she, or they shall have paid the Sum forfeited as aforesaid, or until the Expiration of the said respective Times.

Penalty on damaging Works, &c.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

Old Materials, &c. vested in Commissioners, and may be sold,

XII. And be it further enacted by the Authority aforesaid, That the Property of all Stones, Posts, and all and every Part and Parts of the old Materials which shall belong to the old Pavement, as well of the Carriage as of the Foot Ways within the Limits aforesaid, shall be vested in the said Commissioners for putting this Act in Execution, and their Successors; and it shall and may be lawful to and for the said Commissioners and their Successors, or their Surveyor or Surveyors for the time being, by their Order, or the Order of any five or more of them, to sell or dispose of the same, or of all or any Part or Parts thereof, to such Person or Persons who shall be willing to buy or purchase the same, and to apply the Purchase-money arising by such Sale to the Purpose of this Act.

or made Use of in paving Squares, &c.

XIII. Provided always, and it is hereby enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, to order all or any of the said old Materials to be made use of in paving or repairing any Square, Street, Lane, Court, Yard, Alley, Passage, or Place within the Limits aforesaid; and the said Commissioners may, from time to time, hire a Piece of Ground to convey, lay, and dispose of all or any of the said old Materials as aforesaid, for and until such Time as they shall have Occasion, or judge it necessary to use the same.

Commissioners may hire Ground for getting Gravel.

XIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, to hire a Piece of Ground for the Purpose of digging Gravel for the better paving the said Streets, Squares, and Places, for such Time, and for such Sum and Sums of Money, as to them shall appear reasonable; which Sum and Sums of Money shall be paid out of the Monies arising, or to arise by virtue of this Act; and also to buy such Carts, Horses, Teams, or Carriages, as may be necessary for the Purpose of carting such Gravel, or for cleansing the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, or for any other Purpose directed by this Act; and shall and may hire such Persons, buy such Materials, and make such Regulations for the better cleansing the same, as they, or any five or more of them, in their Discretion, shall think proper; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Commissioners may contract with Persons for paving, &c.

XV. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, may, and they are hereby authorised and impowered, at any of their said Meetings, to contract with any fit Person or Persons for paving, keeping in Repair, cleansing, and lighting all or any of the

the ſaid Squares, Streets, Lanes, Courts, Alleys, Yards, Paſſages, or Places, within the Limits aforeſaid; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any ſeven or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to ſuch Commiſſioners; but, previous to the making of any ſuch Contract, fourteen Days Notice at the leaſt ſhall be given in ſome public News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Penalty on Perſons carrying Cinders, &c.

XVI. And be it further enacted, That if any Perſon or Perſons, other than the Scavenger contracting with the ſaid Commiſſioners, or thoſe employed under him, ſhall, without the Privity and Conſent of the Owner, carry away any Cinders or Aſhes from any Houſe or other Premiſes in any Square, Street, or Place, within the Limits aforeſaid, that ſuch Perſon or Perſons ſo carrying away ſuch Cinders or Aſhes, ſhall forfeit a Sum not exceeding five Shillings for every ſuch Offence.

Penalty on Owners of Carts.

XVII. And it is hereby further enacted, That in caſe the Perſon who ſhall carry away the Cinders or Aſhes, without being properly authoriſed by the Scavenger, cannot be apprehended, that then a like Penalty of five Shillings ſhall be forfeited by the Owner of the Cart in which ſuch Cinders or Aſhes ſhall be placed in order to be carried away.

Works to be inſpected.

XVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, to cauſe all and every the Works done in purſuance of this Act, to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from time to time, appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times that the ſame is or are agreed to be completed by the ſaid Contractor or Contractors, the ſaid Surveyor or Surveyors, or other Perſon or Perſons, ſhall report the ſame to the ſaid Commiſſioners at their next or any ſubſequent Meeting, who ſhall or may thereon, in their own Names, or in the Names of any five or more of them, or in the Name or Names of their Treaſurer or Treaſurers for the time being, bring an Action of Debt in any of his Majeſty's Courts of Law at *Weſtminſter*, againſt any Perſon or Perſons ſo contracting and neglecting to perform any ſuch Contract or Contracts, and for any Penalty or Penalties which ſhall be contained in ſuch Contract or Contracts; and on Proof of the Signing of the ſaid Contract or Contracts, and Non-performance thereof at the Time for that Purpoſe therein mentioned, the ſaid Commiſſioners ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties; which, when recovered, ſhall be applied for the Purpoſes of this Act.

Commiſſioners may compound, &c.

XIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to compound and agree with any Perſon or Perſons againſt whom ſuch Commiſſioners ſhall bring, or cauſe to be brought any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into, in purſuance of this Act, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences which ſhall be occaſioned thereby.

Paviors, Carters, &c. to be appointed.

XX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from time to time, to order and direct ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the reſpective Works aforeſaid, as they ſhall judge neceſſary for the due Execution of ſuch Works; and no Perſon or Perſons ſhall, for any Act done in conſequence of his or their being ſo employed by Order of ſuch Commiſſioners, be ſubject or liable to any Action, Indictment, or Information upon the Statute made in the fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices*.

Commiſſioners may cauſe the Streets, &c. to be new-paved.

XXI. And be it further enacted by the Authority aforeſaid, That the Commiſſioners for putting this Act in Execution, or any five or more of them, may cauſe all or any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any Part or Parts thereof, whether Foot or Carriage-way, within the Limits aforeſaid, to be new-paved or repaired; and, for ſuch Purpoſes, may cauſe to be dug, carted, and carried out of or brought into the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channels running in or through the ſame to be turned or altered, new Grates to the common Sewers to be added or replaced, and in what Numbers or Places they ſhall think proper, and the Water-pipes which now lie, or hereafter ſhall be laid under Ground to be taken up and new-laid in ſuch Places, Manner, and Form, as they ſhall judge beſt; and may cauſe all or any Poſts or Rails in ſuch Streets or Places within the Limits aforeſaid, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers or to Carriages, to be taken up and removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, and Shew-boards, encroaching upon the Foot-way, as alſo all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary.

Penalty on altering the Form of the Streets, &c.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall alter, or cauſe to be altered the Form of any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or

or Places, which ſhall be new-paved by Order of ſuch Commiſſioners as aforeſaid, or the Manner of the Pavement thereof, or in anywiſe incroach thereon, or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glaſſes or Shew-boards, ſo as to be an Incroachment, or make any Dung-holes or Saw-pits, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding five Pounds, nor leſs than forty Shillings, over and above the Expences of relaying and reinſtating ſuch Pavements, or taking down ſuch Poſts, Bulks, or Stalls, and removing or altering ſuch Shew-boards or Shew-glaſſes, or filling up ſuch Dung-holes, or Saw-pits, according to the Direction of ſuch Commiſſioners.

Occupiers of Houſes may make Areas.

XXIII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent any Owner or Occupier of any Houſe, Shop, Warehouſe, Building, Tenement, or Hereditament, within the Limits aforeſaid, to make any Area or Areas, either in the Front or at the End of any ſuch Houſe, Shop, Warehouſe, Building, Tenement, or Hereditament, after the ſame ſhall be paved; but they ſhall have like Power to make ſuch Area or Areas as before the paſſing of this Act; any Thing herein before contained to the contrary thereof in anywiſe notwithſtanding.

Notice to be given when Pavements want Repair.

XXIV. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, if any Houſeholder or Houſeholders, within the Limits aforeſaid, ſhall make Complaint in Writing under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, either before or after the ſame ſhall have been new-paved or repaired by virtue of this Act, three Days before the Meeting of the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given or left as aforeſaid, ſhall, upon ſuch View, find the Pavement complained of to be bad and defective (unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under ſuch Pavement) the ſaid Commiſſioners ſhall give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as they the ſaid Commiſſioners ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Contractors, Pavior or Pavior, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair and amend the ſame; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Time limited by the ſaid Commiſſioners in their ſaid Order; and one half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitant for his or her Loſs of Time and Trouble in and about the Premiſes.

Penalty on Contractors, &c. neglecting to pave, after Notice.

If Surveyors think ſuch Pavements not defective, &c. Commiſſioners to view the ſame.

XXV. Provided always, and it is hereby enacted and declared, That if the ſaid Surveyor or Surveyors ſhall, on any View or Views, be of Opinion, that the Pavement or Pavements mentioned to be bad and defective by ſuch Houſeholder or Houſeholders in ſuch Notice is not bad and defective, then, and in ſuch Caſe, the ſaid Commiſſioners, or any two or more of them, ſhall forthwith proceed to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Streets, &c. to be watered.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That ſuch Commiſſioners as aforeſaid, or any five or more of them, ſhall have full Power and Authority to cauſe all or any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, to be watered as often as they ſhall think fit; and alſo to cauſe any Well or Wells to be dug or ſunk in ſuch Places (not being a Vault, Cellar, or other Building, under any of the Streets and Places aforeſaid) as they ſhall think proper, and alſo any Pump or Pumps to be erected in or near ſuch Places, and alſo any Pumps now ſtanding, or which ſhall hereafter be erected for the Purpoſe of watering the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, to be removed and altered, and to defray the Expence thereof out of the Monies to be raiſed by virtue of and for the Purpoſes of this Act.

Projections, &c. to be removed.

XXVII. And be it further enacted, That ſuch Commiſſioners as aforeſaid, or any five or more of them, ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Porches, Pent-houſes, Boards, Spouts, and Gutters, projecting into or over the Highways or Footways, and all other Incroachments, Projections, or Annoyances whatſoever, within the Limits aforeſaid, to be taken down and removed; and ſhall cauſe all Signs, Boards, and Gutters, to be affixed and placed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or otherwiſe, as the ſaid Commiſſioners ſhall think proper and convenient; and ſhall return, or cauſe to be returned, to the reſpective Owners, all or ſo much of ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by the ſaid Commiſſioners, in purſuance of this Act; and that for the future, all Signs, Sign-boards, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, to which they reſpectively belong, and not otherwiſe; and if any Perſon or Perſons ſhall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-poſt, or other Poſt, Sign-iron, Pole, Porch, Pent-houſe, Board, Spout, Gutter, or other Projection, Oſtruction, or Annoyance whatſoever, or cauſe the ſame to be done, contrary to the Directions aforeſaid, and the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding five Pounds, nor leſs than forty Shillings, and the Sum of five Pounds for every Week the ſame ſhall be continued.

Signs, &c. how to be affixed.

XXVIII. And

'XXVIII. And whereas it might tend to the public Convenience if all Buildings and Erections projecting into or upon the Footways were taken down and removed, as alſo all Doors of Cellars leading from and out of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, and all Steps belonging thereto, and all other Projections whatſoever, and not herein before mentioned, were taken down, removed, and altered, as the ſaid Commiſſioners ſhall think fit;' Be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whomſoever in anywiſe intereſted in any of the ſaid Premiſes, upon ten Days Notice to them given or left in Writing at the Houſe or Houſes, Place or Places of Abode of ſuch Perſon or Perſons, or at the Houſe, Shop, Shed, or other Place of the Tenant in Poſſeſſion of ſuch Premiſes, ſhall neglect or refuſe to treat, or ſhall not agree for the Sale of any ſuch Premiſes, in any Part or Parts thereof, or for their Intereſt therein; then, and in every ſuch Caſe, the ſaid Commiſſioners ſhall cauſe the Value of the Premiſes to be inquired into and aſcertained by and on the Oath of a Jury of twelve indifferent Men of the County of *Middleſex* (which Oath the ſaid Commiſſioners, or any one or more of them, is and are hereby impowered to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted in the Premiſes before mentioned, or any Part or Parts thereof, which the ſaid Commiſſioners ſhall think proper to be pulled down and removed for their reſpective Intereſt therein; and in order thereunto the ſaid Commiſſioners are hereby impowered and required, from time to time, as there ſhall be Occaſion, to ſummon and call before the ſaid Jury, and to examine upon Oath, all Perſons whatſoever who ſhall be thought neceſſary or proper to be examined as Witneſſes touching or concerning the Premiſes (which Oath the ſaid Commiſſioners, or any one or more of them, is and are hereby impowered to adminiſter); and if any of the Parties intereſted ſhall requeſt the ſame, or the ſaid Commiſſioners, or any five or more of them, ſhall think it neceſſary, ſhall alſo cauſe the ſaid Jury to view the Place or Places in queſtion, and ſhall alſo uſe all other lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes, in ſuch Manner as they the ſaid Commiſſioners ſhall think fit; and after the ſaid Jury ſhall have ſo inquired of, aſcertained, and ſettled ſuch Damages and Recompence, they the ſaid Commiſſioners ſhall thereupon order and adjudge the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury for ſuch Penalties as aforeſaid, to be paid to the Perſons intereſted in the ſaid Premiſes, or any Part or Parts thereof, according to the Verdict and Inquiſition; and the Order and Adjudication ſo had and made ſhall be final and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whatſoever claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Executors, Adminiſtrators, and Succeſſors reſpectively, as well abſent as preſent, Infants, Femes-covert, Lunatics, Ideots, and Perſons under any Diſability whatſoever, as well as all other Perſons whomſoever; and all and every Perſon and Perſons in anywiſe intereſted in the Premiſes, or in any Part or Parts thereof, ſhall, from and after Payment or Tender of the Money ſo aſſeſſed and adjudged as aforeſaid, in Manner hereafter directed, be hereby, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, or to the ſame.

Buildings, &c. projecting may be removed.

Perſons refuſing to treat, a Jury to be ſummoned.

Witneſſes to be ſummoned, &c.

Jury to ſettle the Damage,

whoſe Determination ſhall be final.

XXIX. And be it hereby further enacted, That if any Perſon ſhall be intitled, either in Reverſion or Remainder, to any ſuch Premiſes, the Money ſo awarded by a Jury as a Satisfaction ſhall be ſettled to the ſame Uſes as the Premiſes were, unleſs ſuch Perſon ſo intereſted ſhall conſent to give up ſuch reverſionary Intereſt.

Money awarded for Premiſes ſettled to like Uſes.

XXX. And be it further enacted by the Authority aforeſaid, That for the ſummoning and returning of ſuch Jury or Juries, the ſaid Commiſſioners, or any five or more of them, are hereby impowered, from time to time, to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, thereby requiring him to impannel, ſummon, and return an indifferent Jury of twenty-four Perſons to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, of which Time and Place all Parties intereſted ſhall have ten Days Notice given or left in Manner herein laſt before mentioned; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch twenty-four Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear accordingly to or upon ſuch Summons, the ſaid Commiſſioners ſhall cauſe to be ſworn twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return ſo many of the Standers-by as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury.

How a Jury may be ſummoned.

XXXI. Provided always, That in caſe the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners to be paid as a Satisfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left as herein mentioned, according to the true Intent and Meaning of this Act, within one Calendar Month after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged, then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, ſhall not be binding upon the ſaid Parties; any Thing herein contained to the contrary notwithſtanding.

Verdict not binding unleſs the Sums aſſeſſed be paid.

XXXII. Provided always, and be it enacted by the Authority aforeſaid, That all Perſons concerned ſhall, from time to time, have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Commiſſioners acting in the Premiſes ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence touching the Premiſes, ſhall refuſe to be examined or give Evidence; and from time to time, to levy ſuch Fine or Fines in ſuch Manner as any Penalties in this Act

Jurors may be challenged.

Penalty on Sheriff, &c.

Fine not to exceed 10 l.

Act are directed to be levied and recovered, ſo that no Fine ſhall exceed the Sum of ten Pounds upon any one Perſon for any one Offence.

In caſe of Diſputes, &c. Monies to be paid into the Bank.

XXXIII. And be it further enacted by the Authority aforeſaid, That in caſe ſuch Perſon or Perſons to whom ſuch Sums of Money ſhall be ſo aſſeſſed or due as aforeſaid cannot be found, or if by reaſon of Diſputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners what Perſon or Perſons is or are intitled to the ſame, or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage-money, due upon the Premiſes, after Notice given to him, her, or them for that Purpoſe; then, and in all and every ſuch Caſe or Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due on any ſuch Mortgage, to be paid into the Bank of *England*, in the Name or Names of the Treaſurer or Treaſurers to the ſaid Commiſſioners for the time being, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, as the ſaid Commiſſioners ſhall, by any Order to be by them made, direct.

Conſideration Money how to be paid.

XXXIV. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, or other Conſideration, Recompence, or Satisfaction to be paid, made, or given, purſuant to any Agreement, Award, Judgement, Sentence, Decree, or Determination, as ſhall be made in purſuance of this Act, ſhall be and are hereby charged and chargeable upon all or any Part of ſuch Money or Monies as ſhall be received by virtue of this Act.

Names of Streets to be affixed up, and Houſes numbered.

XXXV. And be it further enacted by the Authority aforeſaid, That ſuch Commiſſioners as aforeſaid, or any five or more of them, ſhall and may cauſe to be painted, engraved, or deſcribed in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of one or more Houſe or Houſes, Building or Buildings, at or near each End, Corner or Entrance, of each of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, the Name by which each reſpective Square, Street, Lane, Court, Yard, Alley, Paſſage, and Place, is properly or uſually called or known; and may alſo cauſe every Houſe, Shop, or Warehouſe in each of the ſaid Streets and Places to be marked and numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface any ſuch Names, Deſcriptions, Marks or Numbers, or any Parts or Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding forty Shillings, nor leſs than ten Shillings.

Penalty on defacing Numbers, &c.

Annoyances how to be remedied.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times hereafter drive or place, or cauſe to be driven or placed in any of the Carriage-ways within the Limits aforeſaid, any Coach, Cart, Waggon, Dray, or other Carriage, or on any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame when required ſo to do by any Perſon or Perſons whatſoever, or if any Perſon or Perſons ſhall ſet or place any ſuch Carriage for the Purpoſe of loading or unloading thereof, or for any other Purpoſe, upon any Foot-way or Croſſing in any Square, Street, Way, Lane, Paſſage, or Place within the Limits aforeſaid, every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of five Shillings; and one of ſuch Commiſſioners, or any Perſon or Perſons appointed by them for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging, and drive or remove, or cauſe the ſame to be driven or removed to the Pound, or other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid within the Space of five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty on not removing Caſks, &c. after Notice.

XXXVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter ſet or place, or cauſe to be ſet or placed in any of the Carriage-ways or Foot-ways within the Limits aforeſaid, any Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever for the Purpoſes of making Mortar, or of building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſes (unleſs the ſame ſhall be incloſed in a Hoard or other Erection, as herein-after is directed) and ſhall not remove the ſame within the Space of one Day next after Notice to him or her given for that Purpoſe, or left at the Premiſes where the ſame ſhall be, or if empty and unoccupied, or in building, ſtuck againſt the Wall thereof by any one of ſuch Commiſſioners as aforeſaid, or by any Perſon or Perſons by them appointed for that Purpoſe, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding forty Shillings, nor leſs than five Shillings; and any one of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize or cauſe to be ſeized ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, Wood, or other Materials (not being incloſed as aforeſaid) and take or remove, or cauſe the ſame to be taken or removed to the Pound, or other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid within the Space of five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

XXXVIII. And

XXXVIII. And it is hereby further enacted, That if any such Nuisance, Obstruction, or Annoyance shall be afterwards replaced, and be continued for the Space of one Hour after Notice to remove the same, the Person or Persons convicted of such second Offence shall forfeit and pay the Sum of ten Shillings, and the like Sum of ten Shillings for every repeated Offence. Penalty if Nuisances are continued.

XXXIX. And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall erect or build, or cause to be erected or built, any Hoard, or erect any Posts, Bars, Rails, Boards, or other Thing by way of Inclosure for the Purpose of making Mortar, and depositing Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any House, Tenement, or other Works, or for any other Purpose, without Leave or Licence first had and obtained under the Hand or Hands of the Surveyor or Surveyors for the time being to such Commissioners, who is and are hereby required to grant the same forthwith to every Person so applying for such Licence, paying to the said Surveyor or Surveyors the Sum of one Shilling; and no Person whatsoever shall erect or build any such Kind of Hoard or Inclosure as aforesaid in any other Manner, or suffer the same to remain for any longer Time than shall be expressed or allowed in such Licence from the said Surveyor or Surveyors, to be signed as aforesaid, upon Pain of forfeiting any Sum not exceeding twenty Shillings, nor less than five Shillings, for every twelve Hours that the same, or any Part thereof, shall be continued contrary to the Directions of this Act; and if any such Kind of Inclosure shall be erected or built without the Leave of the said Surveyor or Surveyors so had and obtained, and signed as aforesaid, or shall be set up in any other Manner, or continued for any longer Time than shall be allowed and expressed in such Licence; then, and in either of the said Cases, it shall and may be lawful for such Commissioners, or any five or more of them, to cause the same to be pulled down and removed, and the Materials thereof shall be deposited in the Pound, or any other proper Place within the said Parish, there to be kept and detained until the Owner or Owners, or his, her, or their Servant or Servants, shall and do pay to the Person or Persons in whose Custody the same shall be the said Penalty, together with the Charges of removing the same; and in case the same shall not be claimed, and the said Penalty and Charges paid within the Space of five Days next after such Seizure thereof, then it shall and may be lawful to and for the said Commissioners, or any five or more of them, to order the same to be appraised and sold, and the Money arising therefrom shall be applied to the Purposes of this Act. Licences may be granted for erecting Hoards, &c.

XL. And it is hereby further enacted, That if any Person or Persons shall sift, screen, or slack any Lime (except within such Inclosure as aforesaid) in any Square, Street, Way, Lane, or Passage, or cause the same to be so done, he or they shall forfeit and pay for every such Offence the Sum of forty Shillings. No Lime be sifted, &c. in any Squares, &c.

XLI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall for the future carry, run, drive, or draw, or cause to be carried, run, driven, or drawn, on any of the Foot-pavements within the Limits aforesaid, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatsoever, or shall wilfully ride, lead, or drive, any Horse, Ass, or other Cattle, Coach, or other Carriage whatsoever, upon any Part of the said Foot-pavements, or shall throw or cast any Dung, Ashes, Dirt, or Rubbish, into or upon any of the Carriage or Foot-ways; then, and in any such Case, and as often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, and also for any other Person or Persons to assist in seizing the Offender or Offenders, and they are hereby required so to do by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and the Party or Parties accused being brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence (which Oath the said Justice is hereby authorised and required to administer), and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon Information as aforesaid, he, she, or they, so convicted of any such Offence respectively, shall forfeit the Sum of ten Shillings for the first Time of offending; the Sum of twenty Shillings for the second Time of offending; and the Sum of forty Shillings for the third, and every other Time of offending: And in case such Offender or Offenders shall not upon such Conviction pay such Forfeitures by him, her, or them incurred as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding ten Days, nor less than three Days. Penalty on driving Carriages, &c. on the Foot-pavements.

'XLII. And whereas both Hackney Coachmen and Hackney Chairmen frequently take their Stands 'with their Coaches and Chairs in such Part of a Street as to occasion considerable Obstructions both on 'the Carriage and Foot-ways;' Be it therefore enacted, That from and after the passing of this Act the said Commissioners, or any seven or more of them, may direct and regulate such Stands as they shall in their Discretion think proper within the Limits aforesaid; and if any Hackney Coachman or Hackney Chairman shall not comply with such Regulations, he or they shall forfeit the Sum of ten Shillings for every Offence. Stands of Hackney Coachmen, &c. to be regulated.

XLIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall come with any Cart or Carts, or begin to empty any Boghouse or Boghouses, or to take away any Night-soil from any House or Houses within the Limits aforesaid, before the Hour of Twelve of the Clock in the Night, or shall continue to take away the same after the Hour of Five of the Clock in the Morning, from *Michaelmas* to *Lady-day*, or after the Hour of Four of the Clock from *Lady-day* to *Michaelmas*; or if any Person shall put or cast, or cause to be put or cast out of any Cart, Tub, or otherwise, in or near any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, within the Limits aforesaid, or within Half a Mile thereof, any such Night-soil, it shall and may be lawful to and for any Constable, Beadle, or Watchman (and they are hereby strictly required and directed so to do) or any other Person or Time of emptying Boghouses, &c.

Perſons whatſoever, to apprehend and carry him or them, guilty of either of the ſaid Offences, to the Watch-houſe of the ſaid Pariſh, and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid County, who, upon Oath made of ſuch Offence or Offences as aforeſaid (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), ſhall and may commit ſuch Perſon or Perſons, guilty of any of the ſaid Offences, to the Houſe of Correction for the ſaid County, for any Time not exceeding two Months, nor leſs than fourteen Days, there to be kept to hard Labour; and it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order any Sum not exceeding twenty Shillings, nor leſs than ten Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices of the Peace any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act.

Where any of the Water Pipes break, Notice to be given;

XLIV. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water-companies ſhall break, or burſt, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, it ſhall and may be lawful to and for the Surveyor for the time being to the Commiſſioners for putting this Act in Execution, or ſuch other Perſon as the ſaid Commiſſioners, or any five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water-company to whom he apprehends ſuch Pipe or Pipes does or do or may belong, and require him to take up the Pavement and open the Ground at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or Pipes breaking or burſting, within two Days after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode; and if, upon taking up of the Pavement and opening of the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt do not or doth not belong to the Water-company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground within two Days after ſuch Notice given or left as aforeſaid; and alſo within two Days after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor, or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground for the Purpoſes aforeſaid, ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broken do or doth not belong to the Company to whom he is Pavior, that then, and in ſuch Caſe, the Pavior of the Campany to whom ſuch Pipe or Pipes do or doth belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement and opened ſuch Ground, for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid two Days after Notice given, he ſhall, for the firſt Offence, forfeit and pay the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third and every other Offence the Sum of three Pounds; and in caſe the Pavior of the Company, to whom ſuch Pipe or Pipes ſo broken or burſt ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up for the Space of two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſon as aforeſaid, ſuch Pavior ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third and every other Offence the Sum of three Pounds: And if any Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements, ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within two Days after ſuch Notice given to him as aforeſaid, or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings, for the ſecond Offence the Sum of forty Shillings, and for the third and every other Offence the Sum of three Pounds: And if any Pipe or Pipes (other than ſuch as belong to any of the Water-companies) ſhall happen to break or burſt in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the Owner or Owners thereof ſhall cauſe the Ground to be opened, and ſuch Pipe or Pipes to be repaired, within the Times before reſpectively limited for ſuch Purpoſes; and alſo ſhall forthwith give Notice to the Contractor or Contractors, Surveyor or Surveyors, or other Perſon or Perſons ſo appointed as aforeſaid, to relay the Pavement ſo broken and taken up, upon Pain of forfeiting for every ſuch Neglect or Refuſal the Sum of forty Shillings: Or if any Pavement ſhall be broken or taken up by the Commiſſioners of Sewers for the Purpoſes of making, repairing, or altering any Sewer or Drain, or for any other Purpoſe whatſoever, the Surveyor for the time being to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons ſo breaking or taking up the ſaid Pavement, ſhall forthwith give Notice thereof to the Surveyor or Surveyors, Contractor or Contractors, or other Perſon or Perſons appointed by the Commiſſioners for putting this Act in Execution, to relay or repair the Pavement ſo broken or taken up as aforeſaid, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of forty Shillings; or if the ſaid Surveyor or Surveyors to or for whom ſuch Notice ſhall be given or left as aforeſaid, ſhall neglect or refuſe to acquaint the Contractor or Contractors, or other Perſon or Perſons ſo appointed as aforeſaid of ſuch Notice, or if ſuch Contractor or Contractors, or ſuch other Perſon or Perſons, ſhall not, within two Days next after ſuch Notice reſpectively given, relay or repair the ſame; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively offending, ſhall, for every

and the Expences of relaying the Pavement to be paid.

Pipes breaking in any Square, &c. Owners to open the Ground and repair the Pipes; giving Notice to the Contractor, &c. to relay the Pavement on Pain of forfeiting 40s.

Pavement taken up by Commiſſioners of Sewers for making Repairs, &c. Surveyor to give Notice to the Contractor to relay the ſame under Penalty of 40s.

ſuch

such Offence, forfeit and pay the Sum of twenty Shillings, and the like Sum of twenty Shillings for every Day such Pavement shall continue without being relayed or repaired, after the Expiration of the said two Days.

Pavors, &c. to give Notice of the Death or Removal of Turncocks, &c.

XLV. And be it further enacted by the Authority aforesaid, That the several and respective Paviors and Turncocks now appointed, or hereafter to be appointed, in case of the Death or Removal of any such Pavior or Turncock by the said several and respective Water-companies, shall, and they are hereby required within the Space of twenty-one Days next after the passing of this Act, or within the Space of three Days next after he or they shall be appointed Pavior or Paviors, Turncock or Turncocks, to such Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the time being to the Commissioners for putting this Act in Execution, or to such other Person or Persons as shall be by them, or any five or more of them, appointed for that Purpose; which Notice shall contain such Pavior's or Turncock's Name and Place of Abode respectively, as also to what Company he is Pavior or Turncock, and in what District he has the Care of such Company or Companies Pipes; and in like Manner, the Surveyor or Surveyors to such Commissioners for the time being shall, within the respective Times aforesaid, give Notice to the respective Paviors and Turncocks of the said several Water Companies, of his or their own Place or Places of Abode, and also to the Surveyor or Surveyors to the Commissioners of Sewers, of the Names and Places of Abode of such Contractor or Contractors, and of the Pavior or Paviors employed by such Commissioners; and every Person or Persons neglecting or refusing to give such Notice as aforesaid, within the Times before respectively specified, shall, for every such Offence, forfeit the Sum of forty Shillings.

Commissioners of Sewers to repair Drains, &c.

XLVI. And be it further enacted by the Authority aforesaid, That when any Sewer or Drain, which shall or may be under the Direction of the Commissioners of Sewers in any of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, shall require to be repaired or altered, or any new or additional Sewer or Sewers, Drain or Drains, shall be necessary to be made, or any new Grate or Grates to be made and put over any Sewer in any of the said Squares, Streets, or Places, or any old Grates over the same, shall require to be removed or altered for the Purpose of paving any of the said Streets or other Places; then, and in every such Case, it shall and may be lawful to and for the Commissioners for the time being for putting this Act in Execution, or any five or more of them, or their Surveyor or Surveyors for the time being, to cause such Sewer or Sewers, Drain or Drains, to be made, repaired, or altered, or such new and additional Grates to be made and put down, or such old Grates to be repaired, removed, or altered, as the Case may require, and the Expence thereof shall, from time to time, be paid out of the Money arising, or to arise, by virtue of this Act.

Pipes not belonging to any Water company, Charges of relaying, &c. to be paid by Owners to the Commissioners.

XLVII. Provided always, and it is hereby enacted and declared, That the Charges and Expences of relaying or repairing the Pavement which shall be broken or taken up for the Purpose of repairing or amending any such Pipe or Pipes not belonging to any of the Water Companies, shall be paid to the Commissioners for putting this Act in Execution, or to such Person or Persons as they, or any five or more of them, shall appoint to receive the same, by the respective Owner or Owners of such Pipe or Pipes; and in case the respective Owner or Owners of such Pipe or Pipes as aforesaid shall neglect or refuse to pay what shall have been so laid out and disbursed for the Purposes aforesaid, within ten Days next after Notice thereof in Writing, signed by the Clerk to the Commissioners for putting this Act in Execution, and left at their respective Dwelling-houses or last Place of Abode, together with a Bill annexed thereto (which Notice shall contain an Account of such Charges and Expences); that then, and in every such case, it shall and may be lawful to and for the said Commissioners for putting this Act in Execution, or any five or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in their own Names, or in the Name or Names of their Treasurer or Treasurers for the time being, against all or any or either of the respective Persons aforesaid, for the Recovery of such Sum or Sums of Money as they shall have so laid out and expended for the Purposes aforesaid, in which Action or Actions no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Expence of altering Pipes to be borne by the Commissioners.

XLVIII. Provided nevertheless, and it is hereby enacted, That if, at any Time or Times, it shall be found necessary to raise, sink, or any otherwise alter the Position of any of the Pipes or Plugs laid down or placed by any of the Companies who furnish the Inhabitants within the Limits aforesaid with Water, or of any Leaden or other Pipes belonging to any of the said Water Companies, or to any other Person or Persons which, for the Purposes of conveying Water into any House, Area, or other Place, have been, or shall be laid into or from any such Pipe or Pipes, for the Purpose of new-paving or altering the Pavement of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, the Expence thereof shall, from time to time, be paid out of the Money arising, or to arise, by virtue of this Act, and shall always be done with as little Detriment and Inconvenience to the said respective Companies or Inhabitants as the Circumstances of the Case will admit.

Pipes replaced at Request, Proprietors to pay Expences, &c.

XLIX. Provided always, That when and so often as any Part of the Pavements of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, shall be taken up by any Person or Persons for the Purposes of placing, altering, or amending any such Pipe, the same shall, with all convenient Speed, be repaired by the Pavior or Paviors contracting with or employed by the said Commissioners, or under the Direction of their Surveyor or Surveyors, at the Expence of the Proprietor or Proprietors of the said Leaden or other Pipes respectively, if such Pipe is replaced, altered, or amended, at the Request of such Proprietor, and not otherwise.

Commissioners may compound with said Proprietors.

L. Provided also, That it shall and may be lawful to and for the said Commissioners, from time to time, to compound and agree with any of the said Proprietors for a certain Sum of Money, by the Foot or other Measure, as the said Commissioners shall think reasonable, in lieu and stead of their laying down and repairing such Parts of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, as shall be necessary to be taken up for the Purposes aforesaid.

Inhabitants may raise a Sum to new-pave any Square, &c.

'LI. And whereas it is apprehended, that if the Inhabitants of particular Squares, Streets, and Places 'within the Limits aforesaid, or others, would raise such competent Sum and Sums of Money as would be 'sufficient to new-pave such particular Square, Street, or Place, under the Direction of the Commissioners 'for putting this Act in Execution, it would be a Means of greatly forwarding the several Improvements 'intended to be made by this Act:' Be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Inhabitants of any particular Square, Street, or Place, within the Limits aforesaid, or any other Person or Persons whatsoever, to raise, from time to time, such competent Sum or Sums of Money as shall be sufficient to new-pave such particular Square, Street, or Place; which Sum and Sums of Money, when so raised, shall be paid to such Commissioners, or to their Treasurer or Treasurers for the time being, or to such other Person or Persons as such Commissioners, or any seven or more of them, shall direct and appoint to receive the same, and for which such Person and Persons so advancing any such Sum or Sums of Money shall be Creditors; and the Principal and Interest shall be charged and chargeable upon the Rate or Rates, Assessment or Assessments, to be made, laid, and assessed upon such particular Squares, Streets, or Places for that Purpose by virtue and in pursuance of this Act; and which Money, when so paid and received, shall be deposited in the Bank of *England*, and thence issued and applied by such Commissioners, or any seven or more of them, for new-paving such particular Square, Street, or Place; and it shall and may be lawful to and for the said Commissioners, or any seven or more of them, to agree to pay and allow legal or lower Interest Half-yearly to any Person or Persons who shall raise any such Sum or Sums of Money, to commence from the Time that such Sum or Sums of Money shall be received by the said Commissioners, or any seven or more of them, or their Treasurer or Treasurers, or any other Person or Persons so by the said Commissioners appointed to receive the same in manner aforesaid.

Monies so raised, charged upon the Rates laid upon such Squares, &c.

Commissioners to make Rates to repay the Money so advanced.

'LII. And, in order to enable the said Commissioners so to do,' Be it further enacted by the Authority aforesaid, That, from and after the Time that such competent Sum or Sums of Money shall be paid and received for that Purpose in manner aforesaid, it shall and may be lawful to and for the said Commissioners, or any seven or more of them, yearly and every Year, or oftener, if Occasion shall require, to make, lay, and assess one or more Rate or Rates, Assessment or Assessments, upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy any Land, Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any such Square, Street, or Place within the Limits aforesaid, for raising such competent Sum and Sums of Money as the said Commissioners, or any seven or more of them, shall in their Discretion judge necessary, for and towards repaying the Money so raised and received, together with legal or lower Interest for the same; which said Rate or Rates, Assessment or Assessments, shall commence from the Time that such Sum or Sums of Money shall be so received as aforesaid, over and above any Rate or Rates, Assessment or Assessments herein after directed to be made for repairing, cleansing, lighting, and watching such Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places; and it shall and may be lawful to and for the Commissioners, or any seven or more of them, by any Writing or Writings under their Hands and Seals, to assign over and convey the said Rate or Rates, Assessment or Assessments of such particular Square, Street, or Place, or any Part or Parts thereof, to any Person or Persons who shall lend and advance their Money as aforesaid, as a Security for the Repayment thereof, together with Interest for the same; and the Treasurer or Treasurers for the time being to such Commissioners shall, from time to time, keep the Accounts relating to such Rate and Assessment, and the Payment of the Interest of the Money borrowed, separate and distinct from the other Accounts of such Commissioners; and if any Sum or Sums of Money shall at any Time remain over and above what shall be sufficient to pay such Interest as aforesaid, then such Sum or Sums shall be applied towards paying off the Principal so advanced and received as aforesaid, and for that Purpose may be placed out at Interest on Government Securities in the Name or Names of the Treasurer or Treasurers for the time being to such Commissioners, at such Time and in such Manner as the said Commissioners, or any seven or more of them, shall direct or appoint, until the same shall amount to the Sum of five hundred Pounds; which Sum shall be applied for and towards the Payment of the Money lent and advanced on the Rate of such particular Square, Street, or Place.

Rates may be assigned,

Notice to be given before paving any particular Square, &c.

'LIII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise and impower the Commissioners for putting this Act in Execution to new-pave any such particular Square, Street, or Place, upon Application made to them by the Inhabitants as aforesaid, unless one Month's Notice at the least of such Application shall be published in the *London Gazette*, and also in one or more of the Daily News-papers; in which Notice the Owners of Houses, or the Occupiers thereof, having a Term of seven Years or more in any House or Houses in such particular Square, Street, or Place, shall be required by himself, herself, or themselves, or by his, her, or their Attorney or Attornies, Agent or Agents, to meet at the Time and Place in such Notice to be mentioned, to signify their Assent to or Dissent from the new-paving such particular Square, Street, or Place, as shall be specified in such Notice; and also unless either printed Notice, or Notice in Writing, shall be left at every House then occupied in such particular Square, Street, or Place, one Month at least before the Time of such Meeting; and also unless Three Fourths of the Owners or Occupiers of Houses, having a Term of seven Years or more as aforesaid, in such particular Square, Street, or Place, shall, by himself, herself, or themselves, or by his, her, or their Attorney or Attornies, Agent or Agents, then present, consent thereto in Writing under their respective Hands; which Consent is hereby directed to be preserved and filed by the Clerk or Clerks to the said Commissioners.

Creditors deemed equal in Degree.

'LIV. And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority

Priority of advancing the same, but that all Persons shall, in proportion to the Sum or Sums of Money by them advanced, be Creditors in an equal Degree one with another.

Lamps to be set up, &c.

'LV. And, for the better enlightening the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places,' Be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, from time to time, to cause such and so many Lamps to be set up in such Places within the Limits aforesaid, and to be placed in such Manner, and at such Distances, as they shall judge necessary, not exceeding sixty Feet; and may contract or agree with any Person or Persons for such Lamps, or may find and provide the same, if they shall think fit; and also may contract or agree with any Person or Persons for the lighting, supplying, maintaining, and repairing such Lamps, and appoint how and where the said Lamps shall be placed, according to the Limitation aforesaid, and at what Time, and how long the said Lamps shall be and continue lighted and burning, so that they shall be lighted at Sun-setting, and continue burning till Sun-rising, and what Sum or Sums of Money shall be paid to the Person or Persons so to be contracted or agreed with to light, maintain, and repair the said Lamps; provided that no such Contract or Agreement shall be for a longer Term than three Years from the Commencement thereof.

Lamp-irons where to be affixed.

LVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, to order and direct Lamp-irons to be put or affixed against the Walls of all or any of the several Houses or Tenements within the Limits aforesaid, or into, upon, or against the Rails before the Area, or in such Manner and in such other Place as the said Commissioners, or any five or more of them, shall think proper and convenient; and if any Person or Persons shall wilfully take away, break, throw down, or damage any Lamp that shall be set up for the Purposes of enlightening any of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, or wilfully extinguish the Light or Lights within the same, or throw down or damage the Irons or other Furniture thereof, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Peace-officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced, to give Information or Evidence touching such Offence (which Oath the said Justice is hereby authorised and required to administer); and if the Party or Parties accused shall be convicted of any such Offence either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, he, she, or they so convicted shall forfeit and pay the Sum of twenty Shillings for each Lamp or Lamp-iron so broken, thrown down, or damaged, or for every Lamp so extinguished as aforesaid, and moreover shall make full Satisfaction to the said Commissioners, or to such Person or Persons as they, or any five or more of them, shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding one Calendar Month, nor less than seven Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Persons damaging Lamps, &c. to forfeit 20 s.

On Non-payment, Offenders to be committed.

Persons accidentally damaging Lamps, to make Satisfaction,

LVII. And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners within the Limits aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every such Case, it shall and may be lawful to and for any one Justice of the Peace in and for the said County, upon Complaint to him made by one or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damages as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by Way of Satisfaction to the Owner of such Lamp or Lamps, or to the said Commissioners, as the Case shall be, for such Damages as such Justice shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded, within ten Days after Demand, to cause the same to be levied as Fines, Penalties, and Forfeitures are by this Act herein after directed to be levied.

and on Non-payment, to be levied as Fines are to be levied.

Watch-houses to be built, and Watchmen appointed.

LVIII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, shall and may cause a proper Watch-house or Watch-houses, and proper Watch-boxes, to be erected and built within the said Parish, and appoint such a Number of fit and able-bodied Men as they shall think proper at any Time to watch and guard the said Streets and other Places, and give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed, and for the due and regular Performance of the said Service, as they the said Commissioners, or any seven or more of them, shall judge expedient, and from time to time remove any of the said Watchmen, and appoint others in their Stead; and out of any Money to be raised by virtue of this Act, pay the Expences attending the building and fitting up such Watch-house or Watch-houses, and Watch-boxes, and also the Allowances to such Watchmen for their Attendance, and all other necessary Charges and Expences incident to and attending this Service.

Foot-ways to be swept, &c. once a day.

LIX. And it is hereby further enacted, That every Occupier of any House or Tenement within the Limits aforesaid, and in respect to Inmates, every House-owner, shall once in every Day, between the Hours of Seven and Nine of the Clock in the Forenoon of each Day, scrape, sweep, and cleanse the Foot-way all

along the Front of their reſpective Houſes and Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof ſhall, for every ſuch Offence, forfeit and pay the Sum of two Shillings, to be levied by Warrant under the Hand and Seal or Hands and Seals of one or more Juſtice or Juſtices of the Peace for the ſaid County, upon the Oaths of two or more credible Witneſſes, which Oath the ſaid Juſtice or Juſtices of the Peace is and are hereby required and impowered to adminiſter.

Where Materials for Footways may be lodged.

LX. And it is hereby further enacted, That during the Time any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, ſhall be new-paving or repairing under the Direction of the ſaid Commiſſioners, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Diſcretion, as alſo to ſtop the Way through any adjacent Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, ſo long as they ſhall judge neceſſary; and all Perſons acting under their Direction as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon or over or within ſix Feet of the Fire-plug or Cock; and no ſuch Materials ſhall be depoſited in or near the End of any Street or Place, in ſuch Manner as to prevent the Admiſſion of Fire-engines.

Rates not to exceed 2 s. in the Pound.

LXI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, one or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, for the Purpoſes of repairing, cleanſing, lighting, and watching the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, be made, laid, and aſſeſſed by the ſaid Commiſſioners as aforeſaid, or any ſeven or more of them, once in every Year, or oftener, if they ſhall judge it needful, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners ſhall order and direct, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole the Sum of two Shillings in the Pound in any one Year, according to the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſituate as aforeſaid.

Commencement of Rates.

LXII. And be it further enacted by the Authority aforeſaid, That the ſaid firſt Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one; and every ſuch future Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that the laſt preceding Rates or Aſſeſſments ended, and not otherwiſe; and the Monies therein and thereby charged and aſſeſſed ſhall be payable and recoverable, Quarterly, in Manner herein after directed.

An additional Rate, &c. on new paving Squares, &c.

LXIII. And be it further enacted by the Authority aforeſaid, That when and as ſoon as the ſaid Commiſſioners ſhall have cauſed any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place within the Limits aforeſaid, or any Part or Parts thereof, to be new-paved, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, as ſoon as conveniently may be, and ſo in like Manner yearly, or oftener, if Occaſion ſhall require, to make, lay, and aſſeſs upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any ſuch Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament reſpectively, as far as ſuch new Pavement ſhall extend (excepting ſuch Squares, Streets, and Places, as ſhall be new-paved at the Requeſt of Three Fourths of the Inhabitants of any ſuch Square, Street, or Place, in the Manner herein before directed) a further Sum not exceeding Sixpence in the Pound of the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively, to commence from the Time that ſuch new Pavement ſhall be reſpectively completed.

For borrowing Money.

LXIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, and they are hereby impowered, from time to time, when they ſhall judge it neceſſary for the Purpoſes aforeſaid, to borrow and take up at Intereſt ſuch Sum or Sums of Money as any Perſon or Perſons is or are willing to lend and advance upon the Credit of the ſaid ſeveral Rates or Aſſeſſments; and by any Writing or Writings, upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any ſeven or more of them, to aſſign the ſaid Rates or Aſſeſſments, or any Part thereof, to any Perſon or Perſons who ſhall advance and lend ſuch Money thereon, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable and paid Half-yearly by the Treaſurer or Treaſurers for the time being, out of the Monies to ariſe by or from the ſaid Rates or Aſſeſſments.

Application of Monies.

LXV. And be it further enacted by the Authority aforeſaid, That ſuch Sum or Sums of Money, when ſo received by the ſaid Commiſſioners, or any ſeven or more of them, at any Meeting to be held in purſuance of this Act, or by their Treaſurer or Treaſurers for the time being, the ſame ſhall be depoſited in the Bank of *England*, and thence iſſued and applied by ſuch Commiſſioners, or any ſeven or more of them, for the Purpoſes of this Act.

For granting Annuities.

LXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any ſeven or more of them, for the Purpoſes of this Act, any Sum or Sums of Money for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Perſons as ſhall be nominated by and on Behalf of ſuch reſpective Contributors at the Time of Payment of their reſpective Contribution-monies to be advanced and paid as aforeſaid; all which Annuities ſo to be purchaſed ſhall be payable and paid by the Treaſurer or Clerk to the ſaid Commiſſioners for the time being, out of the Monies to ariſe by or from the ſaid Rates and Aſſeſſments, by four equal quarterly Payments,

ments, the first Payment to be made to the respective Purchasers or their Assigns, at the Expiration of the first Quarter after Payment of their respective Purchase-monies; all which Annuities shall be sold to the best Bidder at a public Sale, Notice whereof shall be given in some public News-paper ten Days at the least before such Sale; and all and every the Annuity or Annuities so to be purchased shall be, and they are hereby charged upon and payable, from time to time, out of the Monies arising from the Rates and Assessments to be raised and assessed by virtue of this Act.

Annuities to be free from all Taxes.

LXVII. And be it further enacted, That all and every Person and Persons who shall purchase such Annuity or Annuities, and shall duly pay the Purchase-money for the same, and his, her, and their respective Executors, Administrators, and Assigns, shall have, receive, and enjoy the respective Annuity or Annuities so purchased, during the Term of the natural Life or Lives of the Person or Persons by them respectively nominated at the Time of such Purchase, and shall have good, sure, absolute, and indefeasible Estates and Interests in the said Annuities respectively, according to the true Intent and Meaning of this Act; and that none of the said Annuitants shall be subject or liable to any Tax assessed upon Land by Authority of Parliament; and every such Purchaser shall, upon Payment of his or her Purchase-money as aforesaid, have an Order upon Parchment or Vellum for Payment of the Annuity or Annuities so purchased by him or her, for or during the natural Life or Lives of such Person or Persons as shall be nominated by him or her as aforesaid; which Order shall be signed by the said Commissioners, or any seven or more of them, and, after signing thereof, shall be firm, good, valid, and effectual in the Law, according to the Purport and Meaning thereof, and of this Act.

Securities to be entered in Books.

LXVIII. And be it further enacted, That there shall be entered in a Book or Books, to be for that Purpose provided and kept by the Clerk or Clerks to the said Commissioners, all Securities for Monies borrowed by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Descriptions of all such Persons as shall, from time to time, be intitled to such Securities, and the Sums received upon such Securities; to which Book or Books the Persons intitled thereto, and all and every other Person or Persons liable to the Payment of the said Rates and Assessments, shall at all seasonable Times have Access, with free Liberty to inspect the same without Fee or Reward: And if any Sum or Sums of Money shall at any time remain over and above what shall be sufficient to pay such Interest and Annuities as aforesaid, then such Sum or Sums of Money shall be applied towards paying off the Principal so borrowed and taken up at Interest as aforesaid; and, for that Purpose, may be placed out at Interest on Government Security, in the Name or Names of the Treasurer or Treasurers for the time being to such Commissioners, at such Time and in such Manner as the said Commissioners, or any seven or more of them, shall direct or appoint, until the same shall amount to the Sum of five hundred Pounds; which Sum shall be applied for and towards the Payment of the Money lent and advanced on such Rates; and no Preference either in the Payment of Interest or Principal shall be given to any Person or Persons whatsoever on account of the Priority of advancing any such Sum or Sums, but that each Person shall be a Creditor in equal Degree, according to the Sum or Sums so by him, her, or them, lent and advanced as aforesaid.

Creditors deemed equal in Degree.

Copies of Assignments to be entered in a Book,

LXIX. And be it further enacted by the Authority aforesaid, That Copies of all Assignments, Conveyances, and Securities made by virtue and in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Commissioners, and all and every Person and Persons to whom any such Assignment, Conveyance, or Security shall be made, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, and to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, which shall be executed in the Presence of two or more credible Witnesses, to assign over and transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced, and notified to the said Clerk or Clerks within thirty Days next after the Date thereof, who shall cause an Entry of such Transfers or Assignments to be made, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred in the said Book or Books to be kept for entering the said original Assignments and Conveyances, for which the said Clerk or Clerks, or one of them, shall be paid the Sum of two Shillings and Sixpence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward, by any Person or Persons interested in such Security or Securities, Assignment or Assignments; and after such Entry shall be made, such Assignment and Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and the Payment thereon, and such Assignee may in such Manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer to make void or discharge the same, or any Monies due thereon.

and notified to the Clerk within 30 Days.

Assignments may be transferred.

Untenanted Houses to pay only half Rates,

LXX. And it is hereby further enacted, That where any of the Lands, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, shall, at the Time of making any of the said Rates or Assessments, be empty, untenanted, or unoccupied, then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any seven or more of them, to rate and assess such Premises respectively at one half of such Rates or Assessments during the Time only that such Premises shall be empty, untenanted, or unoccupied; and also, in case any such Premises, after the making such Rate or Rates, Assessment or Assessments, shall become empty, untenanted, or unoccupied, one half only of such Rate or Assessment shall be charged on such Premises respectively, for and during so long a Time as the same shall continue empty, untenanted, and unoccupied; and then, and in any of the said Cases, the said Rate or Rates, Assessment or Assessments, and all Arrears due thereon, shall be paid by the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or by the first or any other

to be paid by the Owners, &c.

Tenant

Tenant or Occupier thereof, and in which laſt Caſe ſuch Tenant or Tenants, Occupier or Occupiers, ſhall and may, and is and are hereby authoriſed to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively, and the Landlord or Landlords, Owner or Owners of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Payment, upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

Leſſees liable to pay the Rates;

'LXXI. And whereas there are many Houſes, Buildings, Stables, Lands, Grounds, Tenements, Hereditaments, and Premiſes, within the Limits aforeſaid, which are taken on Leaſes for Years or otherwiſe, and by the Leſſees or Tenants, and alſo by Landlords or Owners, let out in Parcels or ſeparate Apartments for Under-tenants, and other Houſes and Premiſes let ready furniſhed to Lodgers;' Be it therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor of each and every ſuch Houſe, Building, Stable, Land, Ground, Tenement, or Hereditament ſo let out, or which ſhall be let out in Parcels or ſeparate Apartments, or ready furniſhed, to a Lodger or Lodgers, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

In caſe of Refuſal, ſhall be compelled ſo to do;

'LXXII. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments,' be it further enacted by the Authority aforeſaid, That each and every Perſon ſo renting or occupying any ſuch Parcel or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon, to be recovered in Manner hereafter directed.

but to be allowed the ſame in Rent.

LXXIII. Provided always, That each and every reſpective Occupier or Occupiers who ſhall pay ſuch reſpective Rates or Aſſeſſments, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſuch Money as he, ſhe, or they ſhall pay, or ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act.

Public Buildings, &c. to be rated.

'LXXIV. And foraſmuch as it is reaſonable that all public Buildings, and all dead Walls and void Spaces of Ground, ſhall be rated and aſſeſſed in a due Proportion towards the paving, cleanſing, enlightening, and watching, within the Limits aforeſaid;' it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, at their Diſcretion, and they are hereby required, from time to time, to rate and aſſeſs, towards the Purpoſes of this Act, all Pariſh Churches, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other public Buildings whatſoever (charged or not charged to the Land-tax) ſituate, ſtanding, and being in any Square, Street, or Place, within the Limits aforeſaid, which now is or are, or hereafter may be built, or in building, at a Rate not exceeding two Shillings in the Pound, according to the clear yearly Income ariſing from ſuch Pariſh Church, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and other public Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained, then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed, at a Rate not exceeding Sixpence *per* ſquare Yard, in any one Year, of the Pavement, paved or repaired under the Direction of the ſaid Commiſſioners, and ſituate, lying and being in any ſuch Square, Street, or Place, and belonging to ſuch Pariſh Church, Parochial or other Chapel, Meeting-houſe, School, Warehouſe, or other public Building; and the ſaid Commiſſioners, or any ſeven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener, if needful, aſſeſs all Church-yards, dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe or other Building by the Pound-rate or otherwiſe, by virtue of this Act, ſo that in the Whole ſuch Rate or Aſſeſſment ſhall not, in any one Year, exceed the Sum of Four-pence for every ſquare Yard of Pavement, paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to or lying before ſuch Yards, dead Walls, or void Spaces of Ground; which Rates and Aſſeſſments ſhall commence the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one; and

By whom ſaid Rates to be paid.

the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, to be made and paid for ſuch Pariſh Church, Church-yard, and Parochial Chapels, ſhall be paid by the Church-wardens or Chapel-wardens reſpectively, out of any of the Monies payable to and received by the ſaid Church-wardens or Chapel-wardens reſpectively, either for Seats in the ſaid Church or Chapels, or for Burial Fees; and the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made and paid for any other Chapel, Meeting-houſe, School, Market, Warehouſe, or other public Building, dead Wall, or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof, and ſhall be charged and chargeable on the ſaid Premiſes, and be recovered and applied in ſuch Manner as other Rates and Aſſeſſments are directed to be recovered and applied by this Act.

Unfiniſhed Houſes, &c. to be rated.

'LXXV. And whereas there are ſeveral Houſes and other Buildings within the Limits aforeſaid, frequently begun to be built, but are not finiſhed nor let: And foraſmuch as it is reaſonable that ſuch Houſes and Buildings ſhould be rated and aſſeſſed for the Purpoſes aforeſaid:' Be it therefore enacted, That until ſuch Houſes or other Buildings which now are or hereafter may be built, or in building, ſhall be finiſhed and tenanted (if the Street, Square, Lane, or other Place, wherein ſuch Houſe or other Building ſhall be ſituate, ſhall be paved and lighted by virtue and in purſuance of this Act), it ſhall and may be lawful to and for ſuch Commiſſioners as aforeſaid, or any ſeven or more of them, and they are hereby

required

required and directed, when and as ſoon as conveniently may be, to rate and aſſeſs, according to their Diſcretion, all ſuch Houſes and other Buildings which ſhall be ſituate within the Limits aforeſaid, and which are or ſhall be erected and covered in, at a Rate not exceeding Four-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes or other Buildings; and for all Houſes and other Buildings which are or ſhall be erected and not covered in, at a Rate not exceeding Two-pence for every ſquare Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes and other Buildings, until the ſame ſhall be covered in as aforeſaid, and then at a Rate not exceeding Four-pence for every ſquare Yard, until the ſame ſhall be let or occupied; which Rates or Aſſeſſments ſhall commence from the twenty-fifth Day of *March*, one thouſand ſeven hundred and ſeventy-one, and ſhall be paid by and recoverable from the Proprietor or Proprietors, Leſſee or Leſſees, Owner or Owners of ſuch Houſe or Houſes, Building or Buildings reſpectively, and ſhall be charged and chargeable on the ſaid Premiſes: And if the ſaid Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, ſhall and may be levied on the Goods and Chattels of the Perſon or Perſons ſo required to pay the ſame, in Manner hereinafter directed; and in caſe the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees of ſuch Houſe or Houſes, Building or Buildings, ſhall not be known, or cannot be found, or ſhall be under Commiſſion of Bankruptcy, then the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments made thereon, ſhall be and remain charged and chargeable on the ſaid Premiſes, until the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, or until Aſſignees, in caſe of Bankruptcy, are appointed, when the ſame, and all Arrears due thereon, ſhall be levied on the Goods and Chattels of ſuch Owner or Owners, Proprietor or Proprietors, or Leſſee or Leſſees, or upon the Goods and Chattels of ſuch Aſſignee or Aſſignees, who is and are hereby made liable to pay the ſame, or upon the ſaid Premiſes, in like Manner as other Rates made by virtue of this Act are made recoverable.

Commencement of Rates, and by whom payable.

'LXXVI. And whereas there are, and hereafter may be, new Streets and Places which are not paved, 'Part of which is built and in building, and ſmall Pieces or Parcels of Ground in ſeveral of the Squares, 'Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the Limits aforeſaid, unbuilt upon, 'are neither paved, cleanſed, nor lighted: And whereas it would be a Means of greatly forwarding the 'good Purpoſes intended by this Act, if Builders and others, who by Law are liable to pave the ſame, 'were to pay ſuch Sum or Sums of Money for that Purpoſe as is herein after directed to the ſaid Com'miſſioners, or any five or more of them, or to their Treaſurer or Treaſurers for the time being, or to ſuch 'other Perſon or Perſons as they ſhall appoint to receive the ſame;' Be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to view and inſpect any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place within the Limits aforeſaid, which now is or hereafter may be built upon, or in building; and if upon ſuch View they ſhall be of Opinion that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners, or any ſeven or more of them, at any Meeting to be held in purſuance of this Act, after ſuch View, ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees of any ſuch Lands, Grounds, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Tenement, or Hereditament, in any ſuch Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his or their known Servant or Servants; or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any Part thereof; which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet ſuch Commiſſioners at the Time and Place therein mentioned, not being leſs than ten Days from the Date of ſuch Notice, to compound for the paving thereof, at any Sum not exceeding three Shillings for every ſquare Yard of ſuch Pavement, whether Carriage-way or Foot-way; which Compoſition the ſaid Commiſſioners, or any ſeven or more of them, are hereby authoriſed to make; and if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners as aforeſaid, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, to order the ſame to be paved as ſoon as conveniently may be; and all the Charges and Expences attending ſuch paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and ſhall be recovered and levied upon their Goods and Chattels in the Manner herein after directed.

New Streets, &c. to be paved by Proprietors.

Owners, &c. to meet and compound for paving.

LXXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners to charge, or make chargeable, any one Proprietor, Owner, or Leſſee of ſuch vacant Ground, with more than two hundred ſquare Yards of Paving, on account of any ſuch vacant Ground in any one Square, Street, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Owners of vacant Grounds, &c. how to be charged.

LXXVIII. And be it further enacted by the Authority aforeſaid, That the Clerk or Clerks for the time being to the ſaid Commiſſioners ſhall, and he or they is and are hereby required to keep proper Entries in a Book or Books to be kept for that Purpoſe, and ſigned by the ſaid Commiſſioners, who ſhall have made ſuch Rates and Aſſeſſments reſpectively of all and ſingular the Rates and Aſſeſſments which they ſhall make by virtue of this Act, for the Purpoſes aforeſaid; to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments ſhall and may have free Acceſs at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Clerks to make Entries of Rates.

'LXXIX. And, for the better and more effectual raiſing and levying the Rates and Aſſeſſments directed 'to be made by this Act,' be it further enacted by the Authority aforeſaid, That in caſe any of the Inhabitants

Rates how to be recovered on Refuſal to pay.

bitants or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the Limits aforeſaid, and herein before made liable to pay any Rate or Aſſeſſment made, laid, and aſſeſſed by virtue of this Act, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, it ſhall and may be lawful to and for the Collector or Collectors appointed by the ſaid Commiſſioners, or any ſeven or more of them, to collect or levy ſuch Rates or Aſſeſſments by Warrant under the Hands and Seals of two of his Majeſty's Juſtices of the Peace for the ſaid County, and all Arrears due upon the ſaid Rates or Aſſeſſments, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing, which ſhall be found either within the Limits aforeſaid or elſewhere; and if within five Days next after ſuch Diſtreſs ſhall be made, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid Collector or Collectors ſhall cauſe the ſaid Goods to be appraiſed and ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs, and of keeping and ſelling the ſame, returning the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels reſpectively.

Recovery of Rates.

'LXXX. And whereas it may happen that many Perſons liable to, and who may be charged, rated, 'and aſſeſſed towards defraying the Expence of paving, repairing, cleanſing, lighting, and watching the 'ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, may, before the Payment of 'the Sums which may be rated on them reſpectively, quit and leave their Lands, Grounds, Dwelling-'houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Here-'ditaments, in the Square, Street, or Place where the ſame ſhall be rated and aſſeſſed, and remove to ſome 'other Square, Street, or Place, which are not within the Limits aforeſaid, and thereby endeavour to 'avoid the Payment of the ſaid Rates and Aſſeſſments;' Be it therefore enacted, That when any Perſon or Perſons who hath or have been ſo rated and aſſeſſed ſhall quit his, her, or their Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any Square, Street, or Place, wherein ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Collector or Collectors authoriſed and appointed to receive the ſame, that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, or one of them, by Warrant obtained under the Hands and Seals of any two or more Juſtices of Peace for the County of *Middleſex* (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant in any Place within the County of *Middleſex* aforeſaid) and ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate of the County, City, or Liberty where the Diſtreſs is to be made (which Warrant ſuch Magiſtrate is hereby required to back or counterſign without Fee or Reward) to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting, and to ſell the ſame, rendering the Overplus (if any be) after having deducted the reaſonable Charges and Expences of ſuch Diſtreſs and Sale to the Owner or Owners of ſuch Goods and Chattels reſpectively, upon Demand thereof made.

Rates may be ſued for in the Name of the Treaſurer.

LXXXI. Provided always, That the ſaid Commiſſioners, or any ſeven or more of them, may, if they ſhall think proper, ſue, in the Name or Names of their Treaſurer or Treaſurers, for all or any of the Rate or Rates, Aſſeſſment or Aſſeſſments, which ſhall be made by virtue of this Act, and all Arrears due thereupon and unpaid; in which Action no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

No Contract for paving, &c. to be void by this Act.

LXXXII. Provided always, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant, touching or concerning the paving, repairing, cleanſing, or lighting any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, keep in Repair, and cleanſe any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſuch Commiſſioners as aforeſaid, or any ſeven or more of them, ſhall deem juſt, and according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during the Time that ſuch Contract, Covenant, or Agreement, ſhall remain in Force; and in caſe any Diſpute ſhall ariſe concerning ſuch Covenant, Contract, or Agreement, the ſaid Commiſſioners, or any ſeven or more of them, ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving, &c.

LXXXIII. And be it enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments by this Act laid and aſſeſſed, ſhall be, and they and every of them is and are hereby exempted and diſcharged from the Expence of paving, cleanſing, lighting, or keeping in Repair the ſaid Squares, Streets, or Places, or any of them, and alſo from all Penalties which may or might be incurred by reaſon of their neglecting to pave, cleanſe, light, or keep the ſame in Repair.

but not to excuſe Arrears.

LXXXIV. Provided alſo, and it is hereby enacted by the Authority aforeſaid, That nothing in this Act contained ſhall prevent the collecting any Arrears due from any Perſon or Perſons within the Limits aforeſaid for any of the Purpoſes of this Act.

Collectors to pay Money as received to the Treaſurer;

LXXXV. And be it further enacted by the Authority aforeſaid, That the Collector or Collectors of the Rates and Aſſeſſments aforeſaid ſhall pay the Money as he or they ſhall receive the ſame, to the Treaſurer or Treaſurers for the time being to the ſaid Commiſſioners; and upon Payment of every ſuch Sum of Money to ſuch Treaſurer or Treaſurers, ſuch Collector or Collectors ſhall take a Receipt for the ſame of the

the said Treasurer or Treasurers, which shall be given without Fee or Reward, and therein the Name or Names of such Collector or Collectors shall be expressed, and the Sum or Sums of Money paid shall be specified; and if such Collector or Collectors shall at any time keep and retain in his or their Hands more than the Sum of one hundred Pounds, for any Time longer than the Space of two Days (provided the Treasurer or Treasurers to such Commissioners shall within that Time be ready to receive the same), he or they shall forfeit and pay the Sum of five Pounds for every Day that he or they shall retain any Sum exceeding the said Sum of one hundred Pounds beyond the said two Days.

and forfeit 5 l. if they keep above 100 l. longer than two Days.

LXXXVI. And be it further enacted, That as soon as conveniently may be after the Person or Persons, or any or either of them, acting as Treasurer or Treasurers to such Commissioners as aforesaid, shall at any Time have received the Sum of five hundred Pounds of the Monies appointed to be received by him or them, by virtue and for the Purposes of this Act, he or they shall, from time to time, pay the same into the Bank of *England*, in the Name and on the Account of such Commissioners, and the same shall be disposed of by Order of such Commissioners, or any seven or more of them, for the Purposes of this Act.

Treasurer to pay it into the Bank.

LXXXVII. And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers, Collector or Collectors, and other Officers to be appointed as aforesaid for the time being, shall, upon three Days Notice in Writing given, or left for them respectively at their usual Places of Abode, by the Clerk or Clerks to such Commissioners as aforesaid, deliver in upon Oath (if thereunto respectively required) to such Commissioners, or any seven or more of them, at such Time and Place as they shall appoint (which Oath such Commissioners, or any two or more of them, are hereby impowered to administer) a true and perfect Account in Writing, under the respective Hands of such Treasurer or Treasurers, Collector or Collectors, and other Officers and Persons to be appointed as aforesaid, of all Matters and Things committed to their Charge by virtue of this Act, and also all Monies which he or they shall have received by reason of his or their said Office or Offices, and how much thereof hath been paid and disbursed by Order of the said Commissioners appointed for the Execution of this Act, or any seven or more of them, and for what Purpose, together with the proper Vouchers for such Payments; also a true List of the Names of all Persons who shall have neglected or refused to pay the Rates or Assessments laid on them as aforesaid, and of the several Sums of Money from him, her, or them respectively due and in Arrear, together with the Dates that the same respectively become due, to the Intent that the same may be speedily got in and recovered; and if any Treasurer or Treasurers, Collector or Collectors, or other Officer or Officers, after such Notice given, shall neglect or refuse to bring in his Account as aforesaid, and to produce and deliver the Vouchers relating to the same, or to account for any Sum or Sums of Money by him or them received and collected, and to pay the same and every Part thereof, as is herein before directed, such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, shall, for every such Neglect or Refusal respectively, forfeit the Sum of ten Pounds; and it shall and may be lawful to and for the said Commissioners appointed for the Execution of this Act, or any seven or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action in the Names of such Commissioners, or any five or more of them, against such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, so neglecting or refusing as aforesaid, for the Recovery as well of the said Forfeiture as of the Monies which shall be in the Hands of such Treasurer or Treasurers, Collector or Collectors, Officers or Persons respectively; or if Complaint shall be made by such Commissioners, or by any Person or Persons by them, or any seven or more of them, appointed, of any such Neglect or Refusal, any Justice of the Peace for the County or Place wherein such Treasurer or Treasurers, Collector or Collectors, Officer or Persons so neglecting or refusing shall be and reside, may, and is hereby authorised and required, by Warrant under his Hand and Seal, to cause such Treasurer or Treasurers, Collector or Collectors, Officer or Persons so neglecting or refusing, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if, upon the Confession of the Party or Parties, or the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby impowered and required to administer) it shall appear to such Justice, that any of the Monies which shall have been collected, raised, and received by virtue of this Act, shall be in the Hands of such Treasurer or Treasurers, Receiver or Receivers, Officers or Persons, so unaccounted for by them respectively, such Justice may, and is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Money, as also such Forfeiture as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Treasurer or Treasurers, Collector or Collectors, Officers or Persons respectively; and if no Goods or Chattels of such Treasurer or Treasurers, Collector or Collectors, Officers or Persons, can be found sufficient to answer and satisfy the said Money, as also the said Forfeitures, and the Charges of distraining and selling the Goods and Chattels so distrained; then, and in either of the Cases aforesaid, such Justice shall commit every such Offender to the House of Correction, until he or they shall make and give a true and perfect Account as aforesaid, or until he or they shall compound with the said Commissioners, or any seven or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Commissioners, or any seven or more of them, are hereby impowered to make; or until he shall deliver up such Books, Papers, and Writings as aforesaid, and give Satisfaction in respect thereof to the said Commissioners.

Officers to account upon Oath.

Officers refusing to account,

for every Neglect or Refusal forfeit 10 l.

Justices to inquire into the Default,

and levy the Penalty.

For want of Distress, Offender to be committed.

LXXXVIII. Provided always, and be it further enacted, That four Times at least in every Year an Account from the Book or Books to be kept by the Collector or Collectors of the said Rates, Duties, Sum and Sums of Money as assessed, shall be fairly stated, and signed by the said Collector or Collectors, and delivered by him or them to such Commissioners as aforesaid, who are hereby impowered to discharge the said Collector or Collectors of all Monies which he or they shall have truly accounted for.

Collectors to account four Times a Year.

On Death or Bankruptcy of Officers, legal Representatives to pay the Monies remaining in Hand to the Treasurer, whose Receipt shall be a Discharge.

LXXXIX. And be it further enacted, That if any Treasurer or Treasurers, Collector or Collectors, Officers or other Persons, shall happen to die or become Bankrupt before he or they shall have fully paid and satisfied all the Monies by him or them received by virtue of this Act, then, and in every such Case, the Executors, Administrators, Executrix, Administratrix, or other legal Representative or Representatives, or Person or Persons possessing the Estate and Effects of every such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, or other Person, or the Assignee or Assignees of such Bankrupt, shall, out of such Estate and Effects, pay unto the Treasurer or Treasurers for the time then being to the said Commissioners, all such Sums of Money as should be in the Hands of such Persons respectively, at the Time of his or their Death, or at the Time of suing out any Commission of Bankruptcy against him or them, and not paid over, or so much thereof as the said Estate or Effects will extend to pay; and the Receipt or Receipts of the said Treasurer or Treasurers shall be a good Discharge for the said Money; and every Executor or Administrator, Assignee or Assignees, or other Persons as aforesaid, may, to any Action or Suit commenced or brought against him, her, or them, plead or give in Evidence the Authority of this Act for such Payment, and shall be allowed the same prior to any Debt or Demand whatsoever; and in case of Non-payment of the same by the Space of five Years after the same shall have been demanded, it shall and may be lawful to and for the Treasurer or Treasurers for the time being to such Commissioners, and he or they is and are hereby directed and required, in his or their own Name or Names, to commence one or more Action or Actions, in any of his Majesty's Courts of Record at *Westminster*, against such Executors, Administrators, Assignee or Assignees, or other Persons as aforesaid, for the Recovery of the same; in which Action no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

On Non-payment for five Years, Treasurer may commence Action for Recovery.

Treasurer to pay Monies drawn upon him, and keep a regular Account. Books to be inspected gratis.

XC. And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers to the said Commissioners as aforesaid for the time being, shall and may, and is and are hereby authorised and required, out of the Monies paid to him or them, in pursuance of this Act, to pay all Sums of Money drawn upon him or them, or ordered to be paid by such Commissioners, or any seven or more of them, for the Purposes of this Act; and the said Treasurer or Treasurers for the time being shall, and is and are hereby required to keep regular and fair Entries in a Book or Books, to be by him or them for that Purpose provided, of all and singular the Receipts and Payments which he or they shall make as aforesaid; to which Book or Books, every Inhabitant within the Limits of this Act shall and may have free Access at all convenient Times, and shall be permitted to inspect the same without Fee or Reward; and also that the Treasurer or Treasurers for the time being shall have the said Account audited and passed by the Commissioners for the time being, or any seven or more of them, who are hereby impowered and required to audit and pass the same.

Commissioners obtaining Verdict, Defendant to pay Double Costs.

XCI. And be it further enacted by the Authority aforesaid, That if any Action or Actions shall be brought by or by Order of such Commissioners, or any seven or more of them, against any Person or Persons whatsoever for the Recovery of any Money or Monies by virtue of this Act, or for any Materials, Matters, and Things, sold and delivered by them, or any of their Officers by their Order, or for the Recovery of any Rate or Rates, or any other Purpose whatsoever, and a Verdict shall be had and given against any such Person and Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Double Costs, and the said Commissioners, in such Action or Actions, shall have such Remedy or Remedies for recovering the same, as any Plaintiff or Plaintiffs may have for his, her, or their Costs in any other Cases by Law.

Penalties may be levied by Distress and Sale.

Informer deemed a competent Witness.

XCII. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Middlesex* (which Warrant such Justice is hereby impowered and required to grant upon the Confession of the Party or Parties, or upon the Information of one or more credible Witness or Witnesses upon Oath): And the Informer is hereby rendered a competent Witness (which Oath such Justice is hereby impowered and required to administer); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, and the Charges of such Distress and Sale being first deducted, shall be paid to the Treasurer or Treasurers to the said Commissioners for the time being, and shall be applied to and for the Purposes of this Act.

Commissioners may reward Informers.

XCIII. Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, at any Meeting to be held in pursuance of this Act, to order their Treasurer or Treasurers for the time being, to pay such Part of the said Penalties to the Informer as they shall judge reasonable, not exceeding one half thereof.

Distress not to be deemed unlawful for want of Form, nor the Party a Trespasser ab initio.

XCIV. And be it further enacted by the Authority aforesaid, That where any such Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Plaintiff not to recover if Tender of Amends hath been made.

XCV. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, or for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have

have been made, it shall and may be lawful for the Defendant or Defendants in any Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into the Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgement shall be had, made, or given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal to the Quarter Sessions.

XCVI. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, or any other Matter or Thing done, or directed to be done, in pursuance of this Act, such Person or Persons shall apply for Relief to the Commissioners for putting this Act in Execution, at any Meeting to be held within one Month next after Demand made of such Rate or Rates, Assessment or Assessments, or next after such Matter or Thing done and committed by or by Order of the said Commissioners; and the said Commissioners are hereby authorised and impowered (if they shall think such Person or Persons aggrieved) to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons shall not be satisfied with the Determination of such Commissioners, he, she, or they shall be obliged to pay such Rate or Rates, Assessment or Assessments, and to comply with such Order of the said Commissioners, and then shall and may appeal to the Quarter Sessions of the Peace to be holden for the said County of *Middlesex*, within three Months next after such Determination of the said Commissioners, such Appellant first giving, or causing to be given, twenty-one Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to such Commissioners, and, within two Days next after such Notice, entering into Recognizance before such Justice of the Peace for the said County, with two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices of such Quarter Sessions; and the said Justices, at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices, at their Quarter Sessions, shall be final, binding, and conclusive.

Notice of Appeal to be given.

Writings to be without Stamps.

XCVII. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Commissioner or Commissioners for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or by any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, or Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever.

Proceedings not to be quashed for want of Form.

nor removed by Certiorari.

XCVIII. And be it further enacted by the Authority aforesaid, That no Rate or Rates, Assessment or Assessments, nor any Proceeding, to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary notwithstanding.

Expences of this Act how to be paid.

XCIX. And be it further enacted by the Authority aforesaid, That all Costs, Charges, and Expences of passing this Act, and all other Charges incident to the obtaining thereof, shall be borne, paid, and defrayed out of the first Monies arising by virtue of this Act.

For allowing 30 l. per Annum to the Parish of Saint James.

'C. And whereas the Streets and other Places within the Parishes of *Saint John* and *Saint James Clerkenwell*, have been cleansed at the joint Expence of the Inhabitants of both Parishes, by an equal Rate or Assessment: And whereas if the Money to be raised within each Parish for cleansing the said Streets and Places, should be applied only to the Streets and Places within the Parish where the same shall be raised, the Inhabitants of the Parish of *Saint James* will be put to a much greater Expence for cleansing the Streets and other Places within the said Parish, than if the same were done by one Rate or Assessment to be raised and assessed upon the Inhabitants of both Parishes as heretofore;' Be it therefore enacted by the Authority aforesaid, That the said Commissioners, or any five or more of them, shall, and are hereby authorised and required, out of any Money which shall be raised by virtue of this Act, to pay or cause to be paid to the Scavengers for the said Parish of *Saint James Clerkenwell*, for the time being, the annual Sum of thirty Pounds for ever, by two equal half-yearly Payments, upon the twenty-fifth Day of *March* and the twenty-ninth Day of *September*, the first Payment thereof to begin and be made on the twenty-ninth Day of *September*, one thousand seven hundred and seventy-one; and the Money so to be received by the said Scavengers shall, from time to time, be applied for the Purpose of cleansing the Streets and other Places within the said Parish of *Saint James Clerkenwell*, and to and for no other Use or Purpose whatsoever.

Proviso.

CI. Provided always, That if at any Time hereafter the Scavengers Rate for the said Parish of *Saint James Clerkenwell*, which is now Fourpence in the Pound, shall be less than that Sum, that then a proportional Abatement shall be made in the said annual Payment of thirty Pounds, for such Time and Times as the said Rate shall continue under Fourpence in the Pound as aforesaid; any Thing herein before contained to the contrary notwithstanding.

Limitation of Actions.

CII. And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until twenty-one Days Notice shall be thereof given in Writing to the Clerk or Treasurer to the said Commissioners, or after Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after six Calendar Months

next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and all such Actions and Suits shall be laid and tried in the County of *Middlesex*, and not elsewhere; and that the Defendant or Defendants, in such Action or Actions, Suit or Suits, and every of them, may plead the General Issue. General Issue, and give this Act, and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for or on which such Action or Actions, Suit or Suits, shall be brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, Suit or Suits, or if upon a Demurrer or Demurrers, in such Action or Actions, Suit or Suits, Judgement shall be given for the Defendant or Defendants therein; then, Treble Costs. and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs, in other Cases by Law.

Public Act. CIII. And be it further enacted by the Authority aforesaid, That this Act shall be allowed in all Courts whatsoever as a Public Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. XXXIV.

An Act for enabling certain Persons to inclose and embank Part of the River *Thames*, adjoining to *Durham Yard*, *Salisbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middlesex*.

Preamble. 'WHEREAS the Course of the River *Thames* forms a large Bend or Angle round the *Surrey* Shore, 'between *Westminster Bridge* and the *New Bridge* at *Black Friars*, in the Middle of which Bend the 'said River is much wider than at either of the said Bridges, which tends to weaken the Rapidity of the 'Stream, and thereby contributes to an Accumulation of Mud and Silt on the *Westminster* Side, and to a 'very extensive Sand Bank on the other Side: And whereas the Navigation of the said River is greatly im-'peded by the said Sand Bank, especially at Low Water, and the Mud and Silt so collected on the North 'Shore renders the Access to the Wharfs and Grounds on that Side very difficult, and in some Parts of the 'Tide impassible, to the manifest Injury of the Public, as well as private Detriment to the Proprietors of 'the said Wharfs and Grounds: And whereas the said Navigation might be greatly improved, and the said 'Nuisances and Inconveniencies considerably diminished by an Embankment on the North Part of the said 'River, within the Bay or Hollow of the said Bend, which, by advancing the unequal and irregular Fronts 'of the said Wharfs and Grounds into an uniform Line, would give a proper Direction to the Stream, and, 'by narrowing the unnecessary Width of the Bed of the said River in this Part, would considerably deepen 'the Channel thereof: And whereas *John Adam*, *Robert Adam*, *James Adam*, and *William Adam*, and '*James Paine*, Architects, *Dorothy Monk* Widow, *Clementina Pawson* Widow, and *William Kitchiner* 'Coal Merchant, having very valuable Freehold and Leasehold Interests in the Houses, Wharfs, and 'Grounds in *Durham Yard*, *Salisbury Street*, *Cecil Street*, and *Beaufort Buildings*, next adjoining to the 'said River, are willing to execute such Embankment in the Front of their respective Properties at their 'own Expence: But such Embankment cannot be lawfully and effectually made without the Authority of 'Parliament;' May it therefore please your Majesty, upon the humble Petition of the said *John Adam*, *Robert Adam*, *James Adam*, and *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, their respective Heirs, Executors, Administrators, or Assigns, at their own proper Costs and Charges, to inclose and embank so much of the Ground and Soil of the said River, as lies on the North Side thereof, in the Front of their respective Houses, Wharfs, and Grounds in *Durham Yard*, *Salisbury Street*, *Cecil Street*, and *Beaufort Buildings*, aforesaid, so as the Wall of such Embankment next the said River do run in a Line nearly parallel with, and not exceeding the Distance of eighty Feet from the Terras lately begun, and now nearly completed in the Front, and intended to constitute a Part of certain Buildings at or near *Durham Yard* aforesaid, called *The Adelphi*, from a Point in the said River, over-against the South-east Corner of the said Terras, to another Point in the same River, over-against the South-west Corner of the same Terras; and from thence, with a convex-circular Sweep, from the said last-mentioned Point, to the South-east Corner of the Terras belonging to *York Buildings*, and so as the said Wall next the said River do run in a strait Line, from the said first-mentioned Point, to a Point in the said River over-against and in a Line with, and not exceeding the Distance of sixty Feet from the East Boundary of the Ground and Buildings of the said *William Kitchiner*; and from the said last-mentioned Point, with a convex-circular Sweep, to the South-west Corner of the projecting Wall of the Buildings commonly called *The*

Savoy; the Foundations of the said Front Wall to be made with such Set-off towards the said River, and the said Wall to be guarded with such Piles, and other Defences, as shall be thought requisite or expedient for securing the Stability and Duration thereof.

Ground of the River so to be embanked in the Front of each House, to be vested in the Owner.

II. And be it further enacted by the Authority aforesaid, That the Ground and Soil of the said River so to be inclosed and embanked in the Front of such respective House, Wharf, or Piece of Ground, shall vest, and the same is hereby vested in the Owner or Owners, Proprietor or Proprietors of such adjoining House, Wharf, or Ground respectively, according to his, her, or their respective Estates, Trusts, or Interests therein.

No Sheds, &c. to be erected on the Ground to be embanked.

III. Provided always, That no Shed or Sheds, Building or Buildings, of any Kind whatsoever, higher than twenty Feet above the Level of high Water Mark (except as herein after is mentioned) shall at any Time or Times hereafter be erected or built upon any Part of the said Ground and Soil, so to be inclosed and embanked; nor shall the same contain any Fire-place, Chimney, or Funnel, for the Conveyance of Smoke, which shall vent itself above the Top of any such Shed or Building; nor shall any Coals, Timber, Planks, or other Goods, Wares, or Merchandises, be piled up upon any Part of the said Ground and Soil higher than thirty Feet above the Level of high Water Mark, upon Pain that every Shed or Building, Fire-place, Chimney, or Funnel, which shall be erected or built, and all Coals, Timber, Planks, Goods, Wares, and Merchandises, which shall be piled up upon any Part of the said Premises, contrary to the true Intent and Meaning hereof, shall be deemed, construed, and taken to be a public Nuisance, and may be proceeded against and redressed as a public Nuisance; and all and every Person and Persons guilty thereof, shall and may be prosecuted or indicted accordingly; any Thing herein before contained to the contrary thereof in anywise notwithstanding.

Terras at Durham Yard, may be extended to the Savoy.

IV. Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Owner or Owners, Proprietor or Proprietors of such respective Houses, Wharfs, and Grounds, to build or erect upon the said Ground, so to be inclosed and embanked as aforesaid, such Buildings as shall be necessary for completing the said Terras and Buildings called *The Adelphi*, according to the present Plan or Design thereof; and also such Buildings as shall be necessary for continuing such Terras Eastward from *The Adelphi*, to the South-west Corner of the Buildings commonly called *The Savoy*; any Thing herein before contained to the contrary notwithstanding.

Rights of the Citizens of London to be tried at Law.

'V. And whereas the Mayor and Commonalty, and Citizens of the City of *London*, claim a Right to 'the Soil of the River *Thames*, so proposed to be inclosed and embanked as aforesaid, and on that Account 'insist, that the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, '*Clementina Pawson*, and *William Kitchiner*, ought to make Satisfaction to them the said Mayor and Com-'monalty, and Citizens of *London*, for the Liberty of embanking as aforesaid: And whereas it is just and 'reasonable, that the said Mayor and Commonalty, and Citizens of *London*, should be at Liberty to try 'the said Right at Law;' Be it therefore enacted, That it shall and may be lawful to and for the said Mayor and Commonalty, and Citizens, to proceed to a Trial of the said Claim before the Chief Justice, or any other of the Judges of his Majesty's Court of *King's Bench*, or Court of *Common Pleas*, at the Sittings of *Nisi Prius*, in the said County of *Middlesex*, in or after *Michaelmas* Term now next ensuing, in a feigned Action for that Purpose, to be commenced in his Majesty's said Court of *King's Bench*, or Court of *Common Pleas*, on or before the first Day of *Trinity* Term now next ensuing, wherein the said Mayor and Commonalty, and Citizens, shall be Plaintiffs, and the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, Defendants, upon one or more Issue or Issues, to be settled by the Court in which the said Action shall be commenced, if the Parties shall differ in the settling thereof; which Issue or Issues to be tried by a Special Jury of Freeholders of the said County of *Middlesex*, whose Verdict thereupon, if the same shall be satisfactory to the Court where the Cause is tried, shall be final and conclusive to all the said Parties; and in case a Verdict shall be found for the said Mayor and Commonalty, and Citizens, as to the said Right, the said Jury shall, upon their Oaths enquire, as well what Damages have been, or will be sustained by, and what Recompence and Satisfaction ought to be made to the said Mayor and Commonalty, and Citizens of *London*, for so much of the Soil of the said River *Thames* as shall be taken away for the Purpose of embanking as aforesaid, as well as the respective Parts and Proportions of such Damages and Satisfaction which ought to be paid by the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, according to their several and respective Interests in the Soil of the said River so to be embanked, and to indorse the same upon the *Postea*; and for the better ascertaining such Damages, and the said Proportions thereof as aforesaid, the Court in which the said Action shall be commenced, shall, upon the Application of either of the Parties, cause the said Jury to view the Places in question; to which said Jury, as well the said Mayor and Commonalty, and Citizens, as the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, or any of them, and all others interested, shall have their lawful Challenges; and the said Court where the said Action shall be tried, shall, upon the Verdict of the said Jury, in such feigned Action, give Judgement thereon according to Law; which Judgement shall be recorded by the said Court, and shall finally bind and be conclusive to the said Mayor and Commonalty, and Citizens of *London*, and also to the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, and all others interested in the said Embankment.

Right of the Dean and Chapter of Westminster may be tried.

'VI. And whereas the Dean and Chapter of the Collegiate Church of *Saint Peter* in *Westminster*, do 'also claim a Right to the Soil of the said River *Thames*, within the Liberty of the said City of *Westminster*, 'and on that Account insist, that the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James* '*Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, ought to make Satisfaction to the said

'Dean

'Dean and Chapter for the Liberty of embanking as aforesaid: And whereas it is just and reasonable that 'the said Dean and Chapter should be at Liberty to try the said Right at Law;' Be it therefore enacted, That it shall and may be lawful to and for the said Dean and Chapter to proceed to a Trial of the said Right before the Chief Justice, or any other of the Judges of his Majesty's Court of *King's Bench*, or Court of *Common Pleas*, at the Sittings of *Nisi Prius*, in the said County of *Middlesex*, in or after *Michaelmas* Term now next ensuing, in a feigned Action for that Purpose, to be commenced in his Majesty's said Court of *King's Bench*, or Court of *Common Pleas*, on or before the first Day of *Trinity* Term now next ensuing, wherein the said Dean and Chapter shall be Plaintiffs, and the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, Defendants, upon one or more Issue or Issues, to be settled by the Court in which the said Action shall be commenced: If the Parties shall differ in the settling thereof, such Issue or Issues to be tried by a Special Jury of Freeholders of the said County of *Middlesex*, whose Verdict thereupon, if the same shall be satisfactory to the Court where the Cause is tried, shall be final and conclusive to all the said Parties: And in case a Verdict shall be found for the said Dean and Chapter as to the said Right, the said Jury shall, upon their Oaths, enquire, as well what Damages have been or will be sustained by, and what Recompence and Satisfaction ought to be made to the said Dean and Chapter for so much of the Soil of the said River *Thames* as shall be taken away for the Purpose of embanking as aforesaid, as well as the respective Parts and Proportions of such Damages and Satisfaction which ought to be paid by the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, according to their several and respective Interests in the Soil of the said River so to be embanked, and to indorse the same upon the *Postea*: And for the better ascertaining such Damages, and the said Proportions thereof as aforesaid, the Court in which the said Action shall be commenced shall, upon the Application of either of the Parties, cause the said Jury to view the Places in question; to which said Jury, as well the said Dean and Chapter as the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, or any of them, and all others interested, shall have their lawful Challenges: And the said Court where the said Action shall be tried shall, upon the Verdict of the said Jury in such feigned Action, give Judgement thereon according to Law; which Judgement shall be recovered by the said Court, and shall finally bind and be conclusive to the said Dean and Chapter, and also to the said *John Adam*, *Robert Adam*, *James Adam*, *William Adam*, *James Paine*, *Dorothy Monk*, *Clementina Pawson*, and *William Kitchiner*, and all others interested in the said Embankment.

Public Act.

VII. And be it further enacted by the Authority aforesaid, That this Act shall be allowed in all Courts whatsoever as a Public Act; and all Judges, Justices, or other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. XXXV.

An Act for reducing into one Act of Parliament the several Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Mischiefs by keeping or carrying Gunpowder in too great Quantities.

Preamble.

'WHEREAS the several Acts which regulate the Keeping and Carriage of Gunpowder within '*England* are defective, and require Amendment, and the reducing them into one Law would facilitate their Execution: And whereas there is, at present, no Provision for Regulation of the Keeping 'and Carriage of Gunpowder in *Scotland*:' Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons shall have or keep, at any one Time, being a Dealer or Dealers in Gunpowder, more than two hundred Pounds of Gunpowder, and not being such, more than fifty Pounds of Gunpowder, in any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the same Person or Persons, (all Buildings and Places adjoining to each other, and occupied together, being to be deemed one House or Place within this Act) or on any River or other Water, except in Carriages loading or unloading, or passing on the Land, or in Ships, Boats, or Vessels, loading or unloading, or passing on any River or other Water, or detained there by the Tide or bad Weather, within the following Limits; that is to say, Within the Cities of *London* or *Westminster*, or within three Miles of either of them; or within any City, Borough, or Market Town of *Great Britain*, or within one Mile of the same; or within two Miles of any Palace or House of Residence of his present Majesty, his Heirs or Successors, or of her present Majesty the Queen, or any Queen Consort or Dowager; or within one Mile of any Gunpowder Magazine belonging to his Majesty, his Heirs or Successors; or within half a Mile of any Parish Church; or in any other Part of *Great Britain* (except in Places where it shall be lawful to keep unlimited Quantities of Gunpowder by Force of the Provisions herein after contained) on Pain of forfeiting all the Gunpowder in Specie beyond the Quantity hereby allowed to be kept, and the Barrels in which such Gunpowder shall be, and also one Shilling for every Pound of Gunpowder beyond such allowed Quantity.

Dealers in Gunpowder not to keep more than 200lb. nor others more than 50lb. in any Place within London or Westminster, &c. or in any other Part of Great Britain, except in Places allowed by the subsequent Provisions of the Act.

Penalty of keeping contrary to the Act.

'II. And, in order to provide for the safe Carriage of Gunpowder,' be it further enacted, That no Person or Persons shall have or convey, at any one Time, within *Great Britain*, more than two thousand Pounds of Gunpowder in any Waggon, Cart, or other Carriage, by Land, or more than five thousand Pounds of Gunpowder in any Barge, Boat, or other Vessel, by Water (except in Vessels with Gunpowder on board, imported from or to be exported to any Place beyond Sea); and all Gunpowder conveyed on Land

No Person shall convey more than 2000lb. Wt. of Gunpowder by Land, or 5000lb. Wt. by Water, &c.

Land or Water (except in such Vessels for Importation or Exportation of Gunpowder, as aforesaid) shall be in Barrels close joined and hooped, without any Iron about them, and so secured that no Part of the Gunpowder be scattered in the Passage, and each Barrel shall contain no more than one hundred Pounds of Gunpowder; and, when conveyed by Land, shall be entirely inclosed in a Leather Bag, or a Bag commonly called a *Salt Petre Bag*; and every Carriage or Vessel (except such Vessels as aforesaid) in which Gunpowder shall be conveyed by Land or Water, shall have a compleat Covering of Wood, Painted-cloth, Tarpaulin, or Wadmill-tilts, over all that Part of the Carriage or Vessel in which the Gunpowder Barrels shall be placed, and all Gunpowder which shall be carried or conveyed (except in such Vessels for Importation or Exportation of Gunpowder as aforesaid) within any Part of *Great Britain*, in greater Quantity or in other Manner than is herein before prescribed; and the Barrels in which such Gunpowder shall be, may be seized by any Person or Persons, who shall have the same Authority to remove such Gunpowder and Barrels, and to use for that Purpose (during the Space of twenty-four Hours after Seizure) the Carriage or Vessel in which such Gunpowder shall be seized, and the Tackling, Beasts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Use thereof, and to detain such Gunpowder and Barrels as is herein after given to Persons searching under a Warrant of a Justice of the Peace; and such Seizure shall be for his, her, or their own Use, on Conviction of the Offender or Offenders.

Manner of carrying, &c. prescribed.

Any Person may seize Gunpowder carried contrary to the Act, and the Barrels, &c. the Seizure to be for his own Use on Conviction of the Offender.

'III. And, for the more easy Discovery of the Keeping and Carriage of Gunpowder, contrary to the 'Provisions herein before made; Be it further enacted, That it shall be lawful for any Justice of the Peace of the County or other Division within *Great Britain*, in which Gunpowder is suspected to be kept or carried, contrary to this Act, on Demand made, and a reasonable Cause assigned, upon Oath, by any Person or Persons, to issue a Warrant or Warrants under his Hand and Seal, for searching in the Day-time any Houses, Storehouses, Warehouses, Shops, Cellars, Yards, Wharfs, or other Places, or any Carriages, Ships, Boats, or other Vessels, in which such Gunpowder is suspected to be kept or carried, contrary to this Act; and that all Gunpowder found upon such Search, to be kept or carried contrary to this Act, and also the Gunpowder Barrels, shall be immediately seized by the Searcher or Searchers, who shall, with all convenient Speed, after the Seizure, remove such Gunpowder, and the Barrels in which it shall be, to such proper Places as they, in Conformity to the Restrictions of this Act, shall think most convenient; and in the Case of any such Gunpowder seized in any Carriage or Vessel, may use for the Purpose of Removal, during the Space of twenty-four Hours after Seizure, such Carriage or Vessel, with the Tackling, Beasts, and Accoutrements belonging thereto, paying afterwards to the Owner or Owners thereof, a sufficient Recompence for the Use thereof, to be settled by the Justices before whom the Complaint shall be heard, after the Seizure; and in case of Non-payment, immediately after Settlement by such Justices, to be recoverable by Distress and Sale of the Parties Goods and Chattels, as is herein after directed, concerning the pecuniary Penalties of this Act, and may detain such Gunpowder, and the Barrels in which it shall be, till it shall be adjudged whether the same shall be forfeited, and shall not be liable to any Suit for such Detainer, or for any Loss of, or Damage which may happen, to the said Gunpowder or Barrels, other than by the wilful Acts or Neglect of them, or the Persons with whom they shall intrust the keeping thereof.

One Justice may grant Warrant to search for Gunpowder suspected to be kept or carried contrary to the Act.

'IV. And whereas it may be necessary to have some Places appointed, in which it may be lawful to erect 'or make new Mills for making, and Magazines or Storehouses for keeping, unlimited Quantities of Gun-'powder;' Be it therefore further enacted, That it shall be lawful for the Justices of the Peace of each County, or other Division within *Great Britain*, at their General Quarter Sessions of the Peace, upon Application made to them by any Person or Persons (such Person or Persons having given Notice in Writing of the Intention to make such Application, fourteen Days before making it, to an Overseer or Churchwarden of the Parish or Place in which it is proposed to erect or make any such new Mill, Magazine, or Storehouse, or of an adjoining Parish, if the Place shall be extraparochial, which Overseer or Churchwarden is hereby required to cause such Notice to be publickly read on the *Sunday* next ensuing, in the Parish Church after Divine Service) from time to time, to license the erecting or making such Mills, Magazines, or Storehouses, for making or keeping unlimited Quantities of Gunpowder in such Places, not being within *London* or *Westminster*, or any other Limits within *Great Britain*, herein before particularly prescribed, as to such Justices shall appear most proper for that Purpose.

The Justices authorized on Application to them at their Quarter Sessions, to license Mills or Magazines for making or keeping unlimited Quantities of Gunpowder in Places not being within London or Westminster, &c.

Fourteen Days Notice of the Application to be given to the Parish.

V. Provided nevertheless, and be it further enacted, That no Person shall be liable to any Penalty or Prosecution under this Act, for keeping unlimited Quantities of Gunpowder, without such Licence of the Justices, in any Magazine or Storehouse already built or used for that Purpose, in any Place not being within *London* and *Westminster*, and the other Limits within *Great Britain*, herein before particularly described, until the Expiration of six Calendar Months after an Adjudication by the Justices of the Peace, for the County or other Division, in which any such Magazine or Storehouse shall be, at their General Quarter Sessions of the Peace, that the same is dangerous (it being hereby declared that they shall not have Authority to make any such Adjudication, except on Complaint made to them of any such Magazine or Storehouse, by some Housholder of the Parish or Place in which the Magazine or Storehouse shall be; and, after due Summons of the Owner or Owners of the Magazine or Storehouse complained of, to answer such Complaint and Examination, on Oath of the Witnesses produced to support or invalidate such Complaint) and also that no Person shall be liable at any Time to any Penalty or Prosecution whatsoever, for keeping unlimited Quantities of Gunpowder without such Licence of the Justices of the Peace, in any Magazine or Storehouse erected by Appointment of the Justices of the Peace, under the Power given to them, by any of the former Acts regulating the Keeping and Carriage of Gunpowder.

No Person to be liable to Prosecution under this Act, for keeping unlimited Quantities of Gunpowder in Places not within London and Westminster, &c. till the End of 6 Months after Adjudication by the Justices that the same is dangerous.

No Person to be liable to Prosecution for keeping the former Acts.

ing unlimited Quantities of Gunpowder in Magazines erected by Appointment of the Justices unde

'VI. An

Lessees of Magazines in which unlawful Quantities of Gunpowder cannot be kept, may make void their Leases, on giving three Months Notice.

'VI. And whereas Leases, or Agreements for Leases, may have been made of Magazines, Storehouses, or other Places for keeping Gunpowder, and, in consequence of this Act, it may become unlawful to keep unlimited Quantities of Gunpowder in some of such Magazines, Storehouses, or Places;' Be it therefore enacted, That in every such Case it shall and may be lawful for the Lessee or Tenant of any such Magazine, Storehouse, or Place for keeping Gunpowder, to make void any such Lease or Agreement, upon giving three Calendar Months Notice in Writing to the Lessor or Owner of such Magazine, Storehouse, or Place, of the Desire of the Tenant to have such Lease or Agreement determined; and upon paying to such Lessor or Owner all Rents and Sums of Money which shall become due for the same, to the Time of Determination limited in such Notice, and upon performing all Covenants and Agreements on the Part of the Lessee or Tenant to that Time.

No outward bound Vessel to have above 25 lb. of Gunpowder on board before Arrival at Blackwall.

Masters of inward bound Vessels in the Thames to land all their Gunpowder above 25 lbs. on Arrival at Blackwall.

Penalty.

'VII. And, for Security of the great Number of Ships and Vessels lying in the River *Thames*, and of the Dock Yards, Wharfs, and Buildings, on the Sides of the *Thames* above *Blackwall*;' Be it further enacted, That no Master or Commander of any Ship or other Vessel, lying in the *Thames*, and outward bound, shall receive, or permit to be received, on board any such Ship or Vessel, more than twenty five Pounds of Gunpowder (except for the King's Service) before Arrival of such Ship or Vessel at, over-against, or below *Blackwall*; and that the Master or Commander of every Ship or Vessel coming into the River *Thames*, shall (except in the Case of Gunpowder for the King's Service) put on Shore in proper Places, in Conformity to the Restrictions of this Act, all the Gunpowder on board such Ship or Vessel, above the Quantity of twenty-five Pounds, either before the Arrival of such Ship or Vessel at *Blackwall*, or within twenty-four Hours (if the Weather shall permit) after coming to an Anchor there, or to the Place of unloading there, and shall not afterwards have on board more than twenty-five Pounds of Gunpowder (except for the King's Service) on Pain of forfeiting, for every Offence in any of the said Cases, all the Gunpowder found on board above the Weight of twenty-five Pounds, and the Barrels in which such Gunpowder shall be, and also one Shilling for every Pound of Gunpowder above the Quantity of twenty-five Pounds.

The Trinity House Corporation of Deptford Stroud in Kent to appoint Searchers of Ships in the Thames above Blackwall.

'VIII. And, for the better Discovery of Masters or Commanders of inward or outward bound Ships, who shall have Gunpowder in their Ships or Vessels in the *Thames*, contrary to this Act;' Be it further enacted, That the Master, Wardens, and Assistants of the Corporation of the *Trinity House* of *Deptford Stroud*, in the County of *Kent*, for the time being, shall, from time to time, appoint one or more Person or Persons a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Vessels in the *Thames*; which Person or Persons so appointed are hereby authorised, at any Time between Sun-rising and Sun-setting, to enter any Ship or Vessel (except his Majesty's Ships) in the River *Thames* above *Blackwall*, and to search the same for unlawful Quantities of Gunpowder; and also shall have the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship or Vessel, and the Barrels in which such Gunpowder shall be, as are herein before given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice of the Peace.

Penalties made recoverable before two Justices.

Manner of levying the Penalties.

IX. And be it further enacted, That all Penalties created by this Act shall be recoverable before two or more Justices of the Peace for the County or other Division in which the Offence shall be committed, on Proof of the Offence by the Oath or Oaths of one or more credible Witness or Witnesses, or on Confession of the Offender, and shall belong to the Informer or Informers prosecuting for the same; and where the Penalty shall be pecuniary in case of Non-payment, it shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and the Overplus of the Money raised, after deducting the Penalty and the Expences of the Distress and Sale, shall be rendered to the Owner; and for want of sufficient Distress, the Offender shall be sent by such Justices to the House of Correction, there to be kept to hard Labour for any Time not exceeding three Months, nor less than one Month, as such Justices shall think most proper.

No Person liable to Prosecution for Offences, unless commenced within 14 Days after Seizure of the Gunpowder, or Commission of the Offence where no Seizure.

Persons prosecuted for any thing done under this Act may plead the General Issue; and on Judgement for them, they shall have Treble Costs.

X. And be it further enacted, That no Person shall be liable to any Prosecution for any Offence against this Act, unless such Prosecution shall be commenced within fourteen Days after Seizure of the Gunpowder, or Commission of the Offence where there shall not be any Seizure; and that if any Suit or Action shall be prosecuted in *England* against any Person or Persons for any Thing done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act or the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action or Actions after Issue joined; and if, on Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as any Defendants have by Law in other Cases.

Actions for Things done under this Act to be tried in the County where Offences are committed.

XI. And be it further enacted, That all Actions, Suits, and Prosecutions to be commenced in *England* against any Person or Persons for any Thing to be done in pursuance of this Act, shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within six Calendar Months after the Fact committed, and not otherwise.

To what this Act shall not extend.

XII. Provided always, and be it further enacted, That this Act shall not extend to any Storehouse-mill or Magazine belonging to his Majesty, his Heirs or Successors, wherein Gunpowder or other Stores shall be kept; or to hinder the Trial of Gunpowder by his Majesty's Officers, as is usual for the Service of his Majesty, his Heirs or Successors; or to any Mills belonging to private Persons already built, and used for making

making Gunpowder; or to any Storehouſes, Magazines, or other Offices, near or adjoining to ſuch Mills; or to the Magazines now erected for keeping Gunpowder at *Barking Creek's Mouth*, in the County of *Eſſex*, and *Erith Level*, in the County of *Kent*; or to the Magazines or Storehouſes now erected near *Liverpoole*, in the County of *Lancaſter*, or the City of *Briſtol*; or to the Carriage of Gunpowder to or from the King's Magazines under an Order of the King's Board of Ordnance, or with Forces on their March.

This Act to commence on Auguſt 1, 1771; and afterwards the Act 5 Geo. I. Act 11 Geo. I. for ſo much of Act 5 Geo. II. as relates to Gunpowder in Ships in the Thames at or below Blackwall, Act 15 Geo. II. and Act 22 Geo. II. are hereby repealed.

XIII. And be it further enacted, That this Act ſhall begin to have Force on the firſt Day of *Auguſt*, one thouſand ſeven hundred and ſeventy-one; and that from and immediately after the Commencement thereof, an Act made in the fifth Year of his late Majeſty King *George* the Firſt, intituled, 'An Act for preventing 'the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of 'London and *Weſtminſter*, or the Suburbs thereof;' and alſo an Act made in the eleventh Year of his ſaid late Majeſty King *George* the Firſt, intituled, 'An Act for making more effectual an Act paſſed in the fifth 'Year of his Majeſty's Reign, intituled, *An Act for preventing the Miſchiefs which may happen by keeping 'too great Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof*;' and alſo ſo much of an Act made in the fifth Year of his late Majeſty King *George* the Second, intituled, 'An Act for the better Regulation and Government of Pilots licenſed by the Corporation of *Trinity Houſe* 'of *Deptford Strond*, in the County of *Kent*; and to prevent Miſchiefs and Annoyances upon the River of 'Thames below *London Bridge*,' as relates to the having and ſearching for Gunpowder on board Ships or Veſſels in the *Thames* at or below *Blackwall*; and alſo an Act made in the fifteenth Year of his late Majeſty King *George* the Second, intituled, 'An Act for preventing the Miſchiefs which may happen by keeping 'dangerous Quantities of Gunpowder in or near the Cities of *London* and *Weſtminſter*;' and alſo an Act made in the twenty-ſecond Year of his ſaid late Majeſty King *George* the Second, intituled, 'An Act to 'prevent the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in any one 'Place, or carrying too great Quantities of Gunpowder together from one Place to another,' ſhall be, and are hereby repealed.

CAP. XXXVI.

An Act for cleanſing, lighting, and watching the ſeveral Streets and other Paſſages on the South Side of the City of *Edinburgh*, and for removing Nuiſances and Annoyances therefrom, and preventing the ſame for the future.

Preamble.

'WHEREAS the ſeveral Streets, Squares, Lanes, Avenues, and Paſſages, adjoining to the City 'of *Edinburgh*, on the South Side thereof, and lying between the Street or Road leading from the 'Cowgate Port of *Edinburgh* to the Toll-gate called *the Gibbet Toll*, on the Eaſt; and the Street or Road 'leading from the *Two-penny Cuſtom*, near *Edinburgh*, to the Toll-gate called *Wright's Houſes Toll*, on the 'Weſt; all lying within the Pariſhes of *Saint Cuthbert's* or *Weſt Kirk* and *Canongate*, are at preſent ill 'cleanſed, and not duly lighted and watched; and if Power was given to regulate, light, cleanſe, and 'watch the ſame, and remove all Nuiſances and Obſtructions therein, and prevent the ſame for the future, 'it would tend greatly to the Safety and Preſervation of the Inhabitants of the ſaid Streets and other Places, 'and be of public Utility;' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Streets, Squares, Lanes, Alleys, Avenues, and Paſſages, and other Places included in this Act, ſhall, for the Purpoſes thereof, be divided into eight Diſtricts, *videlicet*, The Street or Road leading from *Briſto Street*, Weſtward, by *Tiviot Row* and *Lawrieſton*, to the *Two-penny Cuſtom*, to be one Diſtrict, and called *the Diſtrict of Tiviot Row and Lawrieſton*: The Streets of *Briſto* and *Potter-row*, from *Briſto* and *Potter-row* Ports to where theſe Streets join each other, and the Places lying between them, built or to be built, and croſs Streets from one to the other, to be one Diſtrict, called *Briſto and Potter-row Diſtrict*: *George's Square*, including the Streets leading to it, called *Charles* and *Creighton Streets* (excluſive of the Corner Houſe of *Creighton Street*, which ſhall belong to *Briſto* and *Potter-row* Diſtrict) with the other Streets leading to the Square to be hereafter built, to be one Diſtrict, called *George's Square Diſtrict*: *Nicolſon's Park*, including the croſs Streets interſecting the ſame, from *Chapel Street* to *Pleaſance*, and the Street along the Back of the City Wall, from *Potter-row* Port to *Pleaſance*, to be one Diſtrict, called *Nicolſon's Park Diſtrict*: The *Croſs Cauſeway*, from where the *Briſto* and *Potter-row* Streets join each other, to the Eaſt End of the Street, and from thence along the *Gibbet Street*, Northward, to where it is divided from the Juriſdiction of the *Canongate*, to be one Diſtrict, called *Croſs Cauſeway Diſtrict*: From the Eaſt End of *Croſs Cauſeway*, Southwards, to the *Gibbet Toll*, including *Gibbet Loan*, to be one Diſtrict, called *Gibbet Street Diſtrict*: From *the Chapel of Eaſe*, Southwards, to the Toll-gate called *Grange Toll*, including *Shiens*, to be one Diſtrict, called *Cauſeway-Side Diſtrict*: From the South End of the Property of *Joſeph Gavin* Merchant, on the Weſt, and of the Property of *John Straitton* Brewer in *Portſburgh*, on the Eaſt of the Road leading from *Two-penny Cuſtom* to *Wright's Houſes*, Southward, to the Toll called *Wright's Houſes Toll*, to be one Diſtrict, called *Toll-Croſs Diſtrict*: And that the Reverend *James Brown*, *John Dove* Builder, *John Grant*, and *Alexander Shaw*, Writers, and *William Riddell*, ſhall be Commiſſioners for *Tiviot Row* and *Lawrieſton* Diſtrict: That *Alexander Scott* Merchant, *Archibald Scott* Brewer, *Neil Maeviccar* Manufacturer, *Thomas Clark* Leather-caſe Maker, and *David Smith* Baker, ſhall be Commiſſioners for *Briſto* and *Potter-row* Diſtrict: That the Honourable *John Campbell* Eſquire, one of the Senators of the College of Juſtice, *Henry Dundas* Eſquire, Solicitor-general for *Scotland*, *George Brown* Eſquire, one of

The Diſtricts.

Commiſſioners Names.

the Commissioners of Excise in *Scotland*, *James Smollet* Esquire, one of the Commissaries of *Edinburgh*, and *Robert Forrester* Esquire, Merchant, shall be Commissioners for *George's Square* District: That *William Fullerton* Esquire, Doctor *Alexander Monro* Physician, *Thomas Cockburn* Clerk to his Majesty's Signet, *James Baird* Writer, and *John Davie*, shall be Commissioners for *Nicolson's Park* District: And that *James Spottiswood* Esquire, *John Meir* Merchant, *Alexander Palmer* Joiner, *John Manuel* Merchant, and *John Fletcher* Baker, shall be Commissioners for *Cross Causeway* District; being all Inhabitants within the Bounds above described of the respective Districts for which they are hereby severally named, and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Commissioners for putting this Act in Execution: And if any of the Commissioners above named, or any other to be hereafter chosen in Manner herein after mentioned, shall refuse to accept and act, such Person or Persons shall forfeit one Year's Assessment extraordinary, in respect of such Refusal, to be levied along with, and in the same Manner as the other Assessments for that Year are herein after directed to be levied.

Commissioners refusing to accept and act, to forfeit one Year's Assessment.

Commissioners to meet annually at the Chapel of Ease, on the first Monday after the Meeting of the Court of Session in Summer, and chuse a Convener.

II. And be it enacted by the Authority aforesaid, That all the Commissioners above named for the said several Districts, or any seven or more of them, shall meet at *the Chapel of Ease*, near *Edinburgh*, upon the first *Monday* after the Sitting or Meeting of the Court of Session in *Scotland* for the Summer Session, that shall first happen after the passing of this Act, between the Hours of Ten in the Forenoon and Two of the Afternoon (and shall meet afterwards at the same Place and Time annually) and shall chuse one of their Number to be Convener, who is hereby impowered to call a General Meeting of the Commissioners, at any Time during the Currency of the Year, when necessary, at the Desire of any two or more of the Commissioners for that Year, upon ten Days Advertisement in any of the *Edinburgh* News-papers: And the said Commissioners are hereby impowered to adjourn the said General Meetings from time to time, to meet at the Place aforesaid, or any other convenient Place within the said eight Districts, as they shall think proper.

The Office of Commissioners to determine at the End of one Year from the first General Meeting.

III. And be it enacted by the Authority aforesaid, That the Office of Commissioners named and appointed by this Act shall cease and determine at the End of one Year from the first General Meeting appointed by this Act: And in order to supply their Places, a General Meeting of the whole Inhabitants of each District assessed by this Act shall be assembled separately in each District, by the Convener of the Commissioners then in Office, at least ten Days before the next General Annual Meeting, by Advertisement in any of the *Edinburgh* News-papers, or by affixing a written Notice thereof upon the principal Door of the Parish Church in each Parish of the said Districts; and in case the Convener shall neglect or refuse to call such Annual Meeting in each District as is above directed, then it shall and may be lawful for any three of the Inhabitants of each District to call such Meeting, upon Notice by Advertisement in any of the *Edinburgh* News-papers, at least six Days before the general Annual Meeting; and such Inhabitants being so assembled, they shall severally elect five Commissioners for each District, to act for the then ensuing Year: And such Inhabitants so assembled as aforesaid, within their several and separate Districts, shall also elect and chuse a proper Person or Persons to be Treasurer, Collector, and Clerk, for each of their respective Districts, and shall appoint him or them a reasonable Salary or Salaries, for his or their Trouble, out of the Money to be levied in the said respective Districts; and which Treasurer, Collector, or Clerk, may be removed from his Office, upon any reasonable Cause, in the Judgement of the said five Commissioners, or the Majority of them, who are hereby impowered to appoint a proper Person in his or their Place, to continue in Office till the next Annual Election: And every Person or Persons so elected or appointed shall find Security for the due and faithful Execution of his or their Office, under such Penalty as the said five Commissioners, or the Majority of them, shall think reasonable; and such several Inhabitants shall report their Election of five Commissioners, Treasurer, Collector, and Clerk, to the then next annual General Meeting: And it is hereby declared, That in the said Annual, and all the other Meetings of the Inhabitants of the respective Districts, all Matters are to be determined according to the Voices of the Inhabitants present having the Majority of Valuation; and in case of Equality, by the Voice of the Preses elected at such Meeting, who shall, notwithstanding such decisive Voice, have a Vote along with the other Inhabitants or Commissioners.

Inhabitants to elect Commissioners and other Officers for each separate District.

Treasurers to find Security.

All Questions to be determined by the Inhabitants having the Majority of Valuation, or by the Preses in case of Equality.

IV. And be it further enacted, That if in any Year any of the said several Districts shall fail in electing and reporting to the annual General Meeting, in Manner above directed, their Choice of five Commissioners, Treasurer, Collector, and Clerk, or if any of the Commissioners, elected and reported in Manner above mentioned, shall refuse to accept and act; then the Commissioners for the several Districts who have acted for the preceding Year, together with the new elected Commissioners for the succeeding Year, willing to accept and act, shall, in their annual General Meeting, chuse and appoint five Commissioners, and a Treasurer, Collector, and Clerk, for each District which has failed to make and report their Election in Manner above prescribed: And such Commissioners, Treasurer, Collector, and Clerk, are hereby vested with the same Powers for putting this Act in Execution, as if they had been regularly elected and reported by the Inhabitants of each separate District, in Manner above mentioned: And if seven or all of the said several Districts should fail in making and reporting such annual Election of Commissioners, Treasurers, Collectors, and Clerks, in Manner as above directed; then, and in that Case, the Commissioners, Treasurers, Collectors, and Clerks, and other Officers last elected, shall continue in their respective Offices till the next Annual Election.

If any District neglect to elect Commissioners and other Officers, the General annual Meeting of Commissioners for the other Districts to elect them.

If seven or all of the Districts neglect to elect, the Commissioners for the former Year to continue.

V. Provided always, and be it further enacted, That when and so often as it shall happen that any one or more of the said Commissioners, Treasurers, Collectors, or Clerks, in any of the said several Districts, shall die, or remove out of any of the said Districts, the Inhabitants of all and every the said Districts shall, within ten Days after such Death or Removal, nominate and appoint a Commissioner or Commissioners, Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, in the Room and Place of such of them

Commissioners, &c. dying or removing, others to be chosen.

as

as shall have died or removed out of any of the said respective District or Districts; and which several Officers so appointed are hereby vested with the same Powers for putting this Act in Execution, as if they had been regularly elected and reported by the Inhabitants in the annual Meetings, in Manner before mentioned.

Qualification of Commissioners.

VI. And be it enacted by the Authority aforesaid, That no Person or Persons shall be capable of acting as a Commissioner under the Authority of this Act, unless he shall be an actual Inhabitant within the District for which he is named or elected, or who shall be rated at any less or smaller Sum than seven Pounds Sterling for his Possession therein; and if any Person not so qualified shall presume to act as a Commissioner, he shall for every such Offence forfeit five Pounds Sterling to any Person within the District who shall sue for the same, before the Judge Ordinary of the Bounds, whose Judgement shall be final: And in every such Action so to be brought for the Recovery of such Penalty as aforesaid, the Proof of Qualification shall lie on the Defendant, and it shall be sufficient, on the Part of the Pursuer or Prosecutor, to prove that the Person so prosecuted had acted as a Commissioner in the Execution of this Act.

Penalty of acting without a Qualification.

Proof of Qualification to lie on the Defendant.

Commissioners to meet and receive the Report of Commissioners elected for the ensuing Year.

VII. And be it further enacted, That the Commissioners above named, and those to be from time to time elected in Manner above appointed, shall each Year meet at the said *Chapel of Ease*, near *Edinburgh*, upon the first *Monday* after the Meeting or Sitting of the Court of Session for the Summer Session, and shall appoint their Convener to receive the Reports of the Election of the Commissioners for the different Districts for the ensuing Year, and give such Orders as may be necessary for carrying into Execution the Business committed to them, under the Authority of this Act, in Manner herein after mentioned; and all Questions in this or any other General Meeting of the Commissioners shall be determined by the Voices of the Majority of the Commissioners then present; and, in case of Equality, by the Convener of the Meeting, or, in his Absence, by the Voice of the Preses chosen by such Meeting, who shall, notwithstanding of such decisive Voice, have a Vote along with the other Commissioners: And also all Questions in the Meeting of the Commissioners of the particular Districts shall be determined in the same Manner as above prescribed with regard to General Meetings.

Questions in General Meetings to be determined by the major Part of Commissioners present, or by the Convener or Preses, if an Equality.

If a sufficient Number of Commissioners at a General Meeting do not attend, those present, or the Clerk, may appoint another Meeting; Notice to be given.

VIII. Provided always, and be it enacted, That where the Number of Commissioners present at such first or any other subsequent Annual or General Meeting, shall not exceed seven, then the Commissioner or Commissioners present, or, in case none of the Commissioners shall attend, the Clerk of the said General Meeting shall adjourn the said General Meeting to such Day as shall appear most convenient; ten Days previous Notice of the Day to which such Adjournment is made, which shall be to the same Place, shall be given by Advertisement in any of the *Edinburgh* News-papers; and any three of the Commissioners acting for the time may call a General Meeting, giving fourteen Days previous Notice thereof by Advertisement as aforesaid, and of the Purpose and Business of such Meeting.

None liable to serve above once in three Years.

IX. Provided always, That no Person or Persons shall be obliged to serve the said Office of Commissioner, Treasurer, Collector, or Clerk, oftener than once in three Years; unless it shall happen that, by Neglect of seven or all of the said Districts in electing their Commissioners, Treasurers, Collectors, and Clerks, the Commissioners, Treasurers, Collectors, and Clerks then in Office, shall be obliged to continue in their respective Offices for the then following Year, in Manner above directed.

For entering Proceedings of General Meetings, and read in Evidence.

X. And be it further enacted, That all the Acts, Orders, and Proceedings of the said Commissioners, at their said General Meetings, from time to time, shall be regularly entered in a Book or Books to be kept for that Purpose by the said Commissioners, and shall be signed by the Clerk of the General Meeting for the time being, and such Entries shall be deemed and taken to be the original Orders and Proceedings of the said Commissioners, and such Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Commissioners to divide themselves into their several Districts.

XI. And be it enacted by the Authority aforesaid, That the Commissioners at their said first General Meeting, and at every other annual General Meeting thereafter, after having finished the Business by this Act committed to them, shall divide themselves into their several Districts, and act for all the other Purposes of this Act within the District where they respectively reside; and shall meet at such Time and Place within their respective Districts as at the General Meeting shall be appointed, or to which they shall from time to time adjourn themselves.

For entering the Proceedings of the several Districts, and read in Evidence.

XII. And be it enacted, That all the Acts, Orders, and Proceedings of the said Commissioners, in their respective separate Districts, shall, in like Manner, be regularly entered in a Book or Books, to be kept for that Purpose by the said several Commissioners, and shall be signed by the Clerk of the District for the time being: And such Entries shall be deemed and taken to be the original Orders and Proceedings of the said Commissioners in their separate Districts, and shall and may be produced and read in Evidence in all Courts whatsoever.

Commissioners to appoint Persons for watching, &c.

'XIII. And, for the better enlightening, watching, and cleansing the several Streets, Squares, Lanes, 'Alleys, Courts, Avenues, and Passages, comprised in this Act;' Be it further enacted, That the Commissioners for the several Districts above named, or their Successors, shall meet at the Time and Place appointed by the General Meeting as aforesaid; and then, or at any other Time and Place, within the Time herein after mentioned, to which they shall adjourn as aforesaid, shall appoint proper Persons for watching and cleaning the Streets in their several Districts; and shall appoint Lamps to be erected, at the most convenient Places within their District, at equal Distances from each other; except where the Situation of Closes or Cross Avenues, or the Angles on any Street, shall make it necessary to affix the Lamps opposite to such Cross Avenues, or upon such Angles.

Distance of Lamps from each other.

XIV. And be it further enacted, That the Lamps so to be erected shall not exceed the Number of sixty Feet in Distance from each other, excepting always the Road leading from *Bristo Port* by the Back of the City Wall to where the North End of *Nicolson's Street* joins the City Wall, on the East Side of Lady

Nicolſon's Houſe, and the Road from the Gate entering from the *Poor-houſe* to the *Meadow* weſtward to the *Two-penny Cuſtom*, in which two Roads or Streets, it ſhall be in the Power of the Commiſſioners for the ſeveral Diſtricts within which they lie, to erect Lamps at the Diſtance of one hundred Feet from each other: Provided, That ſuch Diſtrict ſhall make it appear to the next annual General Meeting of the Commiſſioners, that their Funds levied in virtue of this Act, at the Rate of Sixpence Sterling for each Pound Sterling of the real Rent of ſuch Diſtrict, cannot afford to have them placed nearer each other, after anſwering the Expence of the other Purpoſes thereof.

Roads exempted from lighting, cleanſing, or watching, till ſufficient Funds ariſe.

'XV. And whereas the Road or Lane lying within the Diſtrict of *Nicolſon's Park*, called *Back Row*, 'and the Road lying at the Back of the City Wall, from that Part thereof where the North End of *Nicol-* '*ſon's Street* joins the ſame on the Eaſt Side of Lady *Nicolſon's* Houſe to the *Pleaſance*, are at preſent not at 'all, or very thinly inhabited;' It is hereby provided and enacted, That the Diſtrict of *Nicolſon's Park* ſhall not be obliged to light, cleanſe, or watch the ſaid Lanes or Roads, till they ſhall be ſo inhabited as that they can be lighted, watched, and cleanſed, by an Aſſeſſment of Sixpence Sterling upon each Pound Sterling of the real Rent of the Houſes therein; or that it ſhall be in the Power of the Diſtrict, by an Aſſeſſment of Sixpence Sterling *per* Pound, to light, watch, and clean the ſame, after anſwering the Purpoſes of this Act in other Parts of the Diſtrict: Provided always, That it ſhall be in the Power of the Inhabitants poſſeſſing two-thirds of the Valuation of the Diſtrict of *Nicolſon's Park* to aſſeſs the ſame, in Manner herein after mentioned, for the Purpoſe of lighting, watching, and cleanſing the ſaid two Roads or Lanes, to any Extent not exceeding one Shilling Sterling *per* Pound of the real Rent of the whole Diſtrict: And provided alſo, That the Houſes, or Inhabitants thereof within the ſaid Road or Lane, called *Back Row*, and in the ſaid Road leading from the North End of *Nicolſon's Street*, where it joins the City Wall on the Eaſt Side of Lady *Nicolſon's* Houſe to the *Pleaſance*, ſhall not be ſubject to any Aſſeſſment by virtue of this Act, until they are lighted by Lamps at the Diſtance of one hundred Feet from each other, in Manner preſcribed by this Act, with regard to the Roads leading along the City Wall, in the Diſtrict of *Tweed Row* and *Lawrieſton*, and *Briſto* and *Potter-row*, and cleanſed and watched as the other Parts of the Diſtrict.

Lamps to be lighted from the firſt of October to the firſt of April yearly.

XVI. And it is hereby further enacted, That all and each of the Lamps, which preſently are, or hereafter ſhall be erected by or in virtue of this Act, ſhall be lighted in the Afternoon of every Day, at ſuch Hour or Hours as the Commiſſioners, or a Majority of them, in each Diſtrict ſhall direct and appoint, from and after the firſt Day of *October* in each Year, to the firſt Day of *April* then next.

Commiſſioners of any Diſtrict may order Lamps to be ſooner, or continue longer lighted, as they ſee Cauſe.

XVII. Provided always, and it is hereby further enacted, That it ſhall and may be lawful to and for a Majority of the Commiſſioners in each Diſtrict, to order and direct the Lamps within their ſeveral Diſtricts to be lighted ſooner than the firſt Day of *October* in each Year, or to continue the lighting of ſuch Lamps longer than the firſt Day of *April*, or both, as they ſhall ſee Cauſe.

For preventing Damage of Lamps.

XVIII. And it is hereby further enacted, That if any Perſon or Perſons ſhall wilfully take away, break, or throw down, or damage any Lamp or Lamps, that now is or hereafter ſhall be ſet up, for enlightening any of the ſaid Streets, Squares, Courts, Lanes, Alleys, Avenues, or Paſſages, or wilfully extinguiſh the Light or Lights within the ſame, or damage the Irons or other Furniture thereof; it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders; and, by Authority of this Act, without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace of the ſaid County of *Edinburgh*; and ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes, who ſhall appear or be produced to give Information touching ſuch Offence (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter): And if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of two Pounds Sterling for each Lamp ſo broken, thrown down, or damaged, or for every Light ſo entinguiſhed as aforeſaid: And, moreover, ſhall make full Satisfaction to the ſaid Commiſſioners, or to ſuch Perſon as they, or any three or more of them, ſhall appoint to receive the ſame, for the Damage ſo by him, her, or them, done as aforeſaid: And in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the common Gaol of the ſaid County, for the Space of two Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons careleſſly or accidentally breaking or damaging Lamps, to make Satisfaction.

XIX. And it is hereby further enacted, That, in caſe any Perſon or Perſons ſhall careleſsly or accidently break, throw down, or damage any of the ſaid Lamps ſo ſet up, or hereafter to be ſet up, as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any one Juſtice of the Peace of the ſaid County of *Edinburgh*, upon Complaint to him made by one or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage as aforeſaid, and, upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satisfaction for ſuch Damage, as ſuch Juſtice ſhall think reaſonable; and, in caſe of Neglect or Refuſal of the ſaid Party or Parties to pay ſuch Sum or Sums of Money ſo awarded within ten Days next after Demand thereof, to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods or Chattels; the Surplus (if any) ariſing by ſuch Sale, to be paid to him, her, or them.

For preventing Damage being

XX. And be it further enacted, That if any Perſon or Perſons ſhall, for the future, carry, run, drive, draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot Pavements within any Part of the

ſeveral

several Districts comprised in this Act, any Bier, Sedan-chair, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatsoever; or shall wilfully ride, lead, or drive, any Horse, Ass, Mule, or other Cattle, Coach, Cart, or other Carriage whatsoever, upon any of the said Foot Pavements; then, and in any of the said Cases, and so often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons to assist in seizing such Offender or Offenders, and, by the Authority of this Act, and without any other Warrant, to convey or deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured or conveyed before some Justice of the Peace of the said County of *Edinburgh*; and the Party or Parties accused being brought before him, such Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear, or be produced, to give Information touching such Offence (which Oath the said Justice is hereby authorised and required to administer; and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay the Sum of five Shillings Sterling for the first Offence, the Sum of ten Shillings Sterling for the second Offence, and the Sum of twenty Shillings Sterling for the third and every other Offence.

done to the Foot Pavement.

XXI. And it is hereby further enacted, That no Order or Determination of the said Commissioners shall be valid, unless the same shall be made at a Meeting held in pursuance of this Act; nor shall any Commissioner hereby appointed, or hereafter to be elected or appointed as aforesaid, be capable of acting as such during the Time he shall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Interest in any Contract relating to the Execution thereof.

Commissioners not to act during the Time they enjoy any Place of Profit under this Act.

XXII. And it is hereby further enacted, That the said Commissioners of the respective Districts, or any three or more of them, may, and they are hereby authorised and impowered, from time to time, to employ under them any fit Person or Persons in or about cleansing all or any of the said Streets, Squares, Courts, Lanes, Alleys, Passages, and other Places within the said several Districts comprised in this Act, and in and about the enlightening of the same, and in and about the several Works hereby appointed to be performed, and to contract for the Performance of the said Works, or any of them, with any Person or Persons whatsoever, in such Manner as the said Commissioners, or any three or more of them, shall think fit.

For giving Notice of Contracts.

XXIII. Provided also, and it is hereby further enacted, That no Person, being a Commissioner under this Act, shall be, directly or indirectly, interested or concerned in any Contract which shall be made or entered into by or on the Behalf of the said Commissioners, for or concerning any of the said Works to be carried on or performed in pursuance of this Act, or for or concerning any Materials to be used or employed therein, upon Pain that every such Contract shall be null and void; and that the Person who being a Commissioner as aforesaid, and shall be so interested or concerned therein, shall, for every such Offence, forfeit and pay the Sum of five Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered and levied in Manner herein after directed; and every Person against whom the said Penalty shall be recovered, shall, for ever thereafter, be disabled from being a Commissioner for the Purposes of this Act.

No Commissioners to be concerned in any Contract.

XXIV. And it is hereby further enacted, That the said Commissioners, or any three or more of them, in their respective Districts, shall and may, yearly, and every Year, order and appoint what Number of Watchmen they shall judge proper to be kept in such Places of the said several Districts comprised in this Act for each Year, and elect such honest and able-bodied Men to be employed in that Service as they shall think best qualified for the same; and also direct where the several Watchmen shall be stationed, and in what Manner they shall be armed, and how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen for their Attendance; and also shall or may hire, erect, or maintain any proper Place or Places, within the Limits aforesaid, for the Reception of the said Watchmen, and shall make all such Regulations and Orders in Writing as the Nature of each particular Service shall appear to them, or any three or more of them, to require.

For appointing Watchmen.

XXV. Provided always, and it is hereby further enacted, That no Watchman shall be appointed within any District whatever, but by the Concurrence, or with the Consent of Two Thirds of the Valuation within such District.

Watchmen not to be appointed without the Consent of Two-thirds of the Valuation.

XXVI. And be it enacted by the Authority aforesaid, That the Commissioners of the several Districts, at their first or adjourned Meetings as aforesaid, shall ascertain the Expence necessary for erecting and lighting the Lamps in their several Districts in Manner aforesaid, and for watching and cleansing their Streets for one Year; and shall assess all and every Person and Persons who do or shall inhabit any House, or inhabit or possess any Shop or Warehouse within their several Districts, in a Sum not exceeding Sixpence Sterling in the Pound of the real Rent of such House, Shop, or Warehouse so inhabited, held, or occupied.

Rates or Assessments at 6d. per Pound.

XXVII. Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the said Commissioners, or a Majority of them, in their respective Districts, by and with the Consent of Persons residing within such District, and having Two-third Parts of the Valuation thereof, to assess themselves for fulfilling the Purposes of this Act in an additional Sum, so as that the whole Assessment to be laid by virtue of this Act shall not exceed one Shilling Sterling in the Pound of the real Rent for one Year.

Commissioners with Consent of Two thirds of the Valuation may lay on an additional Assessment not exceeding one Shilling per Pound.

XXVIII. Provided also, and it is hereby enacted and declared, That it shall not be in the Power of any District to assess themselves in less than Sixpence Sterling in the Pound of the real Rent for one Year, unless they shall make it appear, to the Satisfaction of a General Meeting, that any lesser Sum is sufficient for answering the Purposes intended by this Act.

No District to be assessed at less than 6 d. per Pound, unless it be made appear that a smaller Sum will answer the Purposes of this Act.

XXIX. And

The first Year's Assessment not to be less than 1 s. per Pound, unless it be made appear that a smaller Assessment will be sufficient.

XXIX. And be it further enacted, That the Assessment to be laid for the first Year, by the Authority of this Act, shall not be under one Shilling Sterling in the Pound of the real Rent, unless the Commissioners of any District shall make it appear to a General Meeting, that a lesser Sum is sufficient for both the ordinary and extraordinary Purposes of this Act for that Year: And which Assessments shall be laid on for one Year, commencing at the first annual General Meeting, and ending at the second annual General Meeting, to be held by virtue of this Act, and to no yearly thereafter.

Assessment to commence at the first, and to end at the second annual General Meeting to be held by this Act.

Rates to be levied at Lammas and Candlemas yearly.

XXX. And it is hereby further enacted and declared, That the Assessments so laid shall be leviable and levied at the Terms of *Lammas* and *Candlemas* next after the general annual Meeting, by equal Portions: And if any Person or Persons who shall be rated or assessed by virtue or in pursuance of this Act, shall refuse or neglect to pay the Rate or Assessment charged upon him, her, or them, in pursuance of this Act, for the Space of ten Days next after his, her, or their respective Rate or Rates, Assessment or Assessments, shall be due, and demanded by the Collector or Collectors authorised and appointed to collect and receive the same, (such Demand being either personally made to the respective Person or Persons so charged, or left in Writing at his, her, or their respective House or Houses, or Place or Places of Abode); then, and in every such Case, it shall and may be lawful to and for such Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand of the Judge Ordinary, (which Warrant or Warrants the said Collector and Collectors is and are hereby required to apply for, and the said Judge Ordinary is hereby authorised and required to grant) and with the Assistance of a Constable, or other Peace Officer, to enter his, her, or their House or Houses, Apartment or Apartments, and then and there to seize and keep Possession of his, her, or their Goods and Chattels; and if the said Rate or Assessment shall not be paid within three Days next after such Seizure is made, together with the Costs and Charges thereof, then to sell, by public Auction, at the Market Cross of *Edinburgh*, so much, and such Part of the said Goods and Chattels, as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Seizure and Sale, returning the Overplus, if any, to the Owner or Owners of such Goods and Chattels (the said Costs and Charges to be settled and allowed by the said Judge Ordinary, who shall have granted such Warrant or Warrants respectively).

Assessments to be laid on Houses possessed at the Time, or those to be possessed at any Time within the Year.

XXXI. And be it enacted by the Authority aforesaid, That the Assessments shall be laid upon Dwelling-houses, Shops, Warehouses, Cellars, Vaults, or other Tenements that are actually possessed at the Time the same is laid on only, and the Possessors, whether Proprietors or Tenants, shall be liable to the Payment thereof: And if any Dwelling-houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, which are not possessed at the Time the general Assessment is laid, shall thereafter, during the Currency of that Year, become possessed, it shall be in the Power of the Commissioners of the District where such Dwelling-house, Shop, Warehouse, Cellar, Vault, or other Tenement is situated, or any two of them, to meet and assess the same in Manner above prescribed: And it shall be in the Power of the Commissioners of each District totally to exempt Houses within their District, paying the yearly Rent of three Pounds Sterling, or under, from Payment of any Assessments by virtue of this Act, if they see Cause.

Commissioners if they think fit, may exempt Houses of three Pounds Rent, or under, from Assessment,

and administer Oaths for ascertaining real Rent of Houses, &c.

'XXXII. And, for determining the real Rent of each Dwelling-house, Shop, Warehouse, or other 'Tenements liable to the Payment of any Assessment to be imposed by virtue of this Act,' It is hereby further enacted, That the Tenant or Possessor shall be obliged to declare upon Oath the Extent thereof, if required (which Oath any two Commissioners for the District where he, she, or they reside, are hereby impowered to administer): And in case the Possessor or Possessors shall happen to be also Proprietor or Proprietors, he, she, or they, shall be obliged in like Manner to declare the Price he, she, or they, paid for his, her, or their Possession, or what it cost him, her, or them; and he, she, or they, shall be assessed according to the Rent, equal to seven Pounds Sterling *per Centum*, of such Price or Cost.

In case Commissioners of one District neglect to assess, a General Meeting, called for that Purpose, shall do so.

XXXIII. And be it enacted by the Authority aforesaid, That if the Commissioners of any particular District shall neglect to meet, and put in Execution the Part of this Act committed to them, for ascertaining the Expence necessary for the Purposes thereof, and assessing the Inhabitants of their District therewith, in Manner above prescribed, at least ten Days before the Term of *Lammas* next after the annual General Meeting yearly; it shall be in the Power of a General Meeting, consisting of seven Commissioners at least, called for that Purpose by their Convener, to assess such District as they shall see Cause, in the Manner directed by this Act.

Commissioners at General Meetings to determine all Disputes arising between the different Districts.

XXXIV. And be it further enacted, That the Commissioners, at their annual General Meeting, or at any other General Meeting, or the major Part of them, shall determine all Questions or Disputes that may arise within any particular District, touching whether any House or Place is liable to be assessed by virtue of this Act; and likewise all Disputes that may arise between any two or more Districts, whether any House or Houses, Place or Places, properly belongs to one or other District; and in all such Disputes, it is hereby provided and declared, that the Commissioners of the respective Districts, interested in the Issue of the said Disputes, shall have no Voice in the Determination thereof.

Commissioners interested to have no Voice in the Determination.

Commissioners at their General annual Meetings to make Regulations for removing Obstructions.

XXXV. And it is hereby further enacted, That the Commissioners, at their annual General Meeting, shall have Power to make Regulations, from time to time, for removing Obstructions, and preventing Nuisances of every Kind, within the Bounds comprised in this Act; and to enforce the same by such small Penalties as they shall appoint, not exceeding, in any Case, ten Shillings Sterling for each Transgression, to be levied in Manner herein after mentioned.

Funds arising out of one Dis-

XXXVI. Provided always, That, in no Case, the Funds arising out of one District, whether by Assessments, Penalties, or otherwise, by virtue of this Act, shall be applied to the Purposes of lighting, watching, and cleansing the Streets of any other Districts, nor to any Use or Purpose whatever within any

other District; but shall be applied solely to the Purposes of this Act, within such respective Districts where the same is raised, levied, or collected. trict not to be applied in another District.

XXXVII. And it is also hereby enacted, That it shall be in the Power of the Commissioners of any one District to dispose of the Street Dung, or Fulzie, collected in their respective Districts, by a Lease not exceeding four Years, or in any other Way they may think proper, and to apply the Produce thereof for the Purposes of this Act within such District; and where the Dung or Fulzie of any of the said Districts is already under Lease, or otherwise disposed of, the Produce thereof shall be applied to the Purposes of this Act in like Manner within such District only: And declaring, that it shall be in the Power of the Commissioners for the District of *Potter-row* and *Bristo* to allow such a Sum as they shall judge reasonable out of the Assessments of that District, or Money arising from the Price of Fulzie collected therein, and that to the resident Magistrate thereof, for the Purpose of defraying the Expence of his Office annually. Commissioners may dispose of Street Dung.

XXXVIII. And be it further enacted and declared, That all the Streets, Squares, Courts, Lanes, Alleys, and Avenues, comprehended in this Act, which are at present the Property of the Proprietors of Houses therein, or any Person whatever, shall remain the Property of such Proprietors, their Heirs and Successors, and at their Disposal, from time to time, and at all times hereafter; any Thing in this Act to the contrary notwithstanding. The Property of Streets to remain with the Owners.

'XXXIX. And, in regard that the three last Districts above mentioned; *videlicet*, *Gibbet Street*, *Causeway-side*, and *Toll cross* Districts, for which no Commissioners are hereby appointed, cannot at present 'raise sufficient Funds for the Purposes of carrying this Act into Execution within their respective Bounds, 'on account of their being but thinly inhabited,' It is hereby enacted, That it shall be in the Power of all or any of the said three Districts, at any Time hereafter, to apply, by Petition, to the Commissioners, at their annual General Meeting; which Application shall be signed by Inhabitants in such Districts, possessing at least Two-thirds of the Rent thereof, and shall contain a Nomination of five Commissioners, and a Collector, Treasurer, and Clerk, for the said District, elected and qualified in Manner prescribed by this Act: And from thenceforward, the District so applying shall have all the Privileges, and be subject to all the Regulations hereby enacted, with regard to the other Districts. Districts of Gibbet Street, Causeway side, and Toll-cross, may afterwards nominate Commissioners and other Officers.

XL. And it is hereby further enacted, That it shall be in the Power of the Proprietors of the District of *Nicolson's Park* to assess themselves in such Sum, for paving the Streets, and making common Sewers within their District, as shall be agreed upon by the Proprietors of Two-thirds of the Property within the District; which Assessment shall not exceed two Shillings and Sixpence upon each Pound Sterling of the Rent of their Possession for one Year, and shall be assessed by the Commissioners of that District by virtue of this Act, upon Application to them by Two-thirds of the Proprietors as aforesaid, and be levied in the same Manner, and under the same Penalties, with the Assessment of the Proprietors of Dwelling-houses and other Tenements in that District, for lighting, watching, and cleansing thereof. Impowering the Proprietors of Houses in the District of Nicolson's Park to pave the Streets, &c.

XLI. And be it further enacted, That the Charges and Expences of procuring and passing this Act, and of erecting Posts and Irons for the Lamps to be lighted in virtue hereof, shall be assessed upon the different Districts before mentioned, in proportion to their real Rents; and shall be levied with, and in the same Manner, and at the same Terms with the other Assessments by virtue of this Act, in the first Year after obtaining thereof: And such Assessment, for the Expence of obtaining this Act, shall be a Burden on the Proprietors only, and shall be levied from the Inhabitants, along with the other Assessments, to which they are liable, with Power to them to retain the same out of the Rent payable by them to the Proprietors of their Possessions. Expences of passing the Act how to be paid.

XLII. And it is hereby further enacted, That if any Collector or Collectors shall refuse or neglect to take upon himself or themselves the said Office, or to execute the same when chosen and appointed, or shall remove out of the District for which he or they was or were so chosen, or shall die within the Year, or shall be guilty of any Neglect or Misbehaviour in the Performance of his or their Duty, or shall become insolvent; then, and in all, any, or each of the Cases aforesaid, it shall and may be lawful to and for the said Commissioners, or any three or more of them, within their respective Districts, at a Meeting to be called for that Purpose as aforesaid, at any intermediate Time of the Year, to appoint any other fit Person or Persons, inhabiting within the said District as aforesaid, to be Collector or Collectors of the said Rates or Assessments for such District for the remaining Part of the Year, in the Stead and Place of him or them so refusing, removing, dying, or guilty of Neglect or Misbehaviour, or becoming insolvent, as aforesaid. On Removal, Death, Misbehaviour, or Insolvency of Collector, a new one to be appointed.

XLIII. And it is hereby further enacted, That in case any Collector or Collectors of the said Rates or Assessments shall become insolvent, or shall embezzle or make away with, detain or misapply, any Sum or Sums of Money so collected by him or them for the Use aforesaid, so that the same cannot be recovered; or shall die possessed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which shall not be paid by his or their Security or Securities, or by his or their Executors or Administrators; then, and in every such Case, such Sum and Sums of Money shall be again rated and assessed by the said Commissioners, or any three or more of them, upon the Streets, Squares, Courts, Lanes, Alleys, and Places, comprised in this Act, for which such Person or Persons shall have been appointed Collector or Collectors, in such Proportion and Manner as the Rates or Assessments are directed to be made by this Act; and shall be collected, levied, and distrained, in such Manner, and under such Penalties, as are herein before provided for collecting and levying the Rates due and payable by this Act. In case Collector becomes insolvent, the Money to be assessed again.

XLIV. Provided always, and it is hereby further enacted, That none of the Commissioners herein named, or who shall be hereafter chosen by virtue of this Act, shall act as a Commissioner during such Time as he or they shall execute the Office of Collector or Collectors of the Rates or Assessments to be raised and levied in pursuance of this Act. Collectors disqualified from acting as Commissioners.

XLV. And

Monies raiſed veſted in the Commiſſioners, to be applied for the Purpoſes of this Act.

XLV. And it is hereby further enacted, That all Monies, raiſed or collected by virtue, or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners: And all Monies, raiſed or collected by virtue of this Act, ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatever.

Expences of this Act, how to be paid.

XLVI. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing of this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Penalties may be mitigated.

XLVII. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any three or more of them, from time to time, to compound and agree with any Perſon or Perſons, againſt whom the ſaid Commiſſioners ſhall bring, or cauſe to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any three or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Juſtices of the Peace, where not intereſted, may act as Commiſſioners.

XLVIII. And it is hereby further enacted, That every Commiſſioner who is or ſhall be a Juſtice of the Peace, may, and is hereby impowered to act as a Juſtice of Peace in all Caſes relating to this Act, notwithſtanding his being a Commiſſioner, except in ſuch Matters or Things as he ſhall be perſonally intereſted in.

Penalties and Forfeitures how to be recovered.

XLIX. And it is hereby further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand of any one of the Juſtices of the Peace for the County or Place wherein the Offender ſhall dwell; which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of any one or more credible Witneſs or Witneſſes upon Oath: And the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the Collector or Clerk to the ſaid Commiſſioners for the time being, and be applied towards the Purpoſes of this Act: And in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith; it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authoriſed and required, by Warrant under his Hand, to cauſe ſuch Offender or Offenders to be committed to the common Gaol of the County, therein to continue for a Time not exceeding two Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner fully paid and ſatisfied.

Juſtices may adminiſter Oaths.

L. And it is hereby further enacted, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons, for his or their more certain Information in the Matters then depending.

Books to be kept for entering Commiſſioners Names, &c.

LI. And it is hereby further enacted, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they, or any three or more of them, ſhall appoint, wherein ſhall be fairly entered, from time to time, the Names of ſuch Perſons as they ſhall nominate and appoint to put in Execution the Purpoſes of this Act, and Copies of all Orders and Proceedings relating thereto; and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame ſhall have been applied; which Book or Books all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward.

which may be inſpected gratis.

Commiſſioners, &c. to defray their own Expences.

LII. And it is hereby further enacted, That the ſaid Commiſſioners and Inhabitants ſhall, at all their Meetings under this Act, pay and defray their own Expences.

Writings, &c. not to be charged with Stamp-duty

LIII. And it is hereby further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatſoever, ſigned by any Commiſſioner or Commiſſioners, their Treaſurers, Collectors, or Clerks, Juſtice or Juſtices of the Peace, or exhibited before them, or ſigned by any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Reſervation.

LIV. Saving and reſerving to the City of *Edinburgh* all Juriſdictions, Commodities, Rights, and Privileges, competent and belonging to them within the ſeveral Diſtricts mentioned in this Act, in the ſame Manner as the City and Community now have and enjoy, or might enjoy the ſame.

Public Act.

LV. And it is hereby further enacted, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Public Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XXXVII.

An Act to prohibit the Exportation of Live Cattle, and other Fleſh Proviſions, from *Great Britain*, for a limited Time.

Preamble.

'WHEREAS it has been found expedient to permit the free Importation of Live Cattle, and other Proviſions into this Kingdom for a limited Time, and the Benefit thereby intended will be entirely 'fruſtrated if the Exportation of ſuch Cattle and Proviſions from this Kingdom into Foreign Parts is not 'reſtrained;' Be it therefore enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, no Perſon or Perſons whatſoever

From the paſſing hereof, no Perſon ſhall tranſport from

shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from the Kingdom of *Great Britain*, or load or lay on board, or cause or procure to be laden or laid on board, in any Ship or other Vessel or Boat, in order to be exported or carried out of the said Kingdom of *Great Britain*, any Live Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow, or any Beef, Mutton, Pork, Hog-meat, or any Flesh Provision, either fresh or salted, under the Penalties and Forfeitures herein after mentioned; (that is to say) That all the said Commodities that shall be so exported, shipped, or laid on board, or loaded to be exported, shipped, or carried out, contrary to this Act, shall be forfeited; and that every Offender or Offenders therein shall forfeit the Sum of fifty Pounds for each and every Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow; and five Shillings for every Pound Weight Avoirdupoize of Beef, Mutton, Pork, Hog-meat, or other Flesh Provision, whether fresh or salted, and so in proportion for any greater Quantity which shall be so exported, shipped, or put on board to be exported; and one Moiety of all the said Penalties and Forfeitures shall be to the King's Majesty, his Heirs and Successors, and the other Moiety to him or them that will sue for the same: And for Offences which shall be committed in that Part of *Great Britain* called *England*, such Penalties and Forfeitures shall be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, or before the Justices of Assize, or at the Great Sessions in *Wales*, or by Information at any General Quarter Sessions of the Peace for the County, City, Riding, Division, or Place, where the Offence shall be committed; and in such Suit no Essoin, Protection, Privilege, or Wager of Law, shall be allowed; and for Offences which shall be committed in that Part of *Great Britain* called *Scotland*, by Action or summary Bill, or Information, in the Courts of Session or Exchequer in *Scotland*: And that the Master and Mariners of any such Ship, Boat, or Vessel, wherein any such Offence shall be committed, knowing such Offence, and wittingly and wilfully aiding and assisting thereunto, and being thereof duly convicted in any such Courts as aforesaid, shall be imprisoned for the Space of three Months, without Bail or Mainprize.

Britain any Live Ox, Bull, Cow, Steer, Heifer, Calf, Hog, or Sow; or any Beef, Mutton, Pork, Hog-meat, or Flesh Provision.

Offenders shall forfeit 50 l. for every such Ox, Bull, Cow, &c.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, being an Officer or Officers of the Customs, or being lawfully authorised in this Behalf by the Lord High Treasurer of *Great Britain*, or the Commissioners of the Treasury for the time being, or any three or more of them, to take and seize all such of the said Commodities, not allowed to be exported by this Act, as he or they shall happen to find, know, or discover, to be laid on board any Ship or other Vessel or Boat at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpose to be exported, transported, or conveyed, out of *Great Britain* or *Ireland*, contrary to the true Intent of this Act, and to bring the said Goods to the King's Warehouse or Warehouses belonging to the Custom-house next to the Place where such Seizures shall be made, or to some other safe Place (where there are no such Warehouses), in order to be proceeded against according to Law; and, in case of Recovery, to be divided in Manner as aforesaid.

Officers of the Customs to seize such Commodities not allowed to be transported.

III. Provided always, That this Act, or any Thing herein contained, shall not extend to prohibit the Exportation of such or so much of the said Commodities as shall be necessary to be carried in any Ship or Ships, or other Vessel or Vessels, in their respective Voyages, for the Sustenance, Diet, and Support of the Commanders, Masters, Mariners, Passengers, or others, in the same Ships or Vessels only, or for the victualling or providing any of his Majesty's Ships of War, or other Ships or Vessels in his Majesty's Service, or for his Majesty's Forces, Forts, or Garrisons; any Thing herein contained to the contrary notwithstanding.

Nothing herein contained shall extend to prohibit the Exportation of Commodities necessary to be carried in Ships of War, &c.

IV. Provided also, That this Act, or any Thing herein contained, shall not extend to prohibit any Person or Persons to ship or put on board any of the Commodities aforesaid to be carried Coastwise; (that is to say) from any Port, Creek, or Member of the Kingdoms of *Great Britain* or *Ireland*, to any other Port, Creek, or Member of the same respectively, having such or the like Coast Cocquet, or Suffearnce for that Purpose; and such or the like sufficient Security being first given for the landing and discharging of the same, in some other Port, Member, or Creek, of the said Kingdoms, and returning a Certificate in six Months, as is required by Law, in Cases where Goods which are liable to pay Duties on Exportation are carried Coastwise from one Part of *Great Britain* to another, and not otherwise.

nor to any Creek, Port, &c. in Britain and Ireland,

V. Provided also, That this Act, or any Thing herein contained, shall not extend to any of the said Commodities which shall be exported, or shipped to be exported out of or from *Great Britain* to *Gibraltar* or *Minorca*, or unto any of his Majesty's Islands or Colonies in *America*, that have usually been supplied with any of the said Commodities from *Great Britain*, for the Sustentation of the Inhabitants of the said Islands, Colonies, or Dominions, or for the Benefit of the *British* Fishery in those Parts only, so as the Exporter do, before the shipping or laying on board the same, declare the Islands, Colonies, or Dominions, for which the said Commodities are respectively designed, and do become bound, with other sufficient Security, in Treble the Value thereof, to the Commissioners or Chief Officer or Officers of his Majesty's Customs belonging to the Port or Place where the same shall be shipped or put on board (who hath or have hereby Power to take such Security in his Majesty's Name, and to his Majesty's Use) that such Commodities shall not be landed or sold in any Parts whatsoever, other than the Kingdoms, Dominions, Islands, or Colonies, for which the same shall be so declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Customs, or if no such, of the Naval Officer, or some other Principal Officer of the Port where the same shall be landed, shall, within the respective Times herein-after for that Purpose mentioned (the Danger of the Seas excepted) be returned to the Officers who took the said Bonds, that the said Commodities have been landed at the Port or Place for which the same shall be so declared; and for the taking such Security, and for giving such Certificates (which the respective Officers aforesaid are hereby on Demand required to give) no Fee or Reward shall be demanded or received; and if any

nor to extend to Commodities to be exported to Gibraltar, Minorca, or to America.

Officers making falſe Certificates, to forfeit 200 l. Perſons falſifying Certificates, ſhall forfeit 200 l.

any Officer ſhall make any falſe Certificate of ſuch Commodities being ſo landed, ſuch Officer ſhall forfeit the Sum of two hundred Pounds, and loſe his Employment, and be incapable of ſerving his Majeſty, his Heirs or Succeſſors, in any Office relating to the Cuſtoms: And if any Perſon ſhall counterfeit, raſe, or falſify, any ſuch Certificate, or knowingly publiſh any ſuch Counterfeit raſed, or falſe Certificate, he ſhall forfeit the Sum of two hundred Pounds, and ſuch Certificate ſhall be void and of no Effect: Which ſaid Penalties for Offences committed in *Great Britain*, ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in *America*, or other the Dominions belonging to the Crown of *Great Britain* in *Europe*, ſhall be recovered in the High Court of Admiralty, or in any Chief Court of Civil or Criminal Juriſdiction, in ſuch reſpective Colonies, Plantations, or Dominions, and ſhall be divided into equal Moieties between his Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within three Years, ſhall be void.

Proviſo.

VI. Provided alſo, That nothing herein contained ſhall extend to prohibit the United Company of Merchants of *England* trading to the *Eaſt Indies*, from exporting any of the ſaid Commodities to any of their Forts, Factories, or Settlements, for the Support of the Perſons reſiding there, ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the *Britiſh* Colonies in *America*.

Commiſſioners to give Account to Parliament, next Seſſion, of Cattle, &c. exported.

VII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms for the time being ſhall, and they are hereby required to give a full and true Account, in Writing, to both Houſes of Parliament, at the Beginning of the next Seſſion thereof, of all Cattle and other Proviſions that ſhall before that Time be exported to any Place whatſoever by virtue or in purſuance of any of the Liberties or Powers hereby given or granted for that Purpoſe.

How Certificates of landing Commodities to be returned.

VIII. And be it further enacted by the Authority aforeſaid, That all Certificates of the landing and diſcharging of the ſaid Commodities to be exported, other than Coaſtwiſe, ſhall be returned within the reſpective Times following; (that is to ſay) Where the Bonds are taken in reſpect of any of the ſaid Commodities to be exported from *Great Britain* to any of the ſaid Colonies or Plantations in *America*, within eighteen Calendar Months after the Date of ſuch Bonds; and where to *Gibraltar* or *Minorca*, within twelve Calendar Months after the Date of ſuch Bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within ſix Calendar Months after the Date of ſuch Bonds reſpectively.

Proviſo.

IX. Provided always, and be it enacted by the Authority aforeſaid, That no ſalted Proviſions which ſhall be exported by virtue of this Act, ſhall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of ſuch Commodities, or any of them.

Penalties and Forfeitures how to be recovered and applied.

X. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, and for the Recovery and Application whereof no other Proviſion is herein before made, ſhall be ſued for and recovered, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record in *Weſtminſter*, or in the Court of Exchequer in *Scotland*; and that the reſpective Courts before whom the ſame ſhall be recovered, may, and are hereby authoriſed, if they ſhall think fit, to mitigate all or any of the pecuniary Penalties herein before inflicted, to any Sum not leſs than one-fourth Part of the Sum herein reſpectively mentioned; and that one Moiety of all ſuch Penalties and Forfeitures, when recovered, ſhall be to the Uſe of his Majeſty, his Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſue for the ſame, or give Information of, or diſcover the Offence.

Proviſo.

XI. Provided always, That all Suits, Proſecutions, or Informations, for Offences committed againſt this Act, ſhall be commenced and made within the Space of ſix Calendar Months after the Fact is committed, and not otherwiſe; any Thing herein contained to the contrary notwithſtanding.

Limitation of Actions.

XII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within the Space of four Calendar Months next after the Offence ſhall be committed; and if ſuch Action or Suit ſhall be commenced or proſecuted in that Part of *Great Britain* called *England*, the Defendant or Defendants, in any ſuch Action or Suit, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law: And if ſuch Action or Suit be commenced or proſecuted in that Part of *Great Britain* called *Scotland*, the Court before whom ſuch Action or Suit ſhall be brought ſhall allow the Defender to plead this Act in his Defence; and if the Purſuer ſhall not inſiſt on his Action, or if Judgement ſhall be given againſt ſuch Purſuer, the Defendant ſhall and may recover the full and real Expences he may have been put to by any ſuch Action or Suit.

General Iſſue.

Treble Coſts.

Commencement and Continuance of this Act.

XIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue until the twentieth Day after the Commencement of the next Seſſion of Parliament.

CAP.

CAP. XXXVIII.

An Act for the better Support and Eſtabliſhment of the *Greenland* and Whale Fiſhery.

Preamble.

'WHEREAS the free Importation of Fins, Oil, and Blubber of Whales, and the Oil-ſkins and other Produce of Seals, and other Creatures, taken or caught in the *Greenland* Seas, and *Davis's Streights*, and the Bounties given by former Acts of Parliament for the Encouragement of his Maj ſty's Subjects to carry on and improve the *Greenland* and Whale Fiſheries, have been found of great Advantage to the Navigation, Trade, and Manufactures of this Kingdom, and further Encouragements are neceſſary to ſupport and eſtabliſh the ſaid Fiſheries;' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any Perſon or Perſons, for and during the Space of fifteen Years, to be computed from the twenty-fifth Day of *December*, one thouſand ſeven hundred and ſeventy-one, to import Whale Fins, Oil, or Blubber of Whales, Seal Oil, Seal Skins, or any other Produce of Seals, or other Fiſh or Creatures taken or caught in the ſaid *Greenland* Seas, or *Davis's Streights*, or in any Parts of the Seas adjoining or adjacent thereunto, in *Britiſh* Ships, whereof the Captain or Maſter, and one-third Part at the leaſt of the Mariners are *Britiſh* Subjects, without paying any Cuſtom, Subſidy, or other Duty for the ſame, during the ſaid Term of fifteen Years; any Law, Statute, or Uſage, to the contrary thereof notwithſtanding.

From Dec. 25, 1771, Perſons may import Blubber, Whale Fins, &c. caught in the Greenland Seas, &c. in Britiſh Ships; the Captain and one-third of the Mariners, to be Britiſh; without paying Cuſtom, during fifteen Years.

II. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to give Liberty of importing any of the before-mentioned Commodities Duty-free, unleſs the Captain, Maſter, or other Commanding Officer, of the Ship or Veſſel importing the ſame, ſhall firſt make Oath, before ſome or one of the Commiſſioners or principal Officer of the Cuſtoms in the Port or Ports of Importation (who is and are hereby reſpectively authoriſed and required to adminiſter ſuch Oath) that all the Whale Fins, Oil, or Blubber of Whales, Seal Oil, Seal Skins, or other Produce of Seals, or other Fiſh or Creatures, imported in ſuch Ship or Veſſel, was really and *bona fide* the Fins, Oil, or Blubber of Whales, or the Skins, Oil, or other Produce of Seals, or other Fiſh or Creatures, caught and taken in the ſaid *Greenland* Seas, *Davis's Streights*, or other Parts of the Seas adjoining or adjacent thereunto, by the Crews of ſuch Ships and Veſſels only, whereof the Captain or Maſter, and one-third Part, at the leaſt, of the Mariners were *Britiſh* Subjects.

Captain to make Oath that all Fiſh ſo imported were caught in the Greenland Seas, &c.

III. And be it further enacted by the Authority aforeſaid, That from and after the twenty-fifth Day of *December*, one thouſand ſeven hundred and ſeventy-one, the former Bounties granted by any Act or Acts of Parliament for the Encouragement of the ſaid *Greenland* or Whale Fiſhery, ſhall ceaſe, determine, and be no longer paid or allowed (except in ſuch Caſes only where eſpecial Proviſion is made for the ſame by this Act) and in lieu and inſtead thereof, the ſeveral reſpective Bounties herein after mentioned, ſhall be paid and allowable under the ſeveral Rules and Reſtrictions herein after expreſſed and directed; (that is to ſay) Every *Britiſh* Ship or Veſſel that ſhall, within the Time limited by this Act, proceed from any Port of *Great Britain* on the Whale Fiſhery to the *Greenland* Seas, or *Davis's Streights*, and the adjacent Seas, named and navigated as aforeſaid, ſhall, before ſhe proceed on ſuch Voyage, or be intitled to the Benefit of this Act, be viſited by the proper Officer or Officers of the Cuſtoms belonging to ſuch Port, who ſhall examine into ſuch Ship or Veſſel, and take an Account of the Tonnage thereof by Admeaſurement, and ſhall certify ſuch his or their Viſitation, Examination, and Admeaſurement, to the Commiſſioners of his Majeſty's Cuſtoms; and if it appear by the Certificate of ſuch Officer or Officers, that ſhe hath on board ſuch a Number of Men, Proviſions, Boats, Fiſhing-lines, and Inſtruments to be uſed in ſuch Fiſhery as herein after are mentioned, that ſhe is ſtrongly built, and otherwiſe a proper Ship for ſuch Voyage and Fiſhery, and hath on board, among her Crew, a ſufficient Number of Harpooners, Steerſmen, and Line-managers, who have before been employed in ſuch Voyages (the Names of ſuch Perſons to be contained in ſuch Certificate) and if it further appear by the Oath of one or more Owner or Owners, and of the Maſter or chief Officer of ſuch Ship, written at the Foot of ſuch Certificate, and made before the Collector or Comptroller of ſuch Port (who are hereby impowered and required to adminiſter the ſame) that it is really and truly their firm Purpoſe and determined Reſolution, that ſuch Ship ſhall, as ſoon as Licence ſhall be granted, forthwith proceed, ſo manned, furniſhed, and accoutred, in a Voyage to the *Greenland* Seas, or *Davis's Streights*, or the Seas adjacent, and there, in the then approaching Seaſon, to uſe the utmoſt Endeavours of themſelves and their Ship's Company to take Whales, or other Creatures living in the Sea, and on no other Deſign or View of Profit in ſuch Voyage, and to import the Whale Fins, Oil, and Blubber thereof, into the Kingdom of *Great Britain* (naming the Port to which it is their Intention to return); and if the Maſter, after ſuch Certificate had, and Oath made, do alſo become bound, with two ſufficient Securities, unto his Majeſty, his Heirs and Succeſſors, in the Penalty of ſuch Sum as ſhall be equal to Treble the Bounty intended by this Act (which Bond the ſaid Collector, with the Approbation of the Comptroller, is hereby required to take, and is to be in Force for the Term of three Years, againſt the Maſter and Sureties, for the faithful Dealing of the ſaid Maſter and Ship's Company, in regard to the ſaid Ship and Voyage); then, and in all ſuch Caſes, it ſhall and may be lawful for any three or more of the Commiſſioners of the Cuſtoms in *England* or *Scotland* reſpectively, for the time being, on receiving ſuch Certificates and Oaths made, and it being certified to them by the Collector and Comptroller of ſuch Port, that ſufficient Security hath been given

After Dec. 25, 1771, Bounties granted by former Acts to ceaſe.

Britiſh Ships to be viſited by Officers of the Cuſtoms before they proceed on their Voyage to Greenland.

Commiſſioners of the Cuſtoms to grant Licences to the Maſter to proceed, ſufficient ſecurities being given.

given as aforesaid, to give and grant, and they are hereby required to give and grant, to the Master and Owners of such Ship, full Licence and Authority to proceed on such Voyage as aforesaid.

Ships of 200 Tons Burthen how to be furnished.

'IV. And to prevent any Disputes that may arise, whether a Ship be properly qualified, and duly fitted 'out for the Whale Fishery, according to the true Intent and Meaning of this Act, and intitled to a Certifi- 'cate thereof from the Custom-house Officers,' It is hereby enacted, That every Ship of the Burthen of two hundred Tons, designed for this Fishery, shall, and is hereby obliged to have on board forty Fishing Lines, of one hundred and twenty Fathom each, forty Harpoon Irons, four Boats, with seven Men (including a Harpooner, a Steersman, and a Line-manager, to each Boat, making in the Whole twenty-eight Men, besides the Master and Surgeon) with six Months Provisions, at the least, for such Number of Men; and every Ship of larger Burthen an Increase of six Men, one Boat, ten such Lines, and ten Harpoon Irons more, for every fifty Tons above the said two hundred Tons, together with Provisions in Proportion; and every Ship, which shall be so employed in the said Fishery, shall have on board an Apprentice, indentured for the Space of three Years at the least, for every fifty Tons Burthen, who shall be accounted as one of the Number of Men required to be on board such Ship as aforesaid.

On Return of such Ship, Officers of the Customs to inspect her Condition and Lading.

V. And be it further enacted by the Authority aforesaid, That on the Return of such Ship to the Port to which the Master and Mate declared, on Oath, their Intention to return, the proper Officers of the Customs, at such Port, shall immediately repair on board, and view the Condition of such Ship and her Lading, and certify the same, together with their Observations thereon, as also the real Tonnage of the said Ship; and the said Officers are also to take an Account or Schedule of the Names of the Master, Mate, and other Persons on board, distinguishing therein the Harpooners and Persons more immediately employed in the said Fishery, and to certify the same; and the Master and Mate shall make Oath before the Collector and Comptroller (who are hereby impowered and required to administer the same) on the Back of, or annexed to the Licence granted as aforesaid, which they are hereby then required to deliver up, that they did, in pursuance thereof, (mentioning the Day of their Departure) proceed in a Voyage directly to the Places aforesaid, and have not since been on any other Voyage, or pursued any other Design, or View of Profit; and that they did there (mentioning the Time of their Stay in those Seas) use their utmost Endeavour of themselves, and their Ship's Company, to take Whales, and other Creatures living in those Seas; and that all the Whale Fins, Oil, and Blubber, imported (if any) in such Ship, was really and *bona fide* caught and taken in the said Seas, by the Crew of such Ship only, or with the Assistance of the Crew of some other *British* Ship licensed for that Voyage, pursuant to the Directions of this Act; all which Schedule, Certificate, Licence, and Oath, shall be transmitted by the Collector and Comptroller of such Port, to the respective Commissioners for that Part of *Great Britain* from whence the Ship departed with her Licence; and such Commissioners being fully satisfied of the faithful Dealings of the Master, and other Persons employed in such Ships, with respect to such Voyage and Fishery, shall, on Demand, cause Payment to be made to the Master or Owners, or to his or their Assigns, by the Receiver-general of the Customs for that Part of *Great Britain* from whence the Ship departed, the Bounty or Premium following, according to the Admeasurement of such Ship duly certified as aforesaid; (that is to say) For every such Ship as shall proceed on the said Fishery, from the twenty-fifth Day of *December*, one thousand seven hundred and seventy-one, to the twenty-fifth Day of *December*, one thousand seven hundred and seventy-six, the Sum of forty Shillings *per* Ton; and for every such Ship, as shall proceed on the said Fishery, from the twenty-fifth Day of *December*, one thousand seven hundred and seventy-six, to the twenty-fifth Day of *December*, one thousand seven hundred and eighty-one, the Sum of thirty Shillings *per* Ton; and for every such Ship as shall proceed on the said Fishery from the twenty-fifth Day of *December*, one thousand seven hundred and eighty-one, to the twenty-fifth Day of *December*, one thousand seven hundred and eighty-six, the Sum of twenty Shillings *per* Ton.

Bounty on Vessels 40s. per Ton, from Dec. 25, 1771, to Dec. 25, 1776. From Dec. 25, 1776, to Dec. 25, 1781, 30s. per Ton. From Dec. 25, 1781, to Dec. 25, 1786, 20s. per Ton.

No Person to receive Bounty unless the Ship sail from the Port where inspected.

VI. Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be allowed or intitled to receive the Bounty herein before granted, for any Ship which shall proceed upon the said Whale Fishery, from any Part of *Great Britain*, after the twenty-fifth Day of *December*, one thousand seven hundred and seventy-one, unless such Ship shall sail from the Port where she shall be surveyed and cleared directly on her intended Fishery, on or before the tenth Day of *April* in each and every Year, and shall continue with her Crew in the *Greenland* Seas, or *Davis's Streights*, or the adjacent Seas, diligently endeavouring to catch Whales, or other Creatures living in those Seas, and shall not depart from thence before the tenth Day of *August* then following, unless such Ship shall be laden with the Blubber and Fins of one Whale, caught by the Crew thereof, or with the Assistance of the Crew of some other licensed Ship, before that Time; or shall be forced, by some unavoidable Accident or Necessity, to depart sooner from those Seas; which Accident or Necessity shall be verified on the Oaths of the Master and Mate belonging to such Ship, upon her Return from the said Fishery, before the Collector and Comptroller of the Customs at the Port where she shall arrive, who shall transmit the same, together with the Schedule, Licence, and other Documents by this Act required, to the respective Commissioners of the Customs for that Part of *Great Britain* from whence such Ship departed with her Licence.

Ships cleared out before the passing hereof, intitled to the Bounty of 40s. per Ton.

'VII. And whereas the Dispatch of Ships on the Whale Fishery to the *Greenland* Seas, *Davis's Streights*, 'and Seas adjacent, must of Necessity be within the Months of *March* or *April*; and some *British* Ships, 'for the Sake of keeping the Men that have been taught the Art of the said Fishing in Employ, and to pre- 'vent their going into foreign Service, may have been fitted out from the River of *Thames*, or other Parts 'of his Majesty's *British* Dominions, and proceeded on the said Whale Fishery to the *Greenland* Seas, or 'Davis's *Streights*, and Seas adjacent, since the Commencement of this Session of Parliament, and before 'the Commencement of this Act, and it will be but just and reasonable that the Bounties intended to be 'given on the Return of the Ships hereafter to be fitted out on such Voyage, should be given also to the

'Owners

'Owners of such Ships already sailed upon such Voyage, and not yet returned;' Be it therefore provided and enacted by the Authority aforesaid, That every Owner or Owners of any Ship or Ships already sailed on the said Voyage and Fishery respectively, who have conformed themselves, in all Respects, to the Rules and Directions prescribed by the several Acts of Parliament which were in Force at the Commencement of this Act, for granting a Bounty upon such Ships, shall be allowed and intitled to receive the Bounty of forty Shillings *per* Ton for such Voyage, in the same Manner as he or they would have been intitled to receive the same, if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Bounties how to be settled by the Commissioners of the Customs.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the Customs in *England* and *Scotland* respectively, to order the respective Receivers-general of the Customs, in case the Monies remaining in their Hands, arising from the Old Subsidy, shall not be sufficient, at any Time or Times during the Continuance of this Act, to satisfy the said Bounty of forty Shillings *per* Ton, and thirty Shillings *per* Ton, and twenty Shillings *per* Ton, during the several Periods herein before limited, payable on all Ships employed in the said Fishery, according to the Directions of this present Act, to pay the same out of any Monies that shall be in their Hands, arising from any of the Duties and Revenues under their Management respectively.

Commissioners of the Customs to lay before the Parliament, at the Commencement of each Session, what Number of Ships have been employed in the Whale Fishery, &c.

IX. And be it further enacted by the Authority aforesaid, That the Commissioners of his Majesty's Customs for *England* and *Scotland* respectively, shall, at the Beginning of every Session of Parliament, lay before both Houses of Parliament an Account in Writing under their Hands of what Number of Ships have been employed in the Whale Fishery to *Davis's Streights* and the *Greenland* Seas, with their respective Names and Burthens, from whence they were fitted out, and at what Port in *Great Britain* they were discharged, and also what Quantity of Oil, or Whale Fins each Ship shall have imported.

Owners of Ships under 200 Tons Burthen, intitled to Bounty, according to their Admeasurement.

'X. And whereas it hath been found by Experience, that Ships under the Burthen of two hundred Tons 'are fit for the said Fishery;' Be it therefore enacted and declared by the Authority aforesaid, That every Owner or Owners of any Ship or Ships, under the Burthen of two hundred Tons, which shall be employed in the said Fishery, who have conformed themselves, in all Respects, to the Rules and Directions herein before prescribed to the Owners of Ships of two hundred Tons, shall be intitled to the said Bounty, as herein before limited, according to the Admeasurement of such Ship or Ships respectively.

No Ship above 400 Tons Burthen to be intitled to a larger Bounty. Proviso.

XI. Provided always, and be it enacted by the Authority aforesaid, That no Ship, to be employed in the said Fishery, although she be above the Burthen of four hundred Tons, shall be intitled to a larger Bounty than a Ship of four hundred Tons would be intitled to.

XII. Provided also, That nothing in this present Act contained shall extend, or be construed to extend, to oblige the Owner or Owners of any Ship above the Burthen of four hundred Tons, in order to intitle him or them to the said Bounty, to fit out, equip, and man, any such Ship, otherwise than as a Ship of the Burthen of four hundred Tons only is, by this present Act, required to be fitted out, equipped, and manned.

Owners may insure the Bounty they are intitled to.

'XIII. And whereas Applications have heretofore been made to Parliament for the Bounty on Ships em- 'ployed in the said Fishery, that have happened to be lost at Sea before their Return to *Great Britain*, and 'a Doubt hath arisen whether the said Bounty may be lawfully insured by the Owner or Owners of such 'Ships;' for obviating such Doubt, and for preventing any future Applications to Parliament for the Bounty on any such Ships, be it declared and enacted by the Authority aforesaid, That it shall and may be lawful for the Owner or Owners of any Ship employed, or designed to be employed, in the said Fishery, to insure the Bounty which such Owner or Owners would be intitled to upon the Return of such Ship to the Port to which the Master and Mate of such Ship shall have declared on Oath their Intention to return, and on the Performance of all other Matters directed and appointed by this present Act to be performed for obtaining the said Bounty.

After Dec. 25, 1771, for 15 Years, Ships fitted out from America to be inspected by the Officers at the respective Ports,

XIV. And be it further enacted by the Authority aforesaid, That from and after the twenty-fifth Day of *December*, one thousand seven hundred and seventy-one, for and during the Space of fifteen Years, to be computed from the said twenty-fifth Day of *December*, one thousand seven hundred and seventy-one, every Ship built or fitted out in any of his Majesty's Dominions in *America*, not being more than two Years old from the first building thereof, that proceeds from any Port in his Majesty's *American* Dominions on the said Fishery aforesaid, manned and navigated as by the Laws now in Force is directed, which shall, before she proceeds on such Voyage, be visited by the proper Officer or Officers of the Customs belonging to such Port, who shall take an Account of the Tonnage thereof in such Manner as is herein before directed concerning *British* Ships which should be intitled to the Benefits of this Act, and shall certify such his or their Visitation, Examination, and Admeasurement, to the Governor or Commander in Chief of the Place where such Ship shall be fitted out, or to the Naval Officer of such Port; and if it appear, by the said Certificate of such Officer or Officers, that she had, at the Time of giving such Certificate, on board such a Number of Men, Provisions, Boats, Fishing-lines, and Instruments, to be used in such Fishery as is herein before required of *British* Ships which should be intitled to the Benefit of this present Act, and that she is a Ship strongly built, and otherwise a Ship proper for such Voyage and Fishery, and had, at the Time of granting the said Certificate, on board, among her Crew, such a Number of Harpooners, Steersmen, and Line-managers, who had before been employed in such Voyages (the Names of such Persons to be contained in such Certificate) according to the Directions aforesaid concerning *British* Ships to be employed in the said Fishery; and if the Owner or Owners, and Master, or Chief Officer of such Ship, shall, in Writing, at the Foot of such Certificate, make such Oath before the Governor, Commander in Chief, or Naval Officer (who are hereby impowered and required to administer such Oath) as is herein before required

of

of the Owner or Owners, and Maſter, or Chief Officer of ſuch *Britiſh* Ship as aforeſaid, and likewiſe that ſuch Ship is not more than two Years old from the firſt building thereof; and if the Maſter ſhall likewiſe, after ſuch Certificate had, and Oath made, become bound with ſuch Sureties in ſuch Penalty and Condition as herein before is required to be given by the Maſter of ſuch *Britiſh* Ships as aforeſaid, which ſaid Bond is hereby required to be taken by the Governor, or Commander in Chief, or Naval Officer of ſuch Place, from whence the ſaid Ship is ſo fitted out; then, and in all ſuch Caſes, it ſhall and may be lawful for the ſaid Governor, or Commander in Chief, or Naval Officer, and they are hereby required to give and grant to the Maſter and Owners of ſuch Ship, full Licence and Authority to proceed on ſuch Voyage.

On the Arrival of ſuch Ship at the Port in Britain intended, Cuſtom-houſe Officers ſhall make ſuch Schedule as before directed.

XV. And be it further enacted by the Authority aforeſaid, That on the Arrival of ſuch Ship at the Port in *Great Britain* to which the ſaid Maſter and Mate declared on Oath they intended to proceed after their intended Voyage to the *Greenland* Seas, or to *Davis's Streights*, or to the Seas adjacent, or on their Arrival at ſome other Part of *Great Britain* where they ſhall unload, the proper Officers of the Cuſtoms of ſuch Port ſhall proceed in ſuch Manner, and make ſuch Schedule as is herein before directed, concerning *Britiſh* Ships who were to be intitled to the Benefits of this Act; and ſuch Schedule, Certificate, Licence, and Oath, ſhall be tranſmitted to the reſpective Commiſſioners of his Majeſty's Cuſtoms for that Part of *Great Britain* in which ſuch Ship ſhall arrive, after her ſaid Voyage to the *Greenland* Seas, or *Davis's Streights*, or the Seas adjoining; and ſuch Commiſſioners being ſatisfied of the faithful Dealings of the Maſter, and other Perſons employed in ſuch Ship, with reſpect to ſuch Voyage and Fiſhery, ſhall, on Demand, cauſe Payment to be made to the Maſter, or Owners, or to his or their Aſſigns, by the Receiver-general of the Cuſtoms of that Part of *Great Britain* at which the ſaid Ship ſhall arrive as aforeſaid, of the like Sum *per* Ton, according to the Admeaſurement of ſuch Ship duly certified as aforeſaid, and in like Manner, as to the Owners and Maſters of *Britiſh* Ships who are intitled to the ſaid Bounties by virtue of this preſent Act.

The like Bounty to be paid, according to ſuch Veſſel's Admeaſurement.

American Veſſels to ſail on her intended Voyage before May 1.

XVI. And be it further enacted by the Authority aforeſaid, That all Ships that ſhall be fitted out in *America* for the ſaid Fiſhery, after having conformed to all the aforeſaid Rules and Reſtrictions, ſhall ſail from ſuch Port where ſurveyed directly on her intended Fiſhery on or before the firſt Day of *May*, and ſhall not depart or leave *Davis's Streights*, or *Greenland*, and Seas adjacent, before the twentieth Day of *Auguſt*, unleſs ſuch Ship ſhall be laden with the Blubber and Fins of one Whale, caught by the Crew thereof, or with the Aſſiſtance of the Crew of ſome other licenſed Ship before that Time, or ſhould meet with any unavoidable Accident, ſo as to endanger the Lives of the Ship's Crew, which Accident, ſhall be declared on the Oaths of the Maſter and Mate, Carpenter, Harpooners, Line-managers, Boat-ſteerers, and Surgeon, belonging to ſuch Ship, upon her Return from the ſaid Fiſhery, before the Collector and Comptroller of the Cuſtoms at the Port where ſhe ſhall arrive, who ſhall tranſmit the ſame to the Commiſſioners of his Majeſty's Cuſtoms in *England* or *Scotland* reſpectively; and in caſe of any irregular Proceeding contrary hereunto, every Ship ſo offending ſhall loſe the Benefit of this Bounty.

For Encouragement of the Whale Fiſhery in the Gulf of Saint Lawrence.

'XVII. And for the further Encouragement of the Whale Fiſhery, in the Gulf and River of *Saint Lawrence*, and on the Coaſts of his Majeſty's Colonies in *America*,' Be it further enacted by the Authority aforeſaid, That for and during the Space of fifteen Years, to be computed from the ſaid twenty-fifth Day of *December*, one thouſand ſeven hundred and ſeventy-one, it ſhall and may be lawful to and for any Perſon or Perſons, to import in Ships belonging to his Majeſty's Subjects (whereof the Captain or Maſter, and three-fourths of the Mariners, are his Majeſty's Subjects) Whale Fins, taken from Whales caught by any of his Majeſty's Subjects in the Gulf or River of *Saint Lawrence*, or in any Seas on the Coaſts of any of his Majeſty's Colonies in *America*, without paying any Cuſtom, Subſidy, or Duty, for the ſame, other than and except the Rate or Duty commonly called *The Old Subſidy*, granted by an Act made in the twenty-fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for the Encouragement of the* Greenland *and* Eaſtland *Trades, and for the better ſecuring the Plantation Trade*, for and during the Term aforeſaid; any Law or Statute to the contrary thereof notwithſtanding.

Whale Fins may be imported without paying more Cuſtom, than the Subſidy granted by Act 25 Car. 2.

Oath to be made by the Captain of ſuch Fins being really taken in the Gulf of St. Lawrence.

XVIII. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to allow the Importation of ſuch Whale Fins without paying any Cuſtom, Subſidy, or Duty, other than and except the ſaid Rate or Duty commonly called *The Old Subſidy*, unleſs the Captain, Maſter, or other commanding Officer of the Ship or Veſſel, or the Perſon importing the ſame, ſhall firſt make Oath before one of the principal Officers of the Cuſtoms in the Port or Ports of Importation (who is and are hereby authoriſed and required to adminiſter ſuch Oath) that all the Whale Fins imported in ſuch Ship or Veſſel were, to the beſt of his Knowledge and Belief, really, and *bona fide*, the Fins of Whales caught and taken in the Gulf or River of *Saint Lawrence*, or in the Seas or the Coaſts of ſome of his Majeſty's Colonies in *America*, by the Crew of ſuch Ships and Veſſels only, whereof the Owner or Owners, the Captain or Maſter, and three-fourths of the Mariners, were his Majeſty's Subjects.

Harpooners, Line-managers, Boat-ſteerers, and Sailors, how to be privileged.

'XIX. And whereas the *Greenland* Fiſhery Trade cannot be carried on without a certain Number of 'Men who are uſed to the ſaid Fiſhery, which, nevertheleſs, is intended as a Nurſery of able and hardy 'Seamen for the public Service in the Royal Navy;' Be it therefore enacted by the Authority aforeſaid, That no Harpooner, Line-manager, or Boat-ſteerer, who ſhall be in, or belong to any Ship or Veſſel in the *Greenland* Fiſhery Trade, and whoſe Name (diſtinguiſhing the Capacity in which the Perſon ſo named is to act) ſhall be inſerted in a Liſt, which is hereby required to be delivered on Oath, by the Owner of ſuch Ship, to the Collector of the Cuſtoms at the Port from which ſuch Ship is intended to proceed upon the ſaid Fiſhery (which Oath ſuch Collector is hereby impowered and required to adminiſter) ſhall be impreſſed from the ſaid Service; and that any ſuch Harpooner, Line-manager, or Boat-ſteerer, may, during the Time of the Year that he or they are not employed in the ſaid Fiſhery, ſail in the Colliery Trade, upon giving

giving Security, to the Satisfaction of the Commissioners of the Customs, that he or they will proceed in the said Ship or Vessel to the *Greenland* Seas, or *Davis's Streights*, on the Whale Fishery the next Season: And that every Seaman, or common Mariner, who after the first Day of *February* in any Year during the Continuance of this Act, shall be entered to serve on board any Ship, which shall be intended to proceed on the said Fishery in the following Season, whose Name shall be inserted in a List to be delivered as aforesaid, and who shall have given Security, to the Satisfaction of the Commissioners of the Customs, to proceed, and shall proceed accordingly, shall be privileged, and exempt from being impressed from or out of the said Service, from the said first Day of *February*, till after the Exiration of the then next Season for the said Fishery, and until the Voyage Home from thence shall be fully completed and ended, and no longer; any Law, Custom, or Usage, to the contrary notwithstanding.

CAP. XXXIX.

An Act to amend an Act, made in the last Session of Parliament, intituled, *An Act for extending like Liberty in the Exportation of Rice from* East *and* West Florida *to the Southward of* Cape Finisterre *in* Europe, *as is granted by former Acts of Parliament to* Carolina *and* Georgia.

'WHEREAS by an Act made in the last Session of Parliament, intituled, *An Act for extending like Liberty in the Exportation of Rice from* East *and* West Florida *to the Southward of* Cape Finisterre *in* Europe, *as is granted by former Acts of Parliament to* Carolina *and* Georgia, it is enacted, That it 'shall and may be lawful for any of his Majesty's Subjects, in such Manner as is therein particularly mentioned, to ship or load Rice in the said Province of *East* or *West Florida*, and to carry the same directly 'to any Port Southward of *Cape Finisterre* in *Europe*, without carrying the same to any other of his Majesty's Plantations in *America*, or to *Great Britain*: And whereas the Produce of Rice, and the Exportation thereof, may be greatly encouraged for the mutual Benefit of this Kingdom and the said Province, 'if like Liberty or Licence was extended to the carrying the same directly to any Part of *America*, to the 'Southward of the Provinces of *Carolina* or *Georgia*, without bringing the same first to *Great Britain*;' May it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, during the Continuance of the said recited Act of the last Session of Parliament, Rice shall also be permitted or allowed to be exported from his Majesty's Provinces of *East* and *West Florida* directly to any Part of *America* Southward of *South Carolina* or *Georgia*, without carrying the same to any other of his Majesty's Plantations in *America*, or to *Great Britain*, by such Persons, in such Ships and Vessels, in the same Manner, and to such foreign Countries and Places, and under such Entries, Securities, Restrictions, Regulations, Limitations, Duties, Penalties, and Forfeitures, as are in an Act made in the fourth Year of the Reign of his present Majesty, intituled: 'An Act for granting, for a limited Time, a Liberty to carry Rice from his 'Majesty's Provinces of *South Carolina* and *Georgia* directly to any Part of *America*, to the Southward of 'the said Provinces, subject to the like Duty as is now paid on the Exportation of Rice from the said Colonies to Places in *Europe* situate to the Southward of *Cape Finisterre*;' particularly mentioned, referred to, described, appointed, limited, or enacted, for that Purpose, as fully and effectually, to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated, and again enacted in the Body of this present Act.

Preamble.

Rice may be exported from the Floridas to the Southward of Cape Finisterre, under like Regulations as from Carolina.

During the Continuance Act 10 Geo. 3. Rice may be exported as therein directed, under the Restrictions contained in Act 4 Geo. 3.

CAP. XL.

An Act for the more effectually preventing the Counterfeiting the Copper Coin of this Realm.

'WHEREAS the Coining or Counterfeiting any of the Copper Monies of this Realm being punishable only as a Misdemeanor, the Practice thereof hath of late Years greatly prevailed, and is 'likely to continue to increase, to the great Prejudice of Trade, and the manifest Wrong and Injury of 'his Majesty's Subjects:' For Redress of which growing Mischief, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, from and after the twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, make, coin, or counterfeit, any of the Copper Monies of this Realm, commonly called *an Halfpenny*, or *a Farthing*, such Person or Persons offending therein, and his, her, or their Counsellors, Aiders, Abettors, and Procurers, shall be adjudged guilty of Felony.

Preamble.

Persons, after June 24, 1771, counterfeiting Copper Halfpence or Farthings, to be adjudged, with their Abettors, guilty of Felony.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the said twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, buy, sell, take, receive, pay, or put off any counterfeit Copper Money, not melted down, or cut in Pieces, at or for a lower Rate or Value than the same, by its Denomination, doth or shall import, or was counterfeited for, every such Person and Persons shall be adjudged guilty of Felony.

All Persons buying, selling, or putting off, counterfeit Money, guilty of Felony.

III. And

Juſtices, on Complaint of Perſons concerned in counterfeiting Coin, to cauſe their Houſes to be ſearched.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any one Juſtice of the Peace, on Complaint made before him upon the Oath of one credible Perſon, that there is juſt Cauſe to ſuſpect that any one or more Perſon or Perſons is or hath been concerned in counterfeiting the Copper Monies of this Realm, by Warrant under his Hand, to cauſe the Dwelling-houſe, Room, Workſhop, Outhouſe, Yard, Garden, or other Place belonging to ſuch ſuſpected Perſon or Perſons, to be ſearched for Tools and Implements for coining ſuch Copper Monies; and if any ſuch Tools or Implements ſhall at any time be found hid or concealed in any Place ſo ſearched, or be found in the Cuſtody or Poſſeſſion of any Perſon or Perſons whatſoever, not then employed in the coining of Money in ſome of his Majeſty's Mints, nor having the ſame by ſome lawful Authority, that then it ſhall and may be lawful to and for any Perſon or Perſons whatſoever diſcovering the ſame, to ſeize, and he and they are hereby authoriſed and required to ſeize the ſame, and to carry them forthwith to ſome Juſtice of the Peace of the County, City, or Place, where the ſame ſhall be ſeized, who ſhall cauſe the ſame to be ſecured and produced in Evidence againſt any Perſon or Perſons who ſhall or may be proſecuted for any of the Offences aforeſaid, in ſome Court of Juſtice proper for the Determination thereof; and after ſuch Time as they, or any of them, ſhall have been produced in Evidence, as well the ſame ſo produced as the other ſo ſeized and not made uſe of in Evidence, and every of them, ſhall forthwith, by Order of that Court where ſuch Offender or Offenders ſhall be tried, or by Order of ſuch or ſome other Juſtice of the Peace, in caſe there be no ſuch Trial, be defaced and deſtroyed, or otherwiſe diſpoſed of, as ſuch Court, or ſuch Juſtice, ſhall direct.

Perſons diſcovering Tools or Inſtruments may ſeize the ſame,

which ſhall be defaced and deſtroyed as Juſtice ſhall direct.

CAP. XLI.

An Act to explain an Act made in the eighth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, ſo far as relates to the Importation of unmanufactured Wood of the Growth and Product of *America*; and to explain ſo much of an Act made in the twenty-ſixth Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act for enlarging and regulating the Trade into the* Levant *Seas*, as relates to the Importation of Raw Silk and Mohair Yarn landed at certain Places therein mentioned.

Preamble. Act 8 Geo. I.

'WHEREAS by an Act made in the eighth Year of the Reign of his late Majeſty King *George* the First, intituled, *An Act giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, various Sorts of Wood and Timber, and of the Goods commonly called Lumber, in the ſaid Act particularly enumerated, being the Growth and Product of his Majeſty's *Britiſh* Plantations or Colonies in *America*, may be imported directly from thence free of all Cuſtoms and Impoſitions whatſoever: And whereas Mahogany, and various Sorts of *American* Wood, are become very uſeful and neceſſary to Cabinet-makers and other Artificers in this Kingdom, and it would tend to the Improvement of the Manufactures thereof, and to the more comfortable Support and Maintenance of great Numbers of his Majeſty's *Britiſh* Subjects employed in the making and working of ſuch Goods, and to the Increaſe of the Exportation thereof into foreign Parts, when ſo manufactured here, if Liberty was given to import ſuch Goods from all Parts of *America* Duty-free;' Be it therefore enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the twenty-ninth Day of *September*, one thouſand ſeven hundred and ſeventy-one, it ſhall and may be lawful for any Perſon or Perſons to import into this Kingdom directly, from any Part of *America*, in *Britiſh* Veſſels, navigated according to Law, any Sort of unmanufactured Wood, being the Growth and Product of *America* (except Maſts, Yards, and Bowſprits) without paying any Subſidy, Cuſtom, or other Duty whatſoever for the ſame, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

From Sept. 29, 1771, unmanufactured Wood may be imported from America, except Maſts, &c. without paying Cuſtom or Duty.

II. Provided nevertheleſs, and it is hereby further enacted by the Authority aforeſaid, That a due Entry of ſuch Goods ſhall be firſt made in the Cuſtom-houſe belonging to the Port where the ſame ſhall be imported, in the ſame Manner and Form, expreſſing the Quantities and Qualities of the reſpective Goods, as was uſed and practiſed before making of this Act, and the ſaid Goods ſhall be landed in the Preſence of the proper Officer appointed for that Purpoſe, otherwiſe ſuch Goods ſhall be liable to the Payment of the ſame Duties as would have been due and payable for the ſame, if this Act had not been made.

Due Entry to be made in the Cuſtom-houſe at the Port where imported.

'III. And whereas ſeveral Parcels of Mahogany of the Growth and Produce of the Bay of *Honduras* have been imported into the Port of *London* ſince the firſt Day of *July*, one thouſand ſeven hundred and ſeventy, for which the Importers have paid or depoſited the Duties payable thereon with the proper Officers of the Cuſtoms; and it is reaſonable that the Importers of ſuch Mahogany ſhould receive the Benefit intended by this Act;' Be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the Cuſtoms, or any four of them, to order the ſaid Duties ſo paid or depoſited to be repaid; and ſuch Officers are hereby authoriſed and required to repay the ſame to the Importers of ſuch Mahogany, or to any other Perſon legally authoriſed to receive the ſame.

Mahogany of the Growth of the Bay of Honduras, imported to the Port of London ſince 1770, having paid the Duties, Commiſſioners to cauſe the ſaid Duties to be repaid.

'IV. And whereas by an Act of Parliament made in the twenty-ſixth Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act for enlarging and regulating the Trade into the* Levant *Seas*, it is, amongſt other Things, enacted, That no Goods or Merchandiſes liable to retain the Infection of

Act 26 Geo. II.

'of the Plague, and coming from the *Levant* without a clean Bill of Health, shall be landed at any Part of 'Great Britain or *Ireland*, or of the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, unless it shall appear to the Satisfaction of his Majesty, his Heirs or Successors, or of his or their Privy Council, that 'the said Goods or Merchandises have been sufficiently opened and aired in the Lazarets of *Malta*, *Ancona*, 'Venice, *Messina*, *Leghorn*, *Genoa*, and *Marseilles*, or one of them: And whereas Raw Silk and Mohair 'Yarn of the Product and Manufacture of *Asia*, are, by the Laws now in Force, prohibited to be imported into this Kingdom from any Port or Place in the *Streights* or *Levant* Seas, except such Ports or 'Places as are within the Dominions of the Grand Seignior, and some Doubts have arisen, whether such 'Raw Silk and Mohair Yarn, though shipped and laden in the said *Streights* and *Levant* Seas, within the 'Dominions of the Grand Seignior, can be legally imported into this Kingdom, after having been landed 'at *Malta*, *Ancona*, *Venice*, *Messina*, *Leghorn*, *Genoa*, or *Marseilles*, for the Purpose of being opened and 'aired as aforesaid;' Be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, any such Raw Silk or Mohair Yarn as shall be or have been shipped in any Port or Place in the said *Streights* or *Levant* Seas, within the Dominions of the Grand Seignior, and which shall be afterwards landed at any or either of the Places herein before particularly mentioned for the Purpose of opening and airing only, and which shall be reshipped on board the same Ship from which they were so landed, shall, upon Importation into this Kingdom, be deemed and taken to have been imported from the Port or Place within the Grand Seignior's Dominions where such Goods were first shipped, and not from the Place where they were landed to be opened and aired; any Thing in any former Act or Acts to the contrary notwithstanding.

Goods from the Levant liable to retain Infection of the Plague, without a clean Bill of Lading, shall not be landed in Britain or Ireland.

Silk and Mohair Yarn, of the Product of Asia,

shall be deemed to be imported from the Port in the Grand Seignior's Dominions where such Goods were first shipped.

CAP. XLII.

An Act to explain and amend an Act made in the last Session of Parliament, intituled, *An Act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament.*

'WHEREAS an Act was passed in the last Session of Parliament, intituled, *An Act to regulate the 'Trials of controverted Elections, or Returns of Members to serve in Parliament:* And whereas further 'Provisions may be necessary to prevent all Obstructions and Difficulties which in certain Cases may arise 'in the Execution of the said Act;' Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if several Parties, on distinct Interests or Grounds of Complaint, shall present separate Petitions, complaining of an undue Election, or Return of a Member or Members to serve in Parliament, the same Notices and Orders shall be given to all such Parties, or their respective Agents, as by the said Act are directed to be given to the sitting Members, or the Petitioners therein mentioned, or their respective Agents.

Preamble. Act 10 Geo. III.

After passing hereof, Complaint of an undue Election, &c. Notice and Orders to be given to Parties and their Agents.

II. And be it further enacted, That the Clause in the said Act which provides, that no Petition shall be taken into Consideration within fourteen Days after the Appointment of the Committee of Privileges, be repealed; and that from henceforth no Petition, complaining of an undue Election, or Return of a Member or Members to serve in Parliament, shall be taken into Consideration within fourteen Days after the Commencement of the Session of Parliament in which it is presented, nor within fourteen Days after the Return to which it relates shall be brought into the Office of the Clerk of the Crown.

Clause in Act 10 Geo. III. repealed.

III. And be it further enacted, That if at the Time of drawing by Lot the Names of the Members in Manner prescribed by the said Act, the Number of forty-nine Members, not set aside nor excused, cannot be completed, the House shall proceed in the Manner they are directed by the said Act to proceed, in case there be less than one hundred Members present at the Time therein prescribed for counting the House; and so from Day to Day, as often as the Case shall happen.

If at the Time of Drawing 49 Members cannot be completed, the House to proceed in Manner directed by Act 10 Geo. III.

IV. And be it further enacted, That on the Day appointed for taking any Petition, complaining of an undue Election, or Return of a Member or Members to serve in Parliament, into Consideration, the House shall not proceed to any other Business whatsoever, except the Swearing of Members previous to the Reading of the Order of the Day for that Purpose.

On the Day appointed for hearing Complaints of undue Elections, the House shall not proceed to other Business previous to reading the Order.

V. And be it further enacted, That if the select Committee shall have Occasion to apply or report to the House, in relation to Adjournment of the said select Committee, the Absence of the Members thereof, or the Non-attendance or Misbehaviour of Witnesses summoned to appear, or appearing before them, and the House shall be then adjourned for more than three Days, the said select Committee may also adjourn to the Day appointed for the Meeting of the House.

Manner of adjourning the select Committee.

VI. And be it further enacted, That if, on a Complaint by Petition of an undue Election or Return, there shall be more than two Parties before the House, on distinct Interest, or complaining or complained of upon different Grounds, whose Right to be elected or returned may be affected by the Determination of the said select Committee, each of the said Parties shall successively strike off a Member from the forty-nine Members to be chosen by Lot, until the said Number be reduced to thirteen, in the same Manner as by the said Act is directed for the striking off a Member alternately by the Parties therein mentioned; and the Lists of the forty-nine Members chosen by Lot shall, for this Purpose, be given to all the said Parties, and the Order in which the said Parties shall so strike off the said Members shall be determined by Lot after they are withdrawn from the Bar, and in such Case neither of the said Parties (there being more than two) shall

If on Complaint of undue Election there shall be more than two Parties on distinct Interest, each Party shall strike off a Member from the 49 successively, until reduced to 13.

When the Liſt is returned to the Houſe, the 13 Members to withdraw; and, within one Hour, report the Names of ſuch two Members. In caſe ſuch two Members ſhall be ſet aſide, they ſhall chuſe others, until two are choſen.

ſhall be permitted to name a Member to be added to the Members ſo drawn by Lot as aforeſaid; but that as ſoon as the Liſt of thirteen Members ſhall be returned by the Parties to the Houſe, ſuch thirteen Members ſhall immediately withdraw, and ſhall by themſelves chuſe two Members then preſent in the Houſe, whoſe Names ſhall not have been drawn, to be added to the ſaid thirteen Members; and ſhall, within one Hour from the Time of their withdrawing, report the Names of ſuch two Members to the Houſe; which two Members ſhall be liable to be ſet aſide on the like Objections for which Nominees may be ſet aſide by virtue of the ſaid Act: And in caſe ſuch two Members, or either of them, ſhall be ſet aſide for any of the Cauſes aforeſaid, then the ſaid thirteen Members ſhall chuſe one or two other Members, as the Caſe ſhall require, until two Members are choſen, againſt whom none of the Objections to Nominees mentioned in the ſaid Act ſhall be taken and allowed; and that the Names of ſuch two Members ſhall be then added to the ſaid Liſt of thirteen Members; and all the ſaid fifteen Members ſhall be ſworn at the Table, and they ſhall be the ſelect Committee appointed for the Purpoſes expreſſed in this and the ſaid former Act.

Where the Nominees are directed to to be named, no Member to depart till the Time of Meeting of the ſelect Committee is fixed.

VII. And be it further enacted, That where the ſaid Nominees are by this Act directed to be named by the ſaid thirteen Members, no Member preſent at the Time of the Ballot ſhall depart from the Houſe until the Time for the Meeting of the ſaid ſelect Committee ſhall be fixed.

CAP. XLIII.

An Act for eſtabliſhing a Houſe or Houſes of Induſtry in the *Iſle of Wight*, for the Reception, Maintenance, and Employment of the Poor belonging to the ſeveral Pariſhes and Places within the ſaid Iſland.

Preamble.

'WHEREAS the Poor in the *Iſle of Wight*, in the County of *Southampton*, are very numerous, and 'are maintained and ſupported at a great Expence by their reſpective Pariſhes and Places: And 'whereas the granting of proper Powers for the better Government and Regulation of the Poor in the ſaid 'Iſland, and providing a Place for their general Reception, will tend to the more effectual Relief and 'Aſſiſtance of ſuch as, by Age, Infirmities, or Diſeaſes, are rendered incapable of ſupporting themſelves 'by their Labour, to the better Employment of the able and induſtrious, to the Correction and Puniſh-'ment of the Profligate and Idle, and to the Education of poor Children in Religion and Induſtry; and 'thereby the Poor, inſtead of being wholly ſupported by the Public, may contribute to the Support, Aſ-'ſiſtance, and Relief, mutually, of each other, and be of ſome Advantage to the Community, to which 'they have hitherto been only a heavy and grievous Burthen:' May it therefore pleaſe your moſt excellent Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the twenty-fourth Day of *June*, one thouſand ſeven hundred and ſeventy-one, all and every Perſon and Perſons who ſhall then be, and, from time to time, ſhall thereafter become ſeiſed or poſſeſſed, in his, her, or their own or Wife's Right, of Lands or Tenements, either in Fee or for Life, or for a long Term of Years abſolute, or determinable upon any Life or Lives, and rated to the Poor's Rates in the reſpective Pariſhes and Places within the *Iſle of Wight*, at the Value of fifty Pounds *per Annum*; and all Heirs-apparent of Lands, Tenements, or Hereditaments, rated as aforeſaid, at the Value of one hundred Pounds *per Annum*; and alſo all Rectors and Vicars for the time being of the ſeveral Rectories and Vicarages within the ſaid *Iſle of Wight*; and alſo all and every Perſon and Perſons who then, and from time to time thereafter, ſhall be rated to the Poor's Rates in one or more Pariſh or Pariſhes within the ſaid Iſland, for Lands, Tenements, or Hereditaments, or Tithes occupied and enjoyed by him, her, or them, at the Value of one hundred Pounds *per Annum*, ſhall be and are hereby declared to be incorporated by the Name of *The Guardians of the Poor within the Iſle of Wight*; and ſhall for ever, in Name and Fact, be one Body Politic and Corporate in Law, to all Intents and Purpoſes, and ſhall have perpetual Succeſſion and a Common Seal, and ſhall be and be called *The Guardians of the Poor within the Iſle of Wight*, and ſhall be enabled to ſue and plead, and be ſued by that Name, in all Courts and Places of Judicature within that Part of *Great Britain* called *England*; and, by that Name, ſhall and may purchaſe, take and receive, any Goods and Chattels whatſoever, to or to the Uſe of the ſaid Corporation: Provided always, That ſuch Corporation ſhall not be capable of taking or holding any Lands, Tenements, or Hereditaments, except ſuch as are herein after particularly mentioned and intended to be hereby veſted in them.

Women capable of voting (by Proxy) as Guardians.

II. Provided always, and be it further enacted and declared by the Authority aforeſaid, That all Women who ſhall be ſeiſed of Lands, Tenements, or Hereditaments, or be rated to the Poor's Rates reſpectively as aforeſaid, ſhall be, and are hereby authoriſed to act as Guardians, for all the Purpoſes of this Act, by Proxy, appointed under their Hands; and the Perſons appointing ſuch Proxies may, from time to time, revoke ſuch Appointment; and ſuch Proxies ſhall be granted to ſuch Perſons as ſhall be Guardians; but no more than one ſuch Proxy ſhall be granted to or received by any one Guardian whatſoever.

First Meeting of Guardians.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Guardians, or ſo many of them as ſhall think fit, ſhall meet on *Tueſday* the twenty-fifth Day of *June*, one thouſand ſeven hundred and ſeventy-one, at the *Sun-Inn* in *Newport*, in the ſaid *Iſle of Wight*; and being ſo aſſembled, ſhall, between the Hours of Eleven and Twelve of the Clock on the ſame Day, proceed to the Execution of this Act, and, by a Majority of Voices of ſuch of them as ſhall be ſo aſſembled, appoint ſome one Guardian then preſent

preſent to be Preſident or Chairman of ſuch Meeting; and ſuch Perſon ſo elected Preſident or Chairman ſhall cauſe the reſt of the ſaid Guardians then aſſembled to proceed, by way of Ballot, to the Choice of twenty-four of the Guardians, which twenty-four Perſons ſo choſen ſhall be called *Directors of the Poor within the Iſle of Wight*; and the ſaid Guardians, ſo aſſembled as aforeſaid, ſhall, by Ballot, elect and chuſe one or more other proper Perſon or Perſons to be Treaſurer or Treaſurers, and one other ſufficient Perſon to be Clerk of the ſaid Corporation of Guardians, who ſhall, from time to time, enter all their Proceedings in a Book or Books to be kept for that Purpoſe, and likewiſe ſuch other Officers as the ſaid Guardians ſhall find neceſſary for the Execution of this Act.

Directors, and Treaſurer, &c. to be choſen.

IV. And be it further enacted by the Authority aforeſaid, That twelve of ſuch Directors ſhall go out by Ballot every Year; and that, in the Room and Stead of the Perſons ſo going out, twelve other Perſons, qualified as aforeſaid, to be Directors, ſhall, on the *Tueſday* in *Eaſter* Week in every Year, in like Manner, be choſen; who, together with the twelve remaining Directors, ſhall be Directors for the Space of one Year then next enſuing.

Twelve Directors to go out by Ballot yearly.

V. And be it further enacted by the Authority aforeſaid, That every poor Perſon, and Perſon incapable of providing for himſelf or herſelf within the ſaid *Iſle of Wight*, ſhall continue under the Government and Management of the Churchwardens and Overſeers of the Poor of his or her Pariſh or Place, in the ſame Manner as he or ſhe now are, until the Houſe or Houſes herein after mentioned ſhall be built and fitted up for their Reception; and that from and after the General Meeting of the ſaid Guardians, which the Directors of the Poor in the ſaid Iſland are herein afterwards required to call, within three Months next after the ſaid Houſe or Houſes ſhall be built and fitted up for the Reception of the Poor, every poor Perſon, and Perſon incapable of providing for himſelf or herſelf, within the ſaid *Iſle of Wight*, ſhall be under the Government and Management of the ſaid Guardians of the Poor; and that each and every poor Male Child, which at any Time hereafter ſhall be maintained by the ſaid Guardians, ſhall be and remain under their Government till he arrive at the Age of eighteen Years, and each and every poor Female Child, till ſhe ſhall arrive at the Age of ſixteen Years; and that after ſuch reſpective Children ſhall have attained the ſaid reſpective Ages, they ſhall be diſcharged from the Rule and Government of the ſaid Guardians, and be at their own Diſpoſal; or the Directors and acting Guardians of the Poor herein after directed to be choſen, may, at any Quarterly Meeting to be held in purſuance of this Act, diſmiſs ſuch Children before their reſpective Ages of eighteen and ſixteen Years, in caſe they ſhall think proper ſo to do.

Poor how to be governed till Houſe is built.

Poor Children to be managed by Guardians till a certain Age,

VI. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Directors and acting Guardians of the Poor herein after directed to be choſen, by and with the Conſent of any two Juſtices of the Peace for the County of *Southampton*, acting in and for the Diviſion of the *Iſle of Wight*, at any Time before ſuch reſpective Children ſhall arrive at ſuch reſpective Ages as aforeſaid, to bind any of ſuch Children to be Apprentice, where they ſhall ſee convenient, till ſuch Child ſhall come to the Age of twenty-one Years, or to bind any of ſuch Male Children to be Apprentice in the Sea Service to any Captain, Maſter or Owner of any Ship or Veſſel, in like Manner as Churchwardens and Overſeers of the Poor, with the Aſſent of the Juſtices of the Peace, are by the Laws now in being impowered to do; and the Perſon or Perſons to whom any ſuch Child ſhall be bound Apprentice, ſhall be obliged to receive and provide for ſuch Apprentice, in like Manner as by the Laws in being Perſons are obliged to provide for Apprentices in the like Circumſtances; and no Apprentice ſo bound as aforeſaid ſhall (except with the Conſent of the ſaid Directors and acting Guardians preſent at the Weekly Meetings herein after appointed to be had) be aſſigned or turned over to any other Perſon; and that the Perſon or Perſons to whom any ſuch Apprentice ſhall be ſo aſſigned or turned over, ſhall be obliged to receive and provide for him or her, in the ſame Manner, and under the ſame Penalties and Forfeitures, as the Perſon or Perſons to whom ſuch Apprentice was firſt bound, as aforeſaid, was or were obliged to receive and provide for him or her.

or put out as Apprentices;

VII. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Directors and acting Guardians, by and with the Conſent of any two Juſtices of the Peace for the ſaid County of *Southampton*, acting in and for the Diviſion of the *Iſle of Wight*, at any Time before ſuch reſpective Children ſhall arrive at ſuch reſpective Ages as aforeſaid, to bind any of ſuch Children to be Apprentice or Apprentices to the Governor or Steward herein after directed to be appointed by virtue of this Act, for the time being, till ſuch Child or Children ſhall come to the Age or reſpective Ages of twenty-one Years; and on the Death, Reſignation, or Removal of ſuch Governor or Steward, ſuch Apprentice or Apprentices ſo bound to the Governor or Steward ſhall belong and appertain to the ſucceeding Governor or Steward, without any formal Aſſignment being made to him of ſuch Apprentice or Apprentices, and ſo, from time to time, to the Governor or Steward for the time being, until the Expiration of the Term for which any of ſuch Children ſhall have been reſpectively bound; and ſuch Child or Children ſhall reſpectively ſerve the ſaid Governor or Steward for the time being as Apprentice or Apprentices, until the End of the ſaid Term for which he, ſhe, or they reſpectively ſhall be bound, and ſhall, during the ſaid Term, be conſidered as Apprentice or as Apprentices to the Governor or Steward for the time being, to all Intents and Purpoſes, in the ſame Manner as if he, ſhe, or they, had been originally bound to every new or ſucceeding Governor or Steward reſpectively; and ſuch Child or Children ſo to be bound to the ſaid Governor or Steward ſhall be provided for and maintained by the ſaid Guardians during ſuch his, her, or their reſpective Apprenticeſhip, in the ſame Manner as other poor Children are to be provided for and maintained by virtue of this Act; and all Profits, Benefit and Advantages ariſing from every ſuch Apprentice ſo bound to the ſaid Governor or Steward, ſhall be accounted for to the ſaid Guardians, and ſhall be had, received, and taken by them, and be applied for the Purpoſes of this Act.

or bound to the Governor or Steward for the time being.

Poor may be let out for Work,

VIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That the ſaid Directors and acting Guardians may, on Application made by any Farmer or other Perſon wanting a Number of the ſaid Children, or of the ſaid other poor Perſons, in Harveſt, or other Work ſuited to the Strength and Ability of the ſaid Children, or other poor Perſons, let out ſuch Number of the ſaid Children, or other poor Perſons, as ſhall be required, on a Contract for their Labour and Maintenance, at ſuch Wages as ſhall be agreed for between the ſaid Directors and acting Guardians and the Perſon or Perſons hiring ſuch Children, or other poor Perſons; which Wages ſhall be paid to the Treaſurer to the ſaid Guardians, and ſhall be by him accounted for, and be applied for the Purpoſes of this Act.

or delivered to Parents, &c.

IX. Provided alſo, That if the Parents, Kindred, or Friends of Children ſo maintained by the ſaid Guardians, ſhall either, when the ſaid reſpective Children ſhall attain their ſaid reſpective Ages of Eighteen and Sixteen Years, or at any Time before, be deſirous or willing to receive, maintain, and employ ſuch Children, and ſuch Children ſhall be willing to be ſo received, maintained, and employed, it ſhall be lawful for the ſaid Directors and acting Guardians, if they ſhall think ſo proper, to diſmiſs ſuch Children.

Power to borrow Money.

X. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Directors, until the ſaid acting Guardians ſhall be choſen, and for the ſaid Directors and acting Guardians, after the ſaid acting Guardians ſhall be choſen, from time to time, to borrow any Sum or Sums of Money for the Purpoſes of this Act, not exceeding in the Whole the Sum of twelve thouſand Pounds, at an Intereſt not exceeding four Pounds *per Centum per Annum*, and to aſſign over by Writing, ſigned by ſeven of the ſaid Directors at the leaſt, under the Common Seal of the ſaid Corporation, all or any Part of the Poor's Rates to be collected within the ſaid *Iſle of Wight*, in purſuance of this Act, as a Security for the Repayment of the Principal and Intereſt of the Money ſo to be borrowed; and ſuch Securities may be, from time to time, aſſigned and transferred, by Indorſement or otherwiſe, without Stamps; and ſuch Aſſignments and Transfers ſhall intitle the Perſon to whom the ſame ſhall be made, to all Principal and Intereſt Monies due, and to grow due, upon ſuch Securities.

Workhouſes in the ſeveral Pariſhes in the Iſland veſted in Truſtees, to be ſold for the Purpoſes of this Act.

'XI. And, in order that the Sum to be borrowed for the Purpoſes of this Act may be the leſs burthenſome,' Be it enacted by the Authority aforeſaid, That the ſeveral Workhouſes now belonging to the ſeveral and reſpective Pariſhes in the *Iſle of Wight* aforeſaid, together with the Lands thereunto belonging, ſhall be veſted, and the ſame are hereby veſted in Sir *John Barrington* of *Swainſton*, in the ſaid *Iſle of Wight*, Baronet; Sir *Richard Worſley* of *Appuldercombe*, in the ſaid *Iſle of Wight*, Baronet; and Sir *William Oglander* of *Nunwell*, in the ſaid *Iſle of Wight*, Baronet; and their Heirs and Aſſigns for ever, upon Truſt; that they the ſaid Sir *John Barrington*, Sir *Richard Worſley*, and Sir *William Oglander*, and their Heirs, ſhall and do ſell and convey the ſaid ſeveral and reſpective Houſes and Lands to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and ſhall and do pay the Monies ariſing by ſuch Sale or Sales into the Hands of the Treaſurer or Treaſurers of the ſaid Corporation, to be applied for defraying the Expences of obtaining, and other the Purpoſes of this Act.

Proviſo.

XII. Provided always, That if any Pariſh or Pariſhes ſhall, in order to elude the Purpoſes of this Act, ſell or convey their Workhouſe or Workhouſes, or the Lands thereunto reſpectively belonging, or any Part thereof; that then it ſhall and may be lawful to and for the Directors and acting Guardians, at their Meeting for aſcertaining the Proportion each Pariſh is to pay towards the Maintenance of the Poor, to advance the Rates of ſuch Pariſh or Pariſhes ſo ſelling or conveying ſuch Houſes or Lands as aforeſaid, in proportion to the Value of the Houſe or Land ſo ſold, after the Rate of four Pounds *per Centum*.

Rewards to be made to Officers.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Directors and acting Guardians ſhall, and they are hereby authoriſed and required, to allow ſuch Rewards to ſuch Treaſurer, Clerk, and other Officers, out of the Monies to be raiſed by virtue of this Act, as to the ſaid Directors and acting Guardians ſhall, from time to time, ſeem reaſonable; and alſo to take Security by Bond, in a ſufficient Penalty, with Sureties, from ſuch Treaſurer or Treaſurers, or other Perſons, for the due Execution of his or their Office or Offices.

Removal of Officers.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Treaſurer, Clerk, or any other Officer or Officers, ſhall continue in his, her, or their Office or Offices only during the Pleaſure of the ſaid Directors and acting Guardians; and that it ſhall be lawful for the ſaid Directors and the acting Guardians to be choſen in Manner herein after directed, who ſhall be preſent at any General Quarterly Meeting herein after appointed, by Ballot, to diſplace them, or any of them, and upon their Removal, Death, or Reſignation, to chuſe others in his, her, or their Stead.

His Majeſty, in Right of the Crown, is intitled to the Foreſt of Parkhurſt in the Iſle of Wight;

'XV. Whereas his Majeſty, in Right of his Crown, is ſeiſed of or intitled unto the Foreſt of *Parkhurſt*, in the *Iſle of Wight*, of very great extent, and at preſent yielding little Profit, ſave to the ſeveral Owners and Proprietors of Freehold Eſtates within the ſaid Iſle, who have or claim an unlimited Right of Common upon the ſaid Foreſt: And whereas ſome Part of the ſaid Foreſt, not far diſtant from the Town of *Newport*, in the ſaid *Iſle of Wight*, will be a very convenient and commodious Situation for the placing a Houſe or Houſes for the Reception of the Poor, and making the neceſſary Buildings and Accommodations for the Purpoſes of this Act, and if a ſmall Portion of the ſaid Foreſt was veſted in the ſaid Guardians of the Poor, and their Succeſſors, to be uſed and employed for the erecting and providing a Houſe or Houſes, with ſuch Buildings and Accommodations as aforeſaid, the good Purpoſes of this Act would be greatly furthered and aſſiſted:' Be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for his Majeſty, and he is hereby enabled to make a Grant, under the Exchequer Seal, of ſuch Part or Portion of the ſaid Foreſt of *Parkhurſt*, as his Majeſty's Governor of the *Iſle of Wight* for the time being, and the ſaid Sir *John Barrington*, and Sir *William Oglander*, and *James Worſley* of *Stenbury*, in the *Iſle of Wight* aforeſaid, Eſquire; *Henry Roberts* of *Standen*, in the *Iſle of Wight* aforeſaid, Eſquire;

Grant of Part thereof for the Purpoſe of building Houſes.

quire; and the Reverend *Leonard Troughear Holmes* of *Weſtover*, in the *Iſle of Wight* aforeſaid, Clerk; or the Survivors of them, or any three or more of them, of which Number the Governor for the time being to be one, ſhall, within the Space of ſix Months from the paſſing of this Act, ſet out and allot for the Purpoſes of this Act, not exceeding eighty Acres, ſuch Grant to be made to the Guardians of the Poor within the *Iſle of Wight*, incorporated by this Act, for ſuch Time and Term of Years as his Majeſty ſhall think proper, notwithſtanding the Limitations of the Civil Liſt Act, made in the firſt Year of the Reign of her late Majeſty Queen *Anne*, and ſubject to ſuch Rents and Reſervations, and under ſuch Clauſes and Conditions, as are uſually reſerved and contained in like Caſes; and the Land ſo to be granted, ſhall be held by the ſaid Guardians and their Succeſſors, in ſuch Manner, and to and for ſuch Uſes, Intents, and Purpoſes, as from time to time ſhall ſeem moſt proper and convenient for effecting and accommodating the Purpoſes of this Act.

Lands or Buildings not ſubject to Taxes.

XVI. Provided always, and be it enacted by the Authority aforeſaid, That the Land out of his ſaid Majeſty's Foreſt of *Parkhurſt*, ſo to be veſted in the ſaid Guardians for the Purpoſes of this Act, or any of the Buildings to be thereupon made and erected, ſhall not be ſubject or liable to the Payment of any Rates, Taxes, or Levies whatſoever.

Directors may contract for the Purchaſe of Lands, &c.

'XVII. And whereas a plentiful Supply of good and wholeſome Water, for the Uſe and Accommodation of the Houſe or Houſes to be erected for the Reception of the ſaid Poor, will be eſſentially neceſſary: 'And whereas it may happen that a plentiful Supply of good and wholeſome Water on any Part of the 'ſaid Foreſt, convenient for the Purpoſe of erecting ſuch Houſe or Houſes, may not be found, and that no 'Grant of Part of the ſaid Foreſt under the Exchequer Seal ſhall be made as aforeſaid:' Be it therefore enacted by the Authority aforeſaid, That, in either of thoſe Caſes, it ſhall and may be lawful to and for the ſaid Directors, and they are hereby required, as ſoon as conveniently may be, to purchaſe and contract for any Quantity of Land and Buildings within the ſaid Iſland, lying as near as may be to the Center of the ſaid Iſland, and in ſuch Situation as to them ſhall appear moſt likely to yield a good Supply of Water, not exceeding in the Whole eighty Acres, to be conveyed to, and held by, the ſaid Guardians, and their Succeſſors, for the Purpoſe of erecting and providing ſuch Houſe or Houſes for the Reception of the ſaid Poor, with ſuch Buildings and Accommodations as aforeſaid; which ſaid Land ſo to be purchaſed, ſhall, from and immediately after the ſame ſhall be conveyed to the ſaid Guardians and their Succeſſors, under a good and perfect Title in the Perſon or Perſons conveying the ſame, be held and enjoyed by them the ſaid Guardians, and their Succeſſors, for ever, and ſhall not be liable to, or be charged with, any greater Taxes, Rates, or Aſſeſſments, than in proportion to what ſhall uſually have been paid for the ſame, or been charged thereon, before the ſame became veſted in the ſaid Guardians as aforeſaid, and to pay for ſuch Lands and Buildings out of the Monies to be borrowed or raiſed by virtue of this Act.

To erect ſuch Houſe or Houſes.

XVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Directors ſhall and may, and they are hereby required, as ſoon as conveniently may be after the paſſing of this Act, to build and erect, in a plain and durable Manner, on the Land ſo to be veſted in the ſaid Guardians as aforeſaid, the ſeveral Buildings following; that is to ſay, A convenient Building, or Part of a Building, to ſerve as an Hoſpital for the Reception of ſuch aged, ſick, or infirm Perſons, and young Children, as are not able to work; one other Building, or Part of a Building, to ſerve for the Reception, Maintenance, and Employment of ſuch poor Perſons as are able to work; and one other ſeparate Building, or Part of a Building, to ſerve as a Houſe or Houſes of Correction, for the Puniſhment and keeping to hard Labour ſuch idle and diſorderly Perſons, who, being able, ſhall refuſe to work, or otherwiſe miſbehave themſelves; and ſuch other Buildings as the ſaid Directors ſhall find neceſſary for executing the Purpoſes of this Act: Which ſaid Buildings ſhall be called by the general Name of *The Houſe of Induſtry in the Iſle of Wight*; and the ſaid Directors ſhall keep the Buildings ſo erected as aforeſaid in good Repair, and from time to time alter or enlarge the ſame, in ſuch Manner as ſhall be thought convenient; and that the Expence of erecting or preparing ſuch Houſes or Buildings, and keeping the ſame in Repair, ſhall be defrayed out of the Money ariſing and to ariſe by virtue of this Act.

Directors to ſuperintend the Building;

XIX. And be it further enacted by the Authority aforeſaid, That the ſaid Directors, or any ſeven or more of them, ſhall be, and they are hereby declared to be, a Committee to direct and ſuperintend the ſaid Buildings, until the ſame ſhall be finiſhed: And the ſaid Committee ſhall enter all their Proceedings in a Book or Books to be kept for that Purpoſe, and ſhall and may, by Order under their Hands, or the Hands of any four or more of them, at a public Meeting aſſembled, order any Sum or Sums of Money to be paid by the Treaſurer or Treaſurers out of the Money remaining in his or their Hands for the Purpoſes of this Act; and ſuch Order or Orders ſhall be, and is and are hereby declared to be, a Diſcharge to the Treaſurer or Treaſurers for any Money by him or them reſpectively paid.

and provide Furniture and Materials,

XX. And be it further enacted by the Authority aforeſaid, That the ſaid Directors of the Poor within the ſaid Iſland ſhall and may, within three Months next after ſuch Houſe or Houſes ſhall be finiſhed, provide and furniſh the ſame with all neceſſary Furniture, Houſehold Goods, and Utenſils, and ſhall alſo provide a convenient Stock of Flax, Hemp, Wool, Cotton, Thread, Iron, Stone, Wood, Leather, or other Materials, for the Employment of the Poor received into ſuch Houſe or Houſes; and, for that Purpoſe only, may ſet up, uſe and occupy any Trade, Myſtery, or Occupation whatſoever, in ſuch Houſe or Houſes.

When Buildings are finiſhed,

XXI. And be it further enacted by the Authority aforeſaid, That when and ſo ſoon as the ſaid Buildings ſhall be completed, and properly fitted up and furniſhed, for the Reception of the ſaid poor Perſons as aforeſaid, there ſhall be, from time to time, elected in Manner herein-after mentioned, the Number of thirty-ſix of the ſaid Guardians, to be the acting Guardians during ſuch Time as herein-after directed; and for that Purpoſe the ſaid Directors ſhall call a General Meeting of all the Guardians of the Poor in the

a General Meeting to be called,

ſaid

ſaid *Iſle of Wight*, and the Clerk for the time being of the ſaid Guardians ſhall give at leaſt ſix Weeks previous Notice of the Time and Place of ſuch General Meeting, by cauſing Notices thereof in Writing to be affixed at the principal Door of the ſeveral Pariſh Churches in the ſaid Iſland, to the Intent that the ſeveral Perſons aſſeſſed to the Poor within their ſaid ſeveral Pariſhes may aſſemble and meet at their ſeveral and reſpective Pariſh Churches, at ſuch Day and Time as ſhall in ſuch Notice be expreſſed, not later than three Weeks after the time of giving ſuch Notice, in order to proceed to the Election of ſuch Number of Perſons, qualified as Guardians, reſident in ſuch Pariſh, (if ſo many can be there found, if not, any Perſon or Perſons qualified as aforeſaid, out of ſuch Pariſh) as ſhall be in the Proportion of one Guardian for every ſixty Pounds which ſuch Pariſh ſhall then be aſſeſſed to the Poor, the Names of which Guardians ſo elected ſhall, by the Churchwarden or Churchwardens of the ſaid ſeveral and reſpective Pariſhes, be ſet down in Writing, and delivered or tranſmitted to the Treaſurer or Treaſurers for the time being of the ſaid Corporation, at leaſt ten Days before the Day fixed for ſuch General Meeting; at which ſaid General Meeting the ſaid Directors ſhall ſet down in Writing ſuch Number of Guardians as ſhall, out of the Number of thirty-ſix acting Guardians, to be elected as herein-after mentioned, be the juſt and proper Number of Guardians to be allotted as Repreſentatives or Repreſentative of each ſuch Pariſh, in proportion to the Sum aſſeſſed upon each ſuch Pariſh as aforeſaid; and thereupon the ſaid Directors and Guardians preſent at ſuch General Meeting ſhall, beginning with the ſaid ſeveral Pariſhes in an alphabetical Order, elect by Ballot, out of the whole Number of Guardians ſo returned by each reſpective Pariſh, ſuch Number to be the acting Guardian or acting Guardians for ſuch Pariſh as ſhall be ſo ſet down by the ſaid Directors, to be the proper Proportion of ſuch Pariſh, in the ſaid Number of thirty-ſix Guardians; which ſaid thirty-ſix Guardians ſo elected, ſhall be and continue acting Guardians, until ſuch new ſucceeding acting Guardians ſhall be elected in their Place and Stead, on the *Tueſday* in *Eaſter* Week then next following, as herein-after directed, and not longer.

To elect acting Guardians.

A General Meeting to be held on Tueſday in Eaſter Week yearly for electing Guardians.

XXII. And be it further enacted, That after the ſaid General Meeting for electing ſuch thirty-ſix acting Guardians ſhall be had, a like General Meeting ſhall be held on the *Tueſday* in *Eaſter* Week in every Year, for electing thirty-ſix other Guardians in the Place and Stead of the acting Guardians of the preceding Year, in order to which annual Election ſuch Number of Guardians ſhall be elected in Manner aforeſaid, by the ſaid ſeveral Pariſhes, on the firſt *Monday* in the Month of *March* in every Year, and be, in like Manner, tranſmitted by the Churchwarden or Churchwardens of the ſeveral and reſpective Pariſhes where ſuch Election is to be made to the Treaſurer or Treaſurers for the time being of the ſaid Corporation, at leaſt ten Days before the ſaid General Meeting, when the ſaid Directors and Guardians there aſſembled ſhall proceed (in ſuch Form and Manner as before is directed to be obſerved at the ſaid firſt General Meeting for electing the acting Guardians) to elect the thirty-ſix acting Guardians for a Year then commencing, and to end the *Tueſday* in *Eaſter* Week in the Year following.

Proviſo.

XXIII. Provided always, and be it further enacted, That in caſe any Pariſh or Pariſhes ſhall neglect or refuſe to make out and return a Liſt of Perſons to be acting Guardians in Manner before directed, that then it ſhall and may be lawful to and for the Directors and acting Guardians preſent at the ſaid General Meeting to proceed, by way of Ballot, to the Choice of one or more Perſon or Perſons qualified as aforeſaid, either reſident in or living out of ſuch Pariſh or Pariſhes, to be the Repreſentative or Repreſentatives of ſuch Pariſh or Pariſhes ſo neglecting or refuſing to make out and return ſuch Liſt or Liſts as aforeſaid.

Small Pariſhes to join in returning Repreſentatives.

XXIV Provided always, and be it further enacted, That if the Aſſeſſment upon any Pariſh within the ſaid Iſland ſhall be ſo ſmall as not to intitle ſuch Pariſh to be repreſented by one of the ſaid thirty-ſix acting Guardians, every ſuch Pariſh ſhall join and act with ſuch contiguous Pariſh or Pariſhes as the Directors ſhall ſee fitting, or by the Notice or Notices to be given to ſuch Pariſh or Pariſhes of the ſaid firſt General Meeting for electing the ſaid thirty-ſix Guardians, ſhall be directed, as well in electing of the ſaid Guardians to be returned to the ſaid Treaſurer or Treaſurers of the ſaid Corporation, previous to the ſaid firſt General Meeting, as alſo at every future Election of Guardians for the ſame Purpoſe, until the ſaid Directors and acting Guardians for the time being ſhall ſee cauſe to join the ſame with ſome other Pariſh or Pariſhes for greater Convenience, which they ſhall have Power to do as they ſhall ſee Occaſion.

Directors and acting Guardians to make Orders.

XXV. And be it further enacted by the Authority aforeſaid, That the ſaid Directors and acting Guardians for the time being ſhall have, and they are hereby declared to have, full Power and Authority to make, from time to time, ſuch Bye-laws, Rules, Orders, and Conſtitutions, as well for the better governing the ſaid Corporation, as for the better governing, employing, and ſupporting the ſaid poor Perſons in the ſaid Iſland, and for the carrying on any Trade that ſhall be ſet on Foot for the Employment of the ſaid Poor, and for other the Ends and Purpoſes of this Act; and from time to time, afterwards, to repeal, alter, or amend ſuch Bye-laws, Rules, Orders or Conſtitutions, as to them the ſaid Directors and acting Guardians ſhall ſeem meet, ſo that ſuch Bye-laws, Rules, Orders, and Conſtitutions, are not repugnant to the Laws of the Land.

Fifteen to be preſent.

XXVI. Provided always, That not leſs than fifteen of the ſaid Directors and acting Guardians together (five of which Number at leaſt to be Directors) ſhall be preſent at every Meeting, for the Purpoſe of making Bye-laws, Rules, Orders, or Conſtitutions; and the major Part of the ſaid Directors and acting Guardians then preſent (of which major Part five at the leaſt to be Directors) ſhall give their Aſſent to ſuch Bye-laws, Rules, Orders or Conſtitutions, and that no ſuch Bye-laws, Rules, Orders or Conſtitutions ſhall be deemed valid until they have been approved and confirmed by a Judge of Aſſize.

Quarterly Meetings.

XXVII. And be it further enacted, That after ſuch Directors and acting Guardians ſhall be choſen as aforeſaid, the ſaid Directors and acting Guardians ſhall hold four General Quarterly Meetings in every Year, on the four ſeveral Days following; (that is to ſay) The *Tueſday* in *Eaſter* Week, the *Tueſday* next after

after the Feaſt of Saint *John* the *Baptiſt*, the *Tueſday* next after the Feaſt of Saint *Michael* the Archangel, and the *Tueſday* next after the Feaſt of the Nativity of our Lord *Chriſt*; the firſt of which ſaid Quarterly Meetings ſhall be held at the *Sun Inn* in *Newport* aforeſaid, and the ſubſequent Meetings at ſuch Place as the Directors and acting Guardians preſent at the preceding General Quarterly Meeting, from time to time, ſhall direct and appoint.

Vacancies in Directors to be filled up on Tueſday in Eaſter Week.

XXVIII. And be it further enacted, That the Directors preſent at the General Quarterly Meeting to be held on *Tueſday* in *Eaſter* Week in every Year, ſhall fill up, by Ballot, all ſuch Vacancies as ſhall have happened in the twenty-four Directors, by Death, Removal, or Refuſal of acting, as well as ſuch Vacancies as ſhall then happen by the going out of Directors, by Ballot, as aforeſaid; and at the ſaid General Meeting in *Eaſter* Week the Directors and acting Guardians then preſent ſhall examine and audit the Treaſurer's Accounts, and ſhall then, by Ballot, re-elect the ſame Perſon or Perſons, or any other Perſon or Perſons, to be Treaſurer or Treaſurers for the following Year; and ſo from Year to Year, on every ſucceeding *Tueſday* in *Eaſter* Week for ever.

Vacancies in Directors or Guardians, how to be filled up.

XXIX. Provided alſo, and be it further enacted, That at any of the ſaid General Quarterly Meetings herein before directed to be held, other than the General Meeting on the *Tueſday* in *Eaſter* Week, the Directors preſent at ſuch Meetings ſhall and may fill up, by Ballot, amongſt themſelves, any Vacancies that may have happened in the twenty-four Directors, either by Death, Removal, or refuſing to act; and the Directors and acting Guardians preſent at ſuch Meetings ſhall and may, out of the Liſt of Candidates at the laſt preceding Election of acting Guardians, fill up, by Ballot, any Vacancies that may have happened in the thirty-ſix acting Guardians, either by Death, or Removal, or refuſing to act; but no ſuch Director or acting Guardian ſo to be elected to fill up any Vacancy, ſhall continue Director or acting Guardian for any longer Time than the Perſon in whoſe Place he ſhall be elected might or ought to have continued by virtue of this Act.

Committees for each Quarter.

XXX. And be it further enacted, That the ſaid Directors and acting Guardians ſhall, at the ſaid Meeting to be had on the *Tueſday* in *Eaſter* Week, appoint twenty-one Directors and acting Guardians together (five of which Number at the leaſt to be Directors) for each Quarter of the ſucceeding Year, to inſpect, direct, manage, and provide for the ſaid poor People in ſuch reſpective Houſe or Houſes; and for that Purpoſe the ſaid twenty-one Directors and acting Guardians, or any five or more of them, whereof two to be Directors, ſhall in the reſpective Quarter of the Year for which they ſhall be appointed as aforeſaid, meet at the ſaid Houſe or Houſes to be built for the Reception of the Poor aforeſaid, every *Saturday* Morning, or oftener, if it ſhall be neceſſary, together with the Clerk for the time being; and ſuch of them as ſhall be there preſent ſhall and may give ſuch Directions as they ſhall think proper for the Employment, Maintenance, and Relief of the Poor in ſuch Houſe or Houſes, and for carrying into Execution ſuch Rules, Orders, and Conſtitutions, and ſuch Powers and Authorities as ſhall be, from time to time, made and granted by the ſaid Directors and acting Guardians.

Their Power.

Penalties on Non attendance of Committees each Month.

XXXI. Provided alſo, and be it further enacted, That the ſaid twenty-one Directors and acting Guardians ſo to be from time to time appointed as aforeſaid, for each and every Quarter in the Year, may, and they are hereby authoriſed, by Agreement amongſt themſelves, to ſubdivide themſelves into Committees of ſeven, to act for each Month in each Quarter, but ſo as not to preclude any of ſuch twenty-one from being preſent, or voting at any ſuch weekly or other Meeting aforeſaid; and if there ſhall not be preſent at any Meeting, ſo appointed to be held, five Directors and acting Guardians together, (two whereof ſhall be Directors) every Director who, by any ſuch Agreement as aforeſaid, ought to have attended, and ſhall be abſent, ſhall, for every ſuch Offence, forfeit the Sum of twenty Shillings; and every Guardian, who, by any ſuch Agreement as aforeſaid, ought to have attended, and ſhall be abſent, ſhall, for every ſuch Offence, forfeit the Sum of ten Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Director or acting Guardian, by Warrant under the Hand and Seal of any one Juſtice of the Peace for the ſaid County of *Southampton*, acting in and for the Diviſion of the *Iſle of Wight*; and ſuch Forfeiture ſhall be paid to the Treaſurer of the ſaid Guardians, and added by him to the Common Stock, for the Uſe of the Poor.

Accounts to be ſettled and laid before a Special Seſſions.

XXXII. And be it further enacted by the Authority aforeſaid, That, at the ſaid four General Quarterly Meetings, the ſaid twenty-one Directors and acting Guardians for the preceding Quarter reſpectively ſhall ſettle their Accounts, and, from time to time, ſhall cauſe the ſame to be delivered by their Treaſurer or Clerk for the time being, or other Officer, to one of the Clerks of the Juſtices of the Peace for the County of *Southampton*, acting for the Diviſion of the *Iſle of Wight*; which Juſtices ſhall, and are hereby impowered, to hold a Special Seſſions four Times in the Year; that is to ſay, Once in each Quarter, on the *Tueſday* in the Week next enſuing each of the ſaid four General Quarterly Meetings, to audit the ſaid Accounts; and the Clerk of the ſaid Juſtices ſhall lay the ſame before the Juſtices of the Peace, at ſuch Seſſions, to be by the ſaid Juſtices examined, audited, and finally paſſed, for which a Fee of ten Shillings and Sixpence, and no more, ſhall be paid to the Clerk of the ſaid Juſtices, or his Deputy; and no other Fee or Reward ſhall be paid to, or be had, received, or taken, by the Clerk of the ſaid Juſtices, or his Deputy, or any other Perſon or Perſons, under any Pretext whatſoever: Provided that the Juſtices holding ſuch Seſſions, or any or either of them, ſhall not have acted in the Capacity of Director during the Time for which ſuch Accounts are to be paſſed.

Fifteen Directors to be preſent.

XXXIII. Provided always, and be it enacted by the Authority aforeſaid, That at all ſuch four General Quarterly Meetings by this Act directed to be held, not leſs than fifteen of the ſaid Directors and acting Guardians together (five of which Number at the leaſt ſhall be Directors) ſhall be preſent; and the major Part ſo aſſembled, of which major Part five at the leaſt ſhall be Directors, ſhall give their Aſſent to every Order made at ſuch Meeting.

* XXXIV. And,

Assessments.

'XXXIV. And, for the better Security of such Sums of Money as shall be borrowed by virtue of this 'Act, and for providing for the Poor to be employed or relieved in such House or Houses, and for defray- 'ing the other Expences of this Act,' Be it further enacted by the Authority aforesaid, That, after the said House or Houses shall be erected and finished for the Reception of the said Poor as aforesaid, the said Directors and acting Guardians shall and may, and they are hereby impowered, at the said General Quarterly Meetings, to assess such Sum and Sums of Money, not exceeding the respective Rates herein after mentioned, upon the several Parishes and Places within the said Island, as they the said Directors and acting Guardians shall judge necessary for paying the Interest due on the said Debt, and for defraying the Expences of the current Quarter, and for and towards paying off and discharging the said principal Debt; and such Assessments being delivered to the Clerk of the Justices of the Peace for the County of *Southampton*, acting for the Division of the *Isle of Wight*, at a Special Sessions to be held for that Purpose, and being allowed by the Justices of the Peace at such Sessions assembled, (for which Delivery and Allowance no Fee or Reward whatsoever shall be had, received, or taken, by any Person or Persons whomsoever) the said Directors and acting Guardians for the time being, or any three or more of them, (whereof one to be a Director) shall be, and they are hereby impowered to issue Warrants, under the Seal of the said Corporation, to the Churchwardens or Overseers of the Poor, in all and every of the several Parishes and Places within the said Island, requiring such Churchwardens or Overseers to pay at some particular Time and Place, to be specified in the said Warrants, the Sums so assessed upon the said several Parishes and Places respectively, to the Treasurer or Treasurers of the said Guardians for the time being, whose Receipt for the same shall be a legal Discharge to such respective Churchwardens and Overseers of the Poor; and, for raising the Sums so assessed by the said Directors and acting Guardians, such respective Churchwardens and Overseers of the Poor shall, from time to time, and they are hereby required, with as much Equality and Indifference as is possible, to raise by Taxation of every Inhabitant, Parson, Vicar, and others, and of every Occupier or Renter of any Land, House, Tithe Impropriate, and Propriations of Tithes, in their respective Parishes and Places, so much Money as shall be assessed upon such respective Parishes and Places by the said Directors and acting Guardians, in such and the like Manner as Money for the Relief of the Poor is by the Laws now in being to be raised, with such and the like Remedy to Persons aggrieved, by way of Appeal, as is given concerning Rates or Assessments made for the Relief of the Poor by the Laws now in being; for all which Sums of Money so assessed and received by the said Churchwardens and Overseers of the Poor, in case of any Deficiency, the Parishioners and Inhabitants of the said respective Parishes and Places wherein such Sums of Money shall be so assessed or received, shall be answerable, and shall be compellable to pay the same upon a Reassessment, which in that Case is hereby directed to be made by the Directors and acting Guardians assembled at any General Quarterly Meeting; and such Taxes and Assessments, and also such Reassessments, shall be levied and recovered in such and the like Manner as Money assessed for the Relief of the Poor is, by the Laws now in being, to be levied and recovered.

Not to exceed one Year's Rate upon a Medium from Easter.

XXXV. Provided always, That the Sums to be assessed by the said Directors and acting Guardians, at their General Quarterly Meetings upon any one of the said Parishes or Places, shall not exceed in any one Year the Sum which shall have been rated or assessed for the Relief of the Poor in such respective Parishes or Places in one Year, upon a Medium, to be drawn from *Easter*, one thousand seven hundred and sixty-three, to *Easter*, one thousand seven hundred and seventy.

Principal Money borrowed to be paid off.

'XXXVI. And, for the more regular discharging of such Sum and Sums of Money as shall be borrowed 'upon the Credit of this Act, and the Interest for the same,' Be it further enacted, That one equal Moiety or Half Part of all such Sum and Sums of Money as shall yearly, and every Year, be saved out of the Rates and Assessments to be raised and levied by virtue of this Act, and the Profits of the Work of the Poor, and shall remain in the Hands of the Treasurer of the said Corporation upon settling his annual Accounts, shall go and be applied yearly, and every Year, towards the paying off and discharging such Sum and Sums of Money as shall be borrowed upon the Credit of this Act, until the Whole of such Monies shall be paid off and discharged; and that the other Moiety or Half Part of the Monies which shall be so saved as aforesaid, shall yearly, and every Year, be applied to lessen and reduce the Rates and Assessments to be made for the Relief of the Poor within the said Island, below the Average or Medium Rates from *Easter*, one thousand seven hundred and sixty-three, to *Easter*, one thousand seven hundred and seventy, in an equal Degree, and in Proportion to the Rates which shall be levied upon the respective Parishes within the said Island.

Director or Guardian may order Relief,

'XXXVII. And whereas it may happen that, by Casualties or sudden Illness, several poor Persons may 'stand in need of an immediate Relief, before Application can be made for the same at the weekly Meet- 'ings to be held in pursuance of this Act:' For Remedy whereof, be it enacted by the Authority aforesaid, That it shall and may be lawful, at any Time or Times, for any Director or acting Guardian, upon Application made to him, or upon his own Knowledge of the Fact and Necessity of the Case, by Writing under his Hand, to order the Churchwarden or Churchwardens, Overseer or Overseers of the Poor for any Parish, Place, or District within which any poor Person shall, from any Casualty, Accident, or sudden Illness, stand in need of an immediate Assistance and Support, forthwith to pay unto every such poor Person any reasonable Sum or Sums of Money for his or her Support, until the next weekly Meeting of the Committee of Directors and acting Guardians shall be held in pursuance of the Directions in this Act; which said Sum or Sums of Money such Churchwarden or Churchwardens, Overseer or Overseers, shall immediately pay and apply, in such Manner as such Director or acting Guardian so ordering the same shall direct, out of the Monies collected, or to be collected, by him or them for the Purposes of this Act, and shall be allowed the same in his or their Accounts; and the said Churchwarden or Churchwardens, Overseer or Overseers, upon whom any such Order or Orders shall be made by such Director or acting Guardian

till the next weekly Meeting.

as

as aforesaid, shall attend at the next weekly Meeting of the said Committee of Directors and acting Guardians, and lay before the said Committee the State and Circumstances of the Person or Persons so ordered to be relieved, when the said Committee shall give such further Directions for the Maintenance and Relief of such poor Person or Persons as to them shall seem expedient.

Two Justices may order temporary Relief.

XXXVIII. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for two or more of his Majesty's Justices of the Peace of the said County of *Southampton*, acting in and for the Division of the *Isle of Wight*, by Warrant under their Hands and Seals, to order the Directors and acting Guardians to grant such Relief as to them shall seem meet, to any industrious poor Persons, who shall have Occasion to apply for the same.

Proviso.

XXXIX. Provided always, That no such Order for the Relief of any poor Person or Persons within the said Island, shall be made by any such two or more Justices as aforesaid, until such poor Person or Persons shall have applied, or caused Application to be made for such Relief, at some weekly Meeting of the Committee of Directors and acting Guardians, to be held in pursuance of this Act, and such Relief shall at such weekly Meeting have been refused, and the Person or Persons so applying for the same shall have been denied Admittance into the said Houses.

Churchwardens, &c. to attend at first Meeting,

XL. And be it enacted, That the Churchwardens and Overseers of the Poor, or one of them, or some Person for them, for each respective Parish or Place within the said Island, shall, and they are hereby required, upon Notice in Writing, signed by three of the said Guardians, being delivered to them respectively, or left at their respective Places of Abode, at least two Days before the first Meeting of the said Guardians, to attend the said first Meeting, with the Books in which the Accounts of the Overseers of the Poor for seven Years, from *Easter*, one thousand seven hundred and sixty-three, to *Easter*, one thousand seven hundred and seventy, have been entered, and where no such Books shall be kept, with the original Rates for the Maintenance of the Poor; and shall leave in the Custody of the President or Chairman, who shall be chosen at such Meeting, such Books and Rates, together with an Account of all such other Sums of Money not included in the said Rates, as shall have been expended within the said seven Years by such Churchwardens or Overseers respectively, for the Relief of the Poor in any such Parish or Place; and such President or Chairman shall deliver such Books, Rates, and Accounts, to the Directors, who shall be then also elected, to the End that they may examine the same, and fix and ascertain the Proportions to be observed in assessing the said respective Parishes and Places, at the said General quarterly Meetings; and such Directors shall return such Books, Rates, and Accounts, to the said Churchwardens and Overseers, whenever they or any of them respectively shall demand the same, after the Expiration of thirty Days from the Delivery thereof to such President or Chairman: And in case all or any of such Accounts or original Rates for any Parish or Parishes, Place or Places, shall not be produced at such first Meeting of the said Guardians, such Directors may, notwithstanding, assess such Parish or Parishes, Place or Places, at their Discretion, but as equally as they can, in like Proportion with other Parishes and Places; Regard being had to the Value of such Parish or Parishes, Place or Places, and to the Number of the Poor usually maintained therein.

and deliver Books, Rates, and Accounts, to the President.

Parishes to be assessed at Discretion, if no Account or Rates delivered.

Churchwardens, &c. to assist and obey the Orders of Guardians.

XLI. And be it further enacted, That the Churchwardens, Overseers of the Poor, and Constables, or other Parish Officers, for the time being, of all and every the Parishes, Divisions, and Precincts, within the said Islands, shall, from time to time, and at all times hereafter, aid and assist the said Guardians, Directors, and acting Guardians, to the best of their Power; and shall at all Times obey their Warrants and reasonable Orders, relative to the Execution of this Act: And in case any Churchwarden or Overseer of the Poor, or Constable or other Officer, shall refuse or neglect to raise and levy the Sums so assessed upon his respective Parish or Place, or to pay at the Time and Place appointed, the Money so collected and levied, or to obey any such Warrants or Orders, every such Churchwarden, Overseer, Constable, or Officer so neglecting or refusing, shall be summoned by Writing, under the Hands of any three Directors or acting Guardians, to appear at the next General quarterly Meeting of the said Directors and acting Guardians, to be holden as aforesaid; and if such Churchwarden, Overseer of the Poor, Constable, or other Officer so summoned, shall neglect or refuse to appear at such General quarterly Meeting, or if appearing, he or any of them shall not sufficiently excuse or justify him or themselves, but shall, in the Judgement of the major Part of the said Directors and acting Guardians assembled at such General quarterly Meeting, be adjudged guilty of disobeying such Warrant or Warrants, Order or Orders; that then, and in every such Case, all and every Person and Persons so adjudged guilty as aforesaid, shall forfeit and pay for every such Offence, any Sum not exceeding five Pounds; to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of any one Justice of the Peace for the said County of *Southampton*, acting for the Division of the *Isle of Wight*; and such Forfeitures shall be paid to the Treasurer or Treasurers of the said Guardians, and added by him to the Common Stock for the Use of the Poor: But if any such Churchwarden, Overseer of the Poor, Constable, or other Officer so offending and convicted as aforesaid, shall think himself aggrieved, that then it shall and may be lawful for such respective Officer to appeal to the next General Quarter-Sessions to be holden for the said County, at *Winchester*, against the Judgement of the said General quarterly Meeting; and the Justices of the Peace for the said County, at the said Sessions assembled, shall and may hear and determine such Appeal, and may mitigate or set aside such Penalties, in such Manner, and award such reasonable Costs as they shall think proper, and the Judgement of such Justices at such Quarter-Sessions, shall be final without any other Appeal.

Penalty on Neglect.

Churchwardens, &c. if aggrieved, may appeal.

Penalty if no Meeting held.

XLII. And be it further enacted by the Authority aforesaid, That if the said Directors and acting Guardians shall neglect or refuse to hold any such quarterly or annual Meeting or Meetings, every Director and acting Guardian failing in his Duty therein, shall, for every such Default, forfeit the Sum of forty Shillings; to be levied by Distress and Sale of the Goods and Chattels of such Director or acting Guar-

dian, by Order of the next Seſſions, to be holden in purſuance of this Act, for auditing the Directors and Guardians Accounts, unleſs a ſufficient Reaſon ſhall be given on the Behalf of ſuch Director or acting Guardian, to be allowed by ſuch Seſſions; and if there ſhall not appear a ſufficient Number of Directors and acting Guardians at any of ſuch quarterly or annual Meetings, ſuch neceſſary Rate ſhall be ordered to be made by any two Juſtices of the Peace of the ſaid County acting in and for the Diviſion of the ſaid Iſland; and in caſe no ſuch Order is made within one Month from the Time when ſuch quarterly Meeting ſhould have been held, the ſame Proportion ſhall be rated, aſſeſſed, and raiſed, in ſuch reſpective Pariſhes and Places, by the reſpective Churchwardens and Overſeers of the Poor for the enſuing Quarter, as was raiſed in the preceding Quarter, and ſhall be paid to the ſaid Treaſurer in ſuch Manner as is herein before mentioned, with reſpect to the taxing, aſſeſſing, collecting, recovering, and paying of the Sums aſſeſſed by the ſaid Directors and acting Guardians.

Guardians to grant Certificates.

XLIII. And be it further enacted by the Authority aforeſaid, That after the Poor are under the Government of the ſaid Guardians, at the Time appointed by this Act, it ſhall and may be lawful to and for the ſaid Directors and acting Guardians of the Poor, at any of their General quarterly Meetings aſſembled as aforeſaid, to grant Certificates under the Common Seal of the Corporation, to any Perſon whoſe legal Settlement ſhall be in any Pariſh or Place within the ſaid *Iſle of Wight*, and who ſhall be willing to remove, or ſhall have removed out of the ſaid Iſland; which reſpective Certificates, under the Common Seal of the ſaid Guardians, and atteſted by their Clerk for the time being, and ſigned by two Juſtices of the Peace, as Certificates are now by Law directed to be, ſhall be good and valid to all Intents and Purpoſes, and no other Certificates whatſoever to be granted within the ſaid Iſland ſhall be valid or of any Effect; any Law, Statute, or Cuſtom, to the contrary notwithſtanding.

Certificates to be delivered to the Clerk.

XLIV. And be it further enacted by the Authority aforeſaid, That as ſoon as the ſaid Poor are under the Government of the ſaid Guardians as aforeſaid, all Certificates which have been delivered to, and remain in the Cuſtody of the reſpective parochial Officers, by Perſons reſiding within the ſaid Iſland, ſhall be delivered forthwith; and all Certificates which hereafter ſhall be delivered to the reſpective parochial Officers, by Perſons coming to reſide, or reſiding within the ſaid Iſland, ſhall be, from time to time, delivered within the Space of fourteen Days after the Receipt thereof, by ſuch Officer, to the Clerk to the ſaid Guardians for the time being, who ſhall cauſe the ſame to be filed, ſo that Reference may be had thereto at any future Time.

Pariſhes to maintain the Poor not producing Certificates.

XLV. And be it further enacted by the Authority aforeſaid, That if the Overſeers of any Pariſh within the ſaid Iſland ſhall ſuffer any Perſon having a Wife, Child, or Children, whoſe legal Settlement ſhall not be in any Pariſh within the ſaid Iſland, to inhabit within their Pariſh for the Space of thirty Days without producing ſuch Certificate as aforeſaid, and ſuch Perſon, or his Wife or Family, ſhall become chargeable; that then the Overſeers of the Poor of ſuch Pariſh, being convicted thereof upon the Complaint of any two or more of the ſaid Guardians, before any one Juſtice of the Peace for the ſaid County of *Southampton*, acting for the Diviſion of the ſaid *Iſle of Wight*, and Proof being made by the Oath of one credible Witneſs, that ſuch Perſon was reſident in ſuch Pariſh with their Privity, ſhall forfeit and pay any Sum not exceeding five Pounds, nor leſs than forty Shillings, at the Diſcretion of ſuch Juſtice; to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Overſeers of the Poor, or any or either of them, by Warrant under the Hand and Seal of the ſaid Juſtice; and the Forfeiture ſo levied ſhall be paid to the Treaſurer of the ſaid Guardians, and be added by him to the Common Stock, for the Uſe of the ſaid Corporation; and that all Charges and Expences whatſoever, incident to, or attending the Removal of any poor Perſons, to or from the ſaid Iſland, ſhall be paid by the Treaſurer of the ſaid Corporation out of the Common Fund.

Bond relating to Baſtard Children to be delivered to Guardians. Guardians to ſue in their own Name.

XLVI. And be it further enacted, That all Bonds already given to Parochial Officers within the ſaid Iſland, by private Perſons, to indemnify the Pariſhes from any Charge that may ariſe from particular Baſtard Children, ſhall be delivered likewiſe by ſuch reſpective Officers to the ſaid Guardians of the Poor; and it ſhall and may be lawful for the ſaid Guardians to ſue on ſuch Bonds in their Corporate Name, and they ſhall recover the Penalties thereof, as if ſuch Bond had been originally made to them: And all Bonds hereafter to be given for the ſame or any the like Purpoſes as aforeſaid, ſhall be made to the ſaid Guardians of the Poor; any Law, Statute, or Cuſtom, to the contrary notwithſtanding.

Voluntary Contributions.

XLVII. And be it further enacted by the Authority aforeſaid, That all voluntary Contributions which well diſpoſed and charitable Perſons ſhall think proper to make, towards the carrying on the good Purpoſes hereby intended, ſhall be paid to and received by the Treaſurer of the ſaid Guardians, and be applied and diſpoſed of in ſuch Manner for the Maintenance, Clothing, Employment, Accommodation, and Benefit of the Poor in ſuch Houſe or Houſes as the Contributor and Contributors ſhall direct and appoint: and if no particular Direction or Appointment ſhall be given or made touching the Application of ſuch Contributions, the ſame ſhall be made Part of the Common Stock, and applied for the general Purpoſes of this Act; and a Liſt of the Names of ſuch Contributors, and an Account of the Sums by them contributed, ſhall be affixed in the moſt conſpicuous Part of the ſaid Houſe or Houſes.

Appointment of Steward or Governor,

Matrons,

XLVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Directors and acting Guardians, at a General quarterly Meeting aſſembled, from time to time, to appoint one or more Governors or Stewards to overſee and inſpect the Perſons ſo maintained in ſuch Houſe or Houſes, who ſhall be a Member or Members of the Church of *England*, well recommended for Sobriety, Honeſty, and Diligence, and who ſhall be capable of reading, writing, and caſting Accounts; and alſo any Woman or Women, who ſhall be maintained by the ſaid Guardians, or any other Woman or Women, as to the ſaid Directors and acting Guardians ſhall ſeem moſt expedient, as a Matron or Matrons to attend and ſuperintend the Poor in ſuch Houſe or Houſes, under the Direction of ſuch Governors or Stewards of the Poor in ſuch Houſe or Houſes; and ſuch Governors or Stewards ſhall have the Care and

Management of the Poor maintained in such House or Houses, and shall, from time to time, make Reports of the Behaviour of such poor Persons who shall be there maintained.

and a Clergyman.

XLIX. And be it further enacted, That the said Directors and acting Guardians, at any General quarterly Meeting assembled, shall and may, from time to time, appoint some Clergyman of the Church of *England* to instruct such Persons as shall be maintained in such House or Houses in the Principles of the Christian Religion, and the Children in the Church Catechism, which the Governors or Stewards shall once at least in every Week hear such Children repeat; and also to visit the Sick, baptize the Children, bury the Dead, and perform other Offices of his Profession in such House or Houses: And the said Directors and acting Guardians at any General quarterly Meeting assembled, shall, and they are hereby impowered to make such Allowance to such Clergyman and Governors or Stewards, and Matron or Matrons, for their Pains and Trouble therein; and may, from time to time, displace or discharge him, her, or them, or any of them, as to them the said Directors and acting Guardians, at any such Meeting assembled, shall appear reasonable; and shall and may pay such Allowances out of the Money to be raised by virtue of this Act.

Allowance to them.

Poor misbehaving, to be punished by Directors and acting Guardians;

L. And be it further enacted, That if any poor Person maintained and relieved in the said House or Houses, shall be guilty of profane cursing or swearing, or of any lewd, immoral, indecent, or disorderly Behaviour; or shall neglect or refuse to perform the Work or Services which he or she shall be required to do, or shall be remiss therein, such Work or Service being suited to his or their Age, Strength, and Ability; every such Offender shall and may be punished by moderate Correction or Distinction of Dress; such Punishment to be inflicted by Order of the major Part of the said Directors and acting Guardians present at any weekly Meeting to be held in pursuance of this Act.

or, upon Application, by a Justice of Peace.

LI. Provided nevertheless, That if the Governor or Governors shall make Complaint to any Justice of the Peace for the County of *Southampton*, acting in and for the Division of the *Isle of Wight*, against any idle or disorderly Person or Persons, maintained and relieved in the said House or Houses, guilty of any Offence, that then it shall be lawful for such Justice to commit the Offender to the House of Correction for the said County, at *Newport* in the *Isle of Wight*, for any Time not exceeding one Month, or direct corporal Punishment only, or both corporal Punishment and Commitment, as such Justice shall, according to the Nature of the Offence, think proper.

Penalty on purloining or making away with Implements of Work or Apparel.

LII. And be it further enacted and declared, That the Apparel with which any of the Poor (who shall be maintained by the said Guardians) shall be clothed, at the Expence of the said Guardians, shall be, remain, and continue, and be deemed and taken to be the Property of the said Corporation; and in case any Person or Persons maintained by the said Guardians shall purloin, sell, or pawn, any of the Materials or Implements of Work intrusted to him, her, or them, and belonging to the said Corporation, or shall sell or pawn any of the Apparel with which he, she, or they shall be clothed at the Expence of the said Corporation; or in case any Person or Persons shall run away or depart from such House or Houses with the Clothes or Apparel provided by or belonging to the said Corporation, without the Leave of the major Part of the Directors and acting Guardians present at a weekly Meeting, to be held in pursuance of this Act; upon Complaint being made thereof before any Justice of the Peace for the said County, acting in and for the Division of the *Isle of Wight*, by any of the said Guardians, or by the said Governors or Stewards, or any of them, such Justice of the Peace is hereby required to issue a Warrant for the apprehending any such Offender; and, for his or her first Offence, to order the Person so apprehended, being convicted thereof before such Justice of the Peace, on the Oath of one or more credible Witness or Witnesses, or on his or her own Confession, to be sent to the House of Correction at *Newport* aforesaid, there to remain and be kept to hard Labour for any Time not exceeding one Month; and for the second Offence to be sent to the said House of Correction for any Time not exceeding one Month, and then to be publickly whipped; and for the third Offence every such Offender shall be deemed and taken to be guilty of Felony, and being legally convicted thereof, shall suffer such Punishment as Persons convicted of Petit Larceny are liable to by the Laws now in being.

Gratuities to be allowed to the Industrious;

'LIII. And, to the End that all the poor People in the said House may be encouraged to apply themselves to such Tasks in which they shall be employed, with Diligence and Humility,' Be it further enacted by the Authority aforesaid, That, out of the Profits arising to the said Corporation, from the Work which shall be done by such poor People, such Rewards shall be distributed to the Industrious and Skilful, in proportion to the Quantity and Perfection of their Work, as to the said Directors and acting Guardians, assembled at any General quarterly Meeting, shall appear reasonable, so as no Part of the Money paid in such Gratuities be expended in the Purchase of unwholesome or unnecessary Liquors, the drinking of which the Governors or Stewards, and Matron or Matrons, are hereby strictly enjoined to prohibit and prevent.

and to the Governor and Matrons.

'LIV. And, for inciting the Governors or Stewards, and Matron or Matrons, of such House or Houses, to discharge the Duty of their Offices with Humanity, Diligence, and Fidelity,' Be it enacted, That, over and above such Salaries as shall be assigned to them, by the Order of the said Directors and acting Guardians, they, and each of them, shall receive out of the Profits of Work so done by the said poor People, such Proportion thereof as by the said Directors and acting Guardians, at a General quarterly Meeting assembled, shall be judged proper, so as such Gratuity shall not exceed Twopence in the Pound of the Value of the said Profits.

Application of the Profits of the Poor's Work.

LV. And be it further enacted by the Authority aforesaid, That the Profits of the Work so done by the said poor People in the said House or Houses, deducting thereout such Allowances and Gratuities as are herein before limited, shall be applied in Aid of the said Rates and Assessments towards the Maintenance of the Poor within the said Island.

Directors and Guardians may contract for employing the Poor.

LVI. Provided always, That it shall and may be lawful for the said Directors and acting Guardians, at a General quarterly Meeting assembled, from time to time, to contract, if they shall think it expedient so to do, with any Person or Persons for employing all or any of the poor People in the said House or Houses, upon such Terms and Conditions as the said Directors and acting Guardians shall think proper, such Contractor or Contractors being subject to such Rules and Regulations as are herein before prescribed for the Ease and Benefit of the said poor People, and to receive the Profits of their Labour, deducting thereout the Gratuities payable to such poor People, and the Governors or Stewards, and Matron or Matrons, in Manner aforesaid, in Part or in full of Payment and Satisfaction for the Service to be performed by virtue of such Contract, so as no such Contract shall subsist, or be in Force for a longer Space than one Year.

Penalty on Officers purloining Goods.

LVII. And be it further enacted by the Authority aforesaid, That if any Governor or Steward, or other Officer appointed, or Matron or other Person whatsoever employed by the said Guardians, shall purloin, embezzle, or wilfully misapply any of the Monies, Materials, or Implements of Work, Utensils, Goods, or Chattels, belonging to the said Corporation, every such Offender shall not only be discharged from his Office, but shall also forfeit and pay the Sum of ten Pounds, and also Treble the Value of such Money, Materials, or Implements of Work, Utensils, Goods, and Chattels, which shall be so purloined, embezzled, or misapplied, to be levied in such Manner as the Penalties and Forfeitures by this Act imposed upon Overseers of the Poor are directed to be levied, and to be applied to the Use of the Poor in the said House or Houses; and in case sufficient Distress shall not be found, then, and in every such Case, it shall and may be lawful to and for any one Justice of the Peace for the said County, to commit such Offender to the Common Gaol for the said County, there to remain without Bail or Mainprize, for any Space not exceeding six Months, nor less than one Month.

Guardians may apprehend idle Persons refusing to work, and deal with them as Vagabonds.

LVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any of the said Guardians to apprehend, or cause to be apprehended, all Persons being in any Parish or Place within the said Island, who not having wherewith to maintain themselves, live idle without Employment, and refuse to work for the usual and common Wages given to other Labourers in the like Work in the Parishes or Places where they then are, and to convey, or cause to be conveyed, to some Justice of the Peace for the said County, acting in and for the Division of the *Isle of Wight*, the Person or Persons so apprehended; and such Person or Persons so apprehended shall be deemed Vagabonds, and shall be dealt with according to the Laws which shall be then in Force concerning Vagabonds and other idle and disorderly Persons.

Justices to proceed upon Complaint of Directors or acting Guardians, or Governors.

LIX. And be it further enacted by the Authority aforesaid, That in all Cases where one or more Justice or Justices of the Peace is or are impowered, by the Laws now in being, to proceed on the Complaint of the Churchwardens and Overseers of the Poor of any Parish or Parishes, or of any of them, it shall and may be lawful for such Justice or Justices of the Peace, and he and they are hereby required to proceed on the Complaint of any of the said Directors or acting Guardians, Governors, or Stewards for the time being, in such and the like Manner, to all Intents and Purposes, as if such Complaint had been made by such Churchwardens and Overseers, or any of them.

Governors to be Peace Officers.

LX. Provided also, and be it further enacted by the Authority aforesaid, That for the better and more easy Execution of the Powers and Authorities in this Act contained, the Governors or Stewards for the time being shall be Peace Officers in Right of such Office; and that all Warrants issued by any Justice or Justices of the Peace, in pursuance of this Act, or anywise respecting the Government and Management of the Poor within the said Island, shall and may be directed by such Justice or Justices of the Peace, either to the Governors or Stewards for the time being, or to the Constable or Constables, or other Peace Officer or Peace Officers, of the Parish or Place where the same are respectively to be executed; and such Governors or Stewards are hereby authorised and required to execute such Warrants so directed to them accordingly; and all Persons are hereby required to be aiding and assisting to such Governors or Stewards, in the Execution of such Warrants, in the same Manner as if such Warrants had been executed by a Constable or other Peace Officer.

Forfeitures given to the Poor, to be paid to the Treasurer.

LXI. And be it enacted by the Authority aforesaid, That all Fines and Forfeitures arising from any Offences committed within the said Island, where the Whole, or any Part thereof, is given to the Poor of any Parish, or for any Offences against this Act, shall be paid to the Treasurer or Treasurers to the said Guardians, to the Use of the Poor of such House or Houses.

Expences of the Act to be first paid.

LXII. And be it further enacted, That the Charges and Expences of procuring this Act of Parliament, shall be paid out of the first Monies to be raised or borrowed by virtue of this Act.

Guardians to defray their own Expences.

LXIII. And be it further enacted, That the said Guardians, Directors, and acting Guardians, shall, at their first and every other subsequent Meeting, defray their own Charges and Expences.

That no Person shall act as a Director or Guardian, concerned in any Contract.

LXIV. And be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Director or Guardian, under the Authority of this Act, during the Time he shall be concerned in, or have any Contract for the Performance of any Work, or supplying any Necessaries for carrying this Act into Execution, or the supporting of the said Poor.

Questions how to be determined.

LXV. And be it further enacted by the Authority aforesaid, That at the said first, and all and every subsequent Meeting of the said Guardians, or any Committee of the said Guardians, or any of them, and all Meetings of the said Directors and acting Guardians, all Questions which shall not be directed by this Act to be determined by Ballot, or agreed to be so determined by such Guardians and Directors, shall be determined by the Majority of the Persons present; and, in case of an Equality of Votes, the Chairman of such respective Meeting or Committee shall have the casting Vote.

LXVI. Provided

LXVI. Provided always, and be it further enacted, That all and every the Directors and Guardians appointed, or to be appointed, by virtue of this Act, shall, at the first Meeting at which he or she shall act, deliver in, or cause to be delivered in, in Writing under his or her Hand, an Account of his or her Qualification, and in what Parish or Parishes, Place or Places, the same is or are situate. Directors and Guardians to give in Accounts of their Qualifications.

LXVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall convey any Spirituous or Strong Liquors, into any House or Houses to be erected by virtue of this Act, such Person or Persons shall be, and he, she, and they, are hereby declared to be subjected to such and the like Pains and Penalties as are by an Act of the twenty fourth Year of the Reign of his late Majesty King *George* the Second, directed to be inflicted on Persons conveying Spirituous Liquors into Prisons or Gaols. No strong Liquors to be brought into the Houses.

LXVIII. Provided always, and be it enacted by the Authority aforesaid, That if at any Time or Times hereafter, five or more of the said Guardians, who shall be seised, in their own Right, of Lands, Tenements, and Hereditaments, lying in the said Island, of the yearly Value of five hundred Pounds each, shall desire the Directors and acting Guardians, assembled at the General quarterly Meeting next preceding the annual Meeting to be held in pursuance of this Act, that at such annual Meeting a General Meeting may be held of all the Guardians by this Act incorporated; that then, and in that Case, the said Directors and acting Guardians assembled at such quarterly Meeting shall, and they are hereby authorised and required to direct Notice of the holding of such General Meeting to be inserted in the *Salisbury Journal*, or some other public Paper, circulated in the *Isle of Wight*, for four Weeks next preceding the said General annual Meeting; and that if the Persons desiring such General Meeting shall make it appear to the Guardians there assembled, that there has been any Mismanagement or Abuse of the Trust reposed in the said Directors and acting Guardians, that then the Guardians then and there assembled in pursuance of such Notice, shall and may elect Directors and acting Guardians in the Room of those so abusing their Trust, in such and the same Manner, and subject to the same Rules, Orders, and Directions, as are herein before prescribed, both with regard to the original Election of the said Directors and acting Guardians, and to the Powers and Authorities in them vested by this Act, when so elected; any Thing herein contained to the contrary notwithstanding. A General Meeting to be called at the Request of five or more Guardians, possessed of 500 l. per Annum each,

LXIX. And be it further enacted by the Authority aforesaid, That this Act, or any Thing therein contained, shall not prejudice or affect the Rights of the Lord and Lords of any Manor or Manors within the said *Isle of Wight*, and of the Freeholders, and other Inhabitants within the said Island, in and to all Rights of Common, or other Rights or Privileges whatsoever, in, upon, or within the said Forest of *Parkhurst*; but that such Lord or Lords for the time being, and all Persons claiming or to claim under, or in Trust for him or them, as Lord or Lords aforesaid; and also all Freeholders and Inhabitants within the said Island, shall, at all Times hereafter, hold and enjoy all Rights of Common, and other Rights and Privileges, other than and except such Right of Common, and other Rights and Privileges, as can or may be claimed by them, any or either of them, upon the Land to be inclosed by virtue of this Act, in as full, ample, and beneficial Manner, to all Intents and Purposes, as the same could have been held or enjoyed, in case this Act had not been made. Saving Rights of Lords of Manors, &c.

LXX. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of *Southampton*, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the said Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law: And in all Actions or Suits so commenced or prosecuted, the Inhabitants of the said Island shall be deemed and admitted to be good Evidences; any Law, Usage, or Custom to the contrary notwithstanding. Limitation of Actions. General Issue. Treble Costs.

LXXI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Public Act.

CAP.

CAP. XLIV.

An Act for the better paving, repairing, and cleanſing the Streets, Lanes, Alleys, and other public Paſſages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the Eaſt End of *Weſtgate Bridge*, the South Side of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of *York*) and the extreme Part of the Townſhip of *Wakefield* aforeſaid, leading from *Wrengate* towards *Eaſt Moor*; for preventing Nuiſances and Annoyances therein, and for widening and rendering the ſame more commodious.

Preamble.

'WHEREAS the Streets, Lanes, Alleys, and Paſſages, within that Part of the Town of *Wakefield*, in the County of *York*, which lies within the Eaſt End of *Weſtgate Bridge*, the South End of *Northgate Bar*, the North End of *Kirkgate Bridge*, (except ſo much thereof as is repaired by the Weſt Riding of the ſaid County of *York*) and the extreme Part of the Townſhip of *Wakefield* aforeſaid, leading from *Wrengate* towards *Eaſt Moor*, are in a very ruinous Condition, and very ill-paved, repaired, and cleanſed, and the Paſſages thereof are greatly obſtructed by various Nuiſances and Annoyances: And whereas ſeveral of the aforeſaid Streets, Lanes, Alleys, and Paſſages, are in ſome Parts thereof too narrow, and extremely incommodious for the paſſing of Carriages and Perſons: And whereas it would tend greatly to the Health, Safety, and Advantage of the ſaid Town of *Wakefield*, and be of public Utility, if all the aforeſaid Streets, Lanes, Alleys, and Paſſages, were properly paved, repaired, and cleanſed and widened, turned and altered, where neceſſary, and all the Nuiſances, Obſtructions, and Annoyances therein, were removed for the future:' May it therefore pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *William* Lord Viſcount *Galway*, in the Kingdom of *Ireland*; the Right Honourable *John* Lord *Mexborough*, in the Kingdom of *Ireland*; Sir *Thomas Wentworth*, Sir *Lionel Pilkington*, Sir *Rowland Wynne*, Sir *John Ramſden*, Sir *George Savile*, Sir *John Liſter Kaye*, Sir *George Armitage*, Sir *William Lowther*, the Honourable *George Carey*, the Reverend *Bryan Allot*, *Bryan Allot* the younger, *Henry Allot*, *Charles Allanſon*, *Richard Beaumont*, *Thomas Beaumont*, *John Brooke*, *Godfrey Boſwille*, *William Beatſon* of *Hollingthorpe*, *Thomas Cotton*, *Nathaniel Cholmley*, *Benjamin Farrand*, *John Gill* of *Sandal*, *John Hatfield Kaye*, *Edwin Laſcelles*, *Daniel Laſcelles*, *Edward Laſcelles*, *John Liſter*, *Cavendiſh Liſter*, *Michael Pilkington*, *Harriſon Pilkington*, *John Spencer*, *John Smith*, *John Smith* junior, *Francis Wood*, *Godfrey Wentworth*, *Jonathan Weſt*, *Samuel Wood* of *Woodthorpe*, *Charles Waterton*, *Henry Zouch* Clerk, *Edward Prince*, *Thomas Thornhill*, *George Thornhill*, *Walter Wade*, *Charles Wilkinſon*, *John Spencer*, *Mathew Robert Arnott*, *John Smythe*, *John Silveſter Smith*, Doctor *Cookſon*, *John Milnes*, *Pemberton Milnes*, *James Milnes*, *Michael Bacon* D. D. *Peregrine Wentworth*, *Richard Towne*, *Harpham Green*, *Daniel Maude*, *William Maude*, *Francis Maude*, *Francis Maude* junior, *James Maude*, *James Banks*, *Robert Amory* Doctor in Phyſic, *George Charnock*, *Alexander Hatfield*, *Joſeph Hargrave*, *William Serjeantſon*, *Robert Milnes*, *Charles Steer*, Colonel *Leſtus*, *Anthony Tottenham*, *Edward Ribſdale*, *Benjamin Thomſon*, *Alan Johnſon*, *Thomas Hardy*, *Richard Buxton*, *Jeremiah Barſtow*, *Timothy Heald*, *William Beale*, *Thomas Smith*, *Muſgrave Briſcoe*, *Richard Kennet*, *Thomas Hirſt*, *Thomas Deniſon*, *Thomas Oates*, *William Marſden*, *Samuel Wood* of *Woodthorpe*, *Edward Jennings*, *Robert Cheetham*, *Thomas Walker*, *George Holt*, *George Maudſley*, *John Lee*, *Henry Cornwall Legh*, *John Clarkſon*, *William Burrell*, *Joſeph Burrell*, *Richard Burton*, *Samuel Harriſon*, *Iſaac Popplewell*, *William Nevilſon*, *Joſeph Nevinſon*, *Joſeph Baildon*, *John Woollin*, *Henry Zouch* Clerk, *Samuel Zouch*, *Daniel Scott*, *William Richardſon*, *Thomas Crowther*, *John Moxon*, *John Bradford*, *John Crowther*, *John Johnſon*, *Robert Lumb*, *Richard Lumb*, *Joſeph Shepard*, *Joſeph Haiſte* ſenior, *Philip Haiſte*, *John Elliſon*, *Joſeph Haiſte* junior, *Stephen Roodhouſe*, *Joſhua Wilſon*, *Joſeph Armitage*, *Richard Tennant*, *George Bucktrout*, *Benjamin Sigſton*, *Charles Clapham*, *William Bargh*, *Thomas Bargh*, *Samuel Smallpage*, *Ambler*, *Thomas Holdſworth* Doctor in Phyſic, *Thomas Walker* junior, *John Smythe* junior, *Benjamin Foſter* Clerk, *Chriſtopher Atkinſon* Clerk, *John Taylor* Clerk, *William Shaw*, *Richard Stovin*, *Luck Anningſon*, *Benjamin Johnſon*, *John Burton*, *John Naylor*, *William Wilcock*, *Robert Tidſwell*, *Francis Ingram*, *George Brooke*, *George Cotton* junior, *John Thornton*, *Giles Rickaby*, *Thomas Norton*, *John Gill*, *Metcalf Proctor*, *William Fenton*, *Thomas Fenton*, the Reverend *Mitchell*, the Reverend *John Woollin*, and their Succeſſors, to be elected, nominated, and appointed, in purſuance of this Act, are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the ſaid Commiſſioners, or of any of their Refuſal to act, or if any of them who are now Inhabitants of the Townſhip of *Wakefield* aforeſaid, ſhall remove thereout; that then, and in any of the Caſes aforeſaid, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners, or any five or more of them, from time to time, by Writing under their Hands and Seals, to elect, nominate, and appoint one or more fit Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Room and Stead of ſuch Commiſſioner or Commiſſioners ſo deceaſed, refuſing to act, or removed as aforeſaid; ſuch new Commiſſioners, in the Room of thoſe who lived within the ſaid Townſhip, to be ſupplied out of Perſons inhabiting within the ſaid Townſhip; and ſuch new Commiſſioners, in the Room of thoſe who lived without the ſaid Townſhip, to be ſupplied out of Perſons living out of the ſaid Townſhip; but fourteen Days public Notice of the Time and Place of Meeting for every ſuch Election ſhall be given, by affixing the ſame in Writing upon the Church Doors and

Commiſſioners Names.

and Market Croſs of the Town of *Wakefield* aforeſaid: And ſuch Perſon and Perſons as ſhall, from time to time, be ſo elected, nominated, and appointed, ſhall from thenceforth have the ſame Power and Authority to act in all Things relating to the Matters herein contained, as if he or they had been expreſsly named and appointed by this Act.

Commiſſioners acting not being qualified, to forfeit 50l.

II. And be it further enacted, That no Perſon ſhall be qualified or capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of forty Pounds, or ſhall be poſſeſſed of a perſonal Eſtate to the Amount of one thouſand Pounds; and if any Perſon, not being ſo qualified, ſhall preſume to act contrary to the Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of his Majeſty's Courts of Record at *Weſtminſter*, with full Coſts of Suit, by Action of Debt; and every Perſon ſo ſued ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of him who ſhall ſue for the ſame, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act; one Moiety whereof to be paid to the Perſon who ſhall ſue for the ſame, for his own Uſe, and the other Moiety to be paid to the Commiſſioners, or to ſuch Perſon or Perſons as they, or any five or more of them, ſhall appoint; the ſame to be applied for the Purpoſes of this Act, in ſuch Manner as the Commiſſioners, or any five or more of them, ſhall appoint.

No Commiſſioner to hold a Place of Profit.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner during the Time he ſhall hold any Place of Profit, or have any Share or Intereſt in any Contract relating to the Execution of any of the Powers of this Act.

Firſt Meeting of Commiſſioners.

IV. And be it further enacted, That the ſaid Commiſſioners, or any five or more of them, ſhall meet at the Public Houſe called *the Strafford's Arms*, ſituate in the ſaid Town of *Wakefield*, on *Monday* three Weeks next after paſſing this Act, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and afterwards at ſuch Time and Place within the ſame Town as ſhall be appointed for that Purpoſe, as often as it ſhall be neceſſary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or in caſe the Commiſſioners ſo aſſembled ſhall omit or neglect to adjourn themſelves; then, and in any ſuch Caſe, any five of the Commiſſioners ſhall and may, by Notice in Writing, to be affixed on the Church Doors and Market Croſs of the ſaid Town of *Wakefield*, at leaſt four Days before the next Meeting, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting was held; and the ſaid Commiſſioners, or any five or more of them, ſhall and may meet accordingly at the Time mentioned in the ſaid Notice, and proceed to the Execution of this Act; and the Commiſſioners ſhall, at their Meeting, pay their own Expences.

Commiſſioners to defray their own Expences.

Preſident to have a deciſive Vote.

V. And be it further enacted, That at every Meeting of the ſaid Commiſſioners to be held by virtue of this Act, the Powers and Authorities hereby granted ſhall be carried into Execution by the major Part of the Commiſſioners preſent, provided there are five or more of them preſent at ſuch Meeting; and ſuch one of the Commiſſioners preſent as the major Part of them attending ſhall appoint, ſhall be Preſident; and, in caſe of Equality of Voices, including the Preſident's own, ſuch Preſident ſhall, upon all Occaſions, have another, and the deciſive Vote.

Commiſſioners to appoint Officers,

VI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, from time to time, to elect, nominate, and appoint ſo many Clerks, Treaſurers, Collectors, and Scavengers of the Streets and other public Paſſages within the ſaid Part of the ſaid Town, and other Officers, as they ſhall think proper; and to remove and diſplace them, or any of them, reſpectively, as they ſhall ſee Occaſion, and appoint others in their Stead, in caſe of Death or Removal; and alſo to limit and appoint what Wages and Allowances ſhall be paid and given to them reſpectively; and alſo to order and appoint how and in what Manner the ſaid reſpective Officers ſhall reſpectively act and execute their ſeveral Offices, Places, and Employments; and alſo ſhall and may, from time to time, make ſuch other Orders, Rules, and Regulations, as the Nature of each particular Service ſhall ſeem to them to require, and, from time to time, to vary, alter, revoke, or make void any of their Orders, Rules, or Regulations, as to them in their Diſcretion ſhall ſeem neceſſary and expedient for putting this Act in Execution; which Orders and Regulations ſo to be from time to time made, ſhall be valid and effectual to all Intents and Purpoſes: And all and every ſuch Officer and Officers ſhall give ſuch Security for the due and faithful Performance of their reſpective Offices as the ſaid Commiſſioners, or any five or more of them, ſhall think fit: And ſuch Perſon or Perſons as is or are made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall be, from time to time, by the ſaid Commiſſioners appointed to collect and receive the ſame: And all ſuch Officers ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch time and times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct, deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing, to be fairly entered in a Book or Books to be kept for that Purpoſe, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officer or Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid reſpective Officers ſo accounting as aforeſaid ſhall, upon Oath, if thereunto required (which Oath the ſaid Commiſſioners, or any one or more of them, is and are hereby impowered and required to adminiſter), verify their ſaid Accounts: And if any ſuch Officers ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Accounts,

and take Security.

Securities to be entered in Books.

or

Officers refuſing to account,

or to produce or deliver up the Vouchers relating to the ſame, or to make Payments as aforeſaid; or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they appoint, within ten Days after being thereunto required by the ſaid Commiſſioners, all Books, Papers, and Writings, in their Cuſtody or Power reſpectively, relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or as they ſhall direct or appoint; then, or in either of the Caſes aforeſaid, ſuch Commiſſioners may and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name of ſuch Commiſſioners, or in the Name or Names of any three or more of them, againſt the Officer or Officers ſo neglecting or refuſing as aforeſaid, for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any one or more of the Juſtices of the Peace for the Weſt Riding of the County of *York*, ſuch Juſtices ſhall and may, and are hereby authoriſed and required, by Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers ſo neglecting or refuſing to be brought before them; and if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby impowered and required to adminiſter without Fee or Reward), or by any other competent Evidence, it ſhall appear to ſuch Juſtices, that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, ſuch Juſtices may and are hereby authoriſed and required, upon Non payment thereof, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers reſpectively; and if no Goods or Chattels of ſuch Officer or Officers can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale; then, and in ſuch Caſe, ſuch Juſtices ſhall commit every ſuch Officer to the Houſe of Correction for the ſaid Weſt Riding, there to remain without Bail or Mainprize for any Time not exceeding ſix Calendar Months, or until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners, or any five or more of them, are hereby impowered to make), and until he ſhall deliver up ſuch Books, Papers, and Writings, as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any five or more of them.

to be brought before the Juſtices;

and on Non-payment, Money to be levied by Diſtreſs; for want of which, ſuch Officer to be committed.

All Books, &c. to be delivered up.

Executors or Collectors to make Account and Payment within a certain Time.

VII. And be it further enacted, That if any Collector or Collectors of any of the Rates or Aſſeſſments to be collected and paid for paving and cleanſing, in purſuance of this Act, ſhall happen to die during the Time he or they ſhall be in or hold ſuch Office or Employment, that then his or their Executors or Adminiſtrators ſhall, within forty Days after his Deceaſe, deliver in to the ſaid Commiſſioners, or any five or more of them, an Account of the Monies collected by ſuch Collector or Collectors reſpectively; and ſhall alſo deliver all Books, Papers, and Things concerning his and their Office, to the ſucceeding Collector or Collectors, or to ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall appoint; which Money, if any due, ſhall be paid by the Executors or Adminiſtrators, of ſuch deceaſed Collector or Collectors, in preference to and before any of his or their other Debts are paid or ſatisfied.

In caſe of Collector becoming inſolvent,

VIII. And be it further enacted, That in caſe any Collector or Collectors of the ſaid Rates or Aſſeſſments to be collected and paid for paving and cleanſing, in purſuance of this Act, ſhall embezzle or make away with, detain or miſapply any Sum or Sums of Money ſo collected by him or them for the reſpective Uſes aforeſaid; or that the Collector or Collectors, and Perſon or Perſons giving Security for him or them, ſhall become inſolvent, ſo that the ſame cannot be recovered; or ſhall die poſſeſſed of any Sum or Sums of Money by him or them collected by virtue of this Act, and which ſhall not be paid by his or their Executors or Adminiſtrators; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any five or more of them, ſhall and may again rate and aſſeſs ſuch Sum and Sums of Money as ſhall be ſufficient for raiſing and ſupplying ſuch reſpective Loſs and Deficiency as ſhall ſo happen on the ſaid ſeveral and reſpective Accounts of paving and cleanſing, to be applied to thoſe ſeveral and reſpective Purpoſes, in ſuch Manner as the ſaid reſpective Rates and Aſſeſſments are directed to be made by this Act; and ſhall be collected, levied, recovered, and raiſed, in ſuch Manner and under ſuch Penalties as are herein provided for collecting and levying the ſaid reſpective Rates and Aſſeſſments made payable by this Act.

Deficiency to be made good by a new Rate.

Rules for cleanſing the Streets.

IX. And be it further enacted, That all and every Perſon and Perſons inhabiting within the aforeſaid Part of the ſaid Town of *Wakefield*, ſhall, from and after one Month next after the paſſing of this Act, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, all the Streets and other public Paſſages within the aforeſaid Part of the ſaid Town, before or on the Sides of their reſpective Houſes, Warehouſes, Shops, Stables, and other Buildings (not being dead Walls), to the Middle of ſuch Streets and public Paſſages, once in every Week; that is to ſay, Every *Saturday* between the Hours of Six in the Morning and Six in the Afternoon, or upon ſuch other Days, and at ſuch other Times, as the ſaid Commiſſioners, or any five or more of them, ſhall appoint, and collect and put together the Duſt or Soil of the ſaid Streets and public Paſſages, without the leaſt Obſtruction to the Way, Road, and Paſſage therein reſpectively, that may be, to the End the ſame may be ready for the Scavenger to carry away, upon Pain of forfeiting the Sum of five Shillings for every Offence or Neglect; and the Scavenger or Scavengers, or other Officer or Officers to be, from time to time, appointed for that Purpoſe, ſhall, and they are hereby required to ſweep and cleanſe, or cauſe to be ſwept and cleanſed, before all void Houſes, dead Walls, or waſte Grounds and Places, Churches, Church-yards, and Chapels, and other public Places within the aforeſaid Part of the ſaid Town, at ſuch Times as ſhall be appointed by the ſaid Commiſſioners, or any five or more of them,

and collect and put together the Dirt and Soil thereof in the Manner aforesaid, to the End the same may be ready for the loading and carrying away, upon Pain of forfeiting of ten Shillings for every Offence or Neglect: And if any Person or Persons whatsoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Ashes, Rubbish, Dust, Dirt, Dung, or other Filth or Annoyance whatsoever, in any Street, Lane, Alley, Passage, public Place, or Water-course, within the aforesaid Part of the said Town, (except the Dirt and Soil to be collected and put together as aforesaid, and except also as hereafter is mentioned), every such Person shall, for every such Offence, forfeit and pay the Sum of five Shillings, as herein after is directed: And that all and every Person and Persons shall, and he, she, and they are hereby required to keep, or cause the same to be kept, in their respective Houses or Yards, until such Time as the Scavenger, or other Officer to be appointed by virtue of this Act, shall come by or near their Houses or Doors with a Cart or Carts, or other Conveniencies to carry away the same, upon Pain of forfeiting five Shillings for every such Offence; which Scavenger or Scavengers, or other Officer as aforesaid, shall come on *Saturday* in every Week, or on such other Days or Times as the said Commissioners, or any five or more of them, shall appoint; and at or before his or their Approach, by Bell or otherwise, shall give Notice of his or their coming, and give the like Notice to the Inhabitants in every Court, Passage, or Place, into which any Cart or Carts, or other Conveniencies, cannot pass, and abide and stay there a convenient Time, so that the Inhabitants or Persons concerned respectively may bring forth their Ashes, Rubbish, Dust, Dirt, Dung, and Filth (except any Filth from any Privy or Necessary-house), to such Cart or Carts, or other Conveniencies; all which Ashes, Rubbish, Dust, Dirt, Dung, and Filth (except as aforesaid), as well as all such Dirt and Soil as shall be swept up and collected together as aforesaid, the said Scavenger or Scavengers, or other Officer appointed for that Purpose, shall then immediately, or as soon as may be, carry away, or cause to be carried away, *gratis*, upon Pain of forfeiting ten Shillings for every Offence or Neglect: And no Person or Persons whatsoever shall take or carry away, or cause to be taken and carried away, any Ashes, Dirt, Dust, Muck, Dung, or Manure, out of the said Streets and public Passages of the aforesaid Part of the said Town, except such Scavenger or Scavengers, or other Officer to be appointed by the said Commissioners for that Purpose, as aforesaid, (unless the same shall be taken or carried away by the Person or Persons to whom the same shall respectively belong, or by his, her, or their Order or Direction, before the Time that such Scavenger or other Officer as aforesaid shall come to carry away the same, and unless such Muck, Dung, or Manure, as shall be brought into the said Streets or public Passages from their respective Dungholes or Dunghills, for the Convenience of loading and carrying away the same), on Pain of forfeiting and paying the Sum of five Shillings for every such Offence; and no Inhabitant of the aforesaid Part of the said Town, or any other Person, shall permit or suffer any Muck, Dung, or Manure, by them or any of them brought, or caused to be brought, into the said Streets or public Passages as aforesaid, in order to be loaded and carried away, to continue or remain therein above the Space of twenty-four Hours, on Pain of forfeiting ten Shillings for every such Offence.

Penalties for not cleansing.

Scavengers Notices to be given.

Scavengers appointed to take away Dung, &c.

X. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, or any five or more of them, from time to time, as they shall think proper, to compound with all or any of the Inhabitants of any Street or public Passage within the aforesaid Part of the said Town, by the Year, for such Sum or Sums of Money as they the said Commissioners shall think proper, for the sweeping and cleansing to be done by such Inhabitants respectively by virtue of this Act, provided such Composition-money be always paid down in Advance.

Commissioners may compound with Inhabitants for cleansing, &c.

XI. And be it further enacted, That the said Commissioners, or any five or more of them, shall have full Power to buy or rent Land for depositing of Soil, Ashes, Cinders, and Rubbish, in case they shall think proper so to do; and the Purchase-money or Rent thereof shall be paid out of the said Rates; and the Property thereof, if purchased, shall be and is hereby vested in the said Commissioners for the Purposes of this Act.

Land may be purchased or rented to deposit Soil, &c.

XII. And be it further enacted, That from and after the passing of this Act, the Property of all the present and future Pavements in the Streets, and all other public Passages within the aforesaid Part of the said Town, and of all Materials, Implements, and other Things to be purchased for the Purposes of this Act, shall be, and the same are hereby vested in the said Commissioners; and they, or any five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any five or more of them, or in the Name of their Treasurer or Clerk, or to prefer any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons who shall take, steal, or carry away, spoil, injure, or destroy any Part or Parts thereof: And the said Commissioners, or any five or more of them, shall have full Power and Authority to sell and dispose of all or any Part of the old and useless Materials to such Person or Persons as shall be willing to purchase the same; and the Money arising therefrom shall be applied to such and the same Purposes as the Monies arising from the Rates and Assessments in and by this Act directed to be made are directed to be applied: And if any Person or Persons shall wilfully hinder or obstruct any of the Commissioners, Officers, or Workmen, employed in any Manner in the Execution of this Act, every Person or Persons so offending in any of the Matters aforesaid, which shall be taken and deemed distinct and separate, shall, upon being convicted thereof by the Oath of one or more credible Witness or Witnesses, or his, her, or their own Confession, before any Justice of Peace for the said West Riding (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) or by any other competent Evidence, shall forfeit for the first Offence the Sum of twenty Shillings, for the second Offence the Sum of forty Shillings, and for the third and every other Offence the Sum of five Pounds; one Moiety whereof shall go to the Informer, and the other Moiety to the said Commissioners, to be disposed of for the Purposes of this Act.

Pavements, &c. vested in Commissioners,

who may bring Actions or prefer Indictments.

Old Materials may be sold.

Penalty on Persons obstructing the Work, &c.

Commissioners may order the Pavements of the Streets to be repaired.

XIII. And be it further enacted, That from and after the passing this Act, it shall and may be lawful to and for the said Commissioners, from time to time, and at all times, when and so often as they, or any five or more of them, shall think proper, and they, or any five or more of them, are hereby authorised to order and direct all or any of the Pavements in the said Streets and public Passages now in being, or hereafter to be made, or any Part or Parts thereof, to be repaired; and the same, when necessary, to be taken up; and the said Streets and public Passages to be paved, relaid, repaired, raised, lowered, or altered; and also to be cleansed and freed from all Annoyances, Obstructions, Nuisances, and Incroachments whatsoever; and all such Sewers and Drains, and Reservoirs of and Receptions for Water therein, as the said Commissioners, or any five or more of them, shall think proper; and the Person or Persons authorised or directed by them to do the same are hereby impowered and required to do the same accordingly.

Sewers, &c. to be made.

Interruptions in the Foot-ways, how to be prevented.

XIV. And be it further enacted, That if any Person or Persons shall, from and after the passing this Act, carry, run, drive, or draw, or cause to be carried, run, driven, or drawn, on any of the Foot pavements to be made in pursuance or by virtue of this Act, within the aforesaid Streets and public Passages within the aforesaid Part of the said Town, or any of them, any Bier, or any Wheel or Wheels, Sledge, Wheelbarrow, or other Carriage whatsoever, or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Cattle, or any Coach or other Carriage whatsoever, upon any Part of the said Foot-pavements; then, and in any of the said Cases, and as often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons to assist in seizing such Offender or Offenders, and, by Authority of this Act, and without any Warrant, to convey or deliver him, her, or them, into Custody of a Peace Officer, to be conveyed before some Justice of the Peace for the said West Riding; and the Party or Parties accused being brought before him, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence (which Oath the said Justice is hereby authorised and required to administer without Fee or Reward); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay any Sum not exceeding ten Shillings for the first Time of offending, the Sum of twenty Shillings for the second Time of offending, and the Sum of forty Shillings for the third and every other Time of offending; one Moiety whereof shall go to the Informer, and the other Moiety to the said Commissioners, to be disposed of for the Purposes of this Act.

Penalty on Offender.

Power of making Drains into the common Sewer.

XV. Provided always, That it shall and may be lawful to and for the said Commissioners, or any five or more of them, and they are hereby authorised and impowered, under their respective Hands, under such Restrictions as to them from time to time shall seem meet, to give Liberty and Licence to all or any of the Occupiers of Houses and Buildings within the aforesaid Part of the said Town, or their respective Workmen, to make any Soughs or Drains under Ground from their respective Houses and Buildings, or any Part or Parts thereof, into and through the aforesaid Streets and public Passages, or any Part of the same, to and into any common Sewer to be made therein by virtue of this Act, or any Part thereof, and to lay therein the necessary Materials for the doing such Work, and the Rubbish arising from the same; and no Person or Persons acting under such Licence, and agreeable thereto, shall be subject or liable to any of the Penalties contained in this Act.

Signs, &c to be regulated.

XVI. And be it further enacted, That the said Commissioners, or any five or more of them, shall cause all Signs to be fixed or placed on the Fronts of the Houses whereto the same shall respectively belong; and shall and may, within six Calendar Months next after the passing of this Act, cause all Sign-irons, Posts, and Boards, Penthouses, Porches, Cellar-holes, and Steps, or other Things occasioning any Obstruction, Projection, or Annoyance in the said Streets and public Passages, to be removed or altered, in such Manner as the said Commissioners, or any five or more of them, shall think most proper and convenient: And

Offenders to forfeit 20s.

if any Person or Persons shall, at any Time after the End of the said six Calendar Months, hang, place, erect, build, or make, any Sign, Sign-iron, Post, or Board, Penthouse, Porch, Cellar-hole, or Steps, or other Thing, or cause the same to be done, in any other Manner than as aforesaid, every Person so offending shall, for each and every Week he shall permit the same to remain so hung, placed, erected, built, or made, forfeit and pay the Sum of twenty Shillings.

Owners may remove their Signs, &c. at their own Expence.

XVII. Provided always, and be it further enacted, That if any Person or Persons shall be desirous, within the Time aforesaid, at his or their own Costs and Charges, to remove or alter any such Sign, Sign-iron, Post, or Board, Penthouse, Porch, Cellar-hole, or Steps, or other Thing occasioning any Obstruction, Projection, or Annoyance in the said Streets and public Passages, as before directed; that then, and in such Case, all Materials unused after the Alterations thereto made, shall be the Property of the Person or Persons so making or doing thereof: But if the same Alterations, or any Part thereof, shall be made or done at the Expence of the said Commissioners, then, if any or any Part of any such Sign, Sign-iron, Post, or Board, Penthouse, Porch, Cellar-hole, or Steps, or other Thing, shall remain unused after the Alteration made thereto, as before directed, the same shall be the Property, and is hereby vested in the said Commissioners, for the Purposes of this Act.

Spouts to be brought down by the Fronts of the Houses.

XVIII. And be it further enacted, That all Spouts and Gutters belonging to, and which convey Water from the Tops of the Houses, Warehouses, Shops, or other Buildings, directly into the Streets and public Passages within the aforesaid Part of the said Town, shall, within six Calendar Months after the passing of this Act, be removed, and the Water shall be conveyed by Pipes to be brought down by the Sides or Fronts of such Houses, Warehouses, Shops, or other Buildings, into some underground Sewer, Cistern, or Reservoir, or to the Ground, at the Costs and Charges of the respective Owners or Occupiers thereof: And in case the same shall not be done within the Time aforesaid, the Owner or Occupier of every such House, Warehouse,

Warehouſe, Shop, or other Building, ſhall forfeit and pay the Sum of five Shillings for each and every Week any ſuch Spout or Gutter ſhall remain, and the Water not conveyed down as aforeſaid, after the Time herein before limited; and that if any Perſon or Perſons ſhall hereafter erect, or cauſe to be erected, any Spout or Gutter for conveying Water from any old or new Houſe, Warehouſe, Shop, or other Building, in any Manner contrary to the Directions and true Meaning of this Act, every ſuch Perſon ſhall forfeit and pay the Sum of ten Shillings for every ſuch Spout or Gutter that ſhall remain.

Time when Stalls, &c. are to be removed.

XIX. And be it further enacted, That all Stalls, Benches, and Lumber, uſed in the aforeſaid Part of the ſaid Town, by any Perſon or Perſons keeping Stalls or Standings in the Streets, or other public Paſſages, ſhall be taken or carried away before Ten of the Clock at Night upon every *Friday* in every Week, and before Eight of the Clock in the Evenings of all other Days, by the reſpective Perſons uſing the ſame, on Pain of forfeiting two Shillings for every Offence or Neglect therein.

Annoyances are to be removed.

XX. And be it further enacted, That in caſe any Hogſtye, Layſtall, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any Aſhes, Cinders, or Rubbiſh, or any other noiſome or offenſive Matter whatſoever, ſhall be ſuffered to remain within the aforeſaid Part of the ſaid Town, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, upon Complaint thereof by any Perſon made to them, or any of them, or to their Clerk for the time being, by Notice in Writing under their Hands, or the Hand of ſuch Clerk, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within twelve Hours after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of five Shillings daily for every Day that the ſame ſhall continue unremoved after the Expiration of the ſaid Time.

Neceſſary-houſes when to be emptied.

XXI. And be it further enacted, That if any Neceſſary-houſe or Bog-houſe within the aforeſaid Part of the ſaid Town ſhall be emptied at any Time except between the Hours of Eleven at Night and Five in the Morning, or the Soil thereof ſhall be laid in any other Place than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any five or more of them, by any Perſon or Perſons; then, and in either of the ſaid Caſes, as well the Perſon or Perſons knowingly employing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings: And if any Perſon or Perſons ſhall wilfully or negligently ſpill any of the Soil of any Neceſſary-houſe or Bog houſe in any of the aforeſaid Streets or public Paſſages, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

No Aſhes to be ſifted in any Street.

XXII. And be it further enacted, That if any Perſon or Perſons who ſhall contract with the ſaid Commiſſioners, or any five or more of them, to cleanſe the aforeſaid Streets and public Paſſages as aforeſaid, or any of them, or who ſhall purchaſe the Soil thereof of the ſaid Commiſſioners, or any five or more of them, or any of his, her, or their Servants or Agents; or if any Perſon or Perſons whomſoever ſhall ſift any Aſhes, Duſt, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howſoever, in any open Street or public Paſſage within the aforeſaid Part of the ſaid Town, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of one Shilling.

Commiſſioners to purchaſe Lands, and all Perſons impowered to treat.

'XXIII. And whereas it may be neceſſary to open and enlarge the great Highway or Paſſage leading 'from the Guide Poſt oppoſite to the *White Hart*, ſituate in *Weſtgate*, in *Wakefield* aforeſaid, directing the 'Road to *Leeds* to the Channel at the North End of the ſaid Highway, and to remove certain detached 'Buildings, ſituate in or near the Hog Market in *Wakefield* aforeſaid; and alſo to open and enlarge Part of 'the Street in *Kirkgate*, by taking into the ſame Part of a Garden, in the Poſſeſſion of Mr. *Sheppard*,' therefore be it enacted, That the ſaid Commiſſioners, or any nine or more of them, ſhall be and are hereby impowered to agree with the Owners or Proprietors of and Perſons intereſted in any Buildings or Lands, which they the ſaid Commiſſioners, or any nine or more of them, ſhall judge neceſſary or proper to be pulled down, removed, cut, digged, altered, or uſed, for the Purpoſes of this Act: And it ſhall be lawful for all Bodies Politic and Corporate, Huſbands, Guardians, Truſtees, Committees, Executors, or Adminiſtrators, for or on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, or Femes Covert, and to and for all and every other Perſon and Perſons whatſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any ſuch Buildings or Lands, to contract for, and to ſell and convey the Inheritance in Fee-ſimple of all or any ſuch Buildings or Lands, unto the ſaid Commiſſioners, or any five or more of them, or to ſuch Perſon or Perſons as they, or any five or more of them, ſhall nominate and appoint; and that all ſuch Contracts, Agreements, Bargains, Sales, and Conveyances, ſhall be good and valid in the Law to all Intents and Purpoſes, not only to convey the Eſtate and Inheritance of the Perſon and Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon whatſoever, and all claiming or to claim by, from, or under them; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding; and that all Perſons ſo conveying as aforeſaid are and ſhall be indemnified for what they ſhall do by virtue and in purſuance of this Act: And that all ſuch Sales and Conveyances to be made as aforeſaid ſhall be inrolled by the Clerk of the Peace for the aforeſaid Weſt Riding, and true Copies of the ſame, ſigned by the Clerk of the Peace for the time being, ſhall be deemed and taken to be good Evidence thereof in all Courts whatſoever.

Upon Refuſal to treat,

XXIV. And be it further enacted, That if any ſuch Bodies Politic or Corporate, or any Perſon or Perſons whatſoever, ſhall, for the Space of twenty-one Days next after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politic or Corporate, or to ſuch Perſon or Perſons reſpectively, or to the Tenant or Tenants in Poſſeſſion of the ſaid Buildings or Lands intended to be pulled down, removed, cut, digged, altered, or uſed, as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid

Commissioners, or any five or more of them, or, by reason of Absence, shall be prevented from treating touching the Matters aforesaid; then, and in every such Case, the said Commissioners, or any five or more of them, shall and may, and they are hereby authorised and impowered, from time to time, to issue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the County of *York* for the time being; or in case such Sheriff shall happen to be interested in the Matter in question, or anywise related to any of the Parties interested or concerned therein, then to one of the Coroners of the West Riding of the said County, requiring such Sheriff or Coroner to impannel, summon, and return a Jury; and the said Sheriff or Coroner, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impannel, summon, and return a Jury of able and sufficient Men, qualified according to the Laws and Statutes of this Realm, not being Inhabitants of the aforesaid Township of *Wakefield*, to be returned for Trials of Issues joined in his Majesty's Courts at *Westminster*, to appear before the said Commissioners, or any five or more of them, at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than ten Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner respectively, or more than twenty Days after such Service, upon Pain to forfeit for every Default in not making such Return ten Pounds; to be sued for and recovered in the Manner herein after directed; and also to return in Issues upon every Person so impannelled and returned, not appearing contrary to the true Intent and Meaning of this Act, the Sum of five Pounds, which shall be levied upon the Goods and Chattels of the Person not appearing as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any five or more of them: And in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any five or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all and every such Person and Persons as shall be thought proper or necessary to be examined as Witnesses touching the Matters in question; and the said Commissioners, or any five or more of them, may order and authorise the said Jury, or any six or more of them, to view the Place or Places, or Matters in question; which Jury, upon their Oaths, to be administered by the said Commissioners, or any five or more of them, (and which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any two or more of them, are hereby impowered to administer) shall require of, assess, and ascertain such Damages and Recompence as they shall judge fit to be awarded severally to the Owners and Occupiers of, and also all Persons respectively interested in any such Buildings or Lands, or any Part thereof: And the said Commissioners, or any five or more of them, shall give Judgement for such Damages and Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon declared or pronounced by the said Commissioners, or any five or more of them, and the Value and Recompence so assessed (Notice in Writing being first given of their Meeting at least twenty-one Days before such Meeting to the Parties concerned, or left at their Dwelling-houses or usual Places of Abode, or with the Tenant or Occupier of the Premises, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Buildings or Lands, or any Thing thereunto belonging or appertaining in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politic and Corporate, Infants, Idiots, Lunaticks, Femes-covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

Commissioners to issue Warrants to the Sheriff of Yorkshire, or to a Coroner of the West Riding, to impannel and return a Jury, to appear before the Commissioners at the Time and Place appointed.

Sheriff and Coroner for every Default to forfeit ten Pounds.

Issues to be returned and levied upon Jurors not appearing.

Sheriff or Coroner to return a Tales de Circumstantibus.

Commissioners may summon Witnesses to appear before them,

and may order the Jury to view the Premises.

Jury to assess Damages,

and Commissioners give Judgement finally.

Notice being first given,

XXV. Provided also, and be it enacted, That if any Person or Persons summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Commissioners, or any five or more of them, or appearing, shall refuse to be sworn or examined by, or give Evidence before the said Commissioners, or any five or more of them; or if any Person summoned as a Juryman aforesaid shall, after his Appearance, refuse to be sworn, or being so sworn, refuse to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act; every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, or any five or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of five Pounds; to be levied by Distress and Sale of the Goods or Chattels of the Person or Persons so offending, by Warrant or Warrants, under the Hand and Seal or Hands and Seals of two or more Justice or Justices of the Peace for the said West Riding of the said County of *York*, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale are deducted.

Witnesses not appearing, or refusing to be sworn,

and Jurymen refusing to be sworn, or to give a Verdict,

to be fined by Commissioners.

XXVI. Provided always, and be it further enacted, That in case any Jury, to be summoned and sworn as aforesaid, shall give a Verdict for more Monies, as a Recompence or Satisfaction for any Buildings or Lands, or for any Damage to be done thereto, than what shall have been offered by the said Commissioners, or any five or more of them, before the summoning or returning of such Jury for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury and the Witnesses shall be paid by the said Commissioners, or any five or more of them, out of the Monies to arise by virtue of this Act; but if any such Jury shall give a Verdict for no more, or for less Monies than shall have been offered by the said Commissioners, or any five or more of them, before the summoning and returning such Jury, for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury, and

Payment of Jury and Witnesses.

and the Witneſſes, ſhall be borne by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute: And ſuch Expences having been aſcertained and ſettled by two of his Majeſty's Juſtices of the Peace for the ſaid Weſt Riding, ſhall be deducted and taken out of the Monies ſo aſſeſſed, and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Commiſſioners Decrees to be filed with the Clerk of the Peace.

XXVII. And it is hereby further enacted, That the ſaid Verdicts and Judgements ſhall be ſet down in Writing, under the Hands and Seals of the ſaid Commiſſioners acting in the Premiſes, or any five or more of them, and be kept amongſt the Records and Writings of the Quarter Seſſions of the Peace for the Weſt Riding of the County of *York*, by the Clerk of the Peace for the time being of the ſaid Riding; and the ſame, or true Copies thereof, ſigned by the ſaid Clerk of the Peace, be taken, adjudged, and deemed good and ſufficient Evidence and Proof in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame, *gratis*, at all convenient Times, and may take Copies thereof, paying for every Copy, not exceeding two hundred Words, the Sum of Four-pence, and ſo proportionably for any greater or leſs Number of Words.

Satisfaction being made or tendered, &c. the Commiſſioners may enter and proceed in the Work.

XXVIII. And it is hereby further enacted, That upon Payment of the Sum or Sums ſo agreed on, contracted for, or aſſeſſed and adjudged, for Damages and Coſts to the Parties concerned, or for the Purchaſe of any ſuch Buildings or Lands, or legal Tender thereof made to them reſpectively, which Sum or Sums of Money the ſaid Commiſſioners, or any five or more of them, are hereby authoriſed to pay out of any Monies to be raiſed by virtue of this Act; and in caſe any ſuch Parties cannot be met with, or ſhall refuſe to accept the ſame, then, upon Payment of ſuch Sum into the Hands of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall, under their Hands, in Writing, appoint, for the Uſe of the Parties intereſted as aforeſaid; it ſhall and may be lawful to and for the ſaid Commiſſioners, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or uſe ſuch or ſo much of the ſaid Buildings or Lands, for which ſuch Satisfaction ſhall have been contracted for, agreed on, or aſſeſſed, or decreed, as aforeſaid, and the ſame to uſe and employ for the effecting and executing any of the Powers of this Act, as the ſaid Commiſſioners, or any five or more of them, ſhall think requiſite; and this Act ſhall be ſufficient to indemnify as well the ſaid Commiſſioners as all Perſons employed or authoriſed by them, againſt the ſaid Owners, Occupiers, or other Perſons intereſted, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and againſt all and every other Perſon and Perſons, to all Intents and Purpoſes whatſoever.

Charges of paving, &c. to be paid by the Owners and Occupiers of Houſes, &c.

XXIX. And be it further enacted, That the Coſts and Charges of the paving, altering, cleanſing, and putting and keeping in Repair the aforeſaid Streets and public Paſſages, and opening and widening ſuch Highways and Paſſages as aforeſaid, ſhall be at all Times a Charge upon, and ſhall be raiſed and paid by the ſeveral Owners and Occupiers of all and every the Houſes and Buildings ſituate and being within that Part of the Town of *Wakefield* ſo intended to be paved and repaired as aforeſaid, and of all other Houſes and Buildings already erected, or which ſhall be erected within or upon any other Streets, Lanes, Places, or Paſſages, adjoining or near to the Streets hereby directed to be paved and repaired, ſo as ſuch Houſes and Buildings be within five hundred Yards on either Side of the Middle of the ſaid Streets ſo intended to be paved and repaired, except the Mills that are worked by the Water of the River *Calder*, and the Ware- (Exception.)
houſes belonging to the *Halifax* Navigation, and the Navigation of the Rivers *Air* and *Calder*, with the Wharfs, Warehouſes, and Appurtenances thereunto belonging, and except all ſuch Lands, Tenements, and Hereditaments, as are already exempt from Payment of Taxes by Authority of Parliament: And that how to be raiſed.
for the raiſing the ſame, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, from and after the paſſing this Act, to make, aſſeſs, and impoſe one or more equal Pound Rate or Rates, at their Diſcretion, not exceeding two Shillings in the Pound in any one Year, to be collected at ſuch Time or Times in the Year as to them ſhall ſeem meet, upon all and every the Houſes and Buildings hereby directed to be charged.

Rates exempt from Taxes.

XXX. Provided always, and be it further enacted, That the ſaid Rates and Aſſeſſments to be collected by virtue of this Act, ſhall be at Times hereafter exempt from Payment of any Taxes, Rates, Aſſeſſments, or Impoſitions, parliamentary, parochial, or otherwiſe howſoever; any Law or Statute to the contrary notwithſtanding.

Rates may be amended.

XXXI. And be it further enacted, That all Rates and Aſſeſſments which ſhall be made in purſuance of this Act, ſhall be allowed and ſigned by the ſaid Commiſſioners, or any five or more of them, and they ſhall and may have Power to amend any ſuch Rates or Aſſeſſments, by inſerting the Name or Names of ſuch Perſon or Perſons who ought to have been rated, or ſtriking out the Name or Names of any Perſon or Perſons who ought not to have been rated, or by inhancing or leſſening the Sum charged upon any Perſon or Perſons ſo rated, as to them ſhall ſeem juſt; and after the ſaid Rates and Aſſeſſments are ſo made and confirmed, the ſaid Commiſſioners, or any five or more of them, ſhall and may, and they are hereby authoriſed and required to cauſe the ſame to be collected and received by the ſaid Collector or Collectors, as ſoon as may be, of and from the Perſon and Perſons reſpectively on whom the ſame ſhall be reſpectively rated, charged, and aſſeſſed: And in caſe any Perſon or Perſons ſo rated, charged, or aſſeſſed as aforeſaid, Rates to be recovered.
ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to the Collector or Collectors, for the Space of ten Days after Demand thereof, or Demand in Writing left at the laſt Place of Abode of ſuch Perſon or Perſons ſo rated, aſſeſſed, or charged, and refuſing and neglecting to pay as aforeſaid, or with his, her, or their, or any of their reſpective Servants, Clerks, or Agents, or any of them reſpectively, it ſhall and may be lawful to and for one or more Juſtice or Juſtices of the Peace, upon Oath, (which he or they are hereby impowered to adminiſter without Fee or Reward) of any ſuch Demand and Non-payment, by Warrant under

under his or their Hand and Seal, or Hands and Seals, which he or they are hereby impowered and required to grant, to authoriſe and direct the ſaid Collectors reſpectively to levy, as ſoon as may be, ſuch Rate, or Monies ſo in Arrear, and refuſed or neglected to be paid, together with the Coſts attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in Arrear, and refuſing or neglecting to pay as aforeſaid, whereſoever ſuch Goods and Chattels can be found, rendering the Overplus (if any be) to the Party or Parties ſo diſtrained, or leaving the ſame for his, her, or their Uſe, at the Place where ſuch Diſtreſs ſhall be made: And all and every of the ſaid Collector and Collectors ſhall, and he and they are hereby required to pay the Money he or they ſhall reſpectively collect and receive by virtue of this Act, within ten Days after the Expiration of the Time in which the ſame is herein before directed to be collected, to the ſaid Treaſurer or Clerk, or to ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any five or more of them, ſhall appoint to receive the ſame, to be applied according to the Directions of this Act; and ſhall, and is and are hereby required, at the Time of his and their making every ſuch Payment of ſuch Money ſo collected, to deliver over to the Perſon or Perſons ſo impowered to receive the ſame, a true and exact Copy of the Duplicate of the Aſſeſſment or Rate whereby he or they hath or have collected the ſame, with an Account thereupon, or thereunder written, of all and every ſuch Sum and Sums of Money in ſuch Aſſeſſment rated, as remains or remain uncollected, (if any ſuch there ſhall happen to be) together with the Reaſons why the ſame hath or have not been collected and received, that it may appear whether the Non-payment thereof hath happened through the Inſolvency of the Party rated, or through the Default of ſuch Collector or Collectors; and in caſe any ſuch Collector or Collectors ſhall refuſe to take upon him or them reſpectively the ſaid Offices, or duly to execute the ſame according to the true Intent and Meaning of this Act, he and they ſo offending ſhall reſpectively forfeit and pay, for every ſuch Offence, the Sum of twenty Pounds; and ſhall continue liable to be again appointed into the ſaid Offices reſpectively the Year following, or ſooner, if the ſaid Commiſſioners, ſo aſſembled as aforeſaid, or any five or more of them, ſhall ſo think fit; and in caſe of his or their Refuſal or Neglect to take upon him or them reſpectively the ſaid Offices, or duly to execute the ſame, he or they ſo refuſing or neglecting ſhall be again liable to the like Penalty, and ſo often as he or they ſhall refuſe to take upon him or them the ſaid Offices.

Deficiency of Rates to be made good the next Year.

XXXII. Provided always, and be it further enacted, That in caſe the Money collected in any one Year ſhall not be ſufficient to anſwer the Purpoſes for which the ſame was rated and aſſeſſed, that ſuch Deficiency ſhall be applied by or out of a Rate to be made the next following Year.

Agreement between Landlord and Tenant touching paving, &c. not to be vacated.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract or Agreement entered into between Landlord and Tenant, touching or concerning the paving or cleanſing, or keeping in Repair the aforeſaid Streets and public Paſſages, or any of them; but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave or cleanſe, or keep in Repair the aforeſaid Streets and public Paſſages, or any Part thereof, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed for thoſe Purpoſes, or ſo much thereof as ſhall, by the ſaid Commiſſioners, or any five or more of them, be deemed juſt and reaſonable, according to the true Intent and Meaning of ſuch Contract or Agreement, for and during ſuch Time as ſuch Contract or Agreement ſhall remain in Force: And in caſe any Diſpute ſhall ariſe concerning ſuch Contract or Agreement, the ſaid Commiſſioners, or any five or more of them, ſhall have Power, and they are hereby required to hear and finally determine the ſame.

Sale of Lands and Rent-charges.

'XXXIV. And whereas a Cloſe of Ground called *Narr Offerley*, with Part of another ſmall Cloſe of 'Ground called *Caſtle Hill Cloſe*, lying in the Townſhip of *Horbury*, in the Pariſh of *Wakefield* aforeſaid, 'in the ſaid County of *York*, are now veſted in one or more Perſon or Perſons, his or their Heirs, in Truſt, 'to pay and apply the Rents, Iſſues, and Profits thereof, in and towards the Repair of the Highways 'within the aforeſaid Town of *Wakefield*: And whereas the yearly Rent-charge of twenty Shillings, iſſuing 'and payable out of a Cloſe of Ground lying near *Penny Walls*, called *Thorne's Field Cloſe*, within the 'aforeſaid Pariſh of *Wakefield*; and alſo another yearly Rent-charge of ſix Pounds, iſſuing and payable out 'of the Houſe of *Pemberton Mills* Eſquire, ſituate in *Wakefield* aforeſaid, in the Poſſeſſion of *Pemberton* '*Mills* Eſquire, or his Aſſigns, are now alſo veſted in one or more Perſon or Perſons, his or their reſpec'tive Heirs, in Truſt, to pay and apply the ſaid ſeveral yearly Rent-charges in and towards the Repair of 'the aforeſaid Highways, or ſome Part or Parts thereof;' Therefore be it enacted, That from and after the paſſing this Act, the ſaid Cloſes of Ground called *Narr Offerley* and *Caſtle Hill Cloſe*, with their Appurtenances, and the ſaid ſeveral yearly Rent-charges of twenty Shillings and ſix Pounds, and the Inheritance thereof, ſhall be and are hereby abſolutely veſted in the ſaid Commiſſioners and their Heirs, upon Truſt, that they, or any nine or more of them, and their Heirs, ſhall and do immediately, or as ſoon as conveniently may be after the paſſing of this Act, by public Sale, of which one Month's Notice ſhall be given in the *Leeds* News-paper, and on the Door of the Church of *Wakefield* aforeſaid, ſell and diſpoſe of the ſame, and every Part thereof, together or ſeparately, for the beſt Price and Prices that can be reaſonably had and gotten for the ſame; and ſhall and do convey the ſame, purſuant to ſuch Sale or Sales, to the Purchaſer or Purchaſers thereof reſpectively, his, her, or their reſpective Heirs, according to the Nature of the Eſtate or Eſtates ſo ſold, whoſe Receipt and Receipts ſhall be ſufficient Diſcharge and Diſcharges to the reſpective Purchaſer or Purchaſers thereof, his, her, and their reſpective Heirs, for ſuch Purchaſe-money or Purchaſe-monies, or ſo much thereof as he, ſhe, or they ſhall reſpectively pay, without his, her, or their, or any of their ſeeing the Application thereof, or of any Part thereof; and notwithſtanding any Miſapplication of the ſame, or any Part thereof, by the aforeſaid Commiſſioners, or any nine of them; all which ſaid Sales and Conveyances ſhall be good and valid in the Law, to all Intents and Purpoſes whatſoever, againſt all, each, and every Perſon and Perſons whatſoever, before or at the Time of paſſing of this Act, ſtanding ſeiſed of the ſaid Cloſes of Ground called *Narr*

Offerley

Offerley and *Caſtle Hill Cloſe*, or either of them, and of the ſaid ſeveral yearly Rent-charges of twenty Shillings and ſix Pounds, or either of them, upon all or any of the Truſts aforeſaid, or having or claiming any Eſtate or Eſtates, Right, Title, Truſt or Truſts, Uſe, Intereſt, Property, Claim, or Demand of, in, to, or out of the ſame, every or any Part or Parts thereof reſpectively; and alſo againſt all, each, and every Truſt and Truſts, Uſe and Uſes, Limitation and Limitations thereof, or of any Part or Parts thereof reſpectively, before the paſſing of this Act, by any Deed, Will, Surrender, or other Inſtrument in Writing limited or created; and alſo upon Truſt that the aforeſaid Commiſſioners, or any nine of them, ſhall and do, immediately after Receipt of ſuch Purchaſe-money and Purchaſe-monies, pay, apply, and diſpoſe of the ſame, and every Part thereof, in and towards the repairing of the aforeſaid Streets and public Paſſages, or ſome Part or Parts thereof, and not otherwiſe, in Aid of the aforeſaid Rates and Aſſeſſments.

Recovery of the Arrears of 1401. and of the Arrears of the Moiety of the Duties ariſing from Coals and Cinders.

'XXXV. And whereas, by an Act made in the fourteenth Year of the Reign of King *George* the Second, intituled, *An Act for repairing the Roads from a Place called* Red Houſe, *near* Doncaſter, *to* Wakefield, *and through the ſaid Town of* Wakefield *by* Dewſbury, Hightown, *and* Lightcliffe, *to the Town of* Halifax, *in the Weſt Riding of the County of* York, it is (amongſt other Things) enacted, That the Truſtees therein named, and the Survivors, or any five or more of them, ſhould, out of the Money ariſing by the Tolls and Duties to be collected from the Coal-carts paſſing through the ſaid Town of *Wakefield* to the Key or Banks of the River *Calder* or elſewhere, through *Kirkgate*, pay, during the Continuance of that Act, unto the Surveyors of the Highways of the Town of *Wakefield* for the time being, the yearly Sum of twenty-five Pounds, to be by them employed in, and towards the repairing and amending ſuch Part of the ſaid Road as lays between *Weſtgate Bridge* and *Kirkgate Bar*, in ſuch Manner as the ſaid Truſtees, or any five of them, ſhould direct, and to be paid quarterly on the reſpective Days or Times therein for that Purpoſe limited: And whereas, by another Act made in the thirtieth Year of the Reign of the ſaid King, for enlarging the Terms and Powers granted by the ſaid Act, and alſo granted by another Act, paſſed in the fourteenth Year of the Reign of the ſaid King, intituled, *An Act for repairing the Road from* Wakefield *to* Pontefract, *and from thence to a Place called* Weeland, *in the Townſhip of* Henſall, *and from* Pontefract *to* Wentbridge, *in the Townſhip of* Darrington, *in the Weſt Riding of the County of* York; after reciting therein, that the Pavements of the Streets of the ſaid Town of *Wakefield* were in a moſt ruinous Condition, which was chiefly occaſioned by the ſaid Town being ſituated at the Head of the Navigation of the River *Calder*, and ſurrounded with Collieries, from all of which great Numbers of Carriages were conſtantly (ſo long as the Roads would permit) carrying Coals and Cinders through the ſaid Town to the ſaid Navigation, in order to be exported and carried into other Countries and diſtant Parts of the Kingdom, whereby the Roads, and eſpecially the ſaid Streets, were greatly deſtroyed; and that the Inhabitants of the ſaid Town were, by the ſaid firſt-recited Act, exempted from paying Tolls for Coals for their own Conſumption, between the firſt Day of *April* and the thirtieth Day of *October* in every Year, and were alſo intitled to the ſaid Aid of twenty-five Pounds *per Annum*, and that the ſaid Exemptions and Aid had been found inconvenient; it is enacted, That the ſaid Exemption and yearly Payment ſhould, from and after the twentieth Day of *May*, one thouſand ſeven hundred and fifty-ſeven, ceaſe and determine, and be repealed and made void; and that, in lieu thereof, one Moiety of all the Monies ariſing by the Tolls and Duties upon Coals and Cinders only, which ſhould be collected at the Turnpike called *Weſtgate Moor Bar*, near *Wakefield*, and which ſhould, from time to time, be raiſed or produced, by letting out the ſame, or any Part thereof, or by Mortgage, Demiſe, or Aſſignment thereof, or of any Part thereof, or otherwiſe, upon the Credit of the ſaid Tolls, either jointly with, or ſeparately from the other Moiety thereof, ſhould be ſo mortgaged, aſſigned, charged, collected by, and paid to the Truſtees for the Diſtrict lying between the North End of *Wakefield Bridge*, over *Calder* and the Town of *Halifax*, or to any five or more of them, or to ſuch Perſon or Perſons as the ſame Truſtees, or any five or more of them, ſhould, from time to time, appoint to receive the ſame, by Writing under their Hands, at Meetings to be held for the Execution of that Act at the Town of *Wakefield* only; and that all ſuch Moiety ſhould, if neceſſary, from time to time, be laid out in repairing, and keeping in Repair, the Middle Way or High Cauſeway only, leading through the Streets of the ſaid Town of *Wakefield*, from *Weſtgate Bridge* to *Kirkgate Bar*, there, in ſuch Manner, and by ſuch Means, as the ſaid laſt-named Truſtees, or any five or more of them, ſhould, from time to time, direct, by Writing under their Hands: And it is thereby further enacted, (amongſt other Things) That the Treaſurer acting within that Diſtrict of the Roads thereby directed to be repaired, which lays between *Wakefield* and *Halifax*, ſhould, on or before the twenty-fifth Day of *December*, one thouſand ſeven hundred and fifty-ſeven, pay, or cauſe to be paid, unto the Truſtees appointed for the ſame Diſtrict, who reſided in the Town of *Wakefield* aforeſaid, or to any three of them, or to ſuch Perſon or Perſons as they, or any three of them, ſhould, by Writing under their Hands, appoint to receive the ſame, the Sum of one hundred and forty Pounds, out of the Tolls and Profits ariſing in the ſaid Diſtrict, or the Money to be borrowed on the Credit thereof, for the Arrears of the ſaid Annuity of twenty-five Pounds *per Annum*; and that the ſame ſhould, with all convenient Speed, be laid out and applied in Manner and for the Purpoſes therein laſt before directed and appointed: And whereas the ſaid Sum of one hundred and forty Pounds, or the ſaid Moiety of the Tolls and Duties ariſing from the aforeſaid Coals and Cinders, or any Part or Parts thereof reſpectively, have or hath not been employed or laid out in or towards the repairing and amending the aforeſaid Part of the ſaid Road, which lays between *Weſtgate Bridge* and *Kirkgate Bar*, or in repairing or keeping in Repair the aforeſaid Middle Way or High Cauſeway, or any Part or Parts thereof reſpectively;' Therefore be it enacted, That from and after the paſſing this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any one or more of them, and they, or any one or more of them, are and is hereby enabled, impowered, and authoriſed, in his or their Name or Names, by Bill, Plaint, Information,

or other Suit or Proceeding, in any of his Majeſty's Courts of Record at *Weſtminſter*, to recover, or endeavour to recover, of and from all, each, and every Perſon and Perſons who have or hath received the ſame, or any Part or Parts thereof, or in whoſe Hand or Hands the ſame, or any Part or Parts thereof, now are, or at any Time or Times hereafter ſhall or may be and remain, all or any Part or Parts of the ſaid Sum of one hundred and forty Pounds, and alſo of the ſaid Moiety of the aforeſaid Tolls and Duties ſo remaining unemployed and unlaid-out as aforeſaid; and on Payment thereof, or of any Part or Parts thereof, with or without Suit, Receipt and Receipts, and other legal and ſufficient Diſcharge and Diſcharges, in his or their Name or Names, to give, ſeal, and execute to the reſpective Perſon and Perſons paying the ſame; all which ſaid Receipt and Receipts, Diſcharge and Diſcharges, ſhall be valid and effectual in the Law, to all Intents and Purpoſes whatſoever, to the reſpective Perſon and Perſons to whom the ſame ſhall be given, or ſealed and executed, for all ſuch Sum and Sums of Money as he or they ſhall reſpectively pay; all which Monies, to be ſo recovered or paid, ſhall be, by the Commiſſioner or Commiſſioners recovering and receiving the ſame, paid, applied, and diſpoſed of, in and towards the repairing of the aforeſaid Streets and public Paſſages, or ſome Part or Parts thereof, and not otherwiſe, in Aid of the aforeſaid Rates and Aſſeſſments, ſave as herein after is mentioned: And the Commiſſioner or Commiſſioners, in whoſe Name or Names any ſuch Bill, Plaint, Information, or other Suit or Proceeding ſhall be commenced, brought, or proſecuted, for the Intents and Purpoſes aforeſaid, and his, their, and each and every of their Goods and Chattels, Lands and Tenements, ſhall be indemnified of, from, and againſt each and every ſuch Bill, Plaint, Information, Suit, and other Proceeding, and ſhall be paid all, each, and every the Coſts, Charges, Damages, and Expences to him, them, or any of them, occaſioned, or by him, them, or any of them ſuſtained, by reaſon or upon account of any ſuch Bill, Plaint, Information, Suit, or other Proceeding, by and out of the aforeſaid Rates and Aſſeſſments, at ſuch Days and Times, and in ſuch Manner and Form as the ſaid Commiſſioners, or any five or more of them, ſhall, from time to time, direct; the ſaid recited Acts, or any Thing therein, or in any or either of them, contained to the contrary notwithſtanding.

For paying Money due from the Town of Wakefield to Mr. Johnſon and others.

'XXXVI. And whereas the ſaid Sum of one hundred and forty Pounds was paid into the Hands of Maſter *Alan Johnſon* of *Wakefield* aforeſaid, who has accounted for the ſame to the Inhabitants of the ſaid Town, upon the Balance of which Account there now remains due from the ſaid Inhabitants, and the Owners and Occupiers of real Eſtates in the ſaid Town, to the ſaid *Alan Johnſon*, the Sum of one hundred and twenty-five Pounds fifteen Shillings and Eight-pence Halfpenny: And whereas there are alſo due and owing from the ſaid Inhabitants, Owners and Occupiers, to the ſeveral Perſons herein-after named, the ſeveral Sums of Money herein-after mentioned, being the Balances of their reſpective Accounts of Expences, (with Intereſt for the ſame) incurred by ſeveral Applications to Parliament for aſſeſſing the Navigation of the Rivers *Air* and *Calder*, towards the Repair of the Highways within the ſaid Town, and other parochial Uſes there; (that is to ſay) To *Pemberton Milnes* Eſquire, ſeven Pounds one Shilling; to Maſter *Daniel Maude*, twenty-one Pounds ſeventeen Shillings and Sixpence; to Maſter *Francis Maude* the elder, thirty-eight Pounds nineteen Shillings; and to the Repreſentatives of Maſter *William Beatſon* deceaſed, twenty-three Pounds;' Be it therefore further enacted by the Authority aforeſaid, That the ſaid *Alan Johnſon* ſhall be, and he is hereby declared to be fully and abſolutely acquitted and diſcharged of and from the ſaid Sum of one hundred and forty Pounds; and that the ſaid before-mentioned ſeveral Sums of one hundred and twenty-five Pounds fifteen Shillings and Eight-pence Halfpenny, ſeven Pounds one Shilling, twenty-one Pounds ſeventeen Shillings and Sixpence, thirty-eight Pounds nineteen Shillings, and twenty-three Pounds, ſhall be paid; and the ſaid Commiſſioners, or any five or more of them, are hereby authoriſed and required to cauſe the ſame to be paid out of the firſt Money that ſhall ariſe by virtue of this Act, or which ſhall come into their or any of their Hands, for the Purpoſes thereof, by any Means whatſoever, to the ſaid ſeveral above-mentioned Perſons reſpectively, in full Satisfaction and Diſcharge of their ſaid ſeveral Debts; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Power to borrow Money.

'XXXVII. And, for the more ſpeedy and effectual carrying into Execution the ſeveral Purpoſes of this Act,' Be it further enacted, That the ſaid Commiſſioners, or any five or more of them, may, and are hereby impowered to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding five thouſand Pounds, upon the Credit of the Rates and Aſſeſſments payable by virtue of this Act, and to aſſign over the ſame, or any Part or Parts thereof, by any Writing or Writings under their reſpective Hands and Seals, the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Rates and Aſſeſſments, to any Perſon or Perſons that ſhall advance and lend their Monies thereon, as a Security or Securities for the ſeveral Sums that ſhall be borrowed, and the Intereſt thereof, as aforeſaid; Copies of all which Aſſignments and Conveyances ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners: And all and every ſuch Perſon and Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, is and are hereby impowered, from time to time, by Aſſignment under his, her, or their reſpective Hand or Hands, to be indorſed on his, her, or their reſpective Security or Securities, or by any other Writing or Writings, under his, her, or their reſpective Hand or Hands, and Seal or Seals, which ſhall be executed in the Preſence of two or more credible Witneſſes, to aſſign over, or transfer his, her, or their reſpective Principal and Intereſt Money, thereby ſecured, to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer, within ſeven Days after the Date thereof; who ſhall cauſe an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein mentioned, to be aſſigned and transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments; and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without any Fee or Reward:

ward: And after such Entry made, each and every such Assignment or Transfer shall intitle such Assignee or Assignees, his, her, or their respective Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may, in like Manner, assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

All Creditors in equal Degree.

XXXVIII. And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing such Sum or Sums; but that all Persons to whom any Mortgages or Assignments shall be made as aforesaid, shall, in proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Penalty on obstructing the Execution of this Act.

XXXIX. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest any Officer or Officers, or other Person or Persons whatsoever, who are or shall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every such Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding five Pounds.

Power of levying Penalties.

XL. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (for the Recovery and Application whereof no particular Method is already directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said West Riding; which Warrant the said Justice or Justices is and are hereby impowered and required to issue, upon the Information of one or more Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) or by any other competent Evidence; and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained; the Charges of such Distress being first deducted, shall go and be applied for such of the Purposes of this Act as the said Commissioners, or any five or more of them, shall think fit: And in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to and concerning the Execution of this Act, any Inhabitant within the said Townsh p may, and shall be admitted to give Evidence of the Rate or Assessment charged as aforesaid upon any such Inhabitant by virtue of this Act.

Inhabitants may be Witnesses.

Persons aggrieved may appeal to Justices at their Quarte -Sessions,

XLI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief is herein appointed, such Person or Persons may, within four Months after the Cause of Appeal shall have arisen, appeal to the Justices of the Peace at the General Quarter-Sessions of the Peace to be holden for the said West Riding, such Appellant or Appellants first giving, or causing to be given, ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the said Commissioners or their Clerk, and within ten Days after such Notice entering into Recognizance before some Justice of the Peace for the aforesaid West Riding, not interested in the Matter or Dispute then agitated, with two sufficient Securities, conditioned to try such Appeal at and abide the Order of the Court, and to pay such Costs as shall be awarded by the Justices at such Quarter-Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as such Justices shall think proper; and the Determination of such Quarter-Sessions shall be binding, final, and conclusive, to all Intents and Purposes.

whose Determination shall be final.

Distress not illegal for want of Form.

XLII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Power to tender Amends.

XLIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceeding or Orders and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Act of Commissioners legal but at public Meetings.

Entries to be made, and Accounts to be produced at public Meetings.

XLIV. And be it further enacted, That no Act or Order of the said Commissioners shall be valid, unless made at some public Meeting, and when five or more of the said Commissioners are present: And every such Act or Order so made, shall be entered in a Book to be for that Purpose kept by the Treasurer or Clerk to the said Commissioners; which said Book, and all other Books and Entries relating thereto, or which otherwise concern or contain any Account or Accounts relative to the Purposes of this Act, shall be produced at every public Meeting, to the End that all or any of the Inhabitants of the said Township may, if they think proper, inspect the same, without Fee or Reward; which said Book or Entries, when subscribed

ſcribed by any five or more of the ſaid Commiſſioners, or their Clerk, ſhall be deemed Originals, and ſhall be admitted and received as Evidence in all Cauſes, Suits, and Actions touching any Thing done in purſuance of this Act.

Rates to be proportioned on Occupiers quitting or coming in.

XLV. And be it enacted, That where any Perſon or Perſons ſhall come into or occupy any Houſe, Buildings, Tenements, Hereditaments, or Premiſes, rated or aſſeſſed, or liable to be rated or aſſeſſed by virtue of this Act, out of or from which any other Perſon rated or aſſeſſed ſhall be removed, or which at the Time of making this Act were empty or unoccupied, that then every Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rate, in Proportion to the Time ſuch Perſon occupied the ſame reſpectively, in the ſame Manner, and under the ſame Penalty of Diſtreſs, as if ſuch Perſon ſo removed had not removed, or ſuch Perſon ſo coming into and occupying ſuch Houſe, Buildings, Tenements, Hereditaments, or Premiſes, had been originally rated and aſſeſſed in ſuch Rate; which ſaid Proportion, in caſe of Diſpute, ſhall, by the ſaid Commiſſioners, or any five or more of them, be ſettled and aſcertained.

Power to Commiſſioners to make Contracts.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered, from time to time, to contract with any Perſon or Perſons for the executing the ſeveral Purpoſes in this Act mentioned and contained; which Contract or Contracts ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be performed or completed, and the Penalty to be ſuffered in caſe of Non-performance thereof; and the ſame ſhall be ſigned by the ſaid Commiſſioners, or any five or more of them, and by the Perſon or Perſons contracting to perform ſuch Works; and the ſaid Commiſſioners, or any five or more of them, are hereby authoriſed and impowered to pay ſuch Sum or Sums of Money for ſuch reſpective Works as they ſhall ſo contract and agree for, out of the Money raiſed for the Purpoſes of this Act.

Commiſſioners to inſpect Poor Rates.

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any one or more of them, or any Perſon or Perſons by them authoriſed under their Hands, from time to time, to inſpect the Poor Rates of and for the ſaid Townſhip, and to take Copies or Extracts therefrom; which the Overſeer or Overſeers, or other Perſon or Perſons having the Cuſtody thereof reſpectively, is or are hereby required, on producing ſuch Order as aforeſaid, to permit and ſuffer to be made and taken, without Fee or Reward; and on Refuſal thereof, by the Overſeer or Overſeers, or other Perſon or Perſons as aforeſaid, he or they ſo refuſing ſhall forfeit and pay the Sum of ten Pounds for each ſuch Offence; to be recovered by the ſaid Commiſſioners, or any five or more of them, by Action of Debt, in any of his Majeſty's Courts of Record, with Coſts of Suit, as are allowed in other Caſes by Law.

Leave to incloſe before Houſes, for rebuilding or repairing.

XLVIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, or the Surveyor or Surveyors, by Writing under his or their Hand or Hands, to give Liberty and Licence to any of the Proprietors and Inhabitants within the aforeſaid Part of the ſaid Town, or their Builders or Workmen, to make ſuch Incloſures before their reſpective Houſes, in order to the pulling down, rebuilding, or repairing the ſame, or any Vault, Drain, or Building belonging thereto, and for laying the neceſſary Materials for the ſame, and the Rubbiſh ariſing therefrom, as may be proper and neceſſary; and no Perſon or Perſons acting under ſuch Licence, and in purſuance thereof, ſhall, during the Time thereby to be limited, be ſubject or liable to any of the Penalties aforeſaid.

Account to be made up annually, and to be free for Inſpection.

XLIX. And be it enacted, That the ſaid Commiſſioners, or any five or more of them, ſome Time between the firſt Day of *June* and the firſt Day of *July*, in every Year, ſhall cauſe a fair and juſt Account to be made and wrote out, of all Monies received and paid by virtue or in purſuance of this Act, when, by whom, to whom, and for what Purpoſes the ſame have been laid out, paid and expended; a Copy or Duplicate of which Account, ſigned by five or more of the ſaid Commiſſioners, ſhall be depoſited with the Clerk of the ſaid Commiſſioners, who ſhall permit any Perſon ſo rated as aforeſaid, to inſpect the ſame at reaſonable Times, paying one Shilling for ſuch Inſpection; and ſhall, upon Demand, forthwith give Copies of the ſame, or any Part thereof, to ſuch Perſon, paying at the Rate of Threepence for every hundred Words, and ſo in Proportion for any greater or leſs Number; which Account, or Copy, or Duplicate thereof, the ſaid Commiſſioners, or any five or more of them, are hereby impowered and required to cauſe to be wrote out, ſigned and delivered accordingly.

For preventing Annoyances in the Streets, by Carriages left therein.

'L. And, for the more effectual preventing all Annoyances in the aforeſaid Streets and publick Paſ-'ſages,' It is hereby further enacted, That no Cart, Waggon, or other Wheel-carriage, ſhall be permitted to remain therein, but in order to the loading or unloading thereof; and for either of thoſe Purpoſes not longer than the Space of two Hours at any one Time, or ſuch other reaſonable Time as the ſaid Commiſſioners, or any five or more of them, ſhall order and appoint; and then only in ſuch Parts of the aforeſaid Streets and public Paſſages where there can be left ſufficient Space for any other loaded Waggon or other Carriage to paſs by the Carriage ſo left ſtanding therein without Danger, under the Penalty of twenty Shillings for every Offence; to be paid by the Owner or Perſon having the Charge of ſuch Carriage, and to be recovered and applied as the ſaid Penalties by this Act are directed to be recovered and applied: And that no Horſes or Cattle whatſoever, drawing or coming with any ſuch Cart, Waggon, or other Wheel-carriage, or on any other Occaſion, ſhall be ſoddered or fed in any of the aforeſaid Streets or public Paſſages, on any Pretence or Occaſion whatſoever, under the Penalty of five Shillings for every ſuch Offence; to be paid by the Owner or Perſon having the Charge of any ſuch Horſes or Beaſts, and recovered, levied, and applied as aforeſaid: And that no Truck, Sledge, Barrow, Barrel, Tub, Copper, Stall, Treſſel, Block, Box, Cheſt, Caſe, Bag, or Package of any Kind whatſoever, ſhall, upon any Pretence whatſo-

ever, be left in any of the aforesaid Streets or public Passages during the Night Time, under the Penalty of twenty Shillings for every such Offence; to be paid by the Owner and Owners thereof, or Person so leaving the same, and recovered, levied, and applied as aforesaid.

How the Monies raised are to be applied.

LI. And be it further enacted, That all Monies arising by the Rates and Assessments by this Act directed to be made and levied, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwise particularly disposed of, shall be paid to the said Commissioners, or any five or more of them, or to such Person or Persons as they shall appoint; to be applied to and for the Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever.

Writings to be without Stamps.

LII. Provided always, and be it enacted, That no Nomination, Appointment, Contract, Bond, Information, Warrant, Order, Judgement, Conviction, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of any of the Commissioners for putting this Act in Execution, or of any Justice or Justices of the Peace, or only signed by them, or any of them, or exhibited before them, or any of them respectively, touching, concerning, or in the Execution of any of the Powers or Authorities by this Act vested in such Commissioners or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

To commit Offenders when no Distress can be found.

LIII. And be it further enacted, That in all Cases where pecuniary Penalties are directed to be levied by this Act, in case no sufficient Distress of the Goods or Chattels of any Offender shall be found at the issuing of any such Warrant or Warrants of Distress; then, and in such Case, it shall and may be lawful to and for the Justice or Justices of the Peace, before whom such Offender or Offenders shall be convicted as aforesaid, to commit him, her, or them, to the House of Correction for the aforesaid West Riding, to be kept to hard Labour, for any Time not exceeding six Months, or until such Penalties or Forfeitures shall be paid.

Distress not to be deemed unlawful for want of Form.

LIV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until ten Days Notice shall be thereof given in Writing to the Treasurer or Clerk to the said Commissioners, or after twelve Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the County of *York*, and not elsewhere; and that the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to be so done, or if it shall appear that such Action or Suit was brought before ten Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers, in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Saving the Rights of the Duke of Leeds.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to prejudice, lessen, or defeat the Rights or Interests of the most noble *Thomas* Duke of *Leeds*, his Heirs or Assigns, or any of them, to or in the Manor of *Wakefield* aforesaid, but the said Duke, his Heirs, and Assigns, shall enjoy all such Rights and Interests, in as full and ample Manner, to all Intents and Purposes, as he held and enjoyed the same before the passing of this Act, or could or might have held and enjoyed the same in case this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Divisions or Districts preserved.

'LVII. And whereas the aforesaid Township of *Wakefield* consists of three several Divisions or Districts; 'that is to say, the Division or District of *Westgate*, *Northgate*, and *Kirkgate*, through each of which said 'Divisions or Districts lead one or more Turnpike Road or Roads;' Therefore be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject or make liable, or compel or oblige all or any of the Inhabitants within the aforesaid Divisions or Districts, or any of them respectively, to do or perform their respective Statute-work in and towards the repairing and keeping in Repair all or any of the Turnpike Road or Roads leading through the same respectively, or to pay any Sum or Sums of Money as and for the Composition in lieu of such Statute-work, in any other Manner or Form than they respectively now do or perform and pay, or by Authority of Parliament now are subject or liable to do or perform and pay; any Thing herein contained to the contrary notwithstanding.

Expences of passing this Act how to be paid.

LVIII. And be it further enacted, That all the Charges and Expences of obtaining and passing this Act, shall be paid out of the first Monies to be raised by the Rates or Assessments to be collected by virtue of this Act.

Public Act.

LIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. XLV.

An Act for improving and completing the Navigation of the Rivers *Thames* and *Iſis* from the City of *London* to the Town of *Cricklade*, in the County of *Wilts*.

Preamble.

'WHEREAS the carrying on and regulating the Navigation of the Rivers *Thames* and *Iſis* from the City of *London* to the Town of *Cricklade*, in the County of *Wilts*, was, in and by an Act of Parliament made and paſſed in the twenty-fourth Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act for the better carrying on and regulating the Navigation of the Rivers* Thames *and* Iſis *from the City of* London *Weſtward to the Town of* Cricklade, *in the County of* Wilts, veſted in certain Commiſſioners therein appointed, who, for want of proper Powers, have not been able to prevent frequent Abuſes and Exactions being committed by the Owners of ſeveral Towing-paths and other Paſſages on the Banks of the ſaid Rivers, and by the Owners of Locks, Weirs, Turnpikes, Dams, Flood-gates, and other Engines, in and upon or near adjoining to the ſaid Rivers, and alſo by ſeveral Barge-maſters and their Servants navigating thereon; by reaſon whereof the Price of Water-carriage on thoſe Rivers is very much raiſed, and the Navigation of the ſaid Rivers greatly damaged, contrary to the Intent and Meaning of the ſaid Act: And whereas, upon a Survey and Eſtimate made and taken of the neceſſary Expence of making proper Turnpikes, and of cleanſing and embanking divers Parts of the ſaid Rivers, and for purchaſing Lands for the making of Towing-paths, and of building Bridges acroſs divers Streams that empty themſelves into the ſaid Rivers, and for other Purpoſes, in order to complete the Navigation of the ſaid Rivers, it appears, that the ſame will amount to a conſiderable Sum of Money, which cannot be raiſed without the Aid and Authority of Parliament:' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, for completing the ſaid Navigation, and for preventing all Abuſes and Exactions relating thereto, which may render the ſame leſs uſeful to the Public, all Members of the Houſe of

Commiſſioners.

Commons for the time being, that do or ſhall reſide within the Counties of *Wilts*, *Glouceſter*, *Oxford*, *Berks*, *Bucks*, *Surry*, and *Middleſex*, the Repreſentatives in Parliament of the ſaid Counties for the time being, the Repreſentatives in Parliament of the City of *London* and of all Towns within the ſaid Counties for the time being, the Lord Mayor and Aldermen of the City of *London* for the time being, the High Bailiff of *Weſtminſter* for the time being, the Vice Chancellor and Heads of Colleges or Halls in the Univerſity of *Oxford* for the time being, the Dean and Canons of *Chriſt Church* for the time being, the Dean and Prebendaries of *Weſtminſter* for the time being, the Dean and Reſidentaries of *Saint Paul's London*, for the time being, the Dean and Canons of *Windſor* for the time being, the Provoſt and Fellows of *Eton College* for the time being, the Rectors and Incumbents for the time being of the ſeveral Pariſhes that border upon the *Thames*, the Mayors and Recorders of *Oxford*, *Abingdon*, *Wallingford*, *Reading*, *Henley*, *Maidenhead*, and *Windſor*, and the Bailiffs and Recorder of *Kingſton upon Thames* for the time being, the Truſtees or Commiſſioners of the River *Wey*, the Proprietors of the ſaid River, the Mayor, Aldermen, and Recorder of *Guilford*, the Bailiffs of the Town of *Godalming*, and all Perſons who do or ſhall at any Time reſide, or have an Eſtate of one hundred Pounds *per Annum* within the reſpective Counties of *Middleſex*, *Surry*, *Berks*, *Bucks*, *Oxford*, *Glouceſter*, and *Wilts*, ſhall be, and are hereby conſtituted Commiſſioners for putting in Execution all and ſingular the Powers in this Act contained; and that all and every Perſon and Perſons conſtituted and appointed a Commiſſioner or Commiſſioners by virtue or in purſuance of this Act, before he and they reſpectively take upon himſelf or themſelves to act as a Commiſſioner or Commiſſioners (other than the adminiſtering the following Oath to one another, which they, or any two of them, are hereby impowered and required to do) ſhall take and ſubſcribe the following Oath:

Oath.

"I *A. B.* do ſwear, That I will, without Favour or Affection, truly, faithfully, and impartially execute, perform, and diſcharge the Office and Duty of a Commiſſioner, according to the Powers, Authorities, and Directions given and eſtabliſhed by an Act of Parliament *for improving and completing the Navigation of the Rivers* Thames *and* Iſis *from the City of* London *to the Town of* Cricklade, *in the County of* Wilts; and that I will execute the ſaid Act according to the beſt of my Skill and Knowledge.

So help me GOD.'

Which Oath ſo taken and ſubſcribed as aforeſaid, ſhall be kept by the Clerk of the Peace among the Records of the Seſſions of the Peace in and for the reſpective Counties where the ſame ſhall be ſo taken and ſubſcribed.

Qualification of Commiſſioners.

II. Provided always, That no Perſon, except the Mayor, Aldermen of *Guilford*, and the Bailiffs of the Town of *Godalming*, ſhall act as a Commiſſioner in any Caſe in the Execution of this Act, unleſs he ſhall be ſeiſed in his own Right, or in the Right of his Wife, of Lands, Tenements, or Hereditaments of the clear yearly Value of one hundred Pounds, or ſhall be Heir-apparent of ſome Perſon having ſuch Eſtate of the yearly Value of two hundred Pounds, or ſhall be poſſeſſed of a perſonal Eſtate to the Amount of three thouſand Pounds.

III. And

If disqualified, shall forfeit 200l.

III. And be it further enacted, That in case any Person shall presume to act as a Commissioner before he has taken the said Oath, or if he shall have acted not being duly qualified, or whilst he was under any Disqualification by this Act, he shall, upon Conviction thereof, forfeit the Sum of two hundred Pounds; to be recovered by the General Treasurer of the said Navigation, by Action of Debt, in any of his Majesty's Courts of Record at *Westminster*; and such Person shall prove that he is qualified as aforesaid, or otherwise shall forfeit the said Sum of two hundred Pounds; which Sum, when recovered, after deducting of all Costs and Charges attending the Recovery thereof, shall be applied to and for the Purposes of this Act.

Time and Place of Commissioners first Meeting. Ordinary Meetings how to be held.

IV. And be it further enacted, That the said Commissioners, or any seven or more of them, for the better and more orderly putting in Execution the Powers hereby to them given, shall, for the first Time, meet on the second *Thursday* after the passing of this Act, at the Town-hall of *Henley upon Thames*; and afterwards, in the said Year, and every subsequent Year, without any previous Notice, on the first *Saturday* after the twenty-fourth Day of *June*, at the Town-hall of *Great Marlow*, in the County of *Bucks*; on the first *Saturday* after the twenty-ninth Day of *September*, at the Town-hall of *Kingston*, in the County of *Surry*; on the first *Saturday* after the twenty-fifth Day of *December*, at the Town-hall of *Oxford*; on the first *Saturday* after the twenty-fifth Day of *March*, at the Town-hall of *Reading*, in the County of *Berks*; which Meetings, subsequent to the first-mentioned Meeting, shall be called Quarterly or Ordinary Meetings: And at any one of the said quarterly or ordinary Meetings it shall and may be lawful for any Commissioner then present to propose any Person to be a Commissioner, being an Inhabitant of any County bordering upon the *Thames* or *Isis*, provided such Person is otherwise duly qualified according to this Act, or is not thereby in any Manner disqualified to be elected a Commissioner; and if the Person so proposed shall be elected by a Majority of Commissioners present at the next quarterly or ordinary Meeting, he shall be a Commissioner to all Intents and Purposes, in the same Manner as if he had been appointed by this Act.

Commissioners may be elected.

Method of adjourning.

V. And be it further enacted, That at any of the said quarterly or ordinary Meetings, and also at all General Meetings, it shall and may be lawful for any seven or more of the said Commissioners to proceed to execute this Act, and all the Powers, Matters, and Things herein contained, and also to adjourn themselves, from Time to Time, and Place to Place, as they shall think necessary; but in case it shall happen that seven Commissioners shall not be present at any such ordinary, or at any extraordinary or adjourned Meeting, then, and in such Case only, it shall and may be lawful for any two or more of the said Commissioners to adjourn themselves from Time to Time, and Place to Place, as they shall think proper, until seven or more Commissioners shall meet and be present at one Time, who shall adjourn themselves, from time to time, to such Place, and so from Place to Place within the Counties of *Middlesex*, *Surry*, *Berks*, *Buckingham*, *Oxford*, *Gloucester*, and *Wilts*, and near to the same Rivers, or some Part thereof, as they shall think proper: And the said Commissioners, or any three or more of them, are hereby impowered and authorised afterwards, at any Time or Times, when it shall happen that no General Meeting is appointed to be held by Adjournment, to appoint extraordinary General Meetings of the said Commissioners for putting in Execution all or any of the Powers hereby in them vested, at such Times and Places as they shall think proper, within any of the Counties by or through which the said Rivers run, upon or near the same, upon giving ten Days Notice in such public News-papers, as to the said Commissioners shall seem meet, of the Time and Place which shall be, from time to time, appointed for such extraordinary General Meetings, at which the Commissioners then present shall be at Liberty, and are hereby impowered to adjourn themselves to such Time and Place within any of the aforesaid Counties near the said Rivers as they shall think proper: And if it shall happen that a sufficient Number of Commissioners shall not appear at any such Meeting, then the Clerk to the said Commissioners shall, by the like Notice, adjourn such Meeting to the same Place for that Day Fortnight; and the said Commissioners, or any seven or more of them, assembled at such extraordinary General Meetings, shall, at any of such extraordinary, general, or adjourned Meetings, held at any of the respective Times and Places aforesaid, or in pursuance of such Notice aforesaid, only for such Number of Days as to them shall seem convenient, do and transact all such Business relating to the said Navigation, as to the said Commissioners, or any seven or more of them, shall seem expedient; and also, upon due Examination of any Person or Persons touching any Matters or Things which concern the better carrying on and regulating the Navigation of the said Rivers, or touching any Matters in Controversy between Party and Party relating thereto, upon Oath (which Oath they, or any two of them, are hereby impowered, at such General or adjourned Meetings, to administer) and shall be in these Words:

Commissioners may appoint extraordinary Meetings.

In Matters of Controversy Commissioners to administer the following Oath.

The Oath.

"I *A. B.* do swear, that such Information or Evidence as I shall give shall be the Truth, the whole "Truth, and nothing but the Truth.

So help me GOD."

Officers how to be appointed,

VI. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, at their first or at any succeeding General Meeting, by any Writing or Writings under their Hands and Seals, shall and may appoint a fit Person to be General Treasurer of the said Navigation, and also one other fit Person to be General Surveyor of the said Navigation, and also such other fit Person or Persons to be Receiver or Receivers, Collector or Collectors, of the Tolls or Duties arising therefrom; and, in like Manner, at their respective District Meetings, to appoint one fit Person in each District to be Clerk to the Commissioners acting therein, and also all such other Officers as the said Commissioners, or any seven or more of them, shall think necessary, and allow them, or any of them, such Salary or Salaries as they, or the major Part of them so assembled, shall think proper; and also shall and may, from time to

and remove

time,

time, remove such Treasurer, Surveyor, Receivers, Collectors, Clerks, and other Officers, as they, or the major Part of them so assembled, shall see Occasion, and appoint others in their Stead.

Commissioners may purchase Houses or Lands for making the necessary Works, make Towing-paths, and other Conveniencies,

VII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any eleven or more of them, at any General Meeting, ordinary or extraordinary, are hereby impowered to make such Orders and Constitutions for the purchasing of Locks, Ferries, and Lands, for the Use of the said Navigation, and to purchase and make such Towing-paths, Banks, Roads, Bridges, Ferries, and Ways, for the towing, haling, or drawing of Boats, Barges, and other Vessels (with Horses or otherwise) passing in, through, or upon the said Rivers, and to purchase or make such Wharfs, Locks, Weirs, Bucks, Winches, Spikes, Dams, Flood-gates, and Engines, for the completing and carrying on the said Navigation, as the said Commissioners, or any eleven or more of them, at such General Meeting shall think necessary and convenient for the Purposes aforesaid; and also to erect and maintain Pounds or Turnpikes on the said Rivers where Locks or Weirs are now made use of, and at all such other Places on the said Rivers, as the said Commissioners, or any eleven or more of them, at their General Meetings, to be held as herein before directed, shall judge proper, and so as each of the said Pounds or Turnpikes so to be erected in pursuance of this Act, be of the Dimensions of one hundred and thirty Feet long, and eighty Feet wide; and also to

and settle the Prices to be paid for the Use thereof;

settle and ascertain reasonable Rates and Prices to be taken from the Owners of all Barges, Boats, and Vessels, for the Use and Exercise of all the said Towing-paths, Ferries, Gates, and Bridges, either by Men or Horses, as they are now or shall be hereafter used, at the Discretion of the said Commissioners, by the Tenants or Occupiers of all such Pounds, Locks, Weirs, Bucks, Turnpikes, Winches, Dams, Flood-gates, and other Engines and Towing-paths in, upon, or near or adjoining to the said Rivers of *Thames* and *Isis*, or which do or may affect the Navigation of the same, or shall be deemed by the said Commissioners, or any eleven or more of them, assembled at such Meeting or Meetings as aforesaid, to be necessary or useful thereto, between the said City of *London* and the said Town of *Cricklade*, for the Help and Assistance which Barges, Boats, or Vessels, may or shall receive thereby, or by Means thereof, in their Passage upon the said Rivers, Regard being had as well to the Size, Burthen, or Tonnage of such Boats, Barges, and Vessels, that shall navigate on the said Rivers, as to the Charges and Expences which have been and shall be laid out in the purchasing of the Land necessary for the said Towing-paths, and in building, repairing, enlarging, improving, and supporting the said Towing-paths, Pounds, Weirs, Bucks, Winches, Turnpikes, Flood-gates, and other Engines; and also to make Orders and Regulations touching the Sizes and Draughts of all Boats, Barges, and other Vessels, navigating the said Rivers, and to settle proper Gages on the Sides thereof, and how deep they shall load at all Times, so as no Boat, Barge, or other Vessel whatsoever, navigating the said River, shall draw more than three Feet of Water; and also to make and appoint all such other necessary Rates, Orders, Constitutions, Rules, and Regulations, concerning the said Navigation, and also concerning such Pounds, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines and Towing-paths, lying between the Places aforesaid, and the Shutting, Penning, Opening, Drawing, Use, or Management thereof, for the Benefit and Safety of the said Navigation; and making Satisfaction for the Loss or Damage any Owners or Occupiers of Mills or Lands shall or may sustain thereby; and concerning all Barges, Boats, or Vessels passing by, through, or with the Help of the same, and Behaviour of all Bargemen, Boatmen, and Watermen, belonging to or working in such Barges, Boats, or Vessels, so as to remedy the Abuses which have been heretofore frequently committed, or may hereafter be committed by them in the Navigation; and to give such Reparation, Satisfaction, and Damages, to the Person or Persons aggrieved thereby, as likewise to the Owners or Occupiers of Lands, Meadows, or other Grounds, who shall be damaged by the Neglect or Refusal of the Owners of such Pounds, Weirs, Bucks, Winches, Turnpikes, and Flood-gates, in not opening and keeping open the same till the Water is sunk beneath the Water-mark, as to the said Commissioners, or any eleven or more of them, shall seem meet.

make Regulations relating to the Vessels navigating the River;

make Satisfaction to Owners of Mills; and prevent Misbehaviour of Watermen.

Not to extend to prevent the present Course of the River.

VIII. Provided always, That nothing in this Act contained shall extend to authorise or impower the said Commissioners, or any other Commissioners hereafter to be appointed by virtue of this Act, to make any Cut or Cuts to divert the present Course of the said River in any Manner whatsoever between the Bridge at *Maidenhead*, in the County of *Berks*, and the City of *London*, nor any where above the said Bridge, except for the sole Purpose of making Turnpike Locks on the Sides of the present Locks.

Commissioners to settle the Price for Passage of Barges,

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any seven or more of them, at any General Meeting, or for any three or more of them at any District Meeting, to settle the Price to be paid for the Passage of Barges or other Vessels, so as such Price, so far as regards the Locks now in being, be not less than the present Owners or Occupiers of such Locks are now intitled to take and receive by virtue of any former Act, or any Order made by the Commissioners acting under or by virtue thereof, nor more than Fourpence *per* Ton at any one Lock or Toll-gate through or near the said Locks, according to the Tonnage of such Barges or other Vessels; which Price of Lockage shall be fixed up, painted in large Characters, on Boards, on the said Locks, as well as the Price of Towing at the Beginning and End of each Fare; and the said Commissioners, or any seven or more of them, at any General Meeting, or any three or more of them at any District Meeting, shall have Power, by a written Order, signed by them and directed to the Persons concerned, to oblige the Owners or Occupiers of Locks to keep in Repair the several Locks and Weirs now in the said Rivers; and for Non-compliance with such Order, after ten Days Notice, the said Commissioners, or any three or more of them, whether they signed the same or not, are hereby impowered to repair such Locks and Weirs, and to levy the Expence by Distress and Sale of the Offender's Goods and Chattels; and the said Commissioners, or any seven or more of them, at any General Meeting, or any three or more of them at any District Meeting,

and oblige Proprietors to keep up Locks and Weirs,

and to keep up the Water to a proper Height,

ing, are hereby impowered to fix a Mark or Marks at each Lock or Weir, below or above which Mark or Marks no Owner or Occupier of any Lock, Weir, or Mill, shall knowingly or designedly let the Water fall or rise, unless he is authorised thereto by two Commissioners under their Hands, in case of any Repairs that may be wanting to the said Mill, Weir, or Lock, that may make it necessary to let the Water down below such Marks, but in no other Case whatever; and in case any Person or Persons shall act contrary to the above Directions, he shall forfeit the Sum of fifty Pounds, to be recovered as herein after-mentioned.

Water for repairing Mills or Fishing, may be drawn down.

X. Provided always nevertheless, and be it enacted by the Authority aforesaid, That any Owner or Occupier of any Mill shall and may, and they are hereby impowered, to draw down the Water without such Authority from the Commissioners as aforesaid, for the Repair of such Mill, or any Flood-gates or Water-works belonging thereunto, and for the Purpose of cleansing the Mill Stream; and also that it shall and may be lawful to and for all and every Person and Persons, having a Right or Privilege to fish with Nets or Bucks in any Part of the said Rivers, and to draw down the Waters for that Purpose, to retain, possess, and enjoy, the said Right and Privilege of Fishing, at all seasonable Times of the Year, and drawing down the Water, doing thereby no Damage or Prejudice to the Navigation, and causing thereby no Obstruction or Hinderance to the Boats, Barges, or Lighters, on the said Rivers; any Thing in this Act contained to the contrary notwithstanding.

Commissioners to keep up a proper Head of Water for working Mills.

XI. And be it further enacted by the Authority aforesaid, That the Commissioners appointed by this Act, and their Successors, shall, from time to time, and at all Times hereafter, so build, construct, and keep in Repair the Locks, Bucks, Weirs, Pounds, and other Devices to be erected and constructed by the Authority of this Act, as that a sufficient Head of Water may be constantly pounded and kept up for the Purpose of working the Mills contiguous and lying near to such Locks, Bucks, Weirs, or Pounds; and that in case any Damage shall accrue to any such Mill by the improper Construction or Use of any of the said Locks, Weirs, Pounds, or other Devices, so to be constructed as aforesaid, or any such Mill by any of the Means aforesaid shall be obstructed or hindered from working, that then and in such Case, the said Commissioners appointed by this Act, and their Successors, or any three or more of them, shall, on Application to be made to their Clerk for that Purpose, by a Notice in Writing from any Owner or Occupier of a Mill so damaged or obstructed, or hindered from working, to be given to the said Clerk, or left at his usual Place of Abode, cause the said Locks, Weirs, Pounds, and other Devices, or such of them as shall be defective, to be well and sufficiently altered, repaired, and amended, within twenty-one Days next after such Application shall have been made as aforesaid; and in case the said Commissioners, or their Successors, or any seven or more of them, shall not, within the Time aforesaid, cause the said Locks, Weirs, Pounds, and other Devices, or such of them as shall be defective, to be well and sufficiently altered, repaired, and amended, it shall and may be lawful to and for two Justices of the Peace near adjoining to such Mill so damnified or hindered from working, and they are hereby authorised and required to take a View of the said Locks, Weirs, Pounds, and other Devices, or such of them as shall be so defective, on Application for that Purpose to be made by the Owner or Occupier of the Mill so damnified or hindered from working; and if, upon such View, the said Justices shall find the said Locks, Weirs, Pounds, and other Devices, or any or either of them to be so constructed, or to be so out of Repair as to hinder or impede the working of the Mill of the Owner or Occupier so giving Notice as aforesaid, then the said Justices shall, by Writing under their Hands and Seals, certify what Repairs or Alterations are wanting to be made or done to the said Locks, Weirs, Pounds, or other Devices; which Certificate shall be delivered to the Clerk to the said Commissioners, or left at his usual Place of Abode; and in case the said Commissioners, or their Successors, or any seven or more of them, shall not, within twenty Days next after the said Certificate shall be left with, or delivered to their said Clerk as aforesaid, cause the said Locks, Weirs, Pounds, and other Devices to be so properly constructed or well and sufficiently repaired, as that the said Mills may not be damaged or hindered from working as usual; that then, and in such Case, it shall and may be lawful to and for the Owners or Occupiers of such Mills, and they are hereby authorised to cause such Alterations, Reparations, and Amendments, to be made to the said Locks, Weirs, Pounds, and other Devices, as shall be mentioned in the said Certificate; and the said Commissioners and their Successors, or any seven or more of them, shall pay, or cause to be paid, to the Person or Persons at whose Expence the said Alterations, Repairs, and Amendments, shall have been made, all such Costs, Charges, and Expences, as he or they shall have paid, expended, or been put unto on that Occasion; and also to the Owners or Occupiers of such Mills, all such Damages as they may have sustained by reason of such Want of Alteration or Defect in Reparation, such Costs, Charges, Damages, and Expences to be liquidated by such two Justices as aforesaid, if any Dispute shall arise concerning the same; and in case of Non-payment thereof for the Space of twenty Days next after Demand for that Purpose made on the Collector of the Rates and Duties to be collected by virtue of this Act, it shall and may be lawful to and for the Person and Persons at whose Expences such Alterations, Repairs, and Amendments, shall have been made, and to and for the Owner and Occupiers of such Mills so damnified as aforesaid, and they are hereby authorised to receive all and every the Rates and Duties to be collected by virtue of this Act, until he and they shall have reimbursed himself and themselves all such Costs, Charges, Damages, and Expences, as he or they shall have sustained or been put unto in making such Alterations, Repairs, and Amendments, as aforesaid, or by reason of the Defect or Want thereof.

Lock Dues to be paid to former Proprietors of Locks.

'XII. And whereas there are many Locks, Bucks, Weirs, and Winches, now in the said Rivers, the 'Owners or Occupiers whereof are by virtue of the said recited Act of Parliament of the twenty-fourth 'Year of the Reign of his said late Majesty King *George* the Second, or of some Orders made by the Com-'missioners acting under the Authority thereof, intitled to receive a Toll or Rate for the Passage of Boats,

'Barges,

'Barges, and Lighters, through such Waters and Locks, and for the Use of such Winches: And whereas, 'by means of the said intended Navigation, and the Alteration of the Course thereof, all the Boats, Barges, 'and other Vessels, will be prevented and obstructed from passing or repassing to or from, or through the 'said Weirs and Bucks:' In order therefore to make a Satisfaction to such Owners and Occupiers of Locks, Bucks, Weirs, and Winches, for the Damage they may respectively sustain by reason of the said intended Navigation, and the Alteration of the Course thereof; be it further enacted, That from the Time of making any Alterations in the Navigation of the said Rivers in pursuance of this Act, whereby any Boat, Barge, Lighter, or other Vessel, shall be prevented or diverted from passing or repassing to, from, or through either of the said Weirs or Locks, or from using either of the said Bucks or Winches, there shall, from thenceforth, and for ever thereafter, be paid and allowed, and the Commissioners appointed, or to be appointed by or in pursuance of this Act, are hereby authorised, impowered, and required, to pay and allow unto the Owner or Occupier of every such Weir, Lock, Buck, or Winch, for every Boat, Barge, Lighter, or other Vessel, passing by and not making use of the same, such and the same Tolls, Rates, and Duties, clear of all Taxes and Deductions whatsoever, as such Owners and Occupiers would have been intitled to have received and taken, had such Boat, Barge, Lighter, or other Vessel, so passing by, passed through, and made use of such Weirs, Locks, or Winches, by virtue of the said recited Act of Parliament, or any Order made by the Commissioners acting under or by virtue thereof; such Tolls to be accounted for and paid monthly at or upon the first *Monday* in every Month in every Year; and in case of Refusal or Non-payment of the said Tolls, or any Part thereof, for the Space of ten Days next after any of the Days before appointed for the Payment thereof as aforesaid, the Rates, Tolls, and Duties granted by this Act shall vest in such Owner or Occupier, until he shall have received sufficient to pay him the Tolls allotted him as aforesaid, together with the Costs and Charges occasioned by the Non-payment of such Tolls; and that, until full Payment thereof, he shall have the same Powers and Authorities for demanding, collecting, and receiving the Rates, Tolls, and Duties granted by this Act, as are by this Act granted to the said Commissioners, their Collectors, or Receivers, or any of them.

Lock-dues and Lock-owners impowered to measure Barges, &c.

'XIII. And, for the better ascertaining what Sum or Sums of Money shall from time to time be due and 'payable to such Owners or Occupiers of Locks, Weirs, Bucks, and Winches,' Be it further enacted, That such Owners or Occupiers, or such Person or Persons as they, either, or any of them, shall for that Purpose appoint, shall and may, at any Time or Times hereafter, have full and free Liberty and Power of measuring the Boats, Barges, and Lighters, and of inspecting, examining, and taking Copies, at their own Expence, of all such Books, Accounts, and Entries, as shall at any Time or Times thereafter, in pursuance of this Act, be made, entered, or kept at the Place nearest the Lock, Weir, or Winch, of the Owner or Occupier claiming such Toll, in order to see the Number of Boats, Barges, Lighters, and other Vessels that have passed by such Lock, Weir, or Winch, and the Quantity or Tonnage of the Goods, Wares, Merchandises, or Commodities, which shall be carried or conveyed therein.

Rates of Carriage and Hire of Horses how to be settled,

XIV. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any seven or more of them, shall have Power and Authority, and they are hereby required, at their said General Meetings, to assess and rate the Prices of the Carriage of all Sorts of Goods whatsoever, and the Rates or Fare to be given for the Use of any Horse or Horses, employed on the said Navigation from the said City of *London*, to the said Town of *Cricklade*, and back from thence to the said City of *London*, or to or from any Place or Places upon the said Rivers, to any other Place or Places upon the same, in such Boats, Barges, and other Vessels; and shall forthwith give public Notice in Writing, to be signed by the said Commissioners at such their Meetings, or any seven or more of them, to be stuck up at the several Locks and Turnpike-gates on the said Rivers, and at the Market Places or Church Doors of such Towns and Parishes as they shall think proper within the respective Districts, and also to be printed and published in some of the public News-papers, of which public Notice the several Owners of Boats, Barges, and other Vessels navigating on the said Rivers, are hereby required to take Notice, as also of the Rates and Prices so from time to time set and assessed, and of all other Rates, Fares, and Prices, which shall at any Time or Times hereafter, at such respective Meetings as aforesaid, be rated and assessed by virtue of this Act; and if any Owner and Proprietor of any such Barge, Boat, or other Vessel shall, at any Time after the Expiration of twenty Days next after the publishing of such Notice, take for the Water-carriage of any Goods or Merchandises above the Rates and Prices so set as aforesaid, every Person so offending shall forfeit the Sum of twenty Pounds: And if any Person whatsoever shall act contrary to any other Rules, Orders, or Constitutions which shall be made in pursuance of this Act, either for the Benefit of the Proprietors or Owners of Mills, Locks, Lands, Grounds, or Meadows near or adjoining to the said Rivers, or either of them, or otherwise howsoever, every such Person so offending shall, for every such Offence, likewise forfeit the Sum of fifty Pounds, unless in the Case of Offences for which other Penalties and Forfeitures are herein otherwise inflicted; all which respective Penalties and Forfeitures shall and may be recovered in a summary Way by Information or Complaint made to the said Commissioners, at any of their General Meetings, or at any of their District Meetings, in the Manner herein after directed; and shall go and be applied, one Moiety to the Informer or Informers, and the other Moiety to the Party or Parties aggrieved by any such Offence, and shall and may be levied by Distress and Sale of the Offender's Goods and Chattels in Manner hereinafter directed.

Persons taking Higher Rates, or acting contrary to the Rules prescribed,

to forfeit 50 l.

No Order to be altered,

XV. Provided always, and be it further enacted, That no Order, Rule, or Regulation, made by the said Commissioners at any General Meeting, shall be altered or repealed at any extraordinary General Meting; and that it shall and may be lawful to and for the said Commissioners, at any of the said quarterly or ordinary Meetings, or at any Adjournment thereof, to alter, annul, or repeal any Order, Rule, or Regulation made by the said Commissioners at any former Meeting or Adjournment whatsoever held in

purſuance of this Act, or to make any new Order, Rule, or Regulation, touching and concerning the ſame, as the Occaſion and Circumſtances of the Caſe may then require, and as to them ſhall ſeem expedient; but no ſuch Alteration, Repeal, or new Order, ſhall be made, or deemed good and ſufficient, unleſs twenty Days Notice of ſuch Alteration or Repeal be fixed in Writing upon the Locks and Turnpike-gates upon the ſaid Rivers, and at the Market Places and Church Doors of ſuch Towns and Pariſhes as they ſhall think proper, within their reſpective Diſtricts. Unleſs Notice ſhall be given.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Navigation ſhall, and the ſame is hereby directed to be divided into ſix Parts or Diſtricts; *videlicet*, That the firſt Part or Diſtrict of the ſaid Navigation ſhall be accounted, deemed, and taken to be between the ſaid City of *London* and the City Stone above *Staines Bridge*; and that the ſecond Part or Diſtrict ſhall be accounted, deemed, and taken to be between the City Stone above *Staines Bridge* aforeſaid and *Boulter's Lock*; and that the third Part or Diſtrict ſhall be accounted, deemed, and taken to be between *Boulter's Lock* aforeſaid and *Maple Durham*; and that the fourth Part or Diſtrict ſhall be accounted, deemed, and taken to be between *Maple Durham* aforeſaid and *Shillingford*; and that the fifth Part or Diſtrict ſhall be accounted, deemed, and taken to be between *Shillingford* aforeſaid and *Oxford*; and that the ſixth Part or Diſtrict ſhall be accounted, deemed, and taken to be between *Oxford* aforeſaid and *Cricklade*, in the ſaid County of *Wilts*. Navigation to be divided into Diſtricts.

XVII. And be it further enacted by the Authority aforeſaid, That the Time and Place of the firſt Meeting in every Diſtrict ſhall be appointed by the firſt General Meeting to be holden at *Henley*; and that the Commiſſioners living within their reſpective Diſtricts, or any three or more of them, ſhall and may hold a Diſtrict Meeting at the Time and Place ſo appointed, and afterwards at all Times and at any Place bordering upon the ſaid Rivers within their reſpective Diſtricts, as any two ſuch Commiſſioners ſhall, either by Adjournment from time to time, or by any Writing under their Hands directed to the Diſtrict Clerk, appoint; of which Diſtrict Meeting the ſaid Clerk is hereby required, on Pain of forfeiting five Pounds, at the Diſcretion of the ſaid Commiſſioners, to affix Notice in Writing at the Market Places, or on the principal Door of each Pariſh Church in ſuch Towns or Pariſhes as are not Market Towns that are adjoining to the ſaid Rivers, as the ſaid Commiſſioners ſhall appoint within that Diſtrict, ten Days before the Time appointed for the holding ſuch Diſtrict Meeting; or if that cannot be, as many Days Notice as can conveniently be given, Regard being had to the Neceſſity of the Caſe; and at ſuch Diſtrict Meeting, the ſaid Commiſſioners, or any two of them, ſhall have Power to adjourn themſelves from time to time, and from Place to Place, as they ſhall think proper for enforcing the Execution of ſuch Orders and Conſtitutions as ſhall be made at any of the General Meetings of the ſaid Commiſſioners to be held as aforeſaid; and at ſuch Diſtrict Meetings the ſaid Commiſſioners, or any three or more of them, or the major Part of them preſent, ſhall have Power, and are hereby authoriſed, in a ſummary Way, upon Examination of the Parties, and all Witneſſes to be produced by them upon Oath, which Oath ſhall be in the ſame Words as the Oath herein before directed for the Examination of any Perſon or Perſons as aforeſaid (and which Oath they are hereby impowered to adminiſter) to hear and determine all ſuch Complaints and Informations as ſhall be made or laid againſt all and every Perſon and Perſons accuſed of offending againſt this Act, or any of the Rules, Orders, Regulations, or Conſtitutions to be made in purſuance or by virtue thereof; and, upon Conviction of the Offender or Offenders, to levy ſuch Penalties as the ſaid Commiſſioners are by this Act impowered to ſet, or are hereby made payable or forfeited for the Offences whereof ſuch Offenders ſhall be reſpectively convicted, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Offender or Offenders, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any three or more of them, to be directed to the Conſtables, Tithingmen, or other Peace Officers of the ſeveral Liberties or Places wherein or near whereunto any ſuch Goods or Chattels by ſuch Warrant directed to be diſtrained ſhall be; and all ſuch Conſtables and other Officers are hereby commanded to obey and execute ſuch Warrants accordingly: Provided that every Perſon againſt whom any Complaint or Information ſhall be made or laid at any of the ſaid Diſtrict Meetings, ſhall have at leaſt ten Days Notice of ſuch Complaint or Information, under the Hand of the Clerk appointed, as herein after mentioned, to attend the ſaid Commiſſioners at their reſpective Diſtrict Meetings. First Subdiviſion Meetings to be appointed by the firſt General Meeting. Manner of adjourning and appointing others. Notice to be given. Commiſſioners to determine Complaints.

XVIII. Provided alſo, That it ſhall and may be lawful for any Perſon whoſe Fine, Penalty, Forfeiture, or Damage adjudged againſt him at any of the ſaid Diſtrict Meetings, ſhall exceed the Sum of five Pounds, and who ſhall think himſelf aggrieved thereby, to appeal to the next General Meeting of the ſaid Commiſſioners to be held after the Expiration of twenty Days from the Time that the Party aggrieved ſhall have Notice of the Adjudication of ſuch Diſtrict Meeting of the Commiſſioners, at ſuch of the reſpective Places herein before appointed for the holding of General Meetings as ſhall be neareſt to the Place where the Matter of Complaint ſhall originally ariſe (but not afterwards), upon giving ten Days Notice in Writing of ſuch Appeal to the Party or Parties appealed againſt, or leaving ſuch Notice at his, her, or their laſt Place of Abode; and ſuch Commiſſioners, at ſuch General Meeting, ſhall hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable. Perſons aggrieved may appeal to a General Meeting.

'XIX. And whereas, for the more effectual putting the Powers herein contained in Execution, it may 'be frequently neceſſary to view the ſeveral Cuts, Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, 'Dams, Flood-gates, and other Engines, and the ſeveral Towing-paths upon or near the ſaid Rivers;' Be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any three or more of them, at any of their General or Diſtrict Meetings, may appoint any Number of Commiſſioners (but not a leſs Number than two) as they ſhall think fit, who are hereby authoriſed and impowered to go and view any Cuts, Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines in, upon, near, or adjoining to the ſaid Rivers, and likewiſe to view all Towing-paths, Gates, Bridges, and Commiſſioners impowered to take Views;

Places proper for the fixing a Water-mark at all Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, and other Engines, and to inquire into the Eſtate, Condition, Reparation, and Circumſtances thereof, and to inquire alſo by Information upon Oath (which ſhall be in the ſame Words as the Oath herein before directed for the Examination of Witneſſes as aforeſaid, and which Oath they are hereby impowered to adminiſter) what Rates or Prices have formerly been paid to or taken by the Owners or Proprietors of ſuch Pounds, Locks, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, or other Engines in, upon, near, or adjoining to the ſaid Rivers, or in any wiſe affecting the ſame, as likewiſe by the Owners of Towing-paths adjoining to the ſaid Rivers, and the ſeveral Sums that are now paid to or taken by ſuch Owners, Proprietors, or Occupiers, from the ſeveral Barge-maſters navigating on the ſaid Rivers; which Information or Informations thus taken ſhall be ſigned by two of the ſaid Commiſſioners at leaſt, and ſhall be by them tranſmitted to or reported at the next General Meeting of the ſaid Commiſſioners, who, or any ſeven or more of them, ſhall make ſuch Order and Determination as ſhall to them ſeem juſt, ſo as ſuch Order do not compel or oblige any ſuch Owner or Occupier to take leſs Toll than he is now intitled to take and receive by virtue of any former Act, or any Order made by Commiſſioners acting under or by virtue thereof, ten Days Notice in Writing of ſuch Information and intended Order being firſt given to the Perſon or Perſons whom the ſame may concern, or left at his or their laſt Place of Abode.

and to inquire into the Prices formerly paid to Owners of Locks, &c.

Penalty on removing Water-marks.

XX. And be it further enacted by the Authority aforeſaid, That if it ſhall appear, either by View of any two or more of the ſaid Commiſſioners, or upon Complaint made on Oath (to be taken and adminiſtered as herein before directed) to any three or more of the ſaid Commiſſioners, at any of the ſaid Diſtrict Meetings, that any Owner or Occupier of any Pound, Lock, Weir, Turnpike, Dam, or Flood-gate, or any other Perſon or Perſons, hath removed any Water-mark ſo as aforeſaid ſet and appointed by the ſaid Commiſſioners, that the Perſon or Perſons removing the ſame ſhall forfeit and pay any Sum not exceeding fifty Pounds, nor leſs than ten Pounds; to be recovered at any of the ſaid Meetings in a ſummary Way, by any Perſon or Perſons who will complain or inform thereof, and levied by Diſtreſs and Sale of the Offender's Goods and Chattels in Manner aforeſaid.

Commiſſioners to order Diſtrict Surveyors, &c. to open Flood-gates, in caſe of an Overflow,

XXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any two of the ſaid Commiſſioners, upon the Complaint of and Oath made by the General or Diſtrict Surveyor, or by any of the Occupiers of the Meadows above, that the Water runs over the Water-mark, and that their Meadows are in Danger of being overflowed, to ſend, under their reſpective Hands and Seals, a Warrant directed to the ſaid General or Diſtrict Surveyor, or to the Conſtable or Conſtables of the Pariſh or Place, or ſome neighbouring Pariſh or Place, thereby authoriſing and impowering him or them to give Notice of ſuch Complaint to the ſeveral Tenants or Occupiers of the ſaid Pounds, Locks, Weirs, Turnpikes, Dams, and Flood-gates; and on their Refuſal to open the ſame, to compel the ſaid Tenants or Occupiers of the ſaid Pounds, Locks, Weirs, Turnpikes, Dams, and Flood-gates, to open and keep open the ſame, as Occaſion ſhall require, till the Water is ſunk below the Water-mark, and no longer: And if any Damage ſhall be ſuſtained by the Tenants or Occupiers of ſuch Meadows, occaſioned either by the Occupiers or Tenants of ſuch Pounds, Locks, Weirs, Bucks, Turnpikes, Dams, and Flood-gates, penning the Water above the Water-mark ſo as aforeſaid ſet by the ſaid Commiſſioners, or neglecting or refuſing to open or keep open the ſame as aforeſaid, after ſuch Notice as aforeſaid, any three or more of the ſaid Commiſſioners ſhall, at any of their Diſtrict Meetings to be held as aforeſaid, within the Space of ten Days next enſuing, on Proof made on Oath as aforeſaid of the Damage or Damages, order ſuch Satisfaction as to them ſhall ſeem juſt: And if any of the Tenants or Occupiers of any Pounds, Locks, Weirs, Bucks, Turnpikes, Dams, or Flood-gates, ſhall refuſe to pay ſuch Sum or Sums of Money ſo ordered within three Days after ſuch Order made, and Notice thereof given, he or they ſo refuſing ſhall forfeit the Sum of forty Shillings, over and above the Sum and Sums ſo ordered; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any three or more of the ſaid Commiſſioners as aforeſaid.

and award Satisfaction for Damages done thereby.

Penalty on Perſons refuſing to make Satisfaction.

Commiſſioners to remove Obſtructions.

'XXII. And whereas great Nuiſances, Annoyances, Inconveniencies, and Damages, do often happen 'on the ſaid Navigation to light-loaded Barges, Boats, and other Veſſels paſſing the ſame, by Timber and 'deep-loaded Barges, Boats, and other Veſſels lying acroſs or aground in the ſaid Rivers, and by Stones, 'Dung, Muck, and Compoſt, and other Nuiſances lying and being in the Towing-paths, and other 'Places belonging to the ſame, and thereby obſtructing and preventing the Paſſage of ſuch light-loaded 'Veſſels:' For Remedy whereof, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any one or more of the ſaid Commiſſioners, on his or their View, or on Complaint thereof made to him or them by the ſaid General or Diſtrict Surveyor, or by the Owners or Navigators of light-loaded Barges, Boats, or other Veſſels, to order the Proprietors of ſuch Timber, Dung, Muck, or Compoſt, as aforeſaid, and the Owners or Navigators of ſuch deep-loaded Barges, Boats, or other Veſſels (by Warrant under his or their Hand and Seal or Hands and Seals), forthwith to remove ſuch Obſtructions, by carrying away the ſame, or lightening their ſaid Veſſels, or otherwiſe, in ſuch Manner as the ſaid Commiſſioner or Commiſſioners ſhall think fit, and to ſuffer the ſaid light-loaded Barges, Boats, or other Veſſels, to paſs; and upon Non-compliance with ſuch Order, to aſſeſs and levy, by Warrant under ſuch Commiſſioner or Commiſſioners Hands and Seals, or Hand and Seal, to be directed to the ſaid General Surveyor, or to the Conſtable or other Peace Officer of the Pariſh or Place wherein or near to the Place where ſuch Complaint ſhall ariſe, ſuch Penalty not being more than the Sum of ten Pounds, nor leſs than the Sum of forty Shillings, upon the Goods and Chattels of the Offender and Offenders, or the Tackle belonging to his or their Barge or Barges, as the ſaid Commiſſioner or Commiſſioners ſhall think proper or

adequate to the Damage ſuſtained by the Owner or Owners of ſuch light-loaded Barge, Veſſel or Veſſels, and to be paid to the Treaſurer for the time being, and by him to the Perſon or Perſons ſuſtaining the Damage, as the ſaid Commiſſioner or Commiſſioners ſhall direct.

Commiſſioners not to act where intereſted.

XXIII. Provided always, and be it further enacted by the Authority aforeſaid, That no Commiſſioner or Commiſſioners ſhall act in the Execution of this Act, or any of the Powers herein contained, where he or they is or are any ways particularly intereſted, under the Penalty of one hundred Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels by Warrant under the Hands and Seals of three or more of the other Commiſſioners; which Penalty or Forfeiture ſhall and is hereby directed to go to the ſame Uſes as other Penalties by this Act are to be applied.

Proviſion for Perſons uſed to draw Barges, and unable to gain a Livelihood.

'XXIV. And foraſmuch as the drawing Barges by Horſes, inſtead of Men, on all or many more Banks 'than at preſent have Horſe Towing-paths, may deprive many Men who are now employed in drawing 'ſuch Barges of their uſual Livelihood, and as ſeveral ſuch Men are or may become, through Sickneſs, 'Age, or bodily Infirmity, diſabled from earning their daily Bread by any other Sort of Labour;' Be it enacted, That any ſeven or more Commiſſioners, at any General Meeting, may certify under their Hands and Seals to the Treaſurer of the ſaid Diſtrict, or to the General Treaſurer, the Caſe of ſuch diſabled Man, and the Treaſurer to whom ſuch Certificate ſhall be directed is hereby required to relieve the ſaid diſabled Man with ſuch Sum, not exceeding four Shillings *per* Week, as ſhall be directed or ſpecified by the ſaid Commiſſioners, until the ſaid Certificate ſhall be revoked by them, or by any ſeven or more Commiſſioners, at any General Meeting as aforeſaid.

Wharfingers ſhall keep Entries of all Goods delivered; which ſhall be forwarded according to Priority of Entry.

XXV. And be it further enacted, That every Wharfinger upon the Banks of the ſaid Rivers ſhall keep a Book, wherein all Goods ſhall be entered in the ſame Order as they ſhall be brought to his Wharf in order for Carriage, and ſhall moreover give a Receipt, if required, to the Perſon delivering the ſame; and every Barge-maſter carrying Goods for Hire, that loads from that Wharf, ſhall deliver to the Wharfinger in Writing the Name of the moſt diſtant Place to which ſuch Barge ſhall or may be bound, and the Barge-maſter ſhall then take into his Barge the Goods which ſhall have been firſt entered at the ſaid Wharf, and conſigned to the Place ſo named as aforeſaid, or to any other Place or Places not more than ten Miles ſhort of the ſame, without any other Preference (except as is herein after excepted) than the Priority of Entry in each Wharfinger's Book; which Book the Wharfinger is hereby required to ſhew to ſuch Barge-maſter at the Time of putting ſuch Goods on board his Barge, and ſhall give a Bill of Lading for the ſame, expreſſing the Time or Times of Entry, for which Entry the ſaid Wharfinger ſhall be paid one Penny for every Entry, and no more; and ſuch Wharfinger and Barge-maſter reſpectively ſhall forfeit any Sum not exceeding five Pounds, nor leſs than twenty Shillings, on being convicted before any two Commiſſioners of not having made due and regular Entries, or of altering, or permitting to be altered, his or their Book or Books, in order to give undue Preference, or of not ſhewing his Book or Books as aforeſaid, or not giving ſuch Bills of Lading, expreſſing the Time or Times of Entry, or of not carrying the Goods according to Priority of Entry as aforeſaid; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any two or more of the ſaid Commiſſioners, one Moiety of which Penalty ſhall go to the Informer, and the other Moiety to the Perſon aggrieved.

Proviſo.

XXVI. Provided always, That no ſuch Entry ſhall be made until ſuch Goods ſo to be entered ſhall be actually brought to the Wharf or Warehouſe where the ſame are intended to be entered.

Rules for Barge-maſters and Wharfingers.

XXVII. Provided alſo, That in all Caſes where any Bargemaſter ſhall take and carry any Goods or Merchandiſe to any Place or Places whatſoever, over and above or for want of ſuch Goods or Merchandiſe as are herein before, in the firſt place, directed to be taken and carried, he ſhall take and carry the ſame to every ſuch Place or Places reſpectively, without other Preference than the Priority of Entry in each Wharfinger's Book as aforeſaid, under the like Penalties herein before mentioned, excepting always ſuch Goods or Merchandiſe as may be of a periſhable Nature, which ſhall at all Times be taken and carried in Preference to any other Species of Goods or Merchandiſe conſigned to the ſame Place or Places reſpectively; and upon Complaint being made of any of the Matters aforeſaid before any two Commiſſioners, they are hereby impowered to ſummon any ſuch Wharfinger to attend with his Book or Books of Entry, and ſuch Wharfinger is hereby required to attend accordingly; and in caſe ſuch Wharfinger ſhall neglect to attend with his Book or Books according to ſuch Summons, he ſhall forfeit any Sum not exceeding five Pounds, nor leſs than twenty Shillings; to be levied by Diſtreſs and Sale of his Goods and Chattels.

Perſons under Incapacity impowered to convey Lands.

XXVIII. And be it further enacted by the Authority aforeſaid, That after any Houſes, Meſſuages, Mills, Lands, Tenements, and Hereditaments, ſhall be ſet out and aſcertained by the Surveyor of the ſaid Navigation as fit and neceſſary for the Purpoſes before mentioned, it ſhall and may be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whatſoever, not only for or on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, Tithes, or Grounds, which ſhall be ſo ſet out and aſcertained as aforeſaid, or any Part thereof, to contract for, ſell, and convey unto the ſaid Commiſſioners and their Succeſſors, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, for the Uſe of the ſaid Navigation, all or any Part of ſuch Meſſuages, Mills, Lands, Tenements, Tithes, and Hereditaments, which ſhall, from time to time, be ſo ſet out and aſcertained as aforeſaid, either in Conſideration of a Sum of Money to be paid in Groſs, or of an annual Rent or Payment to be charged and ſecured as is herein after mentioned; and where, by making the ſaid Navigation, or any Alteration therein, the Property of any

Land-owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and for such Bodies Politic, Corporate and Collegiate, and other such Land-owners, by and with the Consent of the said Commissioners, or any eleven of them, or the major Part of them assembled at any General Meeting, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of and attested by two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange, in lieu of other Lands, all or any Part of such Lands and Grounds through which the said Navigation shall pass, to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as to the said Commissioners, or any eleven of them, or the major Part of them assembled as aforesaid, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in any wise notwithstanding: And that all Bodies Politic, Corporate or Collegiate, and all Persons whomsoever so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue or in pursuance of this Act: And that all such Contracts, Agreements, Sales, Conveyances, and Assurances, other than those which concern any Purchase or Exchange between any such respective Land-owners to be made as aforesaid, shall, at the Expence of the said Navigation, be inrolled by the Clerk of the Peace for the County wherein such Messuages, Mills, Lands, Tenements, or Hereditaments, shall be situate respectively, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which inrolment shall be paid to the aforesaid Officers respectively making the same the Sum of Threepence, and no more, for every two hundred Words, and so in proportion for any greater or less Number of Words.

or to make Exchanges.

Contracts to be inrolled, and Copies to be Evidence.

On Refusal to treat,

XXIX. And be it further enacted by the Authority aforesaid, That if any such Corporation or Person, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Place of Abode of such Person, or of the Head Officer of such Corporation, or at the House of the Tenant in Possession of the Messuages, Mills, Lands, Tenements, or Hereditaments aforesaid, shall, by the Space of twenty-one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Commissioners, or any eleven or more of them, assembled as aforesaid, shall cause to be inquired into, ascertained, and assessed, by and upon the Oaths of a Jury of twelve indifferent Men of the County wherein such Mills, Messuages, Lands, Tenements, or Hereditaments, shall lie (which Oath any one or more of the said Commissioners are hereby impowered to administer) what Damages will be sustained by, and what Recompence shall be made to such Owners, Proprietors, Occupiers, or other Persons interested, for or upon account of the taking such Lands, Tenements, or Hereditaments, into or for the Use of the said Navigation, Towing-paths, or other Purposes before mentioned: And in order thereto, the said Commissioners, or any eleven or more of them, assembled as aforesaid, are hereby impowered, from time to time, as Occasion shall be, to order and cause the said Jury to view the said Places in question, and use all lawful Ways and Means, as well for their own as the Jury's Information in the Premises, as the Commissioners, or any eleven or more of them, assembled as aforesaid, shall think fit; and after the said Jury shall have inquired of, ascertained, and assessed such Damage and Recompence, they the said Commissioners, or any eleven or more of them, so assembled as aforesaid, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in the said Lands, Tenements, and Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Idiots, Lunatics, Cestuique Trusts, and Persons under any other Disability whatsoever, Corporations Aggregate or Sole, Ecclesiastical, Civil, or Eleemosinary, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested in such Lands, Tenements, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same: And for the summoning and returning such Jury or Juries, the said Commissioners, or any eleven or more of them, are hereby impowered to issue out their Warrant to the Sheriff of the County wherein such Lands, Tenements, or Hereditaments shall lie, thereby commanding him to impannel, summon, and return twenty-four indifferent Persons to appear before the said Commissioners, or any eleven or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Commissioners, or any eleven of them, shall swear, or cause to be sworn, twelve, to be drawn by Ballot out of the said twenty-four; and in Default of a sufficient Number of Persons so impannelled, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, who shall be sworn in like Manner, till the Number twelve be completed, which twelve shall be the Jury for the Purposes aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Commissioners, or any eleven or more of them, acting in the Premises, shall have full Power, from time to time, to impose any reasonable Fine on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear,

the Value to be ascertained by a Jury.

Sheriffs to summon Juries.

Jurymen may be challenged.

Sheriff, &c. neglecting Duty, to be fined.

appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give or not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; and, from time to time, to recover, levy, and apply ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty is by this Act directed to be recovered, levied, and applied, ſo as that no ſuch Fine ſhall exceed the Sum of five Pounds upon any one Perſon, for one Offence.

How the Expences of Juries ſhall be defrayed.

XXX. And be it further enacted by the Authority aforeſaid, That in caſe any ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Lands, Tenements, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Commiſſioners, or any eleven or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the ſaid Commiſſioners, or any eleven or more of them, out of the Profits of the ſaid Navigation, or out of any Money to be borrowed upon the Credit thereof; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to and offered by the ſaid Commiſſioners, or any eleven or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in, or Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute.

Commiſſioners not to make Towing-paths, Banks, &c. without Conſent of Proprietors.

XXXI. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authoriſe and impower the ſaid Commiſſioners to compel or oblige the Owner or Proprietor of any Garden, Orchard, Yard, Park, Paddock, incloſed Lawn, or planted Avenue to any Houſe, which have been reſpectively uſed as ſuch, ſix Months before the paſſing of this Act (except ſuch where Towing-paths are now uſed) or the Owner or Proprietor of any Meſſuage or Tenement erected or built, or begun to be erected or built, ſix Months before the paſſing of this Act, to pull down, let, ſell, or convey ſuch Meſſuage, Tenement, Garden, Orchard, Yard, Park, Paddock, incloſed Lawn, or Avenue, or any Part thereof, to the ſaid Commiſſioners, or any other Perſon or Perſons; nor ſhall any Thing in this Act contained impower the ſaid Commiſſioners to make any new Towing-path, Bank, Cut, Road, Bridge, Wharf, Lock, Weir, Buck, Winch, Spike, Dam, Flood-gate, Pound, Turnpike, Toll-gate, or Engine over, upon, or through any Garden, Orchard, Yard, Park, Paddock, incloſed Lawn, or planted Avenue to any Houſe, without the Conſent of the Owner or Proprietor thereof.

To prevent making Towing-paths through Mr. Mitchell's Eſtate.

XXXII. Provided always, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any of them, to make, or cauſe to be made, any new Towing-paths or Landing-places over or through any Lands or Grounds now belonging to *Richard Mitchell* Eſquire, of *Culham Court*, in the Pariſh of *Wargrave*, in the County of *Berks*; nor to build any Bridge on, nor to ſtation any Boat or Float within two hundred Yards of any Iſland or Lands belonging to the ſaid *Richard Mitchell*; any Thing herein contained to the contrary notwithſtanding.

Upon Payment of the Money aſſeſſed, the Premiſes to veſt in the Commiſſioners.

XXXIII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money ſo aſſeſſed as aforeſaid, is and are hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Commiſſioners, or any ſeven or more of them, or their Treaſurer, to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment thereof to ſuch Perſons, or their Agents, or upon leaving the ſame in the Hands of the Treaſurer to the ſaid Commiſſioners, for the Uſe of ſuch Perſons, or their Agents reſpectively, ſuch Lands, Tenements, and Hereditaments, ſhall, by the ſaid Commiſſioners, their Surveyor or Surveyors, Workmen or Agents, be taken for the Uſe of the ſaid Navigation and Purpoſes before mentioned.

Veſſels not to draw more than three Feet of Water.

XXXIV. And be it enacted by the Authority aforeſaid, That no Barge, Boat, or Veſſel, ſhall draw more than three Feet of Water; which Depth ſhall be aſcertained by a ſtrait white Line, one Inch broad, extending from Head to Stern, on each Side of every Barge, Boat, or Veſſel; and if it ſhall appear to any two or more of the ſaid Commiſſioners, upon the Oath of one or more credible Witneſs or Witneſſes (which Oath the ſaid two or more Commiſſioners are hereby impowered to adminiſter), that any Perſon or Perſons hath or have navigated his or their Barge drawing more than three Feet of Water, or that he or they hath or have not the ſaid white Line on each Side of his Barge, every ſuch Perſon and Perſons ſo offending, and being thereof duly convicted by the ſaid Commiſſioners, ſhall forfeit and pay not more than twenty Pounds, nor leſs than five Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any ſuch there be) to the Owner, after the Charges attending ſuch Diſtreſs and Sale ſhall be deducted.

Not to extend to Barges, &c. not navigated beyond the Flux of the Tide.

XXXV. Provided always, That nothing relating to the Draught of Water that ſuch Barges, Boats, or Veſſels, are to draw, or the Mark of any Line on ſuch Barge, Boat, or Veſſel, ſhall extend, or be conſtrued to extend, to any Barge, Boat, or Veſſel, that ſhall not be navigated beyond the Flux of the Tide.

Commiſſioners Orders how to be ſigned.

XXXVI. And be it further enacted by the Authority aforeſaid, That all the Orders of the ſaid Commiſſioners ſhall be ſigned by ſuch Number of Commiſſioners as are herein before impowered to make the ſame, and ſhall be kept by the Clerks to ſuch Commiſſioners; and that ſuch Clerks ſhall permit the ſame to be inſpected by all Perſons deſiring the ſame at convenient Times, and ſhall deliver Copies thereof, or of any Part thereof, to any Perſon deſiring the ſame, taking for the Searches one Shilling for each Search;

Search; and for Copies thereof, any Sum not exceeding the Rate of Three-pence for every two hundred Words.

Rules, &c. made by the Commissioners to be transmitted to the several Clerks of the Peace, and admitted as Evidence.

XXXVII. Provided nevertheless, and be it enacted by the Authority aforesaid, That all such Rules, Orders, Constitutions, and Assessments, as shall be made by the said Commissioners, or such Number of them as are hereby impowered to make the same, shall be, from time to time, fairly written in a Book or Books to be kept for that Purpose; and the same, or a Copy thereof, signed by the Clerk or Clerks to the said Commissioners respectively, who hath or have the Custody thereof, shall be taken, adjudged, and deemed good and sufficient Evidence in all Cases whatsoever.

Owners of Vessels subject to Damages done by the Crew.

'XXXVIII. And, for the further preventing the Damages and Mischiefs done and committed by disorderly Persons rowing, managing, haling, or towing the said Barges, Boats, and other Vessels, either with Men or Horses, and that the Owners of such Barges, Boats, and Vessels, may be more careful to prevent the same;' Be it enacted by the Authority aforesaid, That every Barge-master, or the Master of any Boat or Vessel, and Owner of any Barge, Boat, and Vessel, shall be, and is hereby made answerable and responsible for any Damage or Mischief that shall be done or committed by his or their Barge, Boat, or Vessel, or by the whole or any of the Crew of his or their said Barge, Boat, or Vessel, or by Persons ordinarily belonging to and going with such Barge, Boat, or Vessel, either to the Goods and Commodities with which such Barge, Boat, or Vessel, is laden; or by fishing with Nets, or otherwise; or by shooting with Guns, or taking or destroying any Fish or Fowl; or to any of the Pounds, Locks, Lock-tackle, Weirs, Bucks, Winches, Turnpikes, Dams, Flood-gates, or other Engines; or to any Bridge, Land, Tree, Meadow, or Ground, in and upon the said Rivers, or bordering or near adjoining thereto, either with Men or Horses; and the said Barge-masters, Barge-owners, and the Masters and Owners of any Boat or Vessel, shall be and are hereby made liable to make good all such Damages to be committed as aforesaid, and shall and may be sued and prosecuted for the same by Action of Trespass or otherwise: And if it shall appear that such Trespass or Damage was done by any of the Persons belonging to or employed in the Barge or other Vessel whereof such Person or Persons was or were Master or Masters, Owner or Owners, such Master or Masters, Owner or Owners, shall be found guilty, and the Plaintiff or Plaintiffs shall recover his or their Damages thereby sustained, with his or their full Costs of Suit; any Law or Usage to the contrary notwithstanding.

Officers to give Security.

XXXIX. And be it further enacted by the Authority aforesaid, That all and every Officer and Officers, or other Person or Persons whatsoever, concerned in the Receipt of any of the Sums by this Act appropriated to the Uses aforesaid, before he or they shall be admitted to take upon him or them the Execution of any such Office or Offices, he or they shall be bound, with sufficient Sureties, to the said Commissioners and their Successors, for the just and faithful Execution of such Office or Employment, in such Sum or Sums as by the said Commissioners, or any seven or more of them, shall be thought fitting.

Money may be borrowed.

'XL. And, forasmuch as the Money to be collected by the Receipt of the Rates, Tolls, or Duties, granted by this Act, will not be sufficient for the speedy improving and completing of the said Navigation, and other the Purposes of this Act;' Be it further enacted by the Authority aforesaid, That the said Commissioners, or any eleven or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing under their Hands and Seals, to assign over the said Locks, Turnpikes, Toll-houses, Rates, Tolls, and Duties, arising by virtue of this Act, or any of them, or any Part of them, but without Prejudice to the Owners and Occupiers of Locks, Bucks, Weirs, and Winches, now in the said Rivers, or to the Tolls payable and to be paid in respect thereof, the Costs, Charges, and Expences of assigning the same, to be borne and paid out of such Tolls or Duties, for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the said Commissioners, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with legal or less Interest.

Notice to be given of borrowing Money.

XLI. Provided always, That no Money shall be borrowed by the said Commissioners on the Credit of any of the said Rates, Tolls, or Duties, after their first Meeting, unless Notice be for that Purpose given in the *Oxford* and *Reading* News-papers, or in the *London Gazette*, and also fixed in Writing, under the Hand or Hands of the Clerk or Clerks to the said Commissioners, at or upon all the Locks or Turnpike-gates then erected or made by virtue of this Act, at least twenty Days before the borrowing of such Money.

Annuities not to exceed 10 l. per Cent. per Ann.

XLII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Treasurer or Treasurers, to be appointed as aforesaid, any Sum or Sums of Money, for the absolute Purchase of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every such Contributor respectively, or the natural Life of such other Person as shall be nominated by or on the Behalf of such respective Contributor at the Time of Payment of his or her respective Contribution-money; which Annuity or Annuities shall not exceed the Rate of ten Pounds *per Annum* for every one hundred Pounds, and so in proportion for any greater or less Sum to be advanced and paid as aforesaid; and shall be payable and paid by the said Treasurer or Treasurers by Quarterly Payments in the Year; the first of such Payments to begin and be made to the respective Purchasers and their Assigns, at the Expiration of the first three Calendar Months next after Payment of his or her respective Purchase-money: Which Annuities shall be publickly sold to the best Bidder for the same, on twenty-one Days Notice thereof being first given in the *Oxford* and *Reading* News-papers, or in the *London Gazette*, and a like Notice affixed upon such public Places as the said Commissioners, or any eleven or more of them, shall direct; which Money so to be borrowed, either by Way of Mortgage, or by granting Annuities, shall not exceed the Sum of fifty thousand Pounds, and shall be

Annuities may be sold.

Money borrowed not to exceed 50,000 l.

applied

applied and disposed of as the said Rates, Tolls, and Duties, are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Proviso. XLIII. Provided always, and it is hereby further enacted and declared, That such Sum and Sums of Money as shall be raised by Annuities, in Manner herein mentioned, and applied to the Discharge of the Money so borrowed upon the Credit of the said Tolls, and the Interest for the same, shall not be deemed or taken to be any Part of the said fifty thousand Pounds.

Annuities how to be paid. 'XLIV. And, for the better ascertaining and regulating the Payment of the said Annuities,' Be it further enacted by the Authority aforesaid, That the said Commissioners, or any eleven or more of them, shall, by Warrants under their Hands and Seals (directed to such Person or Persons as shall be chosen and appointed Treasurer or Treasurers in Manner herein before mentioned), order and direct, from time to time, the several Quarterly Payments of the said Annuities to the respective Proprietors, as the same shall become due; which said Treasurer or Treasurers is and are hereby required, upon Receipt of such Warrant or Warrants, forthwith to pay the same out of the first Monies which shall be in his or their Hands, in pursuance of this Act; which Warrants shall be allowed in account to him or them on making up his or their Accounts.

Entries to be kept. XLV. And it is hereby further enacted by the Authority aforesaid, That there shall be provided and kept a Book or Books, in which shall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions and Places of Abode of all such Persons who shall be Purchasers of any of the Annuities aforesaid, and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon the Credit of this Act, and also the Sum and Sums so paid for the Purchase of such Annuity or Annuities, and the respective Days of Payment thereof; and also an Account of the Interest that shall be paid to the said Annuitant or Annuitants, from time to time, and by whom received, to which Book and Books it shall be lawful for the said respective Purchasers, their Executors, Administrators, and Assigns, Agent or Agents, from time to time, and at all seasonable times, to have Recourse to, and inspect the same, without Fee or Reward.

Annuities not subject to Land-tax or other Tax. XLVI. And be it further enacted by the Authority aforesaid, That all and every of the Annuities so to be purchased under and by virtue of this Act, shall be, and are hereby charged upon, and shall be paid and payable, from time to time, out of the Monies arising by virtue of this Act; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase-money for any such Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Assigns, shall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy the said respective Annuity or Annuities, during the Term of the natural Life of the Person to be nominated by each such Purchaser or Contributor as above mentioned; and that all and every such Purchaser and Purchasers, and their Assigns respectively, shall have good, sure, absolute, indefeasible personal Estates, and Interests in the Annuities so by them respectively purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall be subject and liable to the Tax charged upon Lands by Authority of Parliament, or to any other Parliamentary or Parochial Tax whatsoever.

Receipts to be given. XLVII. And be it further enacted by the Authority aforesaid, That every Contributor upon this Act for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase-money for the same, or any Part or Proportion thereof, shall have one or more Receipt or Receipts from the Person or Persons receiving the same, importing the Receipt of so much Purchase-money as shall be so paid; and upon Payment of the Remainder of such Purchase-money, if any, every such Contributor, his or her Assigns respectively, shall have an Order on Parchment or Vellum for Payment of the said Annuity or Annuities, for and during the Life of such Person as shall be nominated by such Contributor or Purchaser as aforesaid; which Order shall be signed by the said Commissioners, or any eleven or more of them, at any Quarterly or Ordinary Meeting assembled; and after signing thereof, the same shall be firm, good, valid, and effectual in the Law, according to the Purport and true Meaning thereof, and of this Act.

Assignments to be entered in a Book. XLVIII. And be it further enacted, That all and every the Assignment and Assignments so to be made and granted by the said Commissioners, as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners; which said Book or Books shall and may be seen and perused by any Person or Persons interested or concerned therein, without Fee or Reward.

Assignments may be transferred. XLIX. And be it further enacted, That all and every Person or Persons to whom any such Assignment or Assignments shall be made by the said Commissioners, their Executors, Administrators or Assigns, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities, or otherwise, assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers appointed, or to be appointed, by the said Commissioners, or any seven or more of them, within fourteen Days after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred in the said Book or Books to be kept for entering the said original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers shall be paid the Sum of two Shillings and Sixpence, and no more; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon, and such Assignee may, in like Manner, assign again, and so *toties quoties*; and after such Notification it shall not be in the Power of such Person

Perſon or Perſons who ſhall have made ſuch Aſſignments or Transfers to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

Not to prejudice the juriſdiction of the City of London, &c.

L. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away any Rights, Juriſdiction, Power, or Authority of the Mayor, Commonalty, and Citizens of the City of *London*, or any other Body Politic or Corporate, or other Perſon or Perſons whatſoever, or to enable the Commiſſioners to erect Weirs, Locks, Turnpikes, or Toll-gates within the Liberties or Juriſdiction of the City of *London*.

Writings to be without Stamps.

LI. Provided always, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatſoever, under the Hand and Seal or Hands and Seals, or only ſigned by any Commiſſioner or Commiſſioners for putting this Act in Execution, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby veſted in ſuch Commiſſioners or Juſtices of the Peace, or any of them, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

LII. And be it enacted and declared, by the Authority aforeſaid, That if any Action ſhall be brought, or Suit commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced in the County or Place where the Cauſe of Action or Suit ſhall ariſe, and not elſewhere, and within the Space of ſix Calendar Months next after the Cauſe of Action ſhall accrue, and not afterwards; and the Defendant or Defendants in ſuch Action or Suit

General Iſſue.

may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought or commenced after the Time before limited for bringing or commencing the ſame, or ſhall be brought or commenced in any other County or Place; then, and in ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; and in ſuch Caſe, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if any Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and

Treble Coſts.

may recover Treble Coſts, and ſhall have the like Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

Expences of paſſing the Act how to be paid.

LIII. And be it enacted by the Authority aforeſaid, That the Coſts and Charges of obtaining this Act ſhall be paid by the General Treaſurer of the ſaid Navigation, appointed, as herein before directed, out of the firſt Money that ſhall be paid into his Hands, in purſuance and according to the Directions of this Act, to *Thomas Walker* Eſquire, Town Clerk of the City of *Oxford*, his Executors or Adminiſtrators, upon his or their producing to ſuch Treaſurer a Bill of Coſts and Diſburſements on account of paſſing this Act, ſigned by any ſeven of the ſaid Commiſſioners, or their Certificate or Allowance thereof; and the ſaid Treaſurer of the ſaid Navigation is required to pay the ſame accordingly on Sight of ſuch Bill, Certificate, or Allowance, ſo as aforeſaid ſigned; and the Receipts of the ſaid *Thomas Walker*, his Executors or Adminiſtrators, ſhall be good and ſufficient Vouchers to ſuch Treaſurer, and allowed in his Accounts for what he ſhall ſo, as aforeſaid, pay to the ſaid *Thomas Walker*, his Executors or Adminiſtrators, in purſuance of this Act.

Fines, &c. how to be recovered.

LIV. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or by any Rules, Bye-laws, or Conſtitutions to be made by the ſaid Commiſſioners, or any ſeven or more of them, by the Authority thereof, the levying and recovering of which ſaid Fines and Forfeitures are not herein before particularly directed, ſhall be levied by Warrant under the Hand and Seal or Hands and Seals of one or more Juſtice or Juſtices of the Peace of the County where the Offence ſhall be committed, for which ſuch Fine or Forfeiture is inflicted; which ſaid Juſtice or Juſtices is and are hereby authoriſed, within the Limits of their reſpective Juriſdictions, to hear and examine Witneſſes upon Oath, and determine the ſame; and may, according to his or their Diſcretion, mitigate any Fine or Forfeiture herein before allowed to be mitigated; and all ſuch reſpective Fines, Forfeitures, and Penalties by this Act impoſed and inflicted, or authoriſed to be impoſed and inflicted, the Application whereof is not herein before particularly directed, ſhall be paid into the Hands of the Treaſurer or Receiver of the Monies to be raiſed by virtue of this Act, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Navigation, and to and for no other Uſe or Purpoſe whatſoever.

Allowing Appeals to the Quarter Seſſions.

LV. Provided always, That any Perſon or Perſons thinking himſelf or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye-law, or Conſtitution of the ſaid Commiſſioners, or by the Order or Determination of any of the ſaid Commiſſioners, may, within three Calendar Months after ſuch Order ſhall have been made, and Notice given, complain to the Juſtices of the Peace at their General Quarter Seſſions to be held in and for the ſaid Counties of *Middleſex*, *Surry*, *Bucks*, *Berks*, *Oxford*, or *Wilts* reſpectively, where the Cauſe of Appeal ſhall ariſe, and not elſewhere, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſions, or if they think proper adjourn the Hearing thereof to the next General or Quarter Seſſions of the Peace to be held for the ſaid Counties reſpectively; and if they ſee Cauſe, may mitigate any Forfeiture or Fine, and may order any Money to be returned, which ſhall have been levied in purſuance of ſuch Rule, Bye-law, Order, or Determination, and may alſo order ſuch further Satisfaction to the Party injured as they ſhall think reaſonable.

Public Act.

LVI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed a Public Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP.

CAP. XLVI.

An Act for paving, and keeping in Repair, the Streets, Lanes, and Paſſages, in the Pariſh of *Saint Luke*, in the County of *Middleſex*; for removing Obſtructions and Annoyances therein; and for widening the Paſſages at the Weſt End of *Chiſwell-Street*, and at the South End of *Brick-Lane*, in the ſaid Pariſh; and for other Purpoſes therein mentioned.

Preamble.

'WHEREAS the Streets, Lanes, Courts, Alleys, Ways, and other public Paſſages, within the Pariſh of *Saint Luke* in the County of *Middleſex*, particularly *Chiſwell-ſtreet*, the Lordſhip Part of *Grub-ſtreet*, *Bunhill-row*, *Brown-ſtreet*, *Featherſtone-ſtreet*, *James-ſtreet*, *Whitecroſs-ſtreet*, *Golden-lane*, the South and North Sides of *Old-ſtreet*, the Eaſt Side of *Goſwell-ſtreet*, *Blue Anchor Alley*, and *Playhouſe-yard*, are very ill-paved, and in a ruinous Condition, and the Paſſages thereof are greatly obſtructed by many Nuiſances and Annoyances therein: And whereas the Paſſage through the Weſt End of *Chiſwell-ſtreet* is greatly obſtructed by ſome old Houſes or Buildings, ſtanding on the North and South Sides thereof, and projecting into the ſaid Street; and the Paſſage through the South End of *Brick-lane* is obſtructed by ſeveral old Houſes, or Buildings, ſtanding on the Eaſt Side thereof, and projecting into the ſaid Lane: And whereas the better paving the ſaid Streets, Lanes, Courts, Alleys, Ways, and other public Paſſages, and the preventing Nuiſances, Annoyances, and Obſtructions therein for the future; and the taking down the ſaid old Houſes and Buildings, at the Weſt End of *Chiſwell-ſtreet*, and the South End of *Brick-lane* aforeſaid, and the laying the Scite, or Ground whereon they ſtand, or of ſuch Part thereof as ſhall be neceſſary, into the Highway, will be of great Benefit and Advantage to the Inhabitants of the ſaid Pariſh, and of public Convenience; but as the ſame cannot be effected without the Aid of Parliament;' May it therefore pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *Thomas Harley*, the Honourable *Henry Lawes Lutterell* Eſquire, Sir *Robert Ladbroke* Knight, Sir *Charles Whitworth* Knight, *Barlow Trecothick*, *Richard Oliver*, *John Glynn*, Eſquires; the Reverend *William Nicolls* D. D. Rector of the ſaid Pariſh of *Saint Luke*; Sir *James Eſdaile* Knight, *Samuel Whitbread*, *Cadwallader Coker*, *Benjamin Cowley*, *Edward Bond*, *Thomas Moore*, *Joſeph Dickinſon*, *William Turner*, *Valentine Grimſtead*, *John Walford*, *Peter Eſdaile*, *John Sugar*, *Jenkin Jones* ſenior, *Jenkin Jones* junior, *John Calvert*, *William Seward*, and *John Jones*, of *Whitecroſs-ſtreet*; *Joſeph Lycett*, *John Jenkinſon*, *William Feaſt*, Eſquires; *Thomas Dennis*, *William Caſſon*, *Daniel Race*, *George Dance*, *Thomas Cecil*, *David Brown*, *William Withy*, *John Chippendale*, *William Payne*, *George Burnill*, *William Meeds*, *Thomas Hickman*, *William Moorman*, *Job Heath*, *John Cay*, *Major Haxby*, *Richard Bayley*, *Jonathan Hitchcock*, *Samuel Sorſby*, *John Edis*, *George Roadley*, *Matthew Witten*, *William Rix*, *James Smith*, *James Eſdaile*, *David Cooper*, *Edward M'Carty*, *Charles Moody*, *Benjamin Barnſley*, *Lewis Powell*, *Richard Grace*, *William Spencer*, *Francis Beck*, *Thomas Bennett*, *Thomas Romaine*, *Harland Ainſworth*, *William Slater*, the Rector of the ſaid Pariſh of *Saint Luke* for the time being, and the Members for the County of *Middleſex* for the time being, and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death, Removal, or Refuſal to act, of any of the ſaid Commiſſioners, it ſhall and may be lawful for the ſurviving or remaining Commiſſioners, or any ſeven or more of them, from time to time, by Writing under their Hands and Seals, to elect another Perſon to be a Commiſſioner in the Room and Stead of the Commiſſioner ſo dying, removing, or refuſing to act, ten Days Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of *Saint Luke* aforeſaid, and alſo by Advertiſement in ſome or one of the public News-papers; and every Perſon ſo elected ſhall be, and is hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon in whoſe Room he ſhall be elected, was veſted with.

Commiſſioners Names.

How new ones to be choſen.

II. And be it further enacted, That no Perſon ſo elected ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall have occupied Lands, Tenements, or Hereditaments, within the ſaid Pariſh, of the yearly Value of fifteen Pounds for ſeven Years preceding the Time of his acting, and hath paid to the Poors Rates for the ſame.

Qualification of Commiſſioners.

III. And be it further enacted, That no Perſon who ſhall ſell Ale, Wine, or any Spirituous Liquors by Retail, ſhall be capable of being elected a Commiſſioner under this Act.

No Victualler to act.

IV. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, ſhall meet at the *Swan Tavern* in *Whitecroſs-ſtreet*, on the ſecond *Friday* next after the Day of the paſſing of this Act, and ſhall proceed to the Execution of this Act, and ſhall and may adjourn themſelves, from time to time, to ſuch Place or Places as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think proper: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act, or adjourn to another Day, or in caſe the ſaid Commiſſioners, ſo aſſembled, ſhall omit, neglect, or refuſe to adjourn themſelves, then, and in every ſuch Caſe, any three of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners, to be held within ten Days after, at the ſame Place; and public Notice thereof, in Writing, ſhall be given by the Clerk, by affixing the ſame on the principal Door of the Pariſh Church of *Saint Luke* aforeſaid, ſix Days before ſuch adjourned Meeting.

First Meeting of Commiſſioners.

Power to adjourn.

No Order valid unleſs made at a Meeting.

No Commiſſioner to act whilſt under Contract.

Commiſſioners to bear their own Expences.

V. And be it further enacted, That no Order or Determination of the ſaid Commiſſioners ſhall be valid unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Place of Profit, by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof; and that the ſaid Commiſſioners, at all their Meetings, ſhall bear their own Expences.

Power to appoint Officers.

VI. And be it further enacted, That the ſaid Commiſſioners, or any nine or more of them, ſhall and may, by Writing under their Hands and Seals, at their firſt or any ſubſequent Meeting held in purſuance of this Act, appoint one or more Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officer or Officers, for the Execution of this Act, as they the ſaid Commiſſioners, or any nine or more of them, ſhall think proper, and from time to time remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Monies to be raiſed by virtue of this Act, may, and are hereby impowered to pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act as they ſhall think reaſonable; and the ſaid Commiſſioners, or any nine or more of them, ſhall take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any nine or more of them, ſhall think proper; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall from time to time be appointed to collect and receive the ſame as herein after mentioned; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners, or any ſeven or more of them, ſhall direct, deliver to the ſaid Commiſſioners, or any ſeven or more of them, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, by virtue of this Act; and alſo of all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively received, by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any ſeven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any ſeven or more of them are hereby impowered and required to adminiſter) verify their ſaid Accounts; and if any ſuch Officer or Perſons ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any ſeven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within ten Days after, being thereunto required by any ſeven or more of the ſaid Commiſſioners, all Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſaid Books, Papers, and Writings, that then, and in either of the Caſes aforeſaid, ſuch Commiſſioners, or any ſeven or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of ſuch Commiſſioners, or in the Names of any three or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any ſeven or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any two or more Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide, ſuch Juſtices may, and are hereby authoriſed and required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and are hereby authoriſed and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons offending in the Premiſes reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or in caſe it ſhall appear to ſuch Juſtices, by the Confeſſion of the ſaid Party ſo offending, or by the Teſtimony of any credible Witneſs upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Officers, Perſon or Perſons, and he or they ſhall refuſe to deliver the ſame as aforeſaid, or to give Satisfaction reſpecting the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any ſeven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint; which Compoſition the ſaid Commiſſioners, or any ſeven or more of them, are hereby impowered to make, and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any ſeven or more of them: Provided always, That no Perſon who ſhall be committed on Account of his having no Goods or Chattels, ſhall be detained in Priſon for any Term longer than ſix Months.

Officers to account.

VII. And

Representatives of Officers to account and pay in Preference to other Debts.

VII. And be it further enacted, That upon the Death of any such Officer, or other Person, to be appointed as aforesaid, his Executors or Administrators shall, within twenty-one Days next after the Decease of such Officer or Person, deliver to the said Commissioners, or any seven or more of them, an Account of the Monies collected, or received, by the Officer or Person so deceased, and shall also deliver all Books, Papers, and Things, concerning his Office, to such Person or Persons as the said Commissioners, or any seven or more of them, shall appoint to receive the same; which Money, if any due, shall be paid by the Executors or Administrators of the Officer or Person so deceased, in preference to and before any of his or their other Debts are paid or satisfied.

Officers taking Fees otherwise than as allowed.

VIII. And be it further enacted, That if any Person, who, as Clerk, Surveyor, or any other Officer, or Servant, shall be any ways employed by the said Commissioners in putting this Act, or any of the Powers thereof, in Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as shall be appointed, allowed, and approved of by the said Commissioners, or any seven or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatsoever relative to the putting this Act in Execution, or shall any ways be concerned in Interest in any Bargain or Contract made, or to be made, by the said Commissioners, or any of them, for the Purposes of putting this Act in Execution, every such Person so offending shall be incapable of ever serving, or being employed under this Act; and shall over and above forfeit the Sum of one hundred Pounds to any Person or Persons who shall sue for the same by any Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record, within six Calendar Months after the Offence committed; in which said Suit no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

to be incapable of serving, and to forfeit 100 l.

Pavements, &c. vested in Commissioners.

IX. And be it further enacted, That from and immediately after the passing of this Act, the Property of all the present and future Pavements whatsoever in the said Streets, Row, Lane, Alley, and Yard, hereinafter mentioned; that is to say, In *Chiswell-street*, the Lordship Part of *Grub-street*, *Bunhill-row*, *Brown-street*, *Featherstone-street*, *James-street*, *Whitecross-street*, *Golden-lane*, the South and North Sides of *Old-street*, the East Side of *Goswell-street*, *Blue Anchor-alley*, and *Playhouse-yard*, and of all Materials, Implements, and Things, which shall be purchased, provided, or made Use of for the Purposes of this Act, shall be, and the same are hereby vested in the said Commissioners, and they, or any seven or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Names of any three or more of them, or in the Name of their Treasurer, or Clerk, or to prefer, or order and direct the preferring of any Bill or Bills of Indictment against any Person or Persons whomsoever, who shall steal, purloin, take, carry away, spoil, injure, or destroy the same, or any Part or Parts thereof, or disturb them in the Possession thereof.

Commissioners to cause the Streets to be paved.

X. And be it further enacted, That the said Commissioners, or any seven or more of them, shall have full Power and Authority, from time to time, to cause, order, and direct the said Streets, Row, Lane, Alley, and Yard, or any of them, to be paved, repaired, raised, sunk, or altered, when, and in such Manner, as they shall think fit (except in *Chiswell-street*; in the making of the Level of which Street, from the End of *Bunhill-row* to *Moorfields*, the Commissioners for paving shall give Notice to the Clerk of the Works of the City of *London*, and he and the Superintendant of the Commissioners for paving, appointed by this Act, shall ascertain and fix the Levels of such Parts of the said Street, as near as can be, for the Convenience of the New Buildings intended to be erected by the City of *London*, and the Convenience of the other Freeholders in the said Street).

Particular Streets to be paved first.

XI. Provided always, That the Pavements of the several Streets and Places called *Chiswell-street*, *Whitecross-street*, and *Golden-lane*, shall be completed, previous to and before any other Street or Place, to be paved by virtue of this Act, shall be begun to be paved.

Power to employ Workmen, &c.

XII. And be it further enacted, That the said Commissioners, or any seven or more of them, shall also have full Power and Authority to cause to be dug, carted, and carried out of, or brought into the said Streets, Row, Lane, Alley, and Yard, such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things as the said Commissioners, or any seven or more of them, shall judge necessary, or conducive to the accomplishing the Ends and Designs of this Act.

Commissioners may make Contracts.

XIII. And be it further enacted, That the said Commissioners, or any seven or more of them, may, and are hereby impowered, from time to time, as Occasion shall require, to contract with any Person or Persons for paving, and keeping in Repair, the said Streets, Row, Lane, Alley, and Yard, or any of them; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof; and shall be signed by the said Commissioners, or any seven or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract, ten Days Notice shall be given in some public News-paper, expressing the Intention of the intended Contract, in order that any Person or Persons willing to undertake the same, may make Proposals for that Purpose, to be offered and presented to the said Commissioners, at a certain Time and Place in such Notice to be mentioned.

Penalty on obstructing Workmen.

XIV. And be it further enacted, That if any Person or Persons shall, at any Time or Times, obstruct, hinder, or molest, any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whatsoever, who are or shall be employed by virtue of this Act, in the Performance or Execution of their Duty; every such Person so offending shall, for the first Offence, forfeit and pay the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of three Pounds.

Commiſſioners may ſell old Pavements.

XV. And be it further enacted, That the ſaid Commiſſioners, or any ſeven or more of them, ſhall have full Power and Authority, from time to time, to ſell and diſpoſe of all or any Part of the old Pavements, or other Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and to apply the Purchaſe-money for the Purpoſes of this Act.

Diſputes about Wages to be ſettled by Juſtices.

XVI. And be it further enacted, That if any Diſpute ſhall ariſe with reſpect to the Wages of ſuch Paviors, Artificers, Workmen, or Labourers employed, it may be ſettled by any one or more of his Majeſty's Juſtices of the Peace for the County of *Middleſex*, whoſe Award ſhall be final.

Pavements when taken up to be relaid under the Inſpection of the Surveyor.

XVII. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſaid Streets, Row, Lane, Alley, or Yard, ſhall be taken up for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending any Water-pipe, or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall immediately give Notice thereof to the Surveyor, Inſpector, or Clerk to the Commiſſioners for putting this Act in Execution, in order that the ſame may, with all convenient Speed, be laid down and repaired, under the Inſpection of the ſaid Surveyor, Inſpector, or Clerk; and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners; and they ſhall be reimburſed the ſame by the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Commiſſioners to be reimburſed their Charges.

Commiſſioners may compound for the relaying ſuch Pavement.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, to compound and agree with the ſaid Companies, or Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money by the Foot, or other Meaſure, as the ſaid Commiſſioners, or any ſeven or more of them, ſhall think reaſonable, in lieu and inſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Monies expended in relaying the Pavement how to be recovered.

XIX. And be it further enacted, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay what the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within ten Days next after Notice thereof, to be left by the Surveyor or Clerk appointed, or to be appointed, by the ſaid Commiſſioners, at the Dwelling-houſe, or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively; which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, or any ſeven or more of them, and annexed to the Bill, containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition; it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any ſeven or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk or Treaſurer, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution as is before directed, ſhall neglect ſo to do for the Space of twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings.

Power to raiſe or lower Pipes.

XX. And be it further enacted, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Companies Pipes, which the ſaid Commiſſioners, or any ſeven or more of them, are hereby impowered to cauſe to be done, as often, and in ſuch Places, as they ſhall think proper; the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtance of the Caſe will admit of.

How the Water-pipes, when broke, are to be repaired.

XXI. And be it further enacted, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt in the ſaid Streets, Row, Lane, Alley, or Yard, or any of them, it ſhall and may be lawful to and for the Surveyor or Inſpector to the ſaid Commiſſioners for the time being, or ſuch other Perſon as the ſaid Commiſſioners, or any ſeven or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, or do, or may belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water ſhall or may iſſue, by reaſon of ſuch Pipe or Pipes breaking or burſting, within two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode; and if upon taking up the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do or doth not belong to the Water Company, whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor, Inſpector, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company, to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given, or left with ſuch Pavior, or at his laſt or uſual Place of Abode, and the Pavior of the Company, to whom ſuch Pipe or Pipes ſhall belong, is hereby required to repair the ſame, and fill in the Ground, within two Days after ſuch Notice given, or left as aforeſaid; and alſo within twenty-four Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor, Inſpector, or other Perſon as aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, Inſpector, or other Perſon, or left at his or their laſt or uſual Place of Abode; and in caſe it ſhall happen, that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are,

are, or shall be burst or broke, doth or do not belong to the Company to whom he is Pavior; that then, and in such Case, the Pavior of the Company to whom such Pipe or Pipes do or doth belong shall make Satisfaction to the Pavior who took up such Pavement, and opened such Ground, for such Work; and in case the Pavior, to whom such Notice shall be so given to take up such Pavement, and open such Ground, shall neglect or refuse to do the same within two Days after Notice given as aforesaid, he shall, for the first Offence, forfeit and pay the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And in case the Pavior of the Company, to whom such Pipe or Pipes so broke or burst shall belong, shall neglect or refuse to repair and amend the same, and fill in the Ground so taken up, for the Space of two Days next after such Notice given, or shall neglect to give Notice to the Pavior or Paviors contracting with the said Commissioners, or to the Surveyor or Inspector to the said Commissioners, or to such other Persons as aforesaid; such Pavior shall, for the first Offence, forfeit and pay the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds: And if the Person or Persons contracting with the said Commissioners to relay such Pavement so broke or taken up for the Reasons aforesaid, shall neglect, or refuse to relay such Pavement in a good, sufficient, and effectual Manner, within two Days after such Notice given to him as aforesaid; or if the Surveyor, Inspector, or other Person, to whom such Notice shall be given, shall neglect to acquaint the Contractor of such Notice; then, and in every such Case, the Person or Persons so offending shall, for the first Offence, forfeit and pay the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds.

Penalty on Paviors of Water Companies neglecting to give their Names and Places of Abode.

XXII. And be it further enacted, That the several and respective Paviors, or other Persons now appointed, or hereafter to be appointed, by the said several and respective Water Companies, who shall have any Pipe or Pipes laid in, through, or under, any of the said Streets, Row, Lane, Alley, or Yard, shall, and they are hereby required, within the Space of eight Days next after the first Meeting of the Commissioners to put this Act in Execution, or within the Space of three Days next after he shall be appointed to manage and take care of the Water-pipes belonging to such Company or Companies, to give Notice in Writing to the Surveyor or Clerk to the said Commissioners, of his Name and Place of Abode, and to what Company he belongs; and in case any such Person or Persons shall neglect or refuse to give such Notice within the respective Times aforesaid, every such Person or Persons so offending, in either of the said Cases, shall, for the first Offence, forfeit and pay the Sum of twenty Shillings; for the second Offence, the Sum of forty Shillings; and for the third, and every other Offence, the Sum of three Pounds.

Persons altering the Form of the Pavement, to forfeit 5 l.

XXIII. And be it further enacted, That no Person or Persons shall make, or cause to be made, any Alteration in the Form of any of the Pavement or Pavements of the said Streets, Row, Lane, Alley, or Yard, or of any Part thereof, without the Consent and Direction of the said Commissioners, or any seven or more of them, under their Hands and Seals, upon Pain of forfeiting, for every such Offence, the Sum of five Pounds, over and above all Expences incurred, or to be incurred, in reinstating the same.

Course of Channels may be altered.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, from time to time, to direct, and cause the Course of any Gutter or Channel, running in or through the said Streets, Row, Lane, Alley, or Yard, or any of them, to be turned or altered in such Manner as they shall think proper; and to direct the Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in such Manner, and at such Place and Places, as they shall think proper, so as the same be not prejudicial to the public Sewers; and the same shall, from time to time, be done at the Expence of the said Commissioners, and paid for out of the Monies arising by virtue of this Act; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners of Sewers to make and repair Grates.

XXV. And be it further enacted, That when and so often as there shall be Occasion to make any new, or to repair any Grate or Grates now being over any Sewer or Sewers, belonging to the Commissioners of Sewers in the said Streets, Row, Lane, Alley, or Yard, or any of them, the same shall be made new or repaired by and at the Expence of the said Commissioners of Sewers; and the same, when so made new or repaired, shall be laid down in such Manner as shall be directed by the Surveyor to the Commissioners for putting this Act in Execution.

Commissioners of Sewers to repair, empty, and cleanse old Drains.

XXVI. And be it further enacted, That when and so often as any Sewer or Drain, which is or shall be under the Direction of the Commissioners of Sewers, situate in, or communicating with the said Streets, Row, Lane, Alley, or Yard, or any of them, shall require to be repaired, cleansed, or emptied, the said Commissioners of Sewers shall, from time to time, repair, cleanse, and empty the same.

New Sewers and Grates may be made by the Commissioners for paving, and afterwards cleansed and repaired by Commissioners of Sewers.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners appointed by this Act, or any nine or more of them, if they shall think it necessary, to make, or cause to be made, any new public Sewer or Sewers, or public Drain or Drains, to communicate with the said Streets, Row, Lane, Alley, and Yard, or any of them, and also any new Grate or Grates, over such Sewer or Sewers, Drain or Drains, and to cause the same to be placed in such Manner as the Surveyor to the said Commissioners shall think proper; and the Expences attending the making such new Sewer or Sewers, Drain or Drains, and Grate or Grates, shall be paid out of the Monies arising by virtue of this Act; and when such Sewer or Sewers, Drain or Drains, Grate or Grates, shall be made and completed, the same shall be under the Care, Management, and Direction of the Commissioners of Sewers, in like Manner as the other Sewers now are; and the said Commissioners of Sewers shall cause such Sewer or Sewers, Drain or Drains, to be, from time to time, for ever after repaired, cleansed, or emptied, and such Grate or Grates to be, from time to time, made new or repaired, as Occasion shall require.

If Commissioners of Sewers do not perform

XXVIII. And be it further enacted, That when and so often as it shall be necessary for the said Commissioners of Sewers to do and perform any of the several Works herein before directed to be done by them, the

Works to be done by them, Commissioners for paving may do them, and the Expence shall be paid by the former.

the Clerk to the Commissioners appointed by this Act shall give Notice thereof in Writing to the Clerk to the Commissioners of Sewers, who shall thereupon forthwith summon the said Commissioners of Sewers to meet, to take the Premises into Consideration (which they are hereby authorised and required to do) and at the same Meeting, or at any adjourned or other Meeting, to exercise the several Powers and Authorities with which they are or shall be invested; and in case the said Commissioners of Sewers shall neglect or refuse to meet by the Space of seven Days next after such Notice given, or being met, shall refuse or neglect, for the Space of ten Days then next, to send out a Jury to view the Place where such Work is thought necessary to be done; or if such Jury shall refuse or neglect to take such View, and make their Presentment thereupon; or in case the said Commissioners of Sewers shall, by the Space of twenty Days next after such Presentment made, neglect or refuse to cause the said Works to be done, if such Jury shall return or report the same necessary, and the said Works can be done and finished within that Time, that then it shall and may be lawful to and for the said Commissioners appointed by this Act, or any nine or more of them, to cause such Works to be done and finished, the Charges and Expences whereof shall be paid by the Commissioners for putting this Act in Execution, who shall be reimbursed the same by the Clerk or Treasurer for the time being to the said Commissioners of Sewers; and in case the said Clerk or Treasurer to the said Commissioners of Sewers shall neglect or refuse to pay what shall have been so paid and disbursed, within sixty Days next after Notice thereof for that Purpose shall be left at the Dwelling-house or Place of Abode of such Clerk or Treasurer, which Notice shall be in Writing, and signed by the Clerk to the Commissioners for putting this Act in Execution, and annexed to the Bill, containing an Account of such Charges and Expences, it shall and may be lawful to and for the said Commissioners appointed by this Act, or any seven or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name of their Clerk, against such Clerk or Treasurer to the said Commissioners of Sewers, for the Recovery of such Sum or Sums of Money as the said Commissioners for putting this Act in Execution, or any seven or more of them, shall have been so expended for any of the Purposes aforesaid; in which Action or Actions no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

In what Case other Streets may be paved.

XXIX. Provided always, and be it further enacted, That if at any Time hereafter Two-thirds or more of the Owners or Proprietors of Houses, Lands, Tenements, or Hereditaments, standing and being in any Street, Lane, Court, Alley, Way, or other public Passage, within the said Parish, other than those herein before particularly described, shall be desirous to take the Benefit of this Act, and to have the same better paved, and all Nuisances, Annoyances, and Obstructions therein removed, and shall, by Writing under their Hands, signify such their Desire, and the Mode in which they would have the same done, and the Manner by which they propose to raise Money for those Purposes to the said Commissioners, or any seven or more of them, and the said Commissioners, or any seven or more of them, shall approve thereof; then all the Powers and Authorities by this Act granted, and all the Penalties, Forfeitures, Clauses, and Provisions herein contained, shall extend and have Relation, as well to the said Streets, Lanes, Courts, Alleys, Ways, and other public Passages, as to the said Streets, Row, Lane, Alley, and Yard, herein before particularly mentioned, as fully and effectually as if the same had been herein before particularly inserted and directed to be paved; any Thing herein contained to the contrary notwithstanding.

Separate Accounts to be kept.

XXX. Provided always, and be it further enacted, That the said Commissioners, or any seven or more of them, shall cause separate and distinct Accounts to be kept of the paving the said respective Streets and Places, and the repairing thereof, and the Rates and Assessments to be made for the same, and of all other the Purposes of this Act, so far as the same relate thereto.

Penalty on driving Wheels, &c. on the Foot Pavements.

XXXI. And be it further enacted, That if any Person or Persons shall run, drive, draw, or cause to be run, driven, or drawn, on any Part of the Foot-pavements of the said Streets, Row, Lane, Alley, or Yard, or any of them, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatsoever; every such Person or Persons so offending, shall forfeit, for the first Offence, the Sum of ten Shillings; for the second Offence, the Sum of twenty Shillings; and for the third, and every other Offence, the Sum of forty Shillings.

Time for emptying Boghouses.

XXXII. And be it further enacted, That if any Person or Persons whatsoever shall come with any Cart or Carts, or begin to empty any Boghouse or Boghouses, or to take away any Night-soil from any House or Houses within any of the Streets, Lanes, Courts, Alleys, Ways, or other public Passages, within the said Parish, before the Hour of Eleven of the Clock in the Night, or shall continue to take away the same after the Hour of Five of the Clock in the Morning; or if any Person shall put or cast, or cause to be put or cast, out of any Cart, Tub, or otherwise, in or near any of the Streets, Lanes, Courts, Alleys, Ways, or other public Passages, within the said Parish, any such Night-soil; it shall and may be lawful to and for any Constable, Beadle, or Watchman (and they are hereby strictly required and directed so to do) or any other Person or Persons whomsoever, to apprehend, and to carry him or them guilty of either of the said Offences, to any one of the Watch-houses of the said Parish of *Saint Luke*, and from thence, as soon as conveniently may be, before one or more Justice or Justices of the Peace for the County of *Middlesex*, who, upon Oath made of such Offence or Offences as aforesaid (which Oath such Justice or Justices is and are hereby impowered and required to administer) shall and may commit such Person or Persons, guilty of any of the said Offences, to the House of Correction for the said County, for any Time not exceeding two Months, nor less than fourteen Days, there to be kept to hard Labour; and it shall and may be lawful to and for the said Commissioners, or any seven or more of them, at any Meeting to be held in pursuance of this Act, to order any Sum, not exceeding twenty Shillings, nor less than ten Shillings, to be paid to the Person who shall detect, apprehend, and convey before any such Justice or Justices, any such Person or Persons, guilty as aforesaid, to be paid out of the Rates to be raised by virtue of this Act.

XXXIII. Provided

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons to erect or set up, or cause to be erected or set up, in any of the said Streets, Row, Lane, Alley, and Yard, any Inclosures, Posts, Bars, or Rails, or other Matter or Thing for the Purpose of making Mortar, and depositing Bricks, Lime, or other Materials, for building or repairing any Houses, Buildings, or other Works, every such Person or Persons, first obtaining Leave under the Hand of the Surveyor or Clerk to the said Commissioners for those Purposes respectively, which he is hereby impowered by their Permission to give; but if any Person or Persons shall erect and set up, or cause to be erected and set up, any such Inclosures, Posts, Bars, or Rails, or any other Matter or Thing for the Purposes aforesaid, without such Leave first had and obtained, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding twenty Shillings, nor less than five Shillings, for every Hour such Inclosure, Matter, or Thing as aforesaid, shall remain and continue. Persons may set up Hoards for making of Mortar, &c. with Consent of the Commissioners.

XXXIV. And be it further enacted, That no Person or Persons whatsoever shall sift, throw, cast, or lay, or cause, permit, or suffer to be sifted, thrown, cast, or laid, any Ashes, Dust, Dirt, Soil, or other Filth whatsoever, before any Dwelling-house, Shop, Stable, Building, or Wall, in any of the Streets, Lanes, Courts, Alleys, Ways, and other public Passages, within the said Parish; but shall keep, or cause the same to be kept, in their respective Houses or Yards, until such Time as the Person or Persons contracted with or employed to carry away such Ashes, Dust, Dirt, Filth, or Soil, do come by or near their Houses, Doors, or Places where they dwell, with a Cart or Carts, or other Conveniencies, for carrying away the same, upon Pain of forfeiting, for the first Offence, the Sum of five Shillings; for the second Offence, the Sum of ten Shillings; and for the third, and every other Offence, the Sum of twenty Shillings. Penalty of laying Ashes, &c. into the Streets.

XXXV. And be it further enacted, That all and every Person and Persons inhabiting within the said Streets, Row, Lane, Alley, or Yard, shall, from and after the first Meeting of the Commissioners for putting this Act in Execution, sweep and clean, or cause to be swept and cleansed, the Foot-paths before their respective Houses, Buildings, and Walls, once in every Day, between the Hours of Nine and Twelve in the Forenoon (*Sundays* excepted) upon Pain of forfeiting twenty Shillings for every Neglect therein. Foot-ways to be swept.

XXXVI. And be it further enacted, That the said Commissioners, or any seven or more of them, may order and direct the Houses within the said Streets, Row, Lane, Alley, and Yard, or any of them, to be numbered with Figures, placed or painted over the Doors thereof, or on such other Part of the said Houses respectively, as they the said Commissioners, or any seven or more of them, shall think proper; and may also order and direct to be engraved, painted, or otherwise described, on a conspicuous Part of some House, or other Building, at or near the End or Corner of each Street, Row, Lane, Alley, and Yard respectively, the Name by which such respective Street, Row, Lane, Alley, and Yard, is usually or properly called or known: And if any Person or Persons shall wilfully or maliciously destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, or any Part thereof, or cause or procure the same to be done, and shall be convicted thereof, by his or their own Confession, or by the Oath of one or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace for the County of *Middlesex*, which Oath such Justice or Justices is and are hereby impowered to administer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of five Shillings. Houses to be numbered, &c.

XXXVII. And be it further enacted, That the said Commissioners, or any seven or more of them, shall and may cause all Trees, Signs, Sign-posts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Perches, Pent-houses, Boards, Spouts, and Gutters, projecting into or over the said Streets, Row, Lane, Alley, or Yard, or any of them, and all other Incroachments, Projections, or Annoyances whatsoever therein, to be taken down and removed; and shall cause all Signs, Sign-boards, and Gutters, to be affixed and placed close to or on the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong, or otherwise, as the said Commissioners, or any seven or more of them, shall think proper and convenient; and shall return, or cause to be returned, to the respective Owners, all or so much of such Signs, Sign-posts, Poles, Sign irons, Boards, Spouts, and Gutters, as shall not be affixed or put up, or otherwise made use of in the Alterations directed by the said Commissioners, in pursuance of this Act: And that for the future all Signs, Sign-boards, and Gutters, shall be placed and fixed close to or on the Fronts of the Houses, Shops, Warehouses, or Buildings, to which they respectively belong, and not otherwise; and if any Person or Persons shall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-post, or other Post, Sign-iron, Pole, Penthouse, Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance whatsoever, or cause the same to be done, contrary to the true Intent and Meaning of this Act, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding five Pounds, nor less than twenty Shillings; and also the further Sum of five Shillings for every Hour the same shall continue. Signs, &c. to be removed.

'XXXVIII. And whereas the said Streets, Row, Lane, Alley, and Yard, are in some Parts thereof 'greatly obstructed, and made dangerous to Foot-passengers, by Steps being brought out from Houses, 'Steps and Doors going down into Cellars, Vaults, and other Places, and by Shew-glasses, Shew-boards, 'and other Matters or Things projecting from Shops or Houses, over and beyond the Area belonging 'to such Houses, or into the Foot-ways;' Be it therefore further enacted, That from and after the passing of this Act, all such Steps projecting into the Foot-ways of the said Streets, Row, Lane, Alley, and Yard, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places, as likewise all Shew-glasses or Shew-boards projecting over and beyond the Areas, or into the Foot-ways, and all and every other Matters or Things which do, or shall cause or occasion any Nuisance, Annoyance, Incroachment, or Obstruction, in the said Streets, Row, Lane, Alley, and Yard, or any of them, either Steps, Projections, &c. to be removed.

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in the Foot or Carriage-way thereof, shall be from time to time removed, fixed, placed, or altered, in such Manner and Form as shall be approved of by the said Commissioners, or any seven or more of them, or their Surveyor, by their Direction, and shall be paid for out of the Money to be raised by virtue of this Act.

Extra Rates may be made twice in every Year.

'XXXIX. And, for defraying the Charges and Expences attending the Execution of the several Powers 'by this Act granted,' Be it further enacted, That from and after the passing of this Act, a Rate, or Assessment (over and above all Rates and Assessments now payable) shall, twice in every Year, or oftener, if it shall be thought needful by the said Commissioners, or any nine or more of them, be made, laid, and assessed by the said Commissioners, or any nine or more of them, upon all and every Person and Persons who do or shall inhabit, hold, occupy, possess, or enjoy any Land, House, Shop, Warehouse, Cellar, Vault, or other Tenements or Hereditaments, within the said Streets, Row, and Lane, called *Chiswell-street*, the Lordship Part of *Grub-street*, *Bunhill-row*, *Whitecross-street*, and *Golden-lane*, for raising such competent Sum and Sums of Money as the said Commissioners, or any nine or more of them, shall from time to time think needful and direct, so as such Rate or Assessment, Rates and Assessments, do not in any one Year exceed, in the Whole, the Sum of two Shillings and Sixpence in the Pound, of the yearly Rents, or yearly Value, of such of the said Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively, as shall be situate in any of the said Streets, Row, or Lane, aforesaid, the greater Part or Parts of which said Streets, Row, or Lane aforesaid respectively, shall be actually begun to be paved with new or other Stones, of a flat Surface, by virtue or in pursuance of this Act: And not exceeding the Sum of two Shillings in the Pound of the yearly Rents, or yearly Value, of such of the said Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively, as shall be situate in the said Streets called *Brown-street*, *Featherstone-street*, and *James-street*, which shall be actually begun to be new-paved, the Foot-ways whereof shall be constructed with new or flat Stones, and the Carriage-ways thereof with sized Pebbles and old Stones, which shall be taken up in the same, or in any other of the Streets, Row, Lane, Alley, or Yard, by virtue or in pursuance of this Act: And not exceeding the Sum of one Shilling and Sixpence in the Pound of the yearly Rents, or yearly Value, of such of the Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively, as shall be situate on the South and North Sides of *Old-street*, and the East Side of *Goswell-street*, which shall be actually begun to be new-paved; the Foot-ways whereof only shall be paved with Purbeck Squares: And not exceeding the Sum of one Shilling in the Pound of the yearly Rents, or yearly Value, of such of the Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively, as shall be situate in the said Alley and Yard called *Blue Anchor-alley* and *Playhouse-yard*, which shall be actually begun to be new-paved; the Foot-ways whereof shall be paved with Purbeck Squares, and the Carriage-ways with sized Pebbles, or old Stones, which shall be taken up in the same, or any other of the said Streets, Row, or Lane, by virtue or in pursuance of this Act.

Houses adjoining to the Streets, how to be rated.

'XL. And whereas several Houses, Warehouses, or other Buildings in the said Streets, Row, Lane, 'Alley, or Yard, are partly situate within the same, and are partly situate in, or are adjoining to, or abut-'ting upon other Streets, Lanes, Ways, or Passages, which are not within or Part of the aforesaid Streets, 'Row, Lane, Alley, or Yard, and the Occupiers of such Houses, Warehouses, or other Buildings, by 'Carriages having Access to their Premises, will greatly wear the Pavements intended to be paved by vir-'tue of this Act, by such Carriages coming to and going from their said Houses, Warehouses, or other 'Buildings; and such Houses, Warehouses, or other Buildings, are or may be obliged to pave the said other 'Streets, Lanes, Courts, Alleys, and other Places, or may be subject to be rated and taxed towards the 'paving or repairing the same:' Be it therefore further enacted, That such Houses, Warehouses, or other Buildings, which now are, or hereafter shall be so situate, shall only be rated and taxed for the Purpose aforesaid, at such Sum or Sums of Money as the said Commissioners, or any nine or more of them, shall think reasonable, not exceeding Two-thirds of the Rate they would have been rated and taxed at, if such Houses, Warehouses, or other Buildings, had stood wholly within the said Streets, Row, Lane, Alley, or Yard.

Houses let out in Tenements, how to be rated.

'XLI. And whereas many Houses within the said Streets, Row, Lane, Alley, or Yard, are by the 'several Owners or Proprietors thereof let out in Lodgings to divers Tenants, whereby it will be difficult 'to recover such Rates and Assessments when made;' For Remedy whereof, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any nine or more of them, to rate and assess the Owner or Owners of such Houses or Tenements as shall be let to, or occupied by two or more Tenants, which Rate and Assessment shall be paid by one or more of the Tenants or Occupiers of any Part or Parts of such Houses; and in case any Occupier or Occupiers of any Part of such Houses or Tenements shall refuse to pay the same, then the said Rate and Assessment shall be levied by Distress and Sale of the Goods of him, her, or them, so refusing to pay the same; and such Occupier or Occupiers of such Tenements respectively is and are hereby required and authorised to pay such Sum and Sums of Money as shall be so rated or assessed on the Owner or Owners of such Houses in pursuance of this Act, and to deduct the same out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of their Rents; and every such Tenant, paying such Rate or Rates, Assessment or Assessments, shall be acquitted and discharged of and from so much Money as the said Rate or Rates, Assessment or Assessments, shall amount unto, as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent would have been, or shall be due and payable.

Untenanted Houses, how to be rated.

XLII. And be it further enacted, That in case it shall happen that any of the Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, or any Part or Parts thereof, within the said Streets, Row,

Row, Lane, Alley, or Yard, or any of them, ſhall, at the Time of the making of any of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, be empty, untenanted, or unoccupied; that then, and in every ſuch Caſe, One-half Part of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be paid by the Owners or Proprietors of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements; and in caſe of Non-payment thereof, ſuch Lands, Houſes, Shops, Warehouſes, Vaults, Cellars, or other Tenements ſhall be, and the ſame are hereby made a Security for, and chargeable with ſuch Rate or Rates, Aſſeſſment or Aſſeſſments.

Dead Walls, &c. how to be rated.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, and they are hereby required, at ſuch Times as the Rates hereby directed to be made, ſhall be made, to rate all dead Walls and void Spaces of Ground adjoining to the ſaid Streets, Row, Lane, Alley, and Yard, at ſuch Rate as the ſaid Commiſſioners, or any nine or more of them, ſhall judge reaſonable, for every ſquare Yard in the Front or Fronts of the ſaid dead Walls and void Spaces of Ground, meaſuring to the Middle of the Street or Place, not exceeding the Rate of Twelvepence *per* Yard, ſuperficial Meaſure.

Method of Recovery of Rates.

XLIV. And be it further enacted, That all Rates, made by virtue of this Act, ſhall be allowed and ſigned by two Juſtices of the Peace acting in and for the County of *Middleſex*, who are hereby impowered and required to grant a Warrant or Warrants for collecting and levying the ſame; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected quarterly by ſuch Perſon and Perſons as ſhall be appointed to collect the ſame, in Manner herein-after mentioned; and if any Perſon or Perſons ſhall refuſe or neglect to pay the Sum or Sums of Money which he, ſhe, or they, ſhall be rated or aſſeſſed, for the Space of ten Days after Demand made thereof in Writing, or left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and he and they is and are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods and Chattels ſhall be locked up, ſecured, or removed, ſo that he or they cannot diſtrain the ſame, then, and in either of the ſaid Caſes, upon Information thereof given to any two Juſtices of the Peace for the ſaid County, it ſhall and may be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the common Gaol or Houſe of Correction for the ſaid County, there to remain without Bail or Mainprize, for any Time not exceeding the Space of one Month, or until Payment of ſuch Rate or Aſſeſſment, and the reaſonable Charges occaſioned by the Non-payment thereof.

Perſons removing without paying the Rates, how the ſame to be recovered.

XLV. And be it further enacted, That if any Perſon or Perſons, who ſhall have been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwelling-houſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every or any of them, by Warrant under the Hands and Seals of any two or more Juſtices of the Peace for the County of *Middleſex*, which Warrant the ſaid Juſtices are hereby authoriſed and required to grant; or out of the Limits thereof, ſuch Warrant being firſt backed, or counterſigned by ſome Magiſtrate in the County, City, or Liberty where the Diſtreſs is to be made, to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and the ſame to ſell, rendering the Overplus (if any ſuch ſhall be) after deducting the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels, upon his or her demanding the ſame.

Tenants to pay Rates, and deduct the ſame out of their Rents.

XLVI. And be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers of Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements in the ſaid Streets, Row, Lane, Alley, and Yard, is and are hereby required and authoriſed to pay all and every the Sum and Sums of Money which ſhall be rated or aſſeſſed on the Owner or Owners of ſuch Lands, Houſes, Shops, Warehouſes, Cellars, or other Tenements, by virtue of this Act, and to deduct the ſame out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, ſhall, and they are hereby required to allow ſuch Deductions and Payments, upon Receipt of the Reſidue of their Rents; and every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be, and they are hereby acquitted and diſcharged of and from ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent would have been, or ſhall be due and payable.

Commiſſioners may compound with Owners of Houſes under the yearly Value of 8 l.

XLVII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, to compound with the Owner or Owners, Proprietor or Proprietors, of any Houſe or Houſes within the ſaid Streets, Row, Lane, Alley, or Yard, the annual Rent or Value whereof ſhall be under eight Pounds, for the Rate or Aſſeſſment by this Act authoriſed to be laid upon ſuch Houſe or Houſes, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment authoriſed by this Act to be laid upon ſuch Houſe or Houſes reſpectively.

Perſons paying the Rates not to be ſubject to any other Rate for paving.

XLVIII. And be it further enacted, That all and every Perſon or Perſons paying the Rates and Aſſeſſments by this Act made, ſhall be, and they are hereby exempted and diſcharged from all other Charges and Expences of paving the ſaid Streets, Row, Lane, Alley, or Yard, or any Part or Parts thereof, and all other Streets, Lanes, Courts, Alleys, Ways, and other public Paſſages within the ſaid Pariſh; and alſo from all Penalties which may or might be incurred by reaſon or means of their neglecting to pave the ſame; any Law, Statute, or Uſage to the contrary notwithſtanding.

Owners discharged from any former Acts for paving.

'XLIX. And whereas Provisions may have been formerly made by some Act or Acts of Parliament for 'paving, or keeping in Repair, the said Streets, Row, Lane, Alley, and Yard, or some Part or Parts 'thereof,' Be it therefore further enacted, That when and as soon as any Rate or Assessment shall be made, laid, or assessed, on the Owners or Occupiers of any Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, by virtue of this Act, such Owners or Occupiers respectively shall be no longer liable to be charged to any Rate or Assessment for and on account of such Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, by virtue or in pursuance of such former Act or Acts, or any of them.

Contracts between Landlord and Tenant, not to be affected.

L. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed, or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving the said Streets, Row, Lane, Alley, or Yard, or any Part thereof, but that every Person who is now, by virtue of any such Contract or Agreement, obliged to pave, and keep in Repair, any Part of the said Streets, Row, Lane, Alley, or Yard, shall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and assessed, or so much thereof as shall, by the said Commissioners, or any seven or more of them, be deemed just and reasonable, according to the true Meaning of such Contract, Covenant, or Agreement, for and during such Time as such Contract, Covenant, or Agreement, shall remain in Force; and in case any Dispute shall arise concerning such Contract, Covenant, or Agreement, the said Commissioners, or any seven or more of them, shall have Power, and they are hereby required to hear, and finally determine the same.

Parishes &c. liable to the Repair of any Part of the Pavements, to continue so.

LI. And be it further enacted, That where any Part or Parts of the Pavements of the said Streets, Row, Lane, Alley, or Yard, hath or have been accustomed, or ought to be paved and repaired by any particular Parish or Parishes, Bodies Politic, Corporate, or Collegiate, and not by the Owners or Occupiers of the Houses, or other Buildings adjoining to the Pavement of the said Streets, Row, Lane, Alley, or Yard, the same shall be paved and repaired at the Expence of the respective Parish or Parishes, Bodies Politic, Corporate, or Collegiate, by the Pavior or Paviors contracting with or employed by the said Commissioners.

Commissioners may compound with such Parish.

LII. Provided always, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, from time to time, to compound and agree for the same with any such Parish or Parishes, or Bodies Politic, Corporate, or Collegiate, for a certain Sum of Money, by the Foot, or other Measure, as the said Commissioners, or any seven or more of them, shall think reasonable.

Power to borrow Money.

'LIII. And for the more effectually enabling the said Commissioners to execute the Purposes of this Act 'in the most expeditious Manner,' It is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or any nine or more of them, and they are hereby impowered from time to time, when they shall judge it necessary for the Purposes aforesaid, to borrow, and take up at Interest, any Sum or Sums of Money upon the Credit of the Rates or Assessments to be made, and payable by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment without Stamps, signed by them, to assign over the said Rates or Assessments to any such Person or Persons who shall advance or lend such Money thereon, as a Security or Securities for the several Sums so borrowed, with Interest for the same; which Interest shall be payable, and paid half-yearly, by the Treasurer or Treasurers to the said Commissioners for the time being, out of the Monies to arise by or from the said Rates or Assessments.

Money may be borrowed on Annuities.

'LIV. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, to be 'secured upon, and payable out of, the Rates and Assessments to be made by virtue of this Act;' Be it therefore further enacted, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, or any nine or more of them, any Sum or Sums of Money, for the Purposes of this Act, for the absolute Purchase of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Person or Persons, being of the Age of forty-five Years or upwards, as shall be nominated by, or on the Behalf of such respective Contributors, at the Time of Payment of their respective Contribution-monies; which Annuity or Annuities shall not exceed the Rate of nine Pounds *per Centum per Annum* for every one hundred Pounds, and so in Proportion for any greater or less Sum, to be advanced and paid as aforesaid; all which Annuities so to be purchased, shall be payable and paid by the said Treasurer or Treasurers for the time being, out of the Monies to arise by or from the said Rates and Assessments, by quarterly Payments; the first Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of three Months after Payment of their respective Purchase-monies; the Rate whereof shall be settled and adjusted by a public Sale of the said Annuities, by the said Commissioners, to the best Bidder for the same; and that the total Sums to be borrowed on the Annuities, or at Interest, shall not exceed in the whole the Sum of twelve thousand Pounds.

Security to be entered in a Book.

LV. And be it further enacted, That the Clerk to the said Commissioners for the time being, shall enter in a Book or Books, to be for that Purpose provided and kept by the said Commissioners, all Securities for Monies borrowed, or Annuities granted, by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Descriptions of all such Persons as shall, from time to time, be intitled to such Securities, and the Sums received upon such Securities; and also the Names, Surnames, Additions, Places of Abode, and other Descriptions of the Persons for whose Lives the said Annuities shall be respectively granted, and the Days whereon the said Annuities shall respectively be payable, to which Book and Books, the Person and Persons intitled to, and possessed of such Annuities, and all and every the Person and Persons, liable to the Payment of the said Rates and Assessments, shall, at all seasonable Times, have Access, with free Liberty to inspect the same, without Fee or Reward.

LVI. And

LVI. And be it further enacted, That all and every the Annuity or Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from time to time, out of the Monies ariſing by the Rates and Aſſeſſments as aforeſaid; and all and every the Contributor and Contributors, upon the Credit of this Act, duly paying the Conſideration or Purchaſe-money at the Rate aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall have, receive, and enjoy, and be intitled, by virtue of this Act, to have, receive, and enjoy the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates or Aſſeſſments by this Act appointed for Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each of ſuch Purchaſer or Contributor as before mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Executors, Adminiſtrators, or Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall now or hereafter be ſubject or liable to the Tax charged, or to be charged, upon Land, by Authority of Parliament; and that every Contributor upon this Act, for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe-money, ſhall have a Receipt or Receipts for the ſame, and alſo an Order on Parchment, which may be made without any Stamp, for Payment of the ſaid Annuity or Annuities, for and during the natural Life of the Perſon who ſhall be ſo nominated as aforeſaid, by quarterly Payments; which Order ſhall be ſigned by the ſaid Commiſſioners, or any nine or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act. Annuities chargeable on Rates.

LVII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any time or times, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign ſuch Annuity or Annuities, or any Part thereof, or Intereſt therein, to any Perſon or Perſons whatſoever, and ſo *toties quoties*; and a Memorandum or Entry of all ſuch Orders and Aſſignments ſhall be made in the Book to be kept as herein before mentioned, at the Charge of the ſaid Commiſſioners; for which Entry or Memorandum two Shillings and Sixpence ſhall be paid, and no more; and no ſuch Aſſignment ſhall be deemed valid, unleſs ſuch Memorandum or Entry ſhall be firſt made as aforeſaid. Securities may be aſſigned.

LVIII. Provided always, That as ſuch Annuitant or Annuitants ſhall die off, and ſuch Rates or Aſſeſſments can be lowered and reduced, the ſame ſhall be ſo done in equal Proportions, from time to time, as the ſaid Commiſſioners, or any nine or more of them, ſhall order and direct. Rates to be lowered in equal Proportions.

LIX. And be it further enacted, That all Monies raiſed or collected by virtue or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and all Monies raiſed or collected by virtue of this Act ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever. Monies veſted in the Commiſſioners.

LX. Provided always, and be it further enacted, That the Charges and Expences of procuring and paſſing this Act ſhall be paid out of the firſt Monies which ſhall be raiſed by virtue of this Act. Expence of the Act to be firſt paid.

LXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any ſeven or more of them, from time to time, to compound and agree with any Perſon or Perſons againſt whom the ſaid Commiſſioners, or any ſeven or more of them, ſhall bring, or cauſe to be brought, any *Action* or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be entered into, on account of any Breach of or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they, or any ſeven or more of them, ſhall think proper; and alſo to mitigate, compound, or leſſen any other of the Forfeitures incurred under this Act, ſo as the Sums ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all the Coſts, Charges, and Expences which ſhall be occaſioned thereby, and ſo as the Mitigation of the other Forfeitures as aforeſaid do not extend to remit above one Moiety of the ſaid Forfeitures reſpectively. Commiſſioners may compound for Penalties, &c.

'LXII. And whereas the Paſſage through the Weſt End of *Chiſwell-ſtreet* is greatly obſtructed by ſome 'old Houſes or Buildings ſtanding on the North and South Sides thereof, and projecting into the ſaid 'Street, and the removing the ſame, and laying the Scite or Ground thereof into the common Highway, 'will be of public Convenience;' Be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, and they are hereby impowered, as ſoon as conveniently may be after the paſſing of this Act, to treat, contract, and agree with the Owner or Owners, Occupier or Occupiers, for the Purchaſe of the ſaid Houſes or Buildings, or ſuch Parts or ſo much thereof as they ſhall think neceſſary for making the ſaid Weſt End of the ſaid Street of a ſufficient Width, and for the Scite or Ground thereof, and their Intereſt therein, for ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any nine or more of them, and the ſaid Owner or Owners, Occupier or Occupiers, ſhall agree upon: And in caſe any Diſpute or Difference ſhall ariſe between the ſaid Commiſſioners and ſuch Owner or Owners, Occupier or Occupiers, reſpecting ſuch Purchaſe or Purchaſes, the ſame ſhall be aſcertained by and upon the Oaths of a Jury of twelve indifferent Men of the County of *Middleſex*; which Oaths any ſeven or more of the Commiſſioners are hereby impowered to adminiſter: And the ſaid Commiſſioners, or any nine or more of them, are hereby impowered and required, from time to time, as they ſhall ſee Occaſion, to iſſue a Notice in Writing, under the Hands of any nine or more of them, to the Sheriff of and for the County of *Middleſex*, thereby requiring him, or his Deputy, to return to the ſaid Commiſſioners, or any nine or more of them, at ſuch Time and Place as ſhall be expreſſed in ſuch Notice, an indifferent Jury of twenty-four Perſons; and the ſaid Commiſſioners, or any ſeven or more of them, ſhall, at ſuch Time and Place, ſwear, or cauſe to be ſworn, twelve of the ſaid twenty-four, who The Paſſage at the Weſt End of Chiſwell-ſtreet, how to be widened. Diſputes between Commiſſioners and Owners to be aſcertained by a Jury.

ſhall be drawn by Ballot, by the Clerk to the ſaid Commiſſioners for the time being; which twelve ſhall be the Jury for the Purpoſes aforeſaid; and the ſaid Commiſſioners ſhall order ſuch Jury to view the Places in queſtion, if there be Occaſion; and after the Jury ſhall have inquired, aſcertained, and ſettled the Recompence and Satisfaction to be made to the Owner or Owners, Occupier or Occupiers aforeſaid, they the ſaid Commiſſioners, or any nine or more of them, ſhall adjudge and order the Sum or Sums of Money ſo aſcertained by the Jury to be paid to the ſaid Owners, or other Perſons intereſted in ſuch Houſes or Buildings, and Ground, out of the aforeſaid Rates and Aſſeſſments; which ſaid Verdict or Inquiſition, Judgement or Order, ſhall be final to all Intents and Purpoſes againſt all Parties and Perſons; and all ſuch Owners ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſcertained as aforeſaid, be thereby from thenceforth, to all Intents and Purpoſes, diveſted of all Property, Right, Title, Intereſt, or Claim, in or upon the ſame: And in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy, ſhall return other honeſt and indifferent Perſons of the Standers-by, or that can be ſpeedily procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt the ſaid Jurymen: And the ſaid Commiſſioners, or any nine or more of them, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear; or who ſhall in any other Manner neglect their Duty, contrary to the Intent and Meaning of this Act; or on any Perſons who, being required to give Evidence before ſuch Jury, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn and give Evidence; ſo as no ſuch Fine ſhall exceed the Sum of five Pounds upon any Perſon for one Offence: And the ſaid Commiſſioners, or any nine or more of them, are hereby further impowered to ſummon or call before ſuch Jury, and examine upon Oath, all Perſons who ſhall be thought neceſſary or proper to be examined as Witneſſes touching the Premiſes; which Oath the ſaid Commiſſioners, or any ſeven or more of them, are hereby impowered to adminiſter: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, to take down the ſaid Houſes or Buildings, and to lay the Scite, or Ground thereof, or of ſuch Part thereof as they the ſaid Commiſſioners, or any nine or more of them, ſhall think proper, into the Street or Highway; and the Expences attending the ſame ſhall be paid by the ſaid Commiſſioners, or any nine or more of them, out of the aforeſaid Rates or Aſſeſſments; and the ſaid Scite or Ground ſhall for ever after be deemed a public and common Highway: And alſo it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, to take down all Bulks, Sheds, and Stalls, which ſhall obſtruct the free Paſſage of the ſaid Streets, Row, Lane, Alley, and Yard, and to lay the Scite, or Ground thereof, or of ſuch Part thereof as they ſhall think proper, into the Street or Highway, paying to the Owners or Occupiers thereof ſuch Recompence for the ſame as ſhall be agreed upon between them and the ſaid Commiſſioners; and in caſe they cannot agree, ſuch Sum of Money as ſhall be aſcertained by the Verdict of a Jury as aforeſaid.

Fines may be impoſed by Commiſſioners on the Sheriff, &c. making Default in the Premiſes;

and remove Bulks, &c. obſtructing free Paſſages,

The Paſſage at the South End of Brick-lane to be widened.

'LXIII. And whereas the Paſſage through the South End of *Brick-lane* is greatly obſtructed by ſome old 'Houſes or Buildings ſtanding on the Eaſt Side thereof, and projecting into the ſaid Lane, and the re- 'moving the ſame, and laying the Scite or Ground whereon they ſtand into the common Highway, would 'be of public Convenience;' Be it therefore further enacted, That when the Owners or Proprietors of the Houſes, Lands, Tenements, and Hereditaments, in a certain Lane called *Golden-lane*, or the Occupiers thereof, or any of them, or any Perſon or Perſons, ſhall have raiſed a ſufficient Sum of Money for the Purchaſe of ſuch Houſes or Buildings, and the Scite or Ground whereon they ſtand, in *Brick lane* aforeſaid, it ſhall be lawful for them, or any of them, to pay the ſame to the ſaid Commiſſioners, or any nine or more of them, or, by their Order, to their Treaſurer: And in caſe the ſaid Commiſſioners, or any nine or more of them, ſhall think the ſaid Sum of Money ſufficient for that Purpoſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, and they are hereby impowered to treat, contract, and agree with the Owner or Owners, Occupier or Occupiers, for the Purchaſe of the ſaid Houſes or Buildings in *Brick lane* aforeſaid, or ſuch Parts thereof, or ſo much thereof, as they ſhall think neceſſary for making the ſaid South End of *Brick-lane* of a ſufficient Width, and for the Scite or Ground whereon the ſame ſtand, and their Intereſt therein, for ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any nine or more of them, and the ſaid Owner or Owners, Occupier or Occupiers, ſhall agree upon: And in caſe any Diſpute or Difference ſhall ariſe between the ſaid Commiſſioners and the ſaid Owner or Owners, Occupier or Occupiers, reſpecting ſuch Purchaſe or Purchaſes, the ſame ſhall be determined by a Jury; and the ſaid Commiſſioners, or any nine or more of them, ſhall purſue ſuch and the ſame Means and Methods for becoming poſſeſſed thereof as are herein before preſcribed with reſpect to the purchaſing and becoming poſſeſſed of the Houſes and Buildings in *Chiſwell-ſtreet* aforeſaid: And the Money to be paid for ſuch Purchaſe, and the Expences attending the ſame, ſhall be paid out of the Sum of Money herein before mentioned to be raiſed by the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, in *Golden lane*, or the Occupiers thereof, or ſuch Perſon or Perſons as aforeſaid: And it ſhall and may be lawful for the ſaid Commiſſioners, or any nine or more of them, to take down the ſaid Houſes and Buildings, and to lay the Scite or Ground thereof, or of ſuch Part thereof as they ſhall think proper, into the Street or Highway; and the ſame ſhall for ever after be deemed a public and common Highway.

Ground not uſed may be ſold.

'LXIV. And whereas, in the purchaſing of Houſes or Buildings, the ſaid Commiſſioners may become 'poſſeſſed of more Land than may be neceſſary for the Purpoſes of this Act;' Be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any nine or more of them, to ſell and diſpoſe of ſuch Part of the Land they ſhall ſo purchaſe, which they ſhall not think neceſſary to be uſed for the Purpoſes of this Act; and the Sale or Conveyance thereof, being inrolled with the Clerk of the

the Peace for the County of *Middlesex*, shall be good and valid in Law, to all Intents and Purposes whatsoever.

'LXV. And whereas it may happen that some Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Houses, Sheds, Buildings, Lands, Grounds, or Hereditaments, which may be necessary to be purchased for the Purposes of this Act, and such Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of such Houses, Sheds, Buildings, Lands, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy or other Disability;' Be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Houses, Sheds, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the said Commissioners, or any nine or more of them, for the Purchase of such Houses, Sheds, Buildings, Lands, or Hereditaments, or any Part or Parts thereof, or for their Interest therein, for the Purpose aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever; any Law, Statute, Usage, or any other Matter or Thing to the contrary thereof in any wise notwithstanding: And all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act. Bodies Politic, &c impowered to sell.

LXVI. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case relating to the contracting for or purchasing any Houses, Sheds, Buildings, Lands, or Hereditaments, wherein he shall be personally concerned in Interest. No Commissioner to act where interested.

LXVII. And be it further enacted, That it shall and may be lawful to and for any Justice of the Peace for the County of *Middlesex* to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being herein or hereby appointed a Commissioner to put this Act in Execution Commissioners who are Justices may act as such.

'LXVIII And whereas the City of *London* hath lately paved a common Highway in *Finsbury*, fronting *Moorfields*, from *Ropemakers-alley* to the End of *Chiswell-street*;' now, in order to keep the said Pavement in good and effectual Repair, be it further enacted, That the said Commissioners, or any nine or more of them, shall, from time to time, rate and assess the several Tenants and Occupiers of the Houses fronting the said Pavement, or adjoining thereto, at such annual Sum or Sums of Money as the said Commissioners, or any nine or more of them, shall think proper, so as such Rate or Assessment doth not exceed in the whole the Sum of one Shilling in the Pound of the yearly Rent or Value of such Houses; and the same shall be levied and recovered in the same Manner as the Rates and Assessments to be made by virtue of this Act are hereby directed to be levied and recovered, and shall be applied in keeping the said Pavement in good and effectual Repair. For keeping the Street in Finsbury in Repair.

LXIX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be held for the County of *Middlesex*, within three Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving, or causing to be given, fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and the Matter thereof, to the Clerk to the said Commissioners, and within two Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such General or Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes. Appeal to the Quarter Sessions.

LXX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of one or more Justice or Justices of the Peace for the County of *Middlesex*; which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any one or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby impowered to administer; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the Clerk to the said Commissioners for the time being, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid within two Days, it shall and may be lawful to and for such Justice or Justices, and he or they is and are hereby authorised and required, by Warrant under his Hand and Seal, or their Hands and Seals, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Penalties and Forfeitures how to be recovered.

any Time not exceeding three Calendar Months, nor less than fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Commissioners may reward Informers.

LXXI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them, from time to time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding one Moiety of them, or any of them, to and for the Use of the Informer or Informers, or any of them; any Thing herein contained to the contrary notwithstanding.

Distress not unlawful for Want of Form.

LXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiffs not to recover, if Tender of Amends be made.

LXXIII. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought: And in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings or Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

LXXIV. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by any of the said Commissioners, or Justice or Justices of the Peace, or exhibited before them, or any of them, or under the Hand and Seal or Hands and Seals of, or only signed by any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in Books.

LXXV. And be it further enacted, That all Orders and Proceedings of the said Commissioners, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks at any Meeting of seven or more of the said Commissioners assembled, as the Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Distress not to be deemed unlawful for want of Form.

LXXVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until twenty-one Days Notice shall be thereof given in Writing to the Clerk to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the County where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers, in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Public Act.

LXXVIII. And be it further enacted, That this Act shall be taken and allowed in all Courts as a Public Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded.

CAP. XLVII.

An Act for granting to his Majesty a certain Sum of Money, to be raised by a Lottery.

CAP.

CAP. XLVIII.

An Act for granting to his Majesty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned, for the Service of the Year one thousand seven hundred and seventy-one; and for further appropriating the Supplies granted in this Session of Parliament, for carrying to the Aggregate Fund a Sum of Money which hath arisen by the Two-sevenths Excise, and for enabling the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, or the Lord High Treasurer for the time being, to pay to *John Dobson*, Owner of the *Greenland* Ship Lord *Molyneux*, the Bounty due for the said Ship on the last Year's Fishery.

CAP. XLIX.

An Act to continue for a further Time, an Act passed in the sixth Year of his present Majesty's Reign, intituled, *An Act to prohibit the Importation of Foreign-wrought Silks and Velvets for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture.*

'WHEREAS the Law herein after mentioned has by Experience been found useful and beneficial and is near expiring;' May it please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act, made in the sixth Year of the Reign of his present Majesty, intituled, 'An Act to prohibit the Importation of Foreign-wrought Silks and Velvets for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture,' which was to continue in Force for five Years, from the fourteenth Day of *June*, one thousand seven hundred and sixty-five, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby further continued from the Expiration thereof until the fourteenth Day of *June*, one thousand seven hundred and seventy-six, and from thence to the End of the then next Session of Parliament.

Preamble.

Act 6 Geo. 3.

further continued til June 1776.

CAP. L.

An Act for granting a Bounty upon the Importation of White Oak Staves, and Heading, from the *British* Colonies or Plantations in *America*.

'WHEREAS the allowing a Bounty upon the Importation of White Oak Staves, and Heading for Casks, from the *British* Colonies or Plantations in *America* into this Kingdom, under certain Restrictions, may tend to promote the Trade and Intercourse of the said Plantations with *Great Britain*, and be a Means of supplying the Manufactures of Casks for the Use of the Brewers and Distillers in this Kingdom with such Materials at more reasonable Rates than they can at present be procured, as well as of saving great Sums of Money to his Majesty's Subjects, which are now expended for the Purchase thereof amongst foreign Nations:' May it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *January*, one thousand seven hundred and seventy-two, every Person or Persons who shall, within the Time appointed by this Act, import, or cause to be imported, into the Ports of *London*, *Southampton*, *Poole*, *Exeter*, *Plymouth*, *Bristol*, *Liverpoole*, *Whitehaven*, *Glasgow*, *Leith*, *Hull*, *Newcastle*, and *Yarmouth*, or either of them, directly from any of the *British* Colonies or Plantations in *America*, in any Ship or Ships that may lawfully trade thither, manned as by Law is required, any good, found, and merchantable Staves, and Heading of White Oak, free from Sap, Wormholes, Knots, and Bites, of the following Dimensions, of the Growth or Product of the said Colonies or Plantations, shall have and enjoy as a Bounty or Premium for such Importation, the following Sums; that is to say,

Preamble.

After 1 Jan. 1772, Persons, within the Time appointed, importing into the Ports of London, Southampton, Poole, &c. found and merchantable Staves and Heading of White Oak the Growth of the Plantations, What Bounty they shall enjoy.

For every one thousand and two hundred (each hundred containing five Score) of Pipe Staves, each Stave not being less than five Feet six Inches long, from four Inches and One-half of an Inch to six Inches broad, and two Inches thick at the thinnest Edge, which shall be so imported from the first Day of *January*, one thousand seven hundred and seventy-two, to the first Day of *January*, one thousand seven hundred and seventy-five, the Sum of six Pounds, and in the like Proportion for any greater or less Number.

For every one thousand and eight such hundred of Hogshead Staves, each Stave not being less than four Feet six Inches long, from four Inches and One-half of an Inch, to six Inches broad, and one Inch and One-half of an Inch thick at the thinnest Edge, which shall be so imported from and after the said first Day of *January*, one thousand seven hundred and seventy-two, to the first Day of *January*, one thousand seven hundred and seventy-five, the Sum of six Pounds, and in the like Proportion for any greater or less Number.

For every two thousand and four such hundred of Barrel Staves, each Stave being from three Feet six Inches to three Feet eight Inches at the least in length, from four Inches to five Inches broad, and one Inch and

and One-half of an Inch thick at the thinneſt Edge, which ſhall be ſo imported from and after the ſaid firſt Day of *January*, one thouſand ſeven hundred and ſeventy-two, to the firſt Day of *January*, one thouſand ſeven hundred and ſeventy-five, the Sum of ſix Pounds, and in the like Proportion for any greater or leſs Number.

For every three thouſand and ſix ſuch hundred Pieces of Pipe Hogſhead and Barrel Heading, each Piece of Pipe Heading being two Feet eight Inches long, each Piece of Hogſhead Heading being two Feet four Inches long, and each Piece of Barrel Heading being two Feet and one Inch long at the leaſt, and each ſuch reſpective Piece of Heading being from five to ſix Inches broad, and two Inches thick at the thinneſt Edge, which ſhall be ſo imported from and after the ſaid firſt Day of *January*, one thouſand ſeven hundred and ſeventy-two, to the firſt Day of *January*, one thouſand ſeven hundred and ſeventy-five, the Sum of ſix Pounds, and in the like Proportion for any greater or leſs Number.

For every one thouſand two hundred ſuch Pipe Staves; for every one thouſand eight hundred ſuch Hogſhead Staves; for every two thouſand four hundred ſuch Barrel Staves; and for every three thouſand ſix hundred Pieces of ſuch Heading as above deſcribed, which ſhall be ſo imported from and after the ſaid firſt Day of *January*, one thouſand ſeven hundred and ſeventy-five, to the firſt Day of *January*, one thouſand ſeven hundred and ſeventy-eight, the Sum of four Pounds: And for every one thouſand two hundred ſuch Pipe Staves; for every one thouſand eight hundred ſuch Hogſhead Staves; for every two thouſand four hundred ſuch Barrel Staves; and for every three thouſand ſix hundred Pieces of ſuch Heading, as above deſcribed, which ſhall be ſo imported from and after the ſaid firſt Day of *January*, one thouſand ſeven hundred and ſeventy-eight, to the firſt Day of *January*, one thouſand ſeven hundred and eighty-one, the Sum of two Pounds; to be paid on Demand to the Importer of ſuch Goods, by the Collector of the Port where the ſame ſhall be reſpectively imported as aforeſaid, out of any Money in his Hands ariſing by any of the Duties of Cuſtoms on Goods imported: And in caſe the Collector of the Cuſtoms where ſuch Goods ſhall be imported ſhall not have Money ſufficient in his Hands to pay the ſame, he is hereby required to certify the ſame to the Commiſſioners of the Cuſtoms, who ſhall cauſe the ſame to be paid by the Receiver general of his Majeſty's Cuſtoms, the ſaid Premium or Bounty for the ſaid Goods imported into *England*, to be paid by the Receiver-general of the Cuſtoms in *England*; and for ſuch as ſhall be imported into *Scotland*, to be paid by the Receiver-general there.

If the Collector, where the Goods are imported has not Money ſufficient in his Hands to pay the Bounty, on certifying the ſame to the Commiſſioners of the Cuſtoms, the ſame to be paid by the Receiver-general.

Officers of the Cuſtoms, before Goods are ſhipped in the Colonies, with Intent to be imported, are carefully to examine ſuch Goods.

'II. And, in order to intitle the Importer of ſuch Goods to the Bounty or Premium granted by this Act, 'and to prevent Frauds by importing Foreign or other Staves or Heading not intitled thereto,' Be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the proper Officer or Officers of his Majeſty's Cuſtoms, before ſuch Goods are laden on board any Ship or Veſſel in any of the ſaid Colonies or Plantations, with an Intent to be imported into this Kingdom, for the Bounty or Premium herein before granted, carefully to examine ſuch Goods, by ſuch Means as he or they ſhall think proper, to find out and diſcover whether the ſame in every reſpect anſwer the Deſcription herein before mentioned: And all and every Perſon and Perſons importing any ſuch Goods into *Great Britain* as aforeſaid, ſhall produce to the Collector, Comptroller, or Principal Officer of the Cuſtoms, at the Port of Importation, a Certificate, under the Hand and Seal of the Governor, Lieutenant-governor, Collector of his Majeſty's Cuſtoms, and Naval Officer, or any two of them reſiding and being within the ſaid Colonies or Plantations, that before the Departure of ſuch Ship or Veſſel the Perſon or Perſons loading the ſame had made Oath before them, that the ſaid Goods ſo ſhipped on board were truly and *bona fide* of the Growth and Produce of ſome or one of the *Britiſh* Colonies or Plantations in *America*, and ſpecifying the Colony or Colonies, Plantation or Plantations reſpectively, of which ſuch Goods is or are the Growth or Produce (which Oath the ſaid Governor, Lieutenant-governor, and Collector of his Majeſty's Cuſtoms, and Naval Officer, or any two of them, are hereby authoriſed to adminiſter); and the ſaid Certificate ſhall alſo expreſs the Number, Quantity, Quality, and Species of each Sort of Goods reſpectively, and that the ſame had been examined by the proper Officer or Officers of the Cuſtoms before the ſhipping thereof, purſuant to the Directions of this Act; which Officer or Officers is and are hereby required to certify therein, whether ſuch Goods, or any Part thereof, are or are not made from White Oak, and good, ſound, and merchantable, free from Sap, Wormholes, Knots, and Bites, and are or are not of the Dimenſions and Deſcriptions herein before reſpectively mentioned; and the Maſter, or other Perſon having the Charge or Command of the Ship or Veſſel importing ſuch Goods, ſhall, on his Arrival, make Oath before the Collector, Comptroller, or Principal Officer of the Cuſtoms, at the Port of Importation, that the ſaid Goods ſo imported were truly laden on board his Ship or Veſſel, in one of the ſaid Colonies or Plantations, and are the ſame Goods as are contained and mentioned in ſuch Certificate.

Perſons importing ſuch Goods into Britain, ſhall produce to the Collector at the Port of Importation, a Certificate from the Governor, &c.

Certificate to expreſs the Number, Quantity, &c. of each Sort of Goods.

Officers of the Cuſtoms, after the Entry, to take Samples for Examination.

'III. And, for the better preventing Frauds in the entering any of the Goods before mentioned, in order to obtain the Bounty thereon,' Be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any proper Officer or Officers of the Cuſtoms, after the Entry, and at or after the Landing of ſuch Goods, to take Samples thereof, in ſuch Manner, and in ſuch Proportion, as he or they ſhall judge proper, to examine the ſame; and if, upon ſuch Examination, it ſhall appear, that in the whole Quantity ſo entered there are to the Amount of ten Pieces in an hundred that do not, in all Reſpects, anſwer the Deſcriptions and Dimenſions herein-before deſcribed, ſo as to be intitled to the Bounty herein-before granted; then, and in ſuch Caſe, no Bounty ſhall be paid or allowed for any Part of the hundred Pieces in which ſuch deficient ten Pieces ſhall be found; and if more than twenty Pieces in an hundred of the Quantity ſo entered ſhall be found, on ſuch Examination, not to be intitled to the Bounty; then, beſides

ſides the Loſs of the ſaid Bounty, the Importer ſhall alſo forfeit and loſe the Sum of fifty Pounds; to be proſecuted and recovered as herein-after mentioned.

IV. And be it further enacted by the Authority aforeſaid, That no Fee, Gratuity, or Reward, ſhall be demanded, taken, or received, by any Officer of his Majeſty's Cuſtoms for examining, viewing, or delivering ſuch Staves and Heading with reſpect to the Premium or Bounty allowed by this Act, or for the ſigning any of the Certificates in order to the receiving ſuch Premium or Bounty, or for paying the ſame; and any ſuch Officer demanding or taking ſuch Fee or Reward, ſhall, for ſuch Offence, forfeit his Office, and be for ever after incapable of executing any Office or Employment under his Majeſty, his Heirs and Succeſſors. No Gratuity to be demanded by Officers for examining, nor for ſigning any Certificates, for recovering the Bounty.

V. And be it further enacted by the Authority aforeſaid, That if any ſuch Staves and Heading of the Growth or Product of any of the ſaid Colonies or Plantations ſhall be again exported from *Great Britain*, then, and in every ſuch Caſe, the Perſons exporting the ſame ſhall, before the Entry thereof, pay unto the Collector of the Cuſtoms of the Port where the ſame ſhall be exported, or to the Chief Officer of the Cuſtoms there, the full Sum which is allowed as a Premium or Bounty by this Act on all ſuch Staves and Heading as he intends to export. If any Staves, &c. of the Produce of the Colonies be exported from Britain, Bounty to be paid by the Perſons exporting the ſame.

VI. And be it further enacted by the Authority aforeſaid, That if any Perſon, his, her, or their Agent or Agents, Aſſignee or Aſſigns, ſhall be found fraudulently to export or load on board any Ship, Veſſel, or Boat, in order to be exported, ſuch Staves and Heading without paying ſuch Premium or Bounty to the Chief Officer or Collector of the Cuſtoms as aforeſaid, ſuch Perſon and Perſons ſhall forfeit and loſe all ſuch Staves and Heading, and double the Value thereof. Perſons fraudulently exporting on board any Ship Staves and Heading, without the ſame, to forfeit

VII. And be it further enacted by the Authority aforeſaid, That if any Collector or Comptroller of the Cuſtoms, or Naval Officer, ſhall make any falſe Certificate; or if any Merchant, Trader, Factor, or other Perſon, ſhall make any falſe Oath with regard to the Growth of ſuch Staves and Heading; or if any Maſter or Commander of any Ship or Veſſel ſhall make any falſe Oath concerning the Certificate for or the Identity of ſuch Staves and Heading; or if any Perſon or Perſons ſhall counterfeit any ſuch Certificate, as is herein before directed to be made, in order to obtain any Premium or Bounty hereby granted; all and every ſuch Perſon and Perſons ſo offending in any of the Caſes aforeſaid, ſhall forfeit the Sum of two hundred Pounds: And if any ſuch Perſon ſo offending ſhall be a Collector, Comptroller, or Naval Officer, or any other Officer of the Cuſtoms, he ſhall alſo forfeit and loſe his Office, and be incapable of ſerving his Majeſty, his Heirs and Succeſſors. Collectors, &c. making falſe Certificates, &c. or if any Maſter, &c. ſhall make any falſe Oath concerning the Identity of Staves, or Perſons counterfeiting any Certificates to obtain the Bounty, to forfeit 200l.

VIII. And be it further enacted by the Authority aforeſaid, That the ſeveral Penalties and Forfeitures by this Act inflicted ſhall and may be ſued for, proſecuted, determined, and recovered, by Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or the Court of *Exchequer* in *Scotland*, or in any of the Courts of Admiralty in his Majeſty's Colonies or Plantations in *America* reſpectively, where ſuch Penalty or Forfeiture ſhall be incurred; wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance, ſhall be allowed. Forfeitures inflicted by this Act, to be recovered by Plaint or Information.

IX. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, ſhall, if incurred in *Great Britain*, be applied, one Moiety to the Uſe of his Majeſty, his Heirs and Succeſſors, and the other Moiety to ſuch Perſon or Perſons as ſhall ſue for the ſame; and all ſuch Penalties and Forfeitures as ſhall be incurred in any of the ſaid Colonies or Plantations, ſhall be applied, One-third Part thereof to the Uſe of his Majeſty, his Heirs and Succeſſors, One third Part to the Uſe of the Governor of the Colony or Plantation where ſuch Penalty and Forfeiture is incurred, and the remaining third Part to ſuch Perſon or Perſons as ſhall ſue for the ſame. Application of Penalties.

X. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit, if in *Great Britain*, ſhall be commenced within ſix Calendar Months next after the Fact committed, and if in any of the ſaid Colonies or Plantations, within eighteen Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants, in any ſuch Action or Suit, may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared: or if Judgement ſhall be given upon any Verdict, or Demurrer, againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

XI. And be it further enacted by the Authority aforeſaid, That if any Doubt or Diſpute ſhall ariſe, whether the Staves and Heading, or any Part thereof, ſo to be imported or exported as aforeſaid, are of the Growth or Produce of any of the ſaid Colonies or Plantations, or of any other Growth or Produce; or if any Action ſhall be brought by the Owner or Claimer of ſuch Goods, againſt any Officer of the Cuſtoms, or any other Perſon, for any Thing done in purſuance of this Act, and any Doubt or Queſtion ſhall thereupon ariſe concerning the Place of the Growth or Product of ſuch Goods, the *onus probandi* ſhall lie on the Owner or Claimer of ſuch Goods, or the Perſon claiming the Premium or Bounty, and not on the Perſon who ſeized or ſtopped the ſame, or againſt whom ſuch Action ſhall be brought; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. Diſputes how to be determined.

CAP. LI.

An Act for continuing several Laws for the better Regulation of Lastage and Balastage in the River *Thames*; for the further Punishment of Persons going armed or disguised, in Defiance of the Laws of Customs or Excise, and for the landing of Rum or Spirits of the *British* Sugar Plantations, before Payment of the Duties of Excise; for repealing so much of an Act passed in the sixth Year of the Reign of King *George* the First, intituled, *An Act for preventing the Carriage of excessive Loads of Meal, Malt, Bricks, and Coals, within ten Miles of the Cities of* London *and* Westminster, as relates to the Carriage of Meal, Malt, and Coals; and for authorising the Exportation of a limited Quantity of an inferior Sort of Barley, called *Higg*, from the Port of *Kirkwall*, in the Islands of *Orkney*.

Preamble. 'WHEREAS the Laws herein after-mentioned have, by Experience, been found useful and beneficial, and are near expiring;' May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the sixth Year of the Reign of his late Majesty King *George* the Second, for the better Regulation of Lastage and Ballastage in the River *Thames*, which was to continue in Force from the first Day of *June*, one thousand seven hundred and thirty-three, for five Years, and from thence to the End of the then next Session of Parliament; and which, by an Act made in the eleventh Year of the Reign of his said late Majesty, was further continued from the Expiration thereof, for seven Years, and from thence to the End of the then next Session of Parliament; and which, by another Act made in the eighteenth Year of the Reign of his said late Majesty, was further continued from the Expiration thereof, for eleven Years, and from thence to the End of the then next Session of Parliament; and which, by another Act made in the thirty-second Year of the Reign of his said late Majesty, was amended and further continued until the twenty-fourth Day of *June*, one thousand seven hundred and seventy, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby further continued from the Expiration thereof, until the twenty-fourth Day of *June*, one thousand seven hundred and eighty-two, and from thence to the End of the then next Session of Parliament.

Act 6 Geo. 2. Act 11 Geo. 2. Act 18 Geo. 2. and Act 32 Geo. 2. further continued till June 24, 1782.

II. And be it further enacted by the Authority aforesaid, That so much of an Act made in the fifteenth and sixteenth Years of the Reign of his late Majesty King *George* the Second, intituled, 'An Act to impower the Importers or Proprietors of Rum, or Spirits, of the *British* Sugar Plantations, to land the same before Payment of the Duties of Excise charged thereon, and to lodge the same in Warehouses at their own Expence; and for the Relief of *Ralph Barrow*, in respect to the Duty on some Rock Salt, lost by the Overflowing of the Rivers *Weaver* and *Dane*,' as relates to the landing of Rum, or Spirits, of the *British* Sugar Plantations, before Payment of the Duties of Excise, and to the lodging of the same in Warehouses, at the Expence of the Importers or Proprietors thereof, which was to continue in Force from the twenty-ninth Day of *September*, one thousand seven hundred and forty-two, to the twenty-ninth Day of *September*, one thousand seven hundred and forty-nine, and from thence to the End of the then next Session of Parliament; and which by several subsequent Acts of the twenty-third and thirty-first Years of the Reign of his late Majesty, and the fourth Year of the Reign of his present Majesty, was further continued until the twenty-ninth Day of *September*, one thousand seven hundred and seventy-one, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby further continued from the Expiration thereof, until the twenty ninth Day of *September*, one thousand seven hundred and seventy-eight, and from thence to the End of the then next Session of Parliament.

Acts 15 & 16 Geo. 2. and Act 23 & 31 Geo. 2. and 4 Geo. 3. continued till Sept. 29. 1771. further continued till Sept. 29, 1778.

III. And be it further enacted by the Authority aforesaid, That so much of an Act made in the nineteenth Year of the Reign of his late Majesty King *George* the Second, intituled, 'An Act for the further Punishment of Persons going armed or disguised in Defiance of the Laws of Customs or Excise, and for indemnifying Offenders against those Laws, upon the Terms therein mentioned, and for the Relief of Officers of the Customs in Informations upon Seizures,' as relates to the further Punishment of Persons going armed or disguised in Defiance of the Laws of Customs or Excise, and to the Relief of Officers of the Customs in Informations upon Seizures, which was to continue in Force for seven Years, from the twenty-fourth Day of *July*, one thousand seven hundred and forty-six, and from thence to the End of the then next Session of Parliament, and which, by several subsequent Acts of the twenty-sixth and thirty-second Years of the Reign of his said late Majesty, and the fourth Year of his present Majesty, was further continued until the twenty-ninth Day of *September*, one thousand seven hundred and seventy-one, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby further continued from the Expiration thereof, until the twenty-ninth Day of *September*, one thousand seven hundred and seventy-eight, and from thence to the End of the then next Session of Parliament.

Act 19 Geo. 2. further continued till Sept. 29, 1778.

'IV. And whereas, by an Act made in the sixth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for preventing the Carriage of excessive Loads of Meal, Malt, Bricks, and Coals, within ten Miles of the Cities of* London *and* Westminster, it is provided, that no Person shall carry at one Load in the said Cities, or within ten Miles thereof, in any Waggon or Cart, having the Wheels thereof shod or bound with Tire or Streaks of Iron, more than twelve Sacks of Meal, each Sack containing five

Act 6 Geo. 1.

'Bushels,

'Buſhels, nor more than twelve Quarters of Malt, nor more than ſeven hundred and an half of Bricks, 'nor more than one Chaldron of Coals, on Pain that the Perſon offending therein ſhall forfeit and loſe any 'one of the Horſes, together with the Tears, Bridles, and Halters therewith uſed, to any Perſon who 'ſhall ſeize the ſame: And whereas, by another Act made in the fourth Year of his preſent Majeſty's Act 4 Geo. 3. 'Reign, for paving, cleanſing, and removing Annoyances in *Weſtminſter*, and in the Weekly Bills of 'Mortality, and for other Purpoſes therein mentioned, it is provided by a Clauſe in the ſaid Act, that no 'Perſon ſhall carry at any one Load within the Limits mentioned in the above recited Act of the ſixth of 'King *George* the Firſt, in any Waggon, or Cart, having the Wheels thereof ſhod or bound with Tire or 'Streaks of Iron, more than one Chaldron of Coals with the Ingrain thereto belonging, after the Rate of 'one Chaldron for every twenty Chaldrons: And whereas conſiderable Quantities of Meal, Malt, and 'Coals, are carried from the ſaid Cities into the Country, and conſiderable Quantities of Meal and Malt 'from the Country into the ſaid Cities, in Waggons and Carts, having the Wheels thereof ſhod or bound 'with Iron, within and from beyond the Diſtance of ten Miles from the ſaid Cities, and many Owners of 'ſuch Waggons and Carts, apprehending they were allowed to carry upon the Turnpike Roads near the 'ſaid Cities the Weights fixed by the Act paſſed in the ſeventh Year of the Reign of his preſent Majeſty, Act 7 Geo. 3. 'intituled, *An Act to explain, amend, and reduce into one Act of Parliament the General Laws now in being, 'for regulating the Turnpike Roads of this Kingdom, and for other Purpoſes therein mentioned*, have ſuffered the 'Penalties inflicted by the ſaid Acts of the ſixth Year of the Reign of King *George* the Firſt, for carrying 'greater Quantities of Meal, Malt, and Coals, than are allowed by the ſaid Acts: And whereas it will 'be more convenient to the Public, if the ſaid Act of the ſixth of King *George* the Firſt, ſo far as it relates Act 6 Geo. 1. 'to the Carriage of Meal, Malt, and Coals, and alſo the ſaid Clauſe in the ſaid Act of the fourth of his pre- And Clauſe in 'ſent Majeſty, were repealed;' Be it therefore further enacted by the Authority aforeſaid, That ſo much Act 4 Geo. 3. of the ſaid Act of the ſixth Year of the Reign of King *George* the Firſt, as relates to the Carriage of Meal, Clauſe in Act Malt, and Coals, and alſo the ſaid Clauſe in the Act of the fourth Year of the Reign of his preſent Majeſty, 6 Geo. 1. ſhall be, and the ſame are hereby repealed; and that all Perſons who have offended in the Matters aforeſaid, repealed. againſt the ſaid Acts, or either of them, and who have not been already proſecuted to Conviction, ſhall be, and are hereby indemnified for what they have ſo done.

'V. And whereas, a conſiderable Quantity of that Species of Barley, commonly called *Bigg*, of the Bigg of the 'Growth of the Iſlands of *Orkney*, is now in the Hands of the Owners and Occupiers of Lands, in the ſaid Growth of the 'Iſlands, which from its inferior Quality is altogether unfit for any Houſehold Uſes, and if not permitted Iſland of Ork- 'to be exported to *Portugal*, and other Places, for the feeding of Mules and Horſes (the only Uſe this ney. 'Species of Grain is fit for) will be entirely loſt to the Owners:' For Remedy whereof, be it enacted by the Authority aforeſaid, That it ſhall be lawful for his Majeſty, his Heirs and Succeſſors, by Order or Or- by his Majeſty's ders, to be made in Council for that Purpoſe, under ſuch Limitations and Reſtrictions, as ſhall be expreſſed Order, may be in ſuch Order or Orders, to permit and authoriſe the Exportation of any Quantity or Quantities of ſuch exported, not Barley or Bigg, not exceeding five thouſand Quarters, of the Growth of the Iſlands of *Orkney*, from the exceeding 5000 Port of *Kirkwall* to the Kingdom of *Portugal*, or elſewhere; any Law or Statute to the contrary notwith- Quarters, ſtanding. to the Kingdom of Portugal, &c.

VI. Provided nevertheleſs, That no Bounty or Allowance whatſoever, ſhall be granted or paid, in reſpect No Bounty to be of ſuch Barley or Bigg, to be exported as aforeſaid. paid for ſuch Barley ſo exported.

CAP. LII.

An Act for repairing, amending, and ſupporting the ſeveral Harbours and Sea Ports in the *Iſle of Man*.

Moſt Gracious Sovereign,

'WHEREAS the *Iſle of Man*, from its Situation in the Middle of *Saint George's Channel*, affords a Preamble. 'convenient Refuge for Ships, in caſe of ſudden and croſs Gales of Wind, which frequently happen 'in thoſe narrow Seas, and therefore the Preſervation of your Majeſty's Ships, and the Intereſt of Trade 'and Navigation in general, require that the ſeveral Sea Ports and Harbours thereof, now veſted in your 'Majeſty, ſhould be maintained and ſupported in proper Condition and Repair: And whereas the Duties 'formerly impoſed for this Purpoſe by the Statutes of the ſaid Iſland, aroſe almoſt entirely from the Con- 'traband Trade carried on there, which being totally ſuppreſſed ſince the Purchaſe thereof by your Ma- 'jeſty, the Fund for maintaining the Harbours has failed, and they are become ruinous, and likely to fall 'entirely to Decay, unleſs ſome other Funds are provided:' Now therefore, we your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament aſſembled, do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Sums of Money that have been raiſed, levied, col- All Sums levied lected, or paid, by virtue of all or any the Statutes of the ſaid Iſland, for or on account of the Harbours by virtue of the therein, at any Time or Times from and after the ſeventeenth Day of *May*, in the Year one thouſand Statutes of the ſeven hundred and ſixty-five, (at which Time the ſaid Iſland became veſted in his Majeſty) until the fifth Iſland, on account of the Har- Day of *July*, in the Year one thouſand ſeven hundred and ſeventy-one, and which have or ſhall have been bour therein, paid into the Hands of his Majeſty's Receiver-general of the ſaid Iſland, or his Deputy, ſhall be by him or after May 17, them, or under his or their Direction, immediately laid out or employed for or towards the Repairs of the 1765, ſeveral Harbours in the ſaid Iſland; and the ſaid Receiver-general or his Deputy ſhall forthwith tranſmit to be employed towards the Re-

pairs of the Harbours in the Island.

an Account of such Disposal of the Money to the Commissioners of the Treasury, or the High Treasurer for the time being.

After July 5, 1771, all Rates and Duties payable by virtue of the Statutes of the Island, on Account of the Harbours, shall determine.

II. And be it further enacted by the Authority aforesaid, That, from and after the said fifth Day of *July*, in the Year one thousand seven hundred and seventy-one, all and every the several and respective Dues, Rates, Duties, and Impositions, granted or payable by virtue of all or any the said Statutes of the said Island, for or on account of the Harbours therein, shall cease, determine, and be no longer due or payable; any Thing therein contained, or any other Law, Statute, Ordinance, Custom, Prescription, or Provision, to the contrary notwithstanding: And instead and in lieu thereof, there shall be raised, levied, collected, and paid, for the Purposes intended by this present Act, of amending, repairing, keeping in Repair, and supporting the several Harbours of the said Island, the several and respective Rates, Duties, and Impositions following, upon all Ships and Vessels whatsoever, (his Majesty's Ships and Vessels, and others employed in his Majesty's Service, only excepted) which shall arrive in any of the Harbours and Bays thereof, and for and upon all Goods and Merchandises herein-after mentioned, imported or exported to or from the said *Isle of Man*; (that is to say)

In lieu whereof the Rates following to be paid by all Ships, his Majesty's excepted.

For every British Ship, not laden, arriving in any Harbour 1 d. 2 q. per Ton.

For every Ship laden, 2 d. per Ton.

For every Ship and Vessel belonging to any of his Majesty's Subjects, which shall arrive or put into any of the Harbours in the said Island, not being laden, or in Balast only, one Penny Halfpenny *per* Ton.

For all such Ships and Vessels being laden, or having any Cargo on board, whether they shall break Bulk or deliver any Part of their Cargo or not, Two-pence *per* Ton.

For every Ship to be repaired, the additional Sum of 1 d. per Ton.

For every Ship and Vessel which shall be repaired in any of the said Harbours, the additional Sum of one Penny *per* Ton, over and above the Rates aforesaid.

For every Foreign Ship, laden or in Balast, 2 d. per Ton.

For every Foreign Ship and Vessel which shall arrive or put into any of the said Harbours, not being laden, or in Balast only, Two-pence *per* Ton.

Every Foreign Vessel, without breaking Bulk, 3 d. per Ton.

For every Foreign Ship and Vessel which shall arrive or put into any of the said Harbours, without breaking Bulk or delivering any Part of their Cargoes, Three-pence *per* Ton.

Foreign Ships, which shall break Bulk, the additional Sum of 2 d. per Ton.

For all such Foreign Ships and Vessels which shall break Bulk and deliver any Part of their Cargo, the additional Sum of Two-pence *per* Ton, over and above the Rate aforesaid.

For all Foreign Ships, the additional Sum of 2 d. per Ton.

For all such Foreign Ships and Vessels as shall repair in any of the said Harbours, the additional Sum of Two-pence *per* Ton, over and above the Rates aforesaid.

For Foreign Vessels anchoring in any Bays, 2 s. 6 d. each.

For all Foreign Ships and Vessels anchoring in any of the Bays of the said Island, the Sum of two Shillings and Sixpence for each Ship or Vessel.

Rates to be levied over those granted by Act 7 Geo. III.

III. And be it further enacted by the Authority aforesaid, That there shall be raised, levied, collected, and paid, for the Purposes aforesaid, (over and above all Customs, Rates, and Duties, chargeable upon the same Commodities respectively, by any other Act or Acts of Parliament now in Force) the several and respective Rates and Duties following, for and upon Goods and Merchandises imported into the said *Isle of Man*, by virtue of any Licence granted, according to an Act made in the seventh Year of the Reign of his present Majesty, intituled, *An Act for encouraging and regulating the Trade and Manufactures of the* Isle of Man, *and for the more easy Supply of the Inhabitants there with a certain Quantity of Wheat, Barley, Oats, Meal, and Flour*, authorised by an Act made in this Session to be transported to the said Island; that is to say,

2 s. 6 d. per Ton on all Spirits imported.

For and upon all Spirits imported into the said Island, two Shillings and Sixpence *per* Ton.

1 s. 6 d. per Hhd. on Tobacco.

For and upon all Tobacco, one Shilling and Sixpence *per* Hogshead.

2 s. per Cwt. on Teas.

For and upon all Teas, two Shillings *per* hundred Weight.

1 s. per Cwt. on Coffee.

For and upon all Coffee, one Shilling *per* hundred Weight.

2 s. 6 d. per Ton on Wine.

For and upon all Wines, two Shillings and Sixpence *per* Ton.

On Foreign Goods, 10 s. per Cent.

For and upon all Foreign Goods, (Wines, Spirits, and Salt, excepted) ten Shillings *per Centum ad Valorem*.

Upon British and Irish Goods, 5 s. per Cent.

For and upon all other Goods imported from *Great Britain* or *Ireland*, (licensed Goods and Salt for the Fisheries excepted) above the Value of five Pounds, the Sum of five Shillings *per Centum ad Valorem*.

'IV. And

'IV. And whereas by the ſaid laſt-recited Act, made in the ſeventh Year of the Reign of his preſent 'Majeſty, the ſeveral and reſpective Bounties or Sums of Money therein mentioned, were directed to be 'paid for the Boats employed in the Herring Fiſhery upon the Coaſts of the ſaid Iſland, and to the Manu- 'facturers of Linen Cloth there, by his Majeſty's Receiver-general in the ſaid *Iſle of Man*, or his Deputy, 'out of the Duties of ten Shillings payable to his Majeſty in the ſaid Iſle, for and upon every Boat or other 'Veſſel employed in the ſaid Herring Fiſhery, and out of the Money ariſing to his Majeſty from the ſeveral 'Bay Fiſheries of the ſaid Iſland: And whereas ſcarcely more than one-tenth Part of the Fiſhermen of the 'ſaid Iſland have complied with the Terms under which the ſaid Bounties were granted, nor have they 'produced any Advantage to the Manufactures of the ſaid Iſland, ſo that the ſame have proved of no Ef- 'fect;' Be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, all the ſaid ſeveral and reſpective Bounties ſhall wholly ceaſe, determine, and be no longer paid to any of the Perſons, in the ſaid laſt-recited Act mentioned (ſave and except the ſeveral and reſpective Bounties, or Sums of Money thereby directed, to be allowed and paid to the Admiral, and to the Vice-admiral of the ſaid Herring Fiſhery, for each Seaſon, and to the Water Bailiff of the ſaid Iſland, or his Deputy for their Superintendance and Inſpection thereof); and that the ſaid Duties of ten Shillings, payable to his Majeſty in the ſaid Iſle, for and upon every Boat or other Veſſel employed in the ſaid Herring Fiſhery, and alſo all the Money ariſing to his Majeſty from the ſeveral Bay Fiſheries of the ſaid Iſland, after Allowance made of the ſaid laſt-mentioned Bounties, and of the uſual and neceſſary Charges attending the levying and collecting the ſaid Monies, ſhall be applied by his Majeſty's Receiver-general in the *Iſle of Man*, or his Deputy, to the Repair and Support of the ſaid Harbours, according to the true Intent and Meaning of this Act, and to no other Uſe or Purpoſe; any Thing in the ſaid laſt-recited Act to the contrary notwithſtanding.

Bounties payable by 7 Geo. III.

to determine, except thoſe allowed to the Admiral, and Water Bailiff.

How the Monies ariſing from the Bay Fiſheries, &c. are to be applied.

'V. And, for the better collecting and diſpoſing the ſeveral Sums of Money, and Duties hereby made 'payable, and regulating the Repairs and Support of the ſaid Harbours;' Be it enacted by the Authority aforeſaid, That the Perſons herein-after named for that Purpoſe, ſhall be, and are hereby nominated and appointed Commiſſioners, and authoriſed, from time to time, to put this Act in Execution; that is to ſay, His Majeſty's Receiver-general in the *Iſle of Man*, his Deputy, the Collector, Comptroller, and Searcher of the Port of *Douglas*, the Deputy, Water Bailiffs, of each of the other Ports of *Derby*, *Haven*, *Peel*, and *Ramſay* reſpectively, for the time being, together with four creditable and ſubſtantial Merchants; that is to ſay, One for and belonging to each of the four principal Ports of the ſaid Iſle before mentioned, to be elected by the Officers aforeſaid, or the major Part of them, which ſaid Merchants, ſo elected, ſhall alſo be Commiſſioners for the Purpoſes aforeſaid, for and during the Term of three Years, to be computed from the reſpective Times of their Election; and on the Expiration of the ſaid Term, or on the Death or Reſignation of any of them, the reſt of the ſaid Commiſſioners, or the major Part of them, ſhall, from time to time, upon the firſt *Monday* in the Month of *October*, in each Year, elect another fit Merchant or Merchants, of or belonging to the ſaid Ports reſpectively, in his or their Stead, to continue in like Manner, in ſuch Office or Truſt, and to have like Power and Authority as the Perſon in whoſe Stead he was ſo elected, for and during the Term of three Years reſpectively from ſuch Election: Which ſaid Commiſſioners, or the major Part of them, (of whom his Majeſty's Receiver-general in the *Iſle of Man*, or his Deputy for the time being, ſhall always be one) ſhall have full Power and Authority, and are hereby impowered and authoriſed to make ſuch Bye-laws, Orders, and Regulations, from time to time, to bind all Ships and Veſſels, arriving at or coming into any of the Harbours in the ſaid Iſle, and all Maſters, or other Perſons, having the Rule, Management, or Command, of ſuch Ships or Veſſels, and to annex ſuch reaſonable Penalties as the ſaid Commiſſioners, in their Diſcretion, ſhall think fit, ſo as ſuch Bye-laws, Orders, and Regulations, be made agreeable to the true Intent and Meaning of this Act, and be for the better putting in Execution, and effecting the Purpoſes thereof; and alſo for the better regulating Ships or Veſſels, with reſpect to their lying, mooring, or ballaſting, in the ſaid Harbours, and for preventing the throwing any Sorts of Rubbiſh therein, or doing any Annoyance to the ſame, and ſo as they do not contain any Thing repugnant to the Laws of this Realm. And it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, (of whom his Majeſty's Receiver-general in the *Iſle of Man*, or his Deputy for the time being, ſhall always be one) from time to time, to contract and agree with any Workmen, Artificers, Maſons, or other Perſons, *bona fide*, for the making and doing all or any Part of the Works neceſſary for the maintaining, repairing, cleanſing, enlarging, or improving, all or any of the ſaid Harbours, or for Timber, Stones, and other Materials, neceſſary for the Purpoſes of this Act, or for making any additional Works, or any Land Marks, Sea Marks, or other Directions, they ſhall judge to be requiſite for the greater Safety of Ships coming into any of the ſaid Harbours.

Commiſſioners how to be elected.

Commiſſioners to make Bye-laws and Regulations.

Commiſſioners to contract with Workmen, for repairing the Harbours.

VI. And be it further enacted by the Authority aforeſaid, That his Majeſty's Receiver-general of the *Iſle of Man*, be, and is hereby impowered to appoint one Perſon at each of the Ports of *Douglas*, *Derby*, *Haven*, *Peel*, and *Ramſay*, in the ſaid Iſland, to collect the Harbour Duties at the ſaid Ports; and that they the ſaid Collectors reſpectively for the time being, ſhall have full Power and Authority, and are hereby impowered and authoriſed to receive, levy, and collect the ſeveral Sums of Money and Duties herein before mentioned, and, for their Trouble and Expences therein, to retain and deduct the Sum of five Pounds *per Centum* out of all the ſaid Monies ſo collected.

Receiver general to appoint a Perſon at each Port to collect Harbour Duties, and other Duties, and deduct 5 l. per Cent. out of the ſaid Monies.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for each of the Collectors aforeſaid, to go on board any Ship or Veſſel liable to the Payment of any of the Duties by this Act impoſed, to demand, collect, and receive the ſame, and to take the Dimenſions of every ſuch Ship or Veſſel, according to the Rules of Admeaſurement, laid down and ſettled by an Act paſſed in the ſixth Year of the Reign of his Majeſty King *George* the Firſt, intituled, *An Act for preventing Frauds and Abuſes in the public Revenues of Exciſe, Cuſtoms, Stamp-duties, Poſt-office, and Houſe-money*, and accord-

Collectors to go on board Ships, and demand the Duties.

ing

For Non-payment of Duties, may diſtrain Tackle, till Payment is made.

ing to which Rules the ſeveral Duties of Tonnage ſhall be computed and collected, and not otherwiſe; and for Non-payment thereof, or of any Sum or Sums of Money due, or of any of the Penalties impoſed by the Commiſſioners as aforeſaid, for Refuſal to give Leave to ſuch Officer to go on board, or to take the Dimenſions of ſuch Ship or Veſſel, or for any other Offences committed againſt this preſent Act, it ſhall and may be lawful to and for ſuch Collector or Officer to take and diſtrain any Part of the Tackle, Apparel, and Furniture, belonging to ſuch Ship or Veſſel, and the ſame to detain and keep until he or they be ſatisfied, and paid ſuch Sum or Sums of Money as aforeſaid, and every of them; and in caſe of any Neglect or Delay in Payment of any the Sums of Money, or Duties incurred as aforeſaid, for the Space of two Days after any Diſtreſs or Diſtreſſes ſo taken as aforeſaid, that then it ſhall and may be lawful to and for ſuch Collector or Officer, to cauſe the ſame to be appraiſed by two or more ſufficient Perſons, to be from time to time appointed for that Purpoſe by any two or more of the Commiſſioners aforeſaid, and afterwards to ſell the ſaid Diſtreſs or Diſtreſſes ſo taken and appraiſed, or ſo much thereof as ſhall be ſufficient to anſwer all Monies due, and all Charges ariſing thereon, and therewith to ſatisfy him or themſelves, as well for and concerning the Sum or Sums, or Duty ſo neglected or delayed to be paid, and for which a Diſtreſs ſhall be ſo taken as aforeſaid, as alſo for his or their reaſonable Charge in the taking or keeping ſuch Diſtreſs, rendering to the Maſter, or other Perſons, having the Rule or Command of ſuch Ship or Veſſel in or from which ſuch Diſtreſs ſhall be ſo taken, the Overplus, if any there be; provided that no ſuch Diſtreſs ſhall be made until ſix Hours after Demand of ſuch Sums of Money or Duties as aforeſaid.

Two Days after Diſtreſs made, Collectors to cauſe the ſame to be appraiſed.

All Sums to be applied towards repairing the Harbours.

VIII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be raiſed, levied, collected, and received by the Duties aforeſaid, and for any the Forfeitures or Penalties to be recovered by virtue of this Act, other than ſo much thereof as ſhall be laid out and allowed to the Collector or other neceſſary Officer for the collecting and managing the ſaid Duty, and for the neceſſary Charges of recovering the ſame, ſhall be, by the ſaid Commiſſioners, or the major Part of them, of whom his Majeſty's Receiver-general in the *Iſle of Man*, or his Deputy for the time being, ſhall always be one, applied and diſpoſed of to and for the repairing, ſecuring, preſerving, and maintaining the ſaid Harbours, according to the true Intent and Meaning of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever, ſave and except as herein-after is excepted; and every Perſon appointed or employed to collect and receive any Sums of Money, or Duties aforeſaid, ſhall, within ſix Days after each of the four uſual quarterly Feaſts in the Year, pay into the Hands of his Majeſty's ſaid Receiver-general, or his Deputy, all Sums of Money by him or them levied, collected, or received, and at the ſame Time deliver a full and particular Account thereof in Writing, upon the Oath of ſuch Collector or Receiver, before two of the Commiſſioners aforeſaid, which Oath the ſaid Commiſſioners are hereby authoriſed and impowered to adminiſter: And there ſhall, from time to time, be provided and kept by the ſaid Commiſſioners, one or more Book or Books, in which all Monies to be received by virtue of this Act, and all Payments out of the ſame, ſhall, from time to time, be fairly ſet down and entered, expreſſing ſeverally the Time when, and the Name of the Perſon or Perſons from or to whom the ſame was ſo received or paid, and for what Uſe or Purpoſe ſuch Payment was made; and ſuch Books ſhall be kept for the Purpoſe aforeſaid at the Cuſtom-houſe of the Port of *Douglas*, for the Inſpection of all or any of the ſaid Commiſſioners, at all Times during the uſual Office-hours: And all and every Perſon and Perſons appointed to collect or receive any the ſaid Sums of Money or Duties, who ſhall neglect or refuſe to pay the Money ſo by him or them received, or to render an Account according to the Directions of the preſent Act, ſhall forfeit and pay the Sum of ten Pounds for every ſuch Offence; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any two of them, forthwith to levy the ſame by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, returning to the Party the Overplus (if any there be), after deducting all reaſonable Expences attending ſuch Diſtreſs or Diſtreſſes; which ſaid Penalty ſhall, from time to time, be applied to the repairing and maintaining the ſaid Harbours, as herein before directed.

Collectors, within ſix Days after each of the four uſual quarterly Feaſts, to pay all Sums levied to the Receiver-general.

Books to be kept by Commiſſioners for entering Sums received.

Collectors refuſing to pay Money received, or to render an Account, to forfeit 10l. to be levied by Diſtreſs and Sale; and applied to repairing the Harbours.

'IX. And whereas, at the Time the Property of the *Iſle of Man* became veſted in his Majeſty, ſeveral 'Sums of Money had been borrowed upon Bonds, given by the Superviſors of the Sea Ports and Harbours 'therein, for defraying the Expences of repairing and amending the ſame, in purſuance of the Powers to 'them given by the Statutes of the ſaid Iſland: And whereas ſome Part of the ſaid Debts ſo contracted yet 'remains undiſcharged,' Be it therefore enacted by the Authority aforeſaid, That after it has been certified by the ſaid Commiſſioners, or the major Part of them (whereof his Majeſty's Receiver-general of the *Iſle of Man*, or his Deputy, ſhall be one), That the ſaid Sea Ports and Harbours have been put into ſufficient and good Repair; it ſhall and may be lawful for the ſaid Commiſſioners, by and with the Conſent and Approbation of the Commiſſioners of the Treaſury, or the High Treaſurer for the time being, to pay out of the Surplus of the Duties ariſing and collected by virtue of this Act, a Sum or Sums of Money not exceeding one thouſand Pounds, in diſcharge of the principal Money due upon the Bonds given by the ſaid Superviſors as aforeſaid; which ſaid Bonds ſhall appear to the ſaid Commiſſioners to be *bona fide* due, and to have been approved and conſented to at the Time they were given by the ſeveral Perſons authoriſed by the Statutes of that Iſland to give ſuch Conſent and Approbation.

After Certification by the Commiſſioners that the Harbours are put into repair,

1000l. to be paid out of the Surplus of Duties ariſing by this Act.

Proprietors of Bonds not intitled to intereſt.

X. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to intitle the Proprietors of the ſaid Bonds to the Receipt of any Intereſt now due, or hereafter to ariſe and become due thereupon, out of the Surplus of the ſaid Duties.

On Oct. 10, annually, Receiver-general to preſent to the Commiſſioners a full Account of

XI. And be it further enacted by the Authority aforeſaid, That on the tenth Day of *October*, in every Year, the ſaid Receiver-general ſhall draw up, or cauſe to be drawn up, and ſhall preſent to the ſaid Commiſſioners, a full Account of all the Receipts and Diſburſements of and for each particular Port and Harbour in the ſaid Iſland, and alſo a particular Account of the true State and Condition of the ſame reſpectively, and of the ſeveral Piers and Works thereto belonging; which ſaid Account the ſaid Commiſſioners,

or

or three of them at the leaſt, ſhall ſign and tranſmit, with ſuch Obſervations thereon as they ſhall judge to be neceſſary, to the Commiſſioners of the Treaſury, or the High Treaſurer for the time being; and it ſhall and may be lawful for ſuch Receiver-general, for his Trouble and Expence in the Execution of this Act, and for providing a Perſon to inſpect and ſuperintend the ſaid Ports and Harbours, to charge in his Accounts, and the ſaid Receiver-general ſhall be allowed thereupon any Sum not exceeding the Sum of thirty Pounds in any one Year, out of the ſeveral Sums ſo levied and collected as aforeſaid.

all Receipts and Diſburſements.

Receiver-general to be allowed annually not exceeding 30 l.

XII. And be it further enacted by the Authority aforeſaid, That the aforeſaid Commiſſioners, the ſaid Receiver-general, and all other Officers whatſoever, employed by virtue of this Act, in collecting, receiving, or diſburſing any Sum or Sums of Money, for the repairing or maintaining the ſaid Harbours, or in ſuperintending or ſurveying the ſame, ſhall reſpectively take an Oath previous to their intermeddling with any ſuch Office or Employment, for the due and faithful Execution and Diſcharge thereof, according to the Powers veſted in them by virtue of this Act, before any one or more of the Deemſters, or Civil Magiſtrates of the ſaid Iſland, who is and are hereby authoriſed and required to adminiſter the ſame without Fee or Reward.

All Officers, &c. to take an Oath previous to their intermeddling with their Offices.

XIII. And it is hereby further enacted by the Authority aforeſaid, That all Sums of Money which ſhall be paid, incurred, or recovered, in purſuance of this Act, ſhall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and ſhall be paid, collected, and recovered, to the Amount of the Value which ſuch nominal Sums bear in *Great Britain*.

All Sums to be paid, incurred, or recovered, to be Sterling Money.

XIV. And be it further enacted by the Authority aforeſaid, That all Actions, Suits, or Informations, which ſhall or may be brought or commenced, for the Recovery of any Forfeitures and Penalties incurred by virtue of this preſent Act, or for any other Matter or Thing relating to the Execution thereof, ſhall be brought, proſecuted, tried, heard, and determined in the Court of his Majeſty's Water Bailiff of the ſaid Iſland, according to the accuſtomed Courſe of that Court; and in caſe either of the Parties conceive themſelves to be aggrieved, it ſhall and may be lawful for ſuch Perſon to appeal in the uſual Manner to the Court of Chancery of the ſaid Iſland.

All Actions commenced for Recovery of Penalties to be tried by the Water Bailiff.

CAP. LIII.

An Act for widening the Highways in that Part of *Great Britain* called *Scotland*.

Preamble.

'WHEREAS by an Act of the Parliament of *Scotland*, paſſed in the Year one thouſand ſix hundred and ſixty-nine, and intituled, *Act for repairing Highways and Bridges*, it is enacted, That the ſaid Highways ſhall be twenty Feet of Meaſure broad at leaſt, or broader, if the ſame have been ſo of before: And whereas by the Law of *Scotland*, the making, repairing, and keeping in Repair, the Highways, Roads, and Bridges, within that Part of the united Kingdom, are put under the Direction and Management of the Juſtices of the Peace, and Commiſſioners of Supply, within the ſeveral Shires and Stewartries reſpectively, (except in ſuch Caſes where Turnpike Roads have, under the Authority of Special Acts of Parliament, been made, and Tolls granted therefore) and the ſame by ſuch Acts put under the Management and Direction of certain Juſtices or Commiſſioners by theſe Acts named and appointed: And whereas many Inconveniences and frequent Obſtructions to the free Paſſage of the public and moſt frequented Highways and Roads have been occaſioned by the Narrowneſs of theſe Highways and Roads: And whereas it would be of great Public Benefit to that Part of the united Kingdom, that the Juſtices of Peace, and Commiſſioners of Supply, in each Shire and Stewartry reſpectively, and the Truſtees and Commiſſioners of Turnpike Roads, eſtabliſhed by ſpecial Acts of Parliament, were impowered to widen and extend the Highways and Roads under their reſpective Managements, wherever they ſaw neceſſary Occaſion for ſo doing;' May it therefore pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Juſtices of Peace, and Commiſſioners of Supply, for the reſpective Shires and Stewartries, and the Commiſſioners and Truſtees of Turnpike Roads, eſtabliſhed by ſpecial Acts of Parliament, within that Part of *Great Britain* called *Scotland*, ſhall have Power, and they are hereby authoriſed and impowered to make, repair, clear, widen, and extend, and to keep in good Repair, after being ſo cleared, widened, and extended, the ſeveral Highways and Roads, under their Management and Direction reſpectively, ſo as the ſame ſhall be in all Places full twenty Feet Width of clear paſſable Road, excluſive of the Bank and Ditch on each Side of ſuch Highway or Road reſpectively.

Juſtices, and Commiſſioners of Supply, for the Shires and Stewartries, to make, repair, clear, widen, and extend the Highways under their Direction; which are to be 20 Feet in Width.

'II. And whereas it will be of great public Utility, that the ſaid Highways and Roads were, in particular Places, ſtill further widened and enlarged;' Be it alſo enacted, That the ſaid Juſtices of Peace, and Commiſſioners of Supply, or the ſaid Truſtees, or Commiſſioners for Turnpike Roads eſtabliſhed by ſpecial Acts of Parliament, or the Majority of them, in a General Meeting for that Purpoſe aſſembled, may order and direct the Highways and Roads aforeſaid to be ſtill farther widened and enlarged, in ſuch Places, and for ſuch Diſtances as they judge to be for public Benefit.

Juſtices, &c. to order the Roads to be farther enlarged.

III. Provided always, and be it further enacted, That the Breadth of the Highways and Roads ſo to be widened and enlarged ſhall not, at any Place, exceed thirty Feet, excluſive of the Bank and Ditch on each Side, and that full Satisfaction, to be aſcertained in Manner herein-after provided for, ſhall be made to the Owners and Leſſees of the Lands, for ſo much Ground as ſhall be taken for the Widening and Enlargement of the ſaid Highways and Roads, over and above, and in Addition to the preſent Breadth, or the twenty Feet Width of Ground, allowed by the Laws now in being for the Breadth of every Highway and Road.

Breadth of the Roads to be widened and enlarged not to exceed 30 Feet.

'IV. And whereas it would greatly facilitate the making and repairing of the Highways and Roads 'within that Part of *Great Britain* called *Scotland*, that the Juſtices of Peace, and Commiſſioners of Sup- 'ply, within the reſpective Shires and Stewartries, met more frequently, and at the moſt convenient 'Times and Seaſons,' Be it therefore further enacted by the Authority aforeſaid, That hereafter, inſtead of the Meeting appointed to be held by an Act made in the fifth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for amending and making more effectual the Laws for repairing the Highways, Bridges, and Ferries in that Part of* Great Britain *called* Scotland, there ſhall be held two General Meetings in every Year of the ſaid Juſtices of Peace, and Commiſſioners of Supply, for the ſpecial Purpoſe and Buſineſs of the Highways, Roads, Bridges, and Ferries, within their reſpective Bounds; and, by the Laws in being for the Time, under their Direction and Management, the firſt upon the ſame Day, and at the like Place that the Commiſſioners of Supply of ſuch Shires and Stewartries reſpectively are and ſhall be directed by the Land-tax Act of the Year then current, to aſſemble for the Purpoſes of aſſeſſing the Land-tax, and of chuſing a Convener, Collector, and Clerk; and the ſecond of the ſaid General Meetings upon the ſame Day, and the like Place that the Freeholders of the ſaid Shires and Stewartries reſpectively aſſembled at their *Michaelmas* Head Court annually; and that the Conveners of the Shires and Stewartries reſpectively ſhall, and they are hereby required to give the ſame previous Notices for theſe two General Meetings of the Juſtices and Commiſſioners of Supply, as are given for ordinary General Meetings of Commiſſioners of Supply within their reſpective Bounds.

Inſtead of a Meeting appointed by Act 5 Geo. I. two General Meetings to be held annually.

Conveners of Shires, &c. to give previous Notice of ſuch Meetings.

V. And be it further enacted by the Authority aforeſaid, That it ſhall be in the Power of any two or more Juſtices of the Peace, or Commiſſioners of Supply, within any Shire or Stewartry in that Part of *Great Britain* called *Scotland*, to examine and ſurvey, or cauſe to be examined and ſurveyed, the Highways and Roads, or any Part or Parts of them within ſuch Shires and Stewartries reſpectively, and to order and direct that the ſaid Highways and Roads ſhall every where be made twenty Feet wide of clear paſſable Road, excluſive of the Banks and Ditches upon each Side of the ſame; and in ſuch Caſes where it ſhall appear to the ſaid Juſtices and Commiſſioners to be for the public Benefit, that any Part or Parts of the ſaid Highways and Roads ſhould be further widened and extended, or that Fences of any Kind whatever ſhould be removed, for the Purpoſe of widening the ſaid Roads, that they ſhall ſtate their Reaſons in Writing, and report the ſame to the next or any following General Meeting of the Juſtices and Commiſſioners for the Shire or Stewartry; and that if the ſaid Juſtices and Commiſſioners aſſembled at ſuch General Meeting, or the Majority of them, upon adviſing the ſaid Report, and after hearing all Parties having an Intereſt, ſhall be of Opinion that it will be of public Benefit ſo to widen and extend the ſaid Highways and Roads, or to remove Fences, that the ſame ſhall be accordingly done, Satisfaction being always previouſly made in Manner as herein after directed to the Owners and Leſſees of Lands, for ſo much Ground as ſhall be taken to widen and enlarge the ſaid Highways and Roads beyond and over, and above twenty Feet in Width on the preſent Breadth of the Road, if more than twenty Feet wide, and for the Loſs or Damage the Owner or Owners of the Land may ſuſtain by removing Fences where ſuch are be removed.

Juſtices, &c. to examine and ſurvey the Highways, &c.

Heritors or Occupiers of Lands may appeal to General Meetings, which ſhall be final.

VI. Provided always, That it ſhall be lawful to and in the Power of any Heritor or Occupier of Lands through which the ſaid Highways and Roads go, who may apprehend Wrong to have been done by the ſaid two or more Juſtices and Commiſſioners in ſurveying, examining, ordering, and directing as aforeſaid, to appeal againſt the ſame to the firſt or next following General Meeting of the ſaid Juſtices and Commiſſioners; and that whatever they, or the Majority of them, ſhall determine upon ſuch Appeal, ſhall be final and concluſive.

In caſe of General Meetings being of Opinion that the Roads ſhould be further widened, &c.

Application to be made to the Sheriff to ſummon a Jury to value the Ground, &c.

Intimation to be made to Owners, &c.

Jury to be impannelled,

who are to aſcertain Damages to Owners, and adjuge Payment.

VII. And be it further enacted by the Authority aforeſaid, That in all Caſes where the General Meetings aforeſaid, or the Meetings of Truſtees or Commiſſioners for Turnpike Roads, eſtabliſhed by Acts of Parliament, are of Opinion that it will be for the public Benefit to have the Highways and Roads, or any particular Parts of them, farther widened and enlarged beyond the Breadth of twenty Feet, or the preſent Breadth, if broader, or to have Fences of any Kind removed or altered in widening of the ſaid Roads, and that no Agreement ſhall have been made with the Owner or Owners of the Land where the Roads are to be widened, or whoſe Fences are to be altered or removed, Application ſhall be made to the Sheriff or Steward of the Shire or Stewartry within which ſuch Highways and Roads lie, to ſummon a Jury in order to value the Ground neceſſary to be taken and uſed for ſo widening and enlarging the Highways and Roads aforeſaid, and the Loſs or Damage enſuing from the altering or removing of Fences; and the ſaid Sheriffs and Stewards, and the Sheriffs and Stewards-depute, and their Subſtitutes, are hereby impowered and required, upon ſuch Application, to order Intimation thereof to be made to the Owner and Owners, and immediate Occupier or Occupiers of the Ground propoſed to be ſo taken in and uſed, and afterwards to iſſue a Summons in the uſual Manner for calling together and impannelling a Jury, to conſiſt of at leaſt ſeven, and not exceeding fifteen Perſons in Number, to examine into, and, after ſuch Examination, to report upon their Oaths to the Sheriff or Steward the Value of the Ground ſo to be taken and uſed for the Widening and Enlargement of the Highways and Roads over and above twenty Feet in Breadth, and the Loſs or Damage that will ariſe to the Owner or Owners of the Land by altering or removing of Fences where that is propoſed to be done, and thereupon to order and adjudge Payment of the Value and Amount of the Loſs and Damage ſo aſcertained to the Owner or Owners of the Grounds, with ſuch Coſts as he or they may have been put to in the Liquidation of the ſaid Value; and that upon ſuch Payment being made, and a Diſcharge thereof lodged with the Sheriff or Steward Clerk, the ſaid Juſtices and Commiſſioners, or the ſaid Truſtees and Commiſſioners, according as the Caſe may be, ſhall from thenceforth have Right, and be at Liberty to take and uſe the Ground ſo valued and paid for in the widening and extending the Highways and Roads aforeſaid, as fully and effectually ever after, to all Intents and Purpoſes, as if the Owner

Owner and Owners of ſuch Ground had executed regular Diſpoſitions of the ſame, and thereupon Infeſtments had followed.

VIII. Provided always, That thirty Days Notice at leaſt ſhall be given to the Owner and Owners of the Grounds ſo to be valued, and of the Fences intended to be altered or removed, of the Day upon which the Jury are to be impannelled for thoſe Purpoſes; and that all Proceedings and Orders of Sheriffs and Stewards in the Premiſes, made by virtue of this Act, ſhall not be removable or queſtionable by Bills or Letters of Advocation or Suſpenſion to, or by any other Court whatſoever; any Law or Uſage to the contrary notwithſtanding. 30 Days Notice to be given to Owners of Grounds and Fences to be valued or altered.

IX. And be it enacted by the Authority aforeſaid, That the Commiſſioners of Supply of every Shire and Stewartry in *Scotland* aſſembled, annually, upon the Day appointed by Act of Parliament for the Aſſeſſment of the Land-tax, ſhall have Power, and they are hereby impowered and required to lay an additional Aſſeſſment for the Payment of ſuch Sum and Sums of Money as ſhall have been for the preceding Year adjudged by the Sheriff or Steward in Manner aforeſaid to the Owner and Owners of Grounds to be taken, and of Fences to be removed or altered, for the widening and enlarging the Highways and Roads, as herein before directed, and to iſſue Precepts upon the Collector and Collectors for the Payment thereof; and that in all Caſes where the Ground ſo valued, or Fences altered or removed as aforeſaid, ſhall be taken or done, for the Widening and Enlargement of a Turnpike Road as eſtabliſhed by Act of Parliament, that the Money adjudged by the Sheriff or Steward therefore ſhall be paid by the Commiſſioners or Truſtees of ſuch Road, out of the Tolls ariſing from the ſame. Commiſſioners of Supply to lay additional Aſſeſſments for Payment of Sums, adjudged by the Sheriff, the preceding Year.

CAP. LIV.

An Act for the better paving, cleanſing, lighting, and watching *Haydon Square*, the *New Square*, *Haydon yard*, *Sheepy-yard*, *Church Street*, *Little Church Street*, otherwiſe the *Church Paſſage*, *Church Court*, and *Kenton Street*, and the Paſſages therein, or leading thereunto, in the Pariſh of *Trinity*, otherwiſe *Holy Trinity*, in the *Minories*, in the County of *Middleſex*, within the Liberty of His Majeſty's *Tower* of *London*; and for other Purpoſes therein mentioned.

'WHEREAS *Haydon Square*, the *New Square*, *Haydon-yard*, *Sheepy-yard*, *Church Street*, *Little Church Street*, otherwiſe the *Church Paſſage*, *Church Court*, and *Kenton Street*, which lie in the Pariſh of *Trinity*, otherwiſe *Holy Trinity*, in the *Minories*, in the County of *Middleſex*, within the Liberty of his Majeſty's *Tower* of *London*, and the Paſſages therein, or leading thereunto, are very ill paved and cleanſed, and are incommodious to Paſſengers, by Nuiſances, Annoyances, and Obſtructions therein, and many Irregularities are committed in the Night-time in the ſaid Squares, Yards, Streets, Paſſage, and Court and the Paſſages therein or leading thereunto, for want of the ſame being properly lighted and watched: And whereas it would be of great Benefit and Advantage to the Inhabitants of the ſaid ſeveral Squares, Yards, Streets, Paſſage, and Court, and to all other Perſons reſorting thereto, or paſſing through the ſame, if the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, were properly paved, cleanſed, lighted, and watched, and all Nuiſances, Annoyances, and Obſtructions therein were removed and prevented for the future, and the Inhabitants of the ſaid ſeveral Squares, Yards, Streets, Paſſage, and Court, are willing to do the ſame at their own Expence, but the ſame cannot be effected without the Aid of Parliament;' May it therefore pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *William Cobbold*, *John Dyer*, *Iſaac Fox*, *Michael James*, *Benjamin Kenton*, *Timothy Mangles*, *Joſeph Merryman*, *John Stiles Mordaunt*, *John Pott*, *William Sharp*, *Thomas Wrigglesworth*, *Samuel Wright*, and their Succeſſors, being Inhabitants of ſome or one of the ſaid Squares, Yards, Streets, Paſſage, or Court, or being a Proprietor or Owner of any Lands, Tenements, or Hereditaments within the ſame, or any of them, to be elected in Manner herein after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe any of the ſaid Commiſſioners ſhall happen to die, or ſhall neglect or refuſe to act for the Space of ſix Months, or ſhall remove out of the ſaid Squares, Yards, Streets, Paſſage, and Court, or ſhall ceaſe to be a Proprietor or Owner of any of the Lands, Tenements, or Hereditaments within the ſame, or any of them, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any five or more of them, from time to time, by Writing under their Hands and Seals, to elect one other Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Room and Stead of the Commiſſioner or Commiſſioners dying, or refuſing to act, removing, or ceaſing to be a Proprietor or Owner of Lands, Tenements, or Hereditaments within the ſame, or any of them, five Days public Notice of the Time and Place of Meeting for every ſuch Election being given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of *Trinity*, otherwiſe the *Holy Trinity*, in the *Minories*, in the County of *Middleſex* aforeſaid, and alſo by Advertiſement in ſome or one of the public News-papers; and every Perſon or Perſons ſo elected ſhall be, and is and are hereby veſted with the ſame Powers for putting this Act in Execution, as the Perſon or Perſons in whoſe Place he or they ſhall be elected was or were veſted with. Preamble. Commiſſioners Names. In caſe of Death, Refuſal to act for one Year, or Removal.

II. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be an Inhabitant of ſome or one of the ſaid Squares, Yards, Streets, Paſſage, and Qualification of Commiſſioners.

and Court; or unleſs he ſhall be an Owner or Proprietor of ſome Lands, Tenements, or Hereditaments, within the the ſame; and unleſs he ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of twenty Pounds, or poſſeſſed of, or intitled to, a perſonal Eſtate of the Value of five hundred Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of his Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed; and wherein the Proof of Qualification ſhall lie on the Perſon proſecuted, and it ſhall be ſufficient for the Proſecutor to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Penalty on Perſons acting if not qualified.

No Victualler to act as a Commiſſioner.

III. And be it further enacted, That no Perſon who ſhall ſell Ale, Wine, or any ſpirituous or fermented Liquors by Retail, ſhall be capable of acting as a Commiſſioner under this Act.

First Meeting of Commiſſioners.

IV. And be it further enacted, That the ſaid Commiſſioners, or any three or more of them, ſhall meet together at the Veſtry-room of the ſaid Pariſh, at Ten of the Forenoon, on the ſecond *Thurſday* after the Day of the paſſing of this Act, and ſhall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themſelves, from time to time, to meet at the ſame Place, or at ſuch other Place within the ſaid Pariſh, as the ſaid Commiſſioners, or any three or more of them, ſhall, from time to time, think fit: And if at any Meeting ſo appointed there ſhall not appear a ſufficient Number of Commiſſioners to act, or to adjourn to another Day; or in caſe the ſaid Commiſſioners, ſo aſſembled, ſhall omit, neglect, or refuſe to adjourn themſelves, then, and in every ſuch Caſe, any three of the ſaid Commiſſioners, or the Clerk to the ſaid Commiſſioners, ſhall appoint a Meeting of the ſaid Commiſſioners, to be held within five Days after, at the ſame Place; public Notice whereof ſhall be given by affixing the ſame in Writing on the principal Door of the aforeſaid Pariſh Church, at leaſt three Days before ſuch Meeting.

Manner of Adjournment.

No Order valid unleſs made at a public Meeting.

V. Provided always, That no Order or Determination of the ſaid Commiſſioners, or any of them, ſhall be valid, unleſs the ſame ſhall be made at a Meeting held in purſuance of this Act; nor ſhall any Commiſſioner hereby appointed, or hereafter to be appointed, as aforeſaid, be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Intereſt in any Contract relating to the Execution thereof.

Commiſſioners may appoint Officers;

and remove them, and appoint others.

Officers to give Security.

VI. And be it further enacted, That the ſaid Commiſſioners, or any three or more of them, ſhall and may, by any Writing under their Hands and Seals, appoint one or more Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or Inſpectors, and ſuch other Officers for the Execution of this Act, as they ſhall think proper; and, from time to time, remove him or them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Money to be raiſed by virtue of this Act, pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act as they ſhall think reaſonable: And the ſaid Commiſſioners, or any three or more of them, ſhall, and are hereby required to take ſuch Security for the due Execution of the reſpective Offices, by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners, or any three or more of them, ſhall think proper: And all and every ſuch Perſon and Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall from time to time be appointed to collect or receive the ſame: And all ſuch Officers and Perſons ſo to be appointed as aforeſaid ſhall, under their Hands, at ſuch Times, and in ſuch Manner as the ſaid Commiſſioners, or any three or more of them, ſhall direct, deliver to ſuch Commiſſioners true and perfect Accounts in Writing, of all Matters and Things committed to their Charge, by virtue of this Act; and alſo of all Monies which ſhall have been by them reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof has been paid and diſburſed, and for what Purpoſe, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or any three or more of them, or to ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required, (which Oath the ſaid Commiſſioners, or any two or more of them, are hereby impowered to adminiſter) verify their ſaid Accounts: And if any Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make ſuch Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or any two or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, within ſeven Days after being thereunto required by Notice in Writing under the Hands of any two or more of the ſaid Commiſſioners, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands to the ſaid Commiſſioners, or any two or more of them, or as they ſhall direct or appoint; then, and in any of the Caſes aforeſaid, the ſaid Commiſſioners, or any three or more of them, may, and are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of the ſaid Commiſſioners, or in the Names of any two or more of them, againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or any two or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any Refuſal or Neglect as aforeſaid, to any Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing, ſhall be and reſide; ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and

Perſons liable to Rates, to pay the ſame to Collectors appointed.

Officers to account upon Oath.

Officers refuſing to account,

Juſtices to enquire into the Default;

Seals, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way: And if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any one or more credible Witneſs or Witneſſes upon Oath before ſuch Juſtice or Juſtices (which Oath he or they are hereby impowered to adminiſter), it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hand or Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice or Juſtices may, and he and they is and are hereby authoriſed and required, upon the Non-payment thereof, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons offending in the Premiſes reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy ſuch Money, and the Charges of ſuch Diſtreſs and Sale; or in caſe it ſhall appear to ſuch Juſtice or Juſtices, by the Confeſſion of the Party ſo offending, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter), that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Officer or Perſon, and he ſhall refuſe to deliver the ſame as aforeſaid; then, and in either of the ſaid Caſes, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol of the County or Place where ſuch Offender ſhall be and reſide, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, or any five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners, or any five or more of them, are hereby impowered to make), and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any five or more of them.

Monies deficient to be levied by Diſtreſs.

For want of Diſtreſs, the Offender to be committed, till Payment or Compoſition made.

VII. Provided always, That no Perſon who ſhall be committed on account of his having no Goods or Chattels, ſhall be committed for any Term longer than three Months.

Proviſo.

VIII. And be it further enacted, That upon the Death of any ſuch Officer or other Perſon to be appointed as aforeſaid, his Executors or Adminiſtrators ſhall, within twenty-one Days next after ſuch Deceaſe, deliver to the ſaid Commiſſioners under this Act, or any two or more of them, or to ſuch Perſon or Perſons as they, or any two or more of them, ſhall, by Writing for that Purpoſe under their Hands, appoint, an Account in Writing under his, her, or their Hand or Hands of the Monies collected or received by the Perſon ſo deceaſed, for the Purpoſes of this Act; and ſhall alſo deliver all Books, Papers, and Things, concerning his Office, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any three or more of them, by Writing under their Hands, ſhall appoint to receive the ſame; and ſuch Money, if any due, ſhall be paid by the Executors or Adminiſtrators of the Perſon or Perſons ſo deceaſed, in preference to and before any of his or their Debts are paid or ſatisfied.

Executors to account,

and the Money to be paid in Preference to other Debts.

IX. And be it further enacted, That if any Perſon or Perſons who ſhall be employed by the ſaid Commiſſioners as a Clerk, Surveyor, or any other Officer or Servant, in putting this Act, or any of the Powers herein contained, in Execution, ſhall exact, take, or accept by any Ways or Means whatſoever, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners, or any three or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatſoever, relative to the putting this Act in Execution; or ſhall be by any Ways or Means concerned or intereſted in any Bargain, Contract, or Agreement made, or to be made, by the ſaid Commiſſioners, or any three or more of them, for the Purpoſes of putting this Act in Execution; every ſuch Perſon or Perſons ſo offending ſhall be diſqualified, and for ever be incapable of ſerving or being employed by or under the Commiſſioners appointed by this Act; and ſhall forfeit and pay the Sum of fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record, within three Calendar Months after the Offence committed; in which no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Officers taking other Fees than allowed by this Act, or being concerned in any Bargain, diſqualified, and to forfeit 50 l.

X. And be it further enacted, That from and after the paſſing of this Act, all the preſent and future Pavements, and all Poſts, Rails, and Fences in the ſaid Squares, Yards, Streets, Paſſage, and Court, or any or either of them, and the Paſſages therein, or leading thereunto, as well in the Foot-ways as Carriage-ways, and of all Materials, Implements, and other Things, to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they, or any three or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Names of any three or more of them the ſaid Commiſſioners, or in the Name of their Treaſurer or Clerk, or to prefer any Bill or Bills of Indictment in any ſuch Name or Names, as the Caſe ſhall require, againſt any Perſon or Perſons whomſoever, who ſhall ſteal, purloin, or by any Ways or Means carry away, ſpoil, injure, or deſtroy, or cauſe to be ſtolen, purloined, taken, carried away, ſpoiled, injured, or deſtroyed, the ſame, or any Part or Parts thereof; and the ſaid Commiſſioners, or any three or more of them, ſhall have full Power and Authority, from time to time, and at all times hereafter, to ſell and diſpoſe of all or any Part or Parts of the old and uſeleſs Materials to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, at ſuch Price or Prices as the ſaid Commiſſioners, or any three or more of them, ſhall think reaſonable; and the Money ariſing therefrom ſhall be applied to ſuch and the ſame Purpoſes as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made are to be applied.

Pavements veſted in the Commiſſioners.

Commiſſioners may ſell the old and uſeleſs Materials.

XI. And be it further enacted, That the ſaid Commiſſioners, or any three or more of them, ſhall have full Power and Authority, from time to time, and at all times hereafter, to cauſe, order, and direct all or

Streets to be paved.

any of the ſaid Squares, Streets, Yards, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be new paved, repaired, relayed, raiſed, lowered, or altered, when, and as often, and in ſuch Manner and Form, and with ſuch Materials as the ſaid Commiſſioners, or any three or more of them, ſhall think fit; and the Middle or Area of the ſaid Square, called *Haydon Square*, or ſuch Part as they ſhall think fit, to be railed and fenced off, and alſo the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be freed from all Annoyances, Nuiſances, Incroachments, and Obſtructions whatſoever, and for ſuch Purpoſes, may, from time to time, cauſe to be dug, carted, and carried out of or brought into the ſame, or any of them, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Water-pipes which now lie or hereafter ſhall be laid under Ground, to be taken up and new laid in ſuch Places, Manner, and Form, as they the ſaid Commiſſioners, or any three or more of them, ſhall judge beſt; and to employ ſuch Artificers, Workmen, and other Perſons, and to iſſue ſuch Money on theſe Accounts, and to do all and every ſuch other Acts and Things as the ſaid Commiſſioners, or any three or more of them, ſhall judge neceſſary, fit, or reaſonable, for the effectually carrying the Purpoſes of this Act into Execution.

Commiſſioners may alter Pipes and Plugs,

nor remove the Ciſtern, &c. in Haydon Square.

XII. Provided always, That the ſaid Commiſſioners ſhall not remove, or cauſe to be removed, the Ciſtern, Dung-hole, and Horſe-pond now ſtanding and being on the Eaſt Side of the ſaid Square, called *Haydon Square*, without the Conſent of the Owner or Owners thereof; but ſhall permit and ſuffer the ſaid Ciſtern, Dung-hole, and Horſe-pond, and the Uſe thereof, to remain as the ſame now are.

Not to interfere with the City paving.

XIII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to interfere with any Parts or Places under the Direction of the Commiſſioners for paving, cleanſing, and lighting the City of *London*, and Liberties thereof.

Commiſſioners to erect Lamps, and to appoint Watchmen.

XIV. And be it further enacted, That the ſaid Commiſſioners, or any three or more of them, may, and they are hereby impowered to cauſe ſuch and ſo many Glaſs Lamps to be erected in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto; and to fix ſo many of ſuch Lamps as they ſhall think proper to any Houſe or other Building, making good the Damage which ſhall be done thereto; and to appoint a competent Number of fit and able-bodied Men to watch and guard the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, hereby intended to be lighted and watched; and, from time to time, to contract with any Perſon or Perſons for lighting, maintaining, and repairing the ſaid Lamps, and to make ſuch Allowances to ſuch Watchmen for their Attendance, and to give ſuch Orders and Directions concerning the ſame, and the Manner in which the ſaid Watchmen ſhall be armed and ſtationed, and for the due and regular Performance of the ſaid reſpective Services, as they the ſaid Commiſſioners, or any three or more of them, ſhall judge reaſonable and expedient, and, from time to time, to remove any of the ſaid Watchmen, and to appoint others in their Stead; and the Expence of erecting, lighting, and maintaining ſuch Lamps, and the Allowances to be made to ſuch Watchmen, and all other Charges incident to the ſaid reſpective Services, ſhall be paid and diſcharged out of the Rates to be raiſed by virtue of this Act.

Allowance to be made to the Watchmen, who may be removed.

Duty and Power of the Watchmen,

XV. And be it further enacted, That the ſaid Watchmen ſhall, during the Time of their being ſtationed in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, uſe their beſt Endeavours to prevent Murders, Robberies, and all other Outrages, Miſdemeanors, and Indecencies; and, to that End, it ſhall and may be lawful for the ſaid Watchmen, or any of them, and they and every of them are hereby impowered and required, without further Warrant, to apprehend and ſecure all Malefactors, Rogues, Vagabonds, and all other diſorderly Perſons who ſhall be found loitering, wandering, or miſbehaving themſelves, or committing any Diſorders or Offences in or near the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein or leading thereunto, or whom the ſaid Watchmen ſhall have Reaſon to ſuſpect of any evil Deſigns; and the Perſon or Perſons ſo apprehended ſhall be delivered, as ſoon as conveniently may be, into the Cuſtody of a Conſtable, or other Peace Officer, who is hereby required to ſecure ſuch Perſon or Perſons, and, as ſoon as conveniently may be, to convey him, her, or them, before ſome Juſtice or Juſtices of the Peace for the County of *Middleſex*, or the Liberty of his Majeſty's *Tower* of *London*, to be examined and dealt with according to Law.

Property of Lamps, &c. veſted in Commiſſioners,

XVI. And be it further enacted, That the Right and Property to and in all ſuch Lamps as ſhall be erected or fixed in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein or leading thereunto, in purſuance of this Act; and to and in the Poſts, Irons, and other Furniture of ſuch Lamps; and alſo to and in all Watch-houſes, Coats, Arms, Implements, and Things to be provided for the ſaid Watchmen, ſhall be veſted in the ſaid Commiſſioners; and they, or any three or more of them, are hereby impowered to bring Actions in the Names of any two or more of them, or in the Name of their Treaſurer or Clerk, or to prefer and proſecute, with Effect, Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, injure or damage the ſame, or ſhall diſturb them in the Poſſeſſion thereof.

Penalty on Perſons breaking Lamps,

XVII. And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage any of the Lamps which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace for the County of *Middleſex*, or Liberty of his Majeſty's *Tower* of *London*, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party or Parties accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County of *Middleſex*, or Liberty of his Majeſty's *Tower* of *London*; and the Party accuſed being brought

brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon Information as aforesaid, he, she, or they so convicted shall, for the first Offence, respectively forfeit the Sum of twenty Shillings for each Lamp so broken, thrown down, damaged, or extinguished, as aforesaid; and for the second Offence the Sum of two Pounds for every such Lamp; and for the third and every subsequent Offence the Sum of four Pounds for every such Lamp; and full Satisfaction shall also be made to the said Commissioners, or any three or more of them, or to their Treasurer or Clerk, by such Offender or Offenders, for the Damage so by him, her, or them done: And in case such Offender or Offenders shall not upon Conviction pay the Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the Common Gaol for the said County or Liberty, there to be kept to hard Labour for any Time not exceeding three Calendar Months, or less than one Month: And such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and one half of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other half shall be applied as the Rates or Assessments to be made by virtue of this Act are directed to be applied.

Penalty on Persons negligently breaking Lamps.

XVIII. And it is hereby enacted, That if any Person or Persons shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not upon Demand make Satisfaction to the said Commissioners, or any three or more of them, or to their Treasurer or Clerk, for the Damage by such Person or Persons done as aforesaid; it shall be lawful for any Justice of the Peace for the said County of *Middlesex*, or Liberty of his Majesty's *Tower of London*, and he is hereby required, upon Complaint thereof made by any one or more of the said Commissioners, or their Treasurer or Clerk, to summon the Party or Parties complained of, and upon his, her, or their appearing or making Default to appear (Oath being made that the Party or Parties complained of was or were served with such Summons, or that the same was left at his, her, or their Dwelling-house or Place of Abode, if known, or that he, she, or they could not be found) such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either by the Confession of the Party or Parties complained of, or by the Oath of one or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained of, for the Damage so by him, her, or them done, as to such Justice shall appear just and reasonable; and shall cause the Sum so awarded (in case the same be not paid forthwith, upon the making such Award or Order) to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons complained of, rendering to him, her, or them, upon Demand, the Overplus (if any be) after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted.

Commissioners may make Contracts.

XIX. And be it further enacted, That the said Commissioners, or any three or more of them, may, and they are hereby impowered, from time to time, and at all times hereafter, as Occasion shall require, to contract with any Person or Persons for paving, relaying, repairing, raising, lowering, amending, altering, and keeping in Repair, cleansing, and lighting, all or any of the said Squares, Yards, Streets, Passage, and Court, and the Passages therein, or leading thereunto, and for the several Works hereby directed to be performed, or any of them; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof; and such Contract or Contracts shall be signed by the said Commissioners, or any three or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract, five Days Notice shall be given in some public News-paper, expressing the Intention of such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose to the said Commissioners, or any three or more of them, at a certain Time and Place in such Notice to be mentioned.

Notice thereof to be given.

Paviors, Carters, &c. to be appointed.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any three or more of them, from time to time, to employ such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, in all and every or any of the respective Works aforesaid, as they shall judge necessary for the due Execution of such Works; and no Person or Persons shall, for any Act done in consequence of his or their being so employed by Order of such Commissioners, be subject or liable to any Action, Indictment, or Information upon the Statute made in the fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices*.

Disputes about Wages of Workmen, how to be settled.

XXI. And be it further enacted, That if any Dispute shall arise with respect to the Wages of such Paviors, Artificers, Workmen, or Labourers, employed on or about the said Pavement or Works to be done, it shall and may be settled by any one of his Majesty's Justices of the Peace for the County of *Middlesex*, or for the Liberty of his Majesty's *Tower* of *London*, in a summary Way, whose Determination shall be final.

Penalty on obstructing Workmen.

XXII. And be it further enacted, That if any Person or Persons shall, at any Time or Times, obstruct, hinder, or molest any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons whomsoever, who are or shall be employed by virtue of this Act, in the Performance or Execution of his, her, or their Duty; every such Person so offending shall, for the first Offence, forfeit the Sum of five Pounds; for the second Offence, the Sum of ten Pounds; and for the third and every other Offence, the Sum of twenty Pounds.

XXIII. And

For taking up Pavement where Water-pipes break.

XXIII. And be it further enacted, That when and ſo often as any Pipe or Pipes belonging to any Water Companies who do or ſhall furniſh any Part of the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, with Water, and which now lie or hereafter ſhall be laid under Ground, ſhall break, burſt, or decay, ſo as to require Reparation, the Clerk or Surveyor for the time being to the Commiſſioners, or ſuch other Perſon as the ſaid Commiſſioners, or any three or more of them, ſhall appoint for that Purpoſe, ſhall forthwith give immediate Notice to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does, do, or may belong, who is hereby required to take up the Pavement, and open the Ground at or near the Place where ſuch Reparation ſhall appear to be wanting: And if, upon taking up of the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken, burſt, or decayed, do not nor doth not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; then, and in every ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice in Writing to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes do or doth belong; ſuch Notice to be given or left with ſuch Pavior or Paviors at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in and well and ſufficiently ram the Ground, within two Days after ſuch Notice given, or left as aforeſaid; and ſhall alſo, within twenty-four Hours after ſuch Pipe ſhall be repaired, and the Ground filled in, give Notice in Writing to the Pavior or Paviors contracting with the ſaid Commiſſioners, or the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in; ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broken, do or doth not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes do or doth belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement and opened ſuch Ground, for ſuch Work: And in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within twenty-four Hours after Notice given, he ſhall, for the firſt Offence, forfeit and pay the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of four Pounds: And in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or decayed ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in and well and ſufficiently ram the Ground ſo taken up, for the Space of twenty-four Hours next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid; ſuch Pavior ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of four Pounds: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement ſo broken or taken up for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within twenty-four Hours after ſuch Notice given to him as aforeſaid; or if the Surveyor or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Contractor, or other proper Perſon or Perſons, of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the firſt Offence, forfeit the Sum of twenty Shillings; for the ſecond Offence, the Sum of forty Shillings; and for the third and every other Offence, the Sum of four Pounds.

Companies having no Pavior, Notice to be given to the Clerk.

XXIV. Provided always, That if it ſhall happen that at any Time there ſhall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Caſe, ſuch Notice as aforeſaid ſhall be delivered to or left at the Office of the Clerk or Secretary of ſuch Company reſpectively, who ſhall, in every ſuch Caſe, be ſubſtituted in the Room of ſuch Pavior, to all Intents and Purpoſes aforeſaid.

Pavior of Water Companies to give Notice of their Abode.

XXV. And be it further enacted, That every Pavior now appointed, or hereafter to be appointed, by the ſaid ſeveral Water Companies who ſhall have any Pipe or Pipes laid in, through, or under any of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, ſhall, and is hereby required, within the Space of one Month next after the paſſing of this Act, or within the Space of ſeven Days next after he ſhall be appointed Pavior to ſuch Company or Companies, and within the Space of three Days next after every Removal of his Abode, to give Notice in Writing to the Surveyor or Clerk for the time being to the ſaid Commiſſioners, of his the ſaid Pavior's Name and Place of Abode, and to what Company he is Pavior; and in caſe any ſuch Pavior ſhall neglect or refuſe to give ſuch Notice within the reſpective Times aforeſaid, every ſuch Pavior ſo offending ſhall, for the firſt Offence, forfeit the Sum of five Shillings; for the ſecond Offence, the Sum of ten Shillings; and for the third and every other Offence, the Sum of twenty Shillings.

Notice of taking up any Pavement to be given to Commiſſioners, the Pavement to be repaired by the Commiſſioners, and the Parties taking up the Pavements to reim-

XXVI. And be it further enacted, That when and ſo often as any Part of the Pavement of the ſeveral Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, ſhall be taken up, for the Purpoſe of making, repairing, altering, cleanſing, or emptying any Sewer, Vault, arched Cellar, or Drain, or of laying, altering, or amending any Water-pipe or Plug, or for any other Purpoſe whatſoever, the Perſon or Perſons ſo taking up ſuch Pavement ſhall, within twenty-four Hours, give Notice thereof to the Inſpector, Surveyor, or Clerk for the time being, of the ſaid Commiſſioners, in order that the ſame may, with all convenient Speed, be laid down and repaired by and under the Direction of the ſaid Inſpector, Surveyor, or Clerk, and the Charges and Expences thereof ſhall be paid by the ſaid Commiſſioners, or any three or more of them; and the ſaid Commiſſioners ſhall be reimburſed the ſame by the

the Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers, who ſhall take up, or cauſe or procure to be taken up, the ſaid Pavement, or any Part or Parts thereof.

Purſe the Commiſſioners the Expence of relaying, &c.

XXVII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, or any three or more of them, from time to time, to compound and agree with the ſaid Companies and Commiſſioners of Sewers, or other Perſon or Perſons reſpectively, for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners for putting this Act in Execution, or any three or more of them, ſhall think reaſonable, in lieu and ſtead of laying down or repairing ſuch Pavement as ſhall be neceſſarily taken up for any of the Purpoſes aforeſaid.

Commiſſioners may compound with Commiſſioners of Sewers.

XXVIII. And be it further enacted, That in caſe ſuch Perſon or Perſons, Companies of Water-works, or Commiſſioners of Sewers reſpectively, ſhall neglect or refuſe to pay the Monies which the ſaid Commiſſioners ſhall have ſo paid and diſburſed, or what ſhall be due upon ſuch Contract or Compoſition as aforeſaid, within two Months next after Notice thereof, to be left by the ſaid Surveyor or Clerk appointed or to be appointed by the ſaid Commiſſioners, at the Dwelling houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works, or Commiſſioners of Sewers reſpectively (which Notice ſhall be in Writing, and ſigned by the Clerk or Surveyor for the time being of the ſaid Commiſſioners for putting this Act in Execution, by Order of the Commiſſioners, or any three or more of them, annexed to the Bill, containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition), it ſhall and may be lawful to and for the ſaid laſt-mentioned Commiſſioners, or any three or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk, or in the Names of two or more of the ſaid Commiſſioners for the time being, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons hereby directed to give ſuch Notice to the Surveyor or Clerk for the time being of the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of two Days after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of three Pounds.

Commiſſioners of Sewers, &c. neglecting to pay the Money expended by the Commiſſioners for repairing the Pavements, after Notice, may be ſued in the Name of the Clerk.

Penalty on neglecting to give Notice of taking up Pavements.

XXIX. And be it further enacted, That if, for the Purpoſes of this Act, it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by any of the ſaid Companies, or of any of the Leaden or other Pipes which ſhall be laid into or from any of the ſaid Company's Pipes, which the ſaid Commiſſioners, or any three or more of them, ſhall and may, and they are hereby impowered to cauſe the ſame to be done, from time to time, and in ſuch Place or Places as they, or any three or more of them, in their Diſcretion, ſhall think proper, the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act; and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit of.

Commiſſioners impowered to raiſe, ſink, &c. Pipes, &c.

'XXX. And, for the more eaſily obtaining of Water in Caſes of Fire,' Be it further enacted, That the ſeveral Water Companies, who ſhall ſupply any of the Inhabitants of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, with Water, ſhall, from time to time, within the Space of thirty Days after the paſſing of this Act, or within ſeven Days after the Appointment of any Turncock or Turncocks, give Notice in Writing to the ſaid Commiſſioners of the Names and Places of Abode of their reſpective Turncocks, diſtinguiſhing the Diſtricts to which they reſpectively belong; and if any of the ſaid Companies ſhall neglect to give ſuch Notice within the Times aforeſaid, they ſhall, for every ſuch Neglect, forfeit the Sum of forty Shillings: And the ſaid Commiſſioners ſhall, and they are hereby required, yearly, to cauſe to be printed and diſtributed among the Houſeholders and Inhabitants of the ſaid Squares, Yards, Streets, Paſſage, and Court, within the ſaid Pariſh, a Liſt of the Names and Places of Abode of the ſeveral Turncocks of ſuch Water Companies reſpectively.

Names of the Turncocks to be delivered, on the Penalty of 40 s. for every ſuch Neglect.

XXXI. And be it further enacted, That if any Perſon ſhall, from and after the paſſing of this Act, without Authority from the ſaid Commiſſioners, or any three or more of them, or (in caſe of Exigency) from their Clerk or Surveyor for the time being, take up or alter, or cauſe to be taken up or altered, any Part of the Pavement of the ſaid ſeveral Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, for any Purpoſe whatſoever; every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of five Pounds, and ſhall pay the Expence of relaying and reinſtating the ſame, according to the Direction of the ſaid Commiſſioners, or any three or more of them, or of the Surveyor for the time being: And the ſaid Forfeiture and Expence ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record, in the Names of any two or more of the ſaid Commiſſioners, or in the Name of their Treaſurer or Clerk, to be commenced within ſix Months next after ſuch Offence committed; in which Action or Suit no Protection, Eſſoin, or Wager of Law, nor more than one Imparlance, ſhall be allowed.

Penalty on Perſons neglecting to give Notice of taking up ſuch Pavement.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any three or more of them, from time to time, to direct and cauſe the Courſe of any Gutter or Channel, running in, through, or croſs the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, to be turned or altered in ſuch Manner as they ſhall think proper, and to direct any Grate or Grates, already placed, or hereafter to be placed, over any Sewers, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think moſt proper; ſo as the ſame be not prejudicial to the public Sewers; all which ſhall, from time to time, be done at the Expence of the ſaid Commiſſioners, and paid for out of the Money ariſing by virtue of this Act; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

Commiſſioners may alter the Courſe of Gutters, &c.

XXXIII. And be it further enacted, That when and ſo often as there ſhall be Occaſion to make any new, or to repair any Grate or Grates now being over any Sewer or Sewers, belonging to the Commiſſioners of Sewers in the ſaid Squares, Yards, Streets, Paſſage, or Court, or any of them, the ſame ſhall be

Commiſſioners of Sewers to make and repair Grates.

be made new or repaired by and at the Expence of the ſaid Commiſſioners of Sewers; and the ſame, when ſo made new or repaired, ſhall be laid down in ſuch Manner as ſhall be directed by the Surveyor to the Commiſſioners for putting this Act in Execution.

To repair, empty, and cleanſe old Drains.

XXXIV. And be it further enacted, That when and ſo often as any Sewer or Drain, which is or ſhall be under the Direction of the Commiſſioners of Sewers, ſituate in, or communicating with the ſaid Squares, Yards, Streets, Paſſage, and Court, or any of them, ſhall require to be repaired, cleanſed, or emptied, the ſaid Commiſſioners of Sewers ſhall, from time to time, repair, cleanſe, and empty the ſame.

New Sewers and Grates ſhall be made by Commiſſioners for paving, at their own Expence, and afterwards ſhall be cleanſed and repaired by Commiſſioners of Sewers at their Expence.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any three or more of them, if they ſhall think it neceſſary, to make, or cauſe to be made, any new public Sewer or Sewers, or public Drain or Drains, to communicate with the ſaid Squares, Yards, Streets, Paſſage, and Court, or any of them, and alſo any new Grate or Grates, over ſuch Sewer or Sewers, Drain or Drains, and to cauſe the ſame to be placed in ſuch Manner as the Surveyor to the ſaid Commiſſioners ſhall think proper; and the Expence attending the making ſuch new Sewer or Sewers, Drain or Drains, and Grate or Grates, ſhall be paid out of the Monies ariſing by virtue of this Act; and when ſuch Sewer or Sewers, Drain or Drains, Grate or Grates, ſhall be made and completed, the ſame ſhall be under the Care, Management, and Direction of the Commiſſioners of Sewers, in like Manner as the other Sewers now are; and the ſaid Commiſſioners of Sewers ſhall cauſe ſuch Sewer or Sewers, Drain or Drains, to be, from time to time, for ever after repaired, cleanſed, or emptied, and ſuch Grate or Grates to be, from time to time, made new or repaired, as Occaſion may require.

When Works to be done by the Commiſſioners of Sewers, the Clerk of the Commiſſioners of Pavement to give Notice to the Clerk of the Commiſſioners of Sewers, who is to ſummon the ſaid Commiſſioners. Commiſſioners of Sewers neglecting to meet for ſeven Days, or refuſing to ſend Jury in ten Days to view, or ſuch Jury neglecting or refuſing to take ſuch View or make Preſentment, or Commiſſioners of Sewers neglecting for 20 Days to cauſe the Works directed by the Jury to be done; Commiſſioners, or any three, to cauſe ſuch Works to be done, and recover the Expences from the Commiſſioners of Sewers.

XXXVI And be it further enacted, That when and ſo often as it ſhall be neceſſary for the ſaid Commiſſioners of Sewers to do and perform any of the ſeveral Works herein before directed to be done by them, the Clerk to the ſaid Commiſſioners appointed by this Act ſhall give Notice thereof in Writing to the Clerk to the Commiſſioners of Sewers, who ſhall thereupon forthwith ſummon the ſaid Commiſſioners of Sewers to meet, to take the Premiſes into Conſideration, which they are hereby authoriſed and required to do; and at the ſame Meeting, or at any adjourned or other Meeting, to exerciſe the ſeveral Powers and Authorities with which they are or ſhall be inveſted: And in caſe the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to meet by the Space of ſeven Days next after ſuch Notice given, or, being met, ſhall refuſe or neglect, for the Space of ten Days then next, to ſend out a Jury to view the Place where ſuch Work is thought neceſſary to be done; or if ſuch Jury ſhall refuſe or neglect to take ſuch View, and make their Preſentment thereupon; or in caſe the ſaid Commiſſioners of Sewers ſhall, by the Space of twenty Days next after ſuch Preſentment made, neglect or refuſe to cauſe the ſaid Works to be done, if ſuch Jury ſhall return or report the ſame neceſſary, and the ſaid Works can be done and finiſhed within that Time; that then it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any three or more of them, to cauſe ſuch Works to be done and finiſhed, the Charges and Expences whereof ſhall be paid by the Commiſſioners for putting this Act in Execution, who ſhall be reimburſed the ſame by the Clerk or Treaſurer for the time being to the ſaid Commiſſioners of Sewers: And in caſe the ſaid Clerk or Treaſurer to the ſaid Commiſſioners of Sewers ſhall neglect or refuſe to pay what ſhall have been ſo paid and diſburſed, within ſixty Days next after Notice thereof for that Purpoſe ſhall be left at the Dwelling-houſe or Place of Abode of ſuch Clerk or Treaſurer, which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and annexed to the Bill containing an Account of ſuch Charges and Expences, it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act, or any three or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk, againſt ſuch Clerk or Treaſurer to the ſaid Commiſſioners of Sewers, for the Recovery of ſuch Sum or Sums of Money as the ſaid Commiſſioners for putting this Act in Execution, or any three or more of them, ſhall have ſo expended for any of the Purpoſes aforeſaid; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Streets to be watered.

XXXVII. And be it further enacted, That the ſaid Commiſſioners, or any three or more of them, ſhall have full Power and Authority to cauſe the ſaid Squares, Yards, Streets, Paſſage and Court, and the Paſſages therein, or leading thereunto, to be watered as often as they ſhall think fit; and alſo to cauſe any Well or Wells to be dug and ſunk in ſuch Places as they ſhall think proper; and alſo any Pump or Pumps to be erected in or near ſuch Places; and alſo any Pump or Pumps now ſtanding in any of the ſaid Streets, Squares, Yards, Paſſage, and Court, and the Paſſages therein, or leading thereunto, to be removed or altered, and to defray the Expences thereof out of the Monies to be raiſed by virtue of and for the Purpoſes of this Act.

Foot-paths to be ſwept every Day (except Sunday) between the Hours of Six and Nine.

XXXVIII. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, ſhall, from and after one Week from the paſſing of this Act, ſweep and clean, or cauſe to be ſwept and cleanſed, the Foot-paths before their reſpective Houſes, Buildings, and Walls, once in every Day, between the Hours of Six and Nine of the Clock in the Forenoon (*Sundays* excepted) upon Pain of forfeiting, for every Neglect therein, the Sum of five Shillings.

No Waggon ſhall ſtand acroſs the Street longer than for the loading and unloading; nor any

'XXXIX. And, for the more ſpeedy Removal of ſundry Nuiſances and Obſtructions in the ſaid Squares, 'Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto,' Be it further enacted, That if any Cart, Waggon, Dray, or other Carriage, ſhall be ſuffered to ſtand or continue in any Part of any ſuch Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, longer than is neceſſary for the loading or unloading thereof; or if any Coach, Chariot, or other

Carriage, or any Goods, Materials, or Things whatſoever, ſhall ſtand, be placed, laid, and left, in any of the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, ſo as to obſtruct the free Paſſage thereof; then, and in every ſuch Caſe, any one or more of the ſaid Commiſſioners, or any one or more of their Officers, ſhall and may ſeize, or cauſe to be ſeized, the Cart, Waggon, Dray, Coach, Chariot, or other Carriage, ſo placed, or ſuffered to ſtand or continue, contrary to the true Intent and Meaning of this Act, together with the Horſe or Horſes thereunto belonging, or the Goods, Materials, or Things, ſo laid or placed, and left as aforeſaid, and remove the ſame, or cauſe the ſame to be removed to ſuch Place or Places, as by the ſaid Commiſſioners, or any three or more of them, ſhall be appointed for that Purpoſe, in the Nature of a common Pound, there to be kept, until the Owner or Owners thereof, or his, her, or their known Servant or Servants, or other Perſon authoriſed by him, her, or them, ſhall and do claim the ſame, and pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall then be, the Sum of ten Shillings, together with the Charges of removing and keeping the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Sum of ten Shillings, and Charges paid, within the Space of five Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any three or more of them, to cauſe the ſame to be ſold, and, after deducting the ſaid Sum of ten Shillings, and the Charges of removing and keeping, appraiſing and ſelling the ſame, the Overplus ſhall be paid to the Owner or Owners thereof upon Demand. Coach, Chariots, Goods, &c.

XL. And be it further enacted, That if any Perſon or Perſons ſhall lead, run, ride, drive, or cauſe to be run, driven, or drawn, any Horſe, Mule, or other Beaſt, or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Caſk, Wheelbarrow, or any other Carriage whatſoever, on any Part of the Foot-pavements of any of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, every ſuch Perſon or Perſons ſhall forfeit, for the firſt Offence, the Sum of ten Shillings; for the ſecond Offence, the Sum of twenty Shillings; and for the third, and every other Offence, the Sum of forty Shillings. Penalty on obſtructing Foot-paths.

XLI. Provided always, and be it further enacted, That any Perſon or Perſons ſhall and may erect or ſet up, or cauſe to be erected and ſet up, in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, any Incloſure, Poſts, Bars, or Rails, or other Matters or Things for the Purpoſes of making Mortar, and depoſiting Bricks, Lime, or other Materials, for building or repairing any Houſes, Buildings, or other Works, every ſuch Perſon or Perſons firſt obtaining Leave under the Hand of the Surveyor or Clerk for the time being of the ſaid Commiſſioners, which he is hereby impowered to give, by their Permiſſion, ſigned by two or more of them; but if any Perſon or Perſons ſhall erect or ſet up, or cauſe to be erected or ſet up, any ſuch Incloſures, Poſts, Bars, or Rails, or any other Matter or Thing for the Purpoſes aforeſaid, without ſuch Leave firſt had and obtained, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding five Shillings, for every Hour ſuch Incloſure, Matter, or Thing as aforeſaid, ſhall remain and continue. Incloſures may be made for the Purpoſe of building.

XLII. And be it further enacted, That the ſaid Commiſſioners, or any three or more of them, may order and direct the Houſes or other Buildings within the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, to be numbered with Figures placed or painted on the Doors thereof, or on ſuch other Part of the ſaid Houſes and Buildings reſpectively, as they the ſaid Commiſſioners, or any three or more of them, ſhall think proper; and alſo may order and direct to be engraved, painted, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of each of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein or leading thereunto, the Names by which ſuch reſpective Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, is uſually, or properly called or known: And if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, injure, obliterate, or deface any ſuch Number, Figure, or Name, or any Deſcription, or any Part thereof, or cauſe and procure the ſame to be done, and ſhall be convicted thereof, by his, her, or their own Confeſſion, or by the Oath of one or more credible Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace, acting in and for the County, Liberty, or Place where ſuch Offence ſhall be committed, every ſuch Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of twenty Shillings. Houſes to be numbered, and Names of Streets painted. Penalty on Perſons defacing Names, &c.

XLIII. And be it further enacted, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any three or more of them, ſhall and may cauſe all Signs, or other Emblems, to denote the Trade or Calling of any Perſon or Perſons, which then or at any Time after ſhall be placed or hung in any Part of the ſaid Squares, Yards, Streets, Paſſage and Court, and the Paſſages therein, or leading thereunto, to be fixed or placed on the Fronts of ſuch Houſes, Shops, Warehouſes, or Buildings reſpectively whereunto the ſame ſhall belong: And alſo, ſhall and may cauſe all Sign-poſts, Sign-irons, Poſts, Boards, Spouts, Gutters, Pent-houſes, Sheds, Rails, Butchers Gallowſes, or other Things occaſioning any Obſtruction, Nuiſance, or Annoyance in the ſaid Squares, Yards, Streets, Paſſage and Court, and the Paſſages therein or leading thereunto, to be taken down, removed, or altered in ſuch Manner as the ſaid Commiſſioners, or any three or more of them, ſhall think moſt proper and convenient; and that for the future, all Signs, Emblems, Boards, Spouts or Gutters, ſhall be placed or fixed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, as the ſaid Commiſſioners, or any three or more of them, ſhall direct, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, erect, or build any Sign, Sign-poſt, or Sign-iron, Board, Spout or Gutter, Shed, or Rail, or cauſe the ſame to be done in any other Manner than as aforeſaid; or ſhall in any Manner occaſion any Obſtruction, Incroachment, Nuiſance, or Annoyance in the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto; every ſuch Perſon or Perſons ſhall, for the firſt Offence, forfeit and Signs to be removed, and placed on the Fronts of the Houſes. All future Signs to be placed on the Fronts of the Houſes. Penalty on placing Signs otherwiſe, and on Incroachments and Annoyances.

and pay the Sum of five Pounds; for the second Offence, the Sum of ten Pounds; and for the third, and every other Offence, the Sum of twenty Pounds, together with all Costs, Charges and Expences, which shall be paid or laid out by the said Commissioners for removing or altering the same; such Costs, Charges and Expences to be recovered by Bill, Plaint, or Information, in any of his Majesty's Courts of Record, or in the Court of Requests for the Liberty of the *Tower Hamlets*.

Unused Sign-irons to be returned.

XLIV. Provided always, and be it further enacted, That if any Sign, Sign-iron, or Post, Board, Gutter, Spout, Penthouse, or other Projection, or any Part thereof, shall remain unused after the Alteration made thereto as before directed, the same shall be returned to, and be the Property of the Person to whom the same belonged before such Removal or Alteration.

Buildings projecting out may be removed.

'XLV. And whereas it will tend to the public Convenience if all Buildings, Erections, Shops, Sheds, 'Annoyances, and Obstructions, projecting into, upon, or adjoining to the said Squares, Yards, Streets, 'Passage and Court, or any or either of them, or the Passages therein, or leading thereto, were taken 'down, removed, or altered;' Be it further enacted, That if any Person or Persons whomsoever, in anywise interested in any of the said Premises, upon ten Days Notice to him, her, or them given or left in Writing, and signed by the said Commissioners, or any three or more of them, at the House or Houses, Place or Places of Abode of such Person or Persons, or at the House, Shop, Shed, or other Place of Abode of the Tenant in Possession of such Premises, shall neglect or refuse to treat, or shall not agree for the Sale of any such Premises, or any Part or Parts thereof, or for their Interest therein; then, and in every such Case, the said Commissioners, or any three or more of them, shall cause the Value of the Premises to be enquired into, and ascertained by and on the Oath of a Jury of twelve indifferent Men of the County of *Middlesex* (which Oath the said Commissioners, or any two or more of them, are hereby impowered and required to administer) and what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested in the Premises before mentioned, or any Part or Parts thereof, which the said Commissioners, or any three or more of them, shall think proper to be pulled down, altered, or removed, for their respective Interests therein; and, in order thereunto, the said Commissioners, or any three or more of them, are hereby impowered and required, from time to time, as they shall see Occasion, to summon and call before the said Jury, and to examine upon Oath, all such Person or Persons who shall be thought necessary or proper to be examined as Witnesses touching or concerning the Premises, which Oath the said Commissioners, or any two or more of them, are hereby impowered and required to administer: And if any of the Parties interested shall request the same, or the said Commissioners, or any three or more of them, shall think it necessary, shall also cause the said Jury to view the Place or Places in Question, and shall use all other Ways and Means, as well for their own as for the said Jury's Information in the Premises, in such Manner as the said Commissioners, or any three or more of them, shall think fit: And, after the said Jury shall have so enquired of, ascertained, and settled such Damages and Recompence, they the said Commissioners, or any three or more of them, shall thereupon order and adjudge the Sum or Sums of Money so assessed by the said Jury for such Premises as aforesaid, to be paid to the Person or Persons interested in the Premises, or any Part or Parts thereof, according to the Verdict and Inquisition; and the Order and Adjudication so had and made, shall be final and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate or Collegiate, and against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs, Executors, or Administrators, and Successors respectively, as well absent as present; Infants, Femes-covert, Lunatics, Idiots, and Persons under any Disability whatsoever; as well as all other Person and Persons whomsoever, and all and every Body or Bodies, Person or Persons, in anywise interested in the Premises, or in any Part and Parts thereof, shall, from and after Tender or Payment of the Money so assessed and adjudged as aforesaid, in Manner hereafter directed, be hereby, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property of, in, or to the same; and the same shall, and are hereby vested in the Commissioners appointed, or to be appointed, by virtue of this Act, for the Purposes of this Act.

Where Persons refuse to treat, &c.

Witnesses to be summoned and examined upon Oath.

Jury to assess the Damage and Recompence.

Verdict of the Jury to be final.

Money awarded for the Premises settled to like Uses.

XLVI. And be it further enacted, That if any Person shall be intitled either in Reversion or Remainder to any such Premises, the Money so awarded by a Jury as a Satisfaction shall be settled to the same Uses as the Premises were, unless such Person so interested shall consent to give up such reversionary Interest.

Sheriffs, &c. to summon a Jury.

XLVII. And be it further enacted, That, for the summoning and returning of such Jury or Juries, the said Commissioners, or any three or more of them, are hereby impowered, from time to time, to issue their Warrant or Warrants to the Sheriff of the said County of *Middlesex*, notwithstanding the said Place in which the said Premises shall be situate shall be within any Liberty or Royalty, thereby requiring him or them to impannel, summon, and return an indifferent Jury of twenty-four Persons to appear before the said Commissioners, or any three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; of which Time and Place all Parties interested shall have ten Days Notice in Writing, to be left at the House or Houses, Place or Places of Abode of such Person or Persons, or at the House, Shop, Shed, or other Place of Abode of the Tenant in Possession of the Premises; and the said Sheriff, or his Deputy or Deputies, is and are hereby required and impowered to impannel, summon, and return such twenty-four Persons accordingly, out of the County at large; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners, or any three or more of them, shall cause to be drawn, in such Manner as Juries for Trial of Issues in any of his Majesty's Courts of Record at *Westminster*, by an Act made in the third Year of the Reign of King *George* the Second, intituled, *An Act for the better Regulation of Juries*, are directed to be drawn, twelve Persons, and shall cause the said twelve Persons to be sworn, who shall be the

Jury

Jury for the Purpoſes aforeſaid: And for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return ſo many of the Standers-by as ſhall be neceſſary to make up the Number of Twelve to ſerve on ſuch Jury.

Unleſs Satisfaction be made within a Month, Verdict not binding.

XLVIII. Provided always, That in caſe the ſaid Sum or Sums to be aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners, or any three or more of them, to be paid as a Satisfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left as herein mentioned, according to the true Intent and Meaning of this Act, within one Calendar Month after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, or any three or more of them, ſhall not be binding upon the ſaid Parties; any Thing herein contained to the contrary notwithſtanding.

Jurors may be challenged. Penalty on Sheriff, &c. making Default.

XLIX. Provided always, and be it enacted, That all Perſons concerned ſhall, from time to time, have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not be at Liberty to challenge the Array: And the ſaid Commiſſioners, or any three or more of them, acting in the Premiſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence touching the Premiſes, ſhall refuſe to be examined or give Evidence; and, from time to time, to levy ſuch Fine or Fines, in ſuch Manner as any Penalties in this Act are directed to be levied and recovered, ſo that no Fine ſhall exceed the Sum of ten Pounds upon any one Perſon for any one Offence.

Fine not to exceed 10 l.

In caſe of Diſputes, &c. Monies to be paid into the Bank.

L. And be it further enacted, That in caſe ſuch Perſon or Perſons to whom ſuch Sums of Money ſhall be ſo aſſeſſed, or due as aforeſaid, cannot be found within three Weeks from the Time of making ſuch Adjudication; or if by reaſon of Diſputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners, or any three or more of them, what Perſon or Perſons is or are intitled to the ſame; or if any Mortgagee or Mortgagees cannot be found as aforeſaid, or ſhall refuſe to take in his, her, or their Mortgage-money, due upon the Premiſes, after Notice given to him, her, or them, for that Purpoſe; then, and in all and every ſuch Caſe or Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any three or more of them, to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due on any ſuch Mortgage, to be paid into the Bank of *England*, in the Name or Names *ex parte* of the Treaſurer or Treaſurers to the ſaid Commiſſioners for the time being, for the Uſe of the Parties intereſted in the ſaid Premiſes, to be paid to them, and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, as the ſaid Commiſſioners, or any three or more of them, ſhall, by any Order to be by them made, direct.

Steps, &c. to be removed.

'LI. And whereas the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or 'leading thereunto, are in ſome Parts thereof greatly obſtructed, and made dangerous to Foot Paſſengers, 'by Steps or Slopes being brought out from Houſes, and by Steps and Doors going down into Cellars, 'Vaults, or other Places, and by Shew-glaſſes, Shew-boards, and other Matters or Things projecting 'from Shops or Houſes, over and beyond the Area belonging to ſuch Houſes, or into the Foot-ways;' Be it therefore further enacted, That from and after the paſſing of this Act, all ſuch Steps or Slopes projecting into the Foot-ways of the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto; and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction in the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them (either in the Foot or Carriage-way thereof) ſhall be, at the Expence of the ſaid Commiſſioners, from time to time, removed, fixed, placed, or altered in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or any three or more of them, or by their Surveyor.

Time of emptying Boghouſes.

LII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall come with any Cart or Carts, or begin to empty any Boghouſe or Boghouſes, Ceſpool or Ceſpools, or to take away any Night-ſoil from any Houſe or Houſes within any of the ſaid Squares, Yards, Streets, Paſſage, and Court, before the Hours of Eleven of the Clock in the Night, or ſhall continue to take away the ſame after the Hour of Six of the Clock in the Morning, from *Michaelmas* to *Lady-day*, or after the Hour of Five of the Clock in the Morning, from *Lady-day* to *Michaelmas*; or if any Perſon ſhall put or caſt, or cauſe to be put or caſt, out of any Cart, Tub, or otherwiſe, in or near any of the Squares, Streets, Paſſage, and Court, any ſuch Night-ſoil; it ſhall and may be lawful to and for any of the ſaid Watchmen to be appointed by the ſaid Commiſſioners, (and they are hereby ſtrictly required and directed ſo to do) or any other Perſon or Perſons whomſoever, to apprehend and carry him or them, guilty of either of the ſaid Offences, to the Watch-houſe of the ſaid Pariſh; and from thence, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the County, Liberty, or Place where the ſame ſhall happen, who, upon Oath made of ſuch Offence or Offences as aforeſaid (which Oath ſuch Juſtice is hereby impowered and required to adminiſter) ſhall and may fine ſuch Perſon or Perſons ſo offending in any Sum not exceeding the Sum of five Pounds, and not leſs than the Sum of forty Shillings; and, in Default of immediate Payment thereof, ſhall and may commit ſuch Perſon or Perſons, guilty of any of the ſaid Offences, to the Common Gaol for the ſaid County, Liberty, or Place, for any Time not exceeding one Month, nor leſs than five Days, there to be kept to hard Labour; and it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order any Sum, not exceeding ten Shillings, nor leſs than two

Penalty for Offences.

Shillings and Sixpence, to be paid to the Perſon who ſhall detect, apprehend, and convey before any ſuch Juſtice or Juſtices of the Peace, any ſuch Perſon or Perſons, guilty as aforeſaid, to be paid out of the Fine hereby before inflicted; or, in caſe the Offender ſhall be committed, out of the Rates to be raiſed by virtue of this Act.

Inhabitants to give Notice to Surveyors when Pavements want any Repairs.

LIII. And be it further enacted, That when and as ſoon as any of the ſaid Squares, Yards, Streets, Paſſage, and Court, ſhall actually be repaved, relayed, or repaired, by the ſaid Commiſſioners, by virtue of this Act, if any Houſeholder or Houſeholders ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors, Clerk or Clerks to the ſaid Commiſſioners, of any Defect or want of Repair in any of the Pavements of the ſaid Squares, Yards, Streets, Paſſage, and Court; then and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners, at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given, or left as aforeſaid, ſhall, upon ſuch View, find the Pavement complained of to be bad and defective (unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under ſuch Pavement) the ſaid Commiſſioners, or any three or more of them, ſhall give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame, within ſuch Time as they ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavement, within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners, to repair and amend the ſame; then and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of twenty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Time limited by the ſaid Commiſſioners, in their ſaid Order: And one half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitants for his or her Loſs of Time and Trouble in and about the Premiſes, and the other half of ſuch Penalty for defraying the Charges and Expences attending the Execution of the ſeveral Powers by this Act granted.

Aſſeſſments to be made yearly.

LIV. And be it further enacted, That from and after the paſſing of this Act, a Rate, or Aſſeſſment (over and above all Rates and Aſſeſſments now payable) ſhall, once in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any five or more of them, be made, laid, charged, and aſſeſſed by the ſaid Commiſſioners, or any five or more of them, upon all and every Perſon or Perſons, Bodies Politic or Corporate, who do or ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Land, Houſe, Shop, Warehouſe, Cellar, Vault, or other Tenement or Hereditament, within any of the ſaid Squares, Yards, Streets, Paſſage, or Court, for raiſing ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any five or more of them, ſhall from time to time think needful, and direct, ſo as ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, do not in any one Year exceed, in the Whole, the Sum of three Shillings in the Pound, of the yearly Rents, or yearly Value, of ſuch of the ſaid Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements or Hereditaments reſpectively, as ſhall be ſituate in any of the ſaid Squares, Yards, Streets, Paſſage, and Court.

LV. And be it further enacted, That all and every Perſon or Perſons charged to the Rates or Aſſeſſments to be made by virtue of this Act, ſhall not be charged or chargeable to any other Rate or Aſſeſſment whatſoever, made or to be made for paving, repairing, cleanſing, lighting, or watching the ſaid Squares, Yards, Streets, Paſſage, or Court, or the Paſſages therein, or leading thereunto, or any of them.

Corner or adjoining Houſes, how to be rated.

'LVI. And whereas ſeveral Houſes, Warehouſes, Shops, or other Buildings in the ſaid Squares, Yards, 'Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, are partly ſituate within the 'ſame, and are partly ſituate in, or do adjoin to or abutt upon other Streets, Lanes, Ways, or Paſſages, 'which are not within or Part of the aforeſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſ'ſages therein, or leading thereunto, intended to be paved, cleanſed, lighted, and watched, by virtue or in 'purſuance of this Act, and ſuch Houſes, or Warehouſes, Shops, or other Buildings are, or may be obliged 'to contribute to the paving, cleanſing, lighting, or watching ſuch other Streets, Lanes, Ways, or Paſ'ſages, or are, or may be ſubject to be rated and taxed towards paving, or repairing, cleanſing, lighting, 'or watching ſuch other Streets, Lanes, Ways, or Paſſages, in which the ſame are partly ſituate, or do 'thereto adjoin or abutt;' Be it therefore further enacted, That ſuch Houſes, Warehouſes, Shops, or other Buildings, ſhall be only rated and taxed for the Purpoſe in this Act at ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any five or more of them, ſhall think reaſonable, not exceeding One-fourth of the Rate they would have been rated and taxed at, if ſuch Houſes, Warehouſes, Shops, or other Buildings had ſtood wholly within the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, intended to be paved or repaired by virtue of this Act.

Commiſſioners impowered to compound with Perſons for not leſs than half of the Rates.

'LVII. And whereas it may be reaſonable to excuſe ſome Perſons from the Payment of the aforeſaid 'Rates or Aſſeſſments in Part, on account of their Poverty;' For Relief therefore in ſuch Caſe, be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, and they are hereby authoriſed and impowered to grant to ſuch Perſon or Perſons ſuch Relief in the Payment of the ſaid Rate or Aſſeſſment, as they the ſaid Commiſſioners, or any five or more of them, ſhall think proper, ſo as the Reduction doth not exceed one half of the Rate or Aſſeſſment to be made by virtue of this Act.

Houſes let in Tenements, how to be rated.

'LVIII. And whereas many Houſes within the ſaid Squares, Yards, Streets, Paſſage, and Court, are, 'by the ſeveral Owners and Proprietors thereof, let out in Lodgings and Tenements, to divers Tenants, 'whereby it will be difficult to rate or aſſeſs the ſaid Tenants in reſpect of ſuch Houſes, or to recover ſuch 'Rates and Aſſeſſments when made;' For Remedy whereof, be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to rate and aſſeſs the Owner or Owners, Proprietor or Proprietors of ſuch Houſes or Tenements as ſhall be let to, or occupied by two

or more Tenants, which Rate or Aſſeſſment ſhall be paid by the Occupier or Occupiers of any Part or Parts of ſuch Houſes and Tenements, and the Occupier or Occupiers of ſuch Houſes or Tenements is and are hereby authoriſed and required to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed upon the Owner or Owners, Proprietor or Proprietors thereof, the ſame being duly demanded of ſuch Occupier or Occupiers, and to deduct the ſame out of his, her, or their reſpective Rents; and the Owner or Owners, Proprietor or Proprietors of ſuch Houſes or Tenements is and are hereby directed and required to allow ſuch Deductions and Payments, upon the Receipt of the Reſidue of his, her, or their Rents; and every ſuch Occupier paying ſuch Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged of and from ſo much of his or her Rent, as the ſaid Aſſeſſment or Aſſeſſments ſo paid by him or her ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons to whom his or her Rent ſhall be due and payable; and in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors thereof, by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or in the Court for the Recovery of ſmall Debts within the *Tower Hamlets*, to be commenced and proſecuted by and in the Name or Names of any two or more of the ſaid Commiſſioners, or of the Collector or Collectors to be appointed by virtue of this Act; in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Power to compound.

LIX. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any five or more of them, from time to time, to compound with the Owner or Owners, Proprietor or Proprietors of any ſuch Houſes or Tenements, the annual Rent or Value whereof ſhall be under ten Pounds, for the Rate by this Act authoriſed to be laid upon ſuch Houſes or Tenements, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment by this Act laid upon ſuch Houſes or Tenements reſpectively.

Public Buildings, &c. to be rated.

'LX. And, foraſmuch as it is reaſonable that all public Buildings, Warehouſes, and all dead Walls, and void Spaces of Ground, within or adjoining to the ſaid Squares, Yards, Streets, Paſſage, and Court, or the Paſſages therein, or leading thereunto, ſhould be rated and aſſeſſed in due Proportion, towards the paving, cleanſing, lighting, and watching the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto;' Be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, and they are hereby required to rate and aſſeſs all Houſes, Church-yards, Chapels, Warehouſes, and other public Buildings whatſoever; and all dead Walls, and void Spaces of Ground, within the ſaid Squares, Yards, Streets, Paſſage, and Court, and the Paſſages therein, or leading thereunto, or any of them, at ſuch Rate as the ſaid Commiſſioners, or any five or more of them, ſhall judge reaſonable for every ſquare Yard of ſuch Churches, Church-yards, Chapels, Warehouſes, and public Buildings, and all dead Walls, and void Spaces of Ground, not exceeding the Rate of Sixpence in the Pound, for every ſquare Yard of Pavement belonging to every ſuch Church, Church-yard, Chapel, Warehouſes, public Buildings, and void Spaces of Ground; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from time to time made upon any Church, Church-yard, or Chapel, ſhall be paid by the reſpective Church or Chapel-wardens; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo to be from time to time made upon any Warehouſes, public Buildings, or upon any dead Wall, or void Spaces of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors thereof.

Untenanted Houſes to be rated.

LXI. And be it further enacted, That if it ſhall happen that any of the Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, within the ſaid Squares, Yards, Streets, Paſſage, and Court, ſhall at the Time of making any of the ſaid Rates or Aſſeſſments be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any five or more of them, to rate and aſſeſs the ſaid Premiſes, and in ſuch Caſe, as well as in caſe the ſaid Premiſes ſhall, after the making of ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, become empty, untenanted, or unoccupied, One-third of ſuch Rate or Aſſeſſment ſhall be a Charge on ſuch Premiſes reſpectively, and be paid by the firſt Tenant or Occupier thereof, who ſhall and may, and is hereby authoriſed to deduct and retain the ſame out of his, her, or their Rents, and the Landlord or Landlords, Owner or Owners of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Abatement upon the Receipt of the Reſidue of his, her, or their reſpective Rents; and the Tenant or Occupier ſhall be, and is hereby acquitted and diſcharged of and from ſo much of his or her Rent as the Rate or Aſſeſſment ſo paid by him or her ſhall amount unto

Manner of recovering the Rates.

LXII. And be it further enacted and declared, That if any Perſon or Perſons who ſhall be rated or aſſeſſed by virtue or in purſuance of this Act, ſhall refuſe or neglect to pay the Money ſo rated or aſſeſſed for the Space of fourteen Days next after the ſame ſhall be due and demanded by the Collector or Collectors authoriſed and appointed to collect and receive the ſame (ſuch Demand being either perſonally made of the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *Middleſex*, or for the Liberty of his Majeſty's *Tower* of *London* (which Warrant the ſaid Collector and Collectors is and are hereby required to apply for, and the Juſtice ſo applied to is hereby authoriſed and required to grant), with the Aſſiſtance of a Conſtable, or other Peace Officer of the Pariſh where the Perſon or Perſons ſo refuſing or neglecting ſhall reſide, to enter into the Houſe or Houſes, Apartment or Apartments, of the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, and then and there to diſtrain his, her, or their Goods and Chattels; and if the ſame ſhall not be replevied, or

ſuch

such Rate or Assessment paid, within five Days next after such Distress made, together with the Costs and Charges thereof, then to sell and dispose of so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Distress and Sale, returning the Overplus (if any) upon Demand, to the Owner or Owners of such Goods or Chattels (the said Costs and Charges to be settled and allowed by such Justice who shall have granted such Warrant or Warrants respectively): And in case no such Goods and Chattels can be found to be so distrained, or in case such Goods and Chattels shall be locked up, or secured, or removed from the said Collector or Collectors, so that he or they cannot distrain the same; then, and in either of the said Cases, upon Information thereof given to any Justice of the Peace acting in and for the said County or Liberty, it shall and may be lawful for such Justice, and he is hereby required to commit the Person or Persons so assessed, and refusing or neglecting to pay the same Rates, to the common Gaol for the County, Liberty, or Place, where such Person or Persons shall reside, or shall be found, there to remain without Bail or Mainprize, for any Time not exceeding two Months, or until the Payment of such Rate or Assessment, and the reasonable Charges occasioned by the Non-payment thereof.

For want of Distress, or Goods to be creted, Persons to be committed.

Occupiers quitting without paying Rates, may be followed.

LXIII. And be it further enacted, That when any Person or Persons who shall or may be rated or assessed by virtue of this Act shall quit his, her, or their Dwelling-house, Warehouse, Shop, Vault, Cellar, Tenement, or Hereditament, whereupon such Rate or Assessment shall be made, before he, she, or they shall have paid the same, and shall afterwards refuse to pay the same when due, and demanded by the Person or Persons authorised or appointed to collect and receive the same; that then, and in every such Case, it shall and may be lawful to and for the said Collector or Collectors, and every or any of them, by Warrant under the Hand and Seal of any one Justice of the Peace acting in and for the said County, or for the Liberty of his Majesty's *Tower* of *London* (which Warrant the said Justice is hereby authorised and required to grant) to enter into any Place within his Jurisdiction, or out of the Limits thereof, such Warrant being first backed or countersigned by some Magistrate in the County, City, or Liberty, where the Distress is to be made, and to distrain the Goods and Chattels of such Person or Persons so neglecting or refusing, and the same to sell and dispose of, rendering the Overplus (if any) upon Demand, to the Owner of such Goods and Chattels, after deducting the reasonable Charges and Expences of such Distress.

Penalty on Collectors refusing to execute the Office.

LXIV. And be it further enacted by the Authority aforesaid, That in case any Person who shall be appointed to the Office or Duty of Collector of the said Rates and Assessments, or any Part thereof, being an Inhabitant of the said Squares, Yards, Streets, Passage, or Court, or any of them, shall refuse or neglect to take such Office and Duty upon him, within the Space of ten Days next after such Rate or Assessment as aforesaid shall be made, and delivered or tendered to him, every Person so refusing or neglecting, and also every such Person who shall be negligent in the Performance or Execution of his Duty, shall, for every such Offence, forfeit and pay the Sum of five Pounds.

None liable to serve above once in two Years.

LXV. Provided nevertheless, That no Person shall be obliged to serve the said Office of Collector oftener than once in two Years.

In case of Collectors becoming insolvent, the Monies to be again assessed.

LXVI. And it is hereby further enacted, That in case any Collector of the said Rates or Assessments shall become insolvent, or shall imbezzle or make away with, detain or misapply, any Sum or Sums of Money so collected by him for the Purposes aforesaid, or shall die possessed of any Sum or Sums of Money by him collected by virtue of this Act, or so as the same cannot be obtained by the Time the said Commissioners shall stand in need thereof, for the Purposes for which the same was collected; then, and in every such Case, such Sum and Sums of Money shall be again rated and assessed by the said Commissioners, or any five or more of them, in the said Squares, Yards, Streets, Passage, or Court, for which such Person shall have been appointed Collector, in such Proportion and Manner as the Rates are directed to be made by this Act; and shall be collected and recovered in such Manner, and under such Penalties, as are herein provided for collecting and recovering the Rates due and payable by this Act.

Agreement between Landlord and Tenant touching the paving, &c. not vacated.

LXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to make void any Contract, Covenant, or Agreement between Landlord and Tenant, touching and concerning the paving, cleansing, lighting, or watching of the said Squares, Yards, Streets, Passage, and Court, and the Passages therein, or leading thereunto, or any Part of them, or any Drain, or Watercourse therein, but that every Person who is now, by virtue of any such Contract or Agreement, obliged to pave, cleanse, or keep in Repair, any Part of the said Squares, Yards, Streets, Passage, and Court, and the Passages therein, or leading thereunto, or any Part of them, or any Drain or Watercourse therein, shall, in lieu thereof, be obliged to pay the said Rates hereby directed to be made and assessed, or so much thereof as shall, by the said Commissioners, or any five or more of them, be deemed just and reasonable, according to the true Meaning of such Contract, Covenant, or Agreement, for and during such Time as such Contract, Covenant, or Agreement shall remain in Force; and in case any Dispute shall arise concerning such Contract, Covenant, or Agreement, the said Commissioners, or any five or more of them, shall have Power, and they are hereby required to hear and finally determine the same.

Commissioners impowered to borrow Money upon the Credit of the Rates.

'LXVIII. And, for the more effectually enabling the said Commissioners to execute the Purposes of 'this Act in the most expeditious Manner,' It is hereby further enacted, That it shall and may be lawful for the said Commissioners, or any five or more of them, and they are hereby impowered, from time to time, when they shall judge it necessary for the Purposes aforesaid, to borrow and take up at Interest any Sum or Sums of Money, not exceeding one thousand Pounds, upon the Credit of the Rates or Assessments to be made by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, signed by the said Commissioners, or any five or more of them, to assign the said Rates and Assessments, or a competent Part thereof, to any such Person or Persons who shall advance or lend such Money thereon, as a Se-

curity or Securities for the ſeveral Sums ſo borrowed, with legal or leſs Intereſt for the ſame; which Intereſt ſhall be payable half-yearly, and paid by the ſaid Commiſſioners, or any five or more of them, out of the Monies to ariſe by or from the Rates or Aſſeſſments to be made by virtue of this Act.

For borrowing Monies by Annuities on Lives.

'LXIX. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities, to be 'ſecured upon and payable out of the ſaid Rates and Aſſeſſments;' Be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, or any five or more of them, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, for the Uſes and Purpoſes of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of one thouſand Pounds, for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of every ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch Contributor or Contributors reſpectively, at the Time of Payment of his, her, or their reſpective Contribution-money, ſo as the ſaid Annuity or Annuities do not exceed the Rate of nine Pounds by the hundred by the Year, and ſo in Proportion for any greater or leſſer Sum to be paid as aforeſaid; and ſo as the ſaid Annuities to be purchaſed in purſuance of this Act do not, at any Time, exceed in the Whole the Sum of one thouſand Pounds.

If Annuitants die, any Perſons may purchaſe Annuities for their Lives.

LXX. Provided always, and it is hereby further enacted, That the better to enable the Commiſſioners to raiſe Money to pay the Money borrowed on the ſaid Rates, and until the ſaid Sum of one thouſand Pounds, to be borrowed by virtue of this Act, ſhall be fully paid and ſatisfied, that when and as often as any ſuch Annuitant or Annuitants ſhall die, it ſhall and may be lawful for any Perſon or Perſons to purchaſe of the ſaid Commiſſioners, or any five or more of them, one or more Annuity or Annuities, in the Room of ſuch Annuitant or Annuitants ſo dying, upon the Life of ſuch Perſon or Perſons, upon ſuch Terms and Conditions, and payable in ſuch Manner as above mentioned, ſo that the Sum or Sums to be contributed for the Purchaſe of any Annuity or Annuities to be granted by virtue of this Act ſhall at no Time exceed the ſaid Sum of one thouſand Pounds.

Annuities charged upon the Rates.

LXXI. And be it further enacted, That all and every Annuity or Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable, from time to time, out of the Monies ariſing by the Rates and Aſſeſſments aforeſaid; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe-money as aforeſaid, for any ſuch Annuity or Annuities as aforeſaid, or his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy, and be intitled by virtue of this Act, to have, receive, and enjoy, the reſpective Annuity or Annuities ſo to be purchaſed out of the ſaid Rates and Aſſeſſments by this Act appointed for Payment thereof as aforeſaid, during the Term of the natural Life of the Perſon to be nominated by each Purchaſer or Contributor as before mentioned: And that all and every ſuch Purchaſer or Purchaſers, and their Executors, Adminiſtrators, and Aſſigns, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the Annuity or Annuities ſo by him, her, or them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act: And that none of the ſaid Annuities ſhall now, or hereafter, be ſubject or liable to the Tax charged, or to be charged, upon Land by Authority of Parliament; and that every Contributor for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe-money, ſhall have a Receipt or Receipts for the ſame; and alſo an Order on Parchment (which may be made without any Stamp) for Payment of the ſaid Annuity or Annuities, for and by four equal quarterly Payments in every Year, the firſt of the ſaid Payments to be made at the Expiration of the firſt Quarter next after Payment of the reſpective Purchaſe-monies; which Order ſhall be ſigned by the ſaid Commiſſioners, or any five or more of them; and after ſigning thereof, the ſame ſhall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

LXXII. And be it further enacted, That the Clerk to the ſaid Commiſſioners for the time being ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by the ſaid Commiſſioners, all Securities for Monies borrowed or Annuities granted by virtue or in purſuance of this Act, and all Aſſignments or Transfers thereof, expreſſing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of all ſuch Perſons as ſhall from time to time be intitled to ſuch Securities, and the Sums received upon ſuch Securities; and alſo the Name, Surname, Addition, Place of Abode, and other Deſcription of every Perſon for whoſe Life any Annuity ſhall be granted by virtue of this Act, and the Days whereon the ſaid Annuity ſhall be payable, to which Book and Books the Perſon and Perſons intitled to and poſſeſſed of ſuch Annuity, and having lent any Monies as aforeſaid, and all and every the Perſon or Perſons liable to the Payment of the ſaid Rates and Aſſeſſments ſhall, at all reaſonable Times, have Acceſs, with free Liberty to inſpect the ſame, without Fee or Reward.

Aſſignments may be tranſferred.

LXXIII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo *toties quoties*; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk to the ſaid Commiſſioners in Manner aforeſaid, which he is hereby required to do without Fee or Reward, ſhall intitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

Aſſignments to be entered in a Book.

Money veſted in Commiſſioners.

LXXIV. And be it further enacted, That all Monies raiſed or collected by virtue or by means, or under the Authority of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied for the Purpoſes of this Act, and to and for no other Uſe or Purpoſe whatſoever.

LXXV. Provided

Expences of the Act to be defrayed out of the first Money arising by the Tolls.

LXXV. Provided always, and be it further enacted, That the Charges and Expences of procuring and passing this Act, shall be paid out of the Monies which shall be raised by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County, Liberty, or Place where the Offence shall be committed; which Warrant such Justice is hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of one or more credible Witness or Witnesses upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be) upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the Charges of such Distress and Sale being first deducted) shall be paid to the Clerk or Treasurer to the said Commissioners for the time being, and be applied towards the Purposes of this Act: And in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorised and required, by Warrant under his Hand, to cause such Offender or Offenders to be committed to the Common Gaol of the County where such Offence shall be committed, or where such Offender shall be convicted thereof, there to remain without Bail or Mainprize for any Time not exceeding two Months, nor less than one Week, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Proviso.

LXXVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any three or more of them, from time to time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures thereof as they shall think proper, not exceeding one Half thereof, to and for the Use of the Informer or Informers; any Thing herein contained to the contrary thereof notwithstanding.

Justices may administer Oaths.

LXXVIII. And be it further enacted, That, in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person, for his or their more certain Information in the Matter then depending.

Justices may act although Commissioners.

LXXIX. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace for the County of *Middlesex*, or for any Justice or Justices for the Liberty of his Majesty's *Tower* of *London*, although such Justice or Justices shall be Commissioners for the Purposes of this Act, to hear and determine any Offences arising within their respective Jurisdictions, which are made punishable by virtue of this Act.

Commissioners to defray their own Expences.

LXXX. And be it further enacted, That the said Commissioners shall, at all their Meetings under this Act, pay and defray their own Expences.

Distress not to be deemed unlawful for want of Form, nor the Party distraining be deemed a Trespasser ab initio.

LXXXI. And be it further enacted, That where any Distress or Sale shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or want of Form in any Proceedings relating thereto; nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be hereafter done by the Party or Parties distraining or selling; but the Person or Persons aggrieved by such Irregularity may recover such Satisfaction for the special Damage in an Action on the Case.

Plaintiffs not to recover if Tender of Amends be made.

LXXXII. Provided always, That no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrong Proceeding before such Action brought; and the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, may, at any Time before Issue joined, pay into Court such Sums of Money as he or they shall think fit; whereupon such Proceedings, or Orders and Judgements shall be had, made, and given in and by such Court, as in other Actions where the Defendant shall be allowed to pay Money into Court.

Writings to be without Stamps.

LXXXIII. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Commissioner or Commissioners, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only signed by any other Person or Persons whomsoever relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Orders, &c. to be entered in Books.

LXXXIV. And be it further enacted, That the Orders and Proceedings of the said Commissioners, or any of them, at all their Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks, at any Meeting of three or more of the said Commissioners assembled, as the Case shall require; and such Order shall be deemed and taken to be original Orders for that Purpose; which Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons shall and may, within three Months next after the Cause of Complaint shall arise, appeal to the Justices of the Peace, at the General Quarter Sessions of the Peace to be holden in and for the County of *Middlesex*, or Liberty of his Majesty's *Tower* of *London*, such Appellant first giving, or causing to be given, five Days Notice in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer to the said Commissioners, and, within fourteen Days next after such Notice, entering into a Recognizance or Recognizances, before some Justice of the Peace in and for the said County or Liberty, with two sufficient Sureties conditioned to try such Appeal, mentioned in such Notice, and

and abide the Order, and pay such Costs as shall be awarded by the said Justices; and the Matter of such Appeal shall be heard and determined by the said Justices at the next General Quarter Sessions of the Peace, to be held in and for the said County or Liberty, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said County or Liberty, which shall first happen next after the Expiration of one Month from the Day of giving such Notice; and the said Justices, at such Sessions or Adjournment, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive, to and upon all Parties concerned or interested therein.

Justices to amend Rates appealed against, without altering the other Rates.

LXXXVI. Provided always, That upon all Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace (where they shall see just Cause for Relief) shall, and are hereby impowered to amend the same Rates and Assessments, in such Manner only as shall be necessary for giving Relief to the Persons so appealing, without altering such Rates or Assessments with respect to any other Persons mentioned in the same.

Proceedings not to be quashed for want of Form only.

LXXXVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXXVIII. And be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, unless thirty Days Notice thereof shall be first given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plaintiffs, or unless the same shall be commenced before the Expiration of six Months next after the Fact committed, or unless Tender of reasonable Amends hath not, or shall not have been made by or on Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid and brought in the County of *Middlesex*; and the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in pursuance of this Act, shall and may plead the General Issue, and give this Act, and the special Matter in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be brought, was done in pursuance, and by the Authority of this Act: And if such Matter or Thing shall appear to have been so done, or if it shall appear, that such Action or Suit was brought before thirty Days Notice thereof was given in Writing to the Clerk or Treasurer of the said Commissioners, signed by the Plaintiff or Plaintiffs; or if it shall appear, that such Action or Suit was not commenced before the Expiration of six Months next after the Fact committed; or if it shall appear that Tender of reasonable Amends was made by or in Behalf of the Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced or brought, or such Action or Suit shall be brought in any other County or Place than the County of *Middlesex*, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall, and may recover Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Public Act.

LXXXIX. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

CAP. LV.

An Act to incapacitate *John Burnett*, *Charles Hamington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſman*, *George Browne*, *John Parſons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cooter*, *Thomas Froſt*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar*, otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and *Henry Hannington*, from voting at Elections of Members to ſerve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to ſerve in Parliament for the Borough of *New Shoreham*, in the County of *Suſſex*.

Preamble.

'WHEREAS a wicked and corrupt Society, calling itſelf *the Chriſtian Society*, hath for ſeveral Years 'ſubſiſted in the Borough of *New Shoreham*, in the County of *Suſſex*, and conſiſted of a great Ma'jority of Perſons having a Right to vote at Elections of Members to ſerve in Parliament for the ſaid 'Borough: And whereas it appears that the chief End of the Inſtitution of the ſaid Society was for the 'Purpoſe of ſelling, from time to time, the Seat or Seats in Parliament for the ſaid Borough: And whereas '*John Burnett*, *Charles Hannington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* ju'nior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſman*, *George Browne*, *John* 'Parſons, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Tho*'mas Pockney, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Par*'ker, *John Hogsfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *Wil*'liam Turner, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Grat*'wick, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cooter*, *Thomas Froſt*, *Michael Smith*, 'Richard Carver, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, 'Clement Freeman, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar*, other'wiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Ded*'man ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and 'Henry Hannington, were Members of the ſaid Society:' In order therefore to prevent ſuch unlawful Practices for the future, and that the ſaid Borough from henceforth be duly repreſented in Parliament, be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid *John Burnett*, *Charles Hannington*, *Thomas Haſelgrove*, *Ralph Moor*, *Thomas Parſons*, *Thomas Snook* junior, *Thomas Hannington*, *John Hannington*, *John Robinſon*, *William Cheeſman*, *George Browne*, *John Parſons*, *John Curl*, *Frederick Dean*, *William Dean*, *Samuel Tuppen*, *John Sawyers*, *Thomas Crowter*, *Thomas Pockney*, *Joſeph Dedman*, *John Dean*, *John Whiting*, *William Stevens*, *John Bawcomb*, *Robert Parker*, *John Hogsfleſh*, *John Purſe*, *John Dean*, *Thomas Jennings*, *John Snook* junior, *Richard Tilſtone*, *William Turner*, *Walter Sawyers*, *Charles Mitchell*, *John Jarmand*, *John Wood*, *Friend Daniel*, *William Gratwick*, *Nathaniel Hillman*, *Thomas Roberts*, *John Aſhman*, *William Cooter*, *Thomas Froſt*, *Michael Smith*, *Richard Carver*, *Michael Durrant*, *Emery Churcher*, *Walter Broad*, *Richard Stoneham*, *James Bennett*, *Clement Freeman*, *William Jupp*, *Thomas Crowter*, *John Barnard*, *James Mitchell*, *James Millar*, otherwiſe *Miller*, *William Newnham*, *Jeffery Carver*, *Randall Button*, *James Carver*, *John Martin*, *John Dedman* ſenior, *William Jennings*, *William Hards*, *Thomas Gear*, *William Ruſbridge*, *Henry Robinſon*, and *Henry Hannington*, ſhall be, and, by virtue of this Act, are from henceforth incapacitated and diſabled from giving any Vote at any Election for the chuſing a Member or Members to ſerve in Parliament.

Freeholders above 21 Years of Age, of 40 s. annually, intitled to vote.

II. And be it further enacted by the Authority aforeſaid, That from henceforth it ſhall and may be lawful to and for every Freeholder, being above the Age of one and twenty Years, who ſhall have within the *Rape* of *Bramber*, in the ſaid County of *Suſſex*, a Freehold of the clear yearly Value of forty Shillings, to give his Vote at every Election of a Burgeſs or Burgeſſes to ſerve in Parliament for the ſaid Borough of *New Shoreham*.

Right of Election, in whom veſted.

III. And be it further enacted by the Authority aforeſaid, That the Right of Election of a Member or Members to ſerve in Parliament for the ſaid Borough of *New Shoreham* ſhall be, and is hereby declared to be, in ſuch Freeholders as aforeſaid, and in the Perſons who, by the Cuſtom and Uſage of the ſaid Borough, have, or ſhall hereafter have, a Right to vote at ſuch Election, thoſe whoſe Names are mentioned herein,

and incapacitated and disabled by this Act, only excepted; and the Constable, or other proper Officer for the time being, to whom the Return of such Writ or Precept does belong, is hereby required to return the Person or Persons to serve in Parliament for the said Borough who shall have the major Number of Votes of such Freeholders and other Persons having a Right to vote at such Election (except such Persons as are herein before excepted); any Law or Usage to the contrary notwithstanding

Freeholders, before admitted to poll, to take the following Oath.

IV. And be it further enacted by the Authority aforesaid, That every such Freeholder, before he is admitted to poll at any Election for the said Borough, shall, if required by the Candidates, or any of them, or any other Person having a Right to vote at the said Election, first take the Oath (or being one of the People called *Quakers*, the solemn Affirmation) following; *videlicet*,

"YOU shall swear, or, being a Quaker, solemnly affirm, That you are a Freeholder in the *Rape* of *Bramber*, in the County of *Sussex*, and have a Freehold Estate, consisting of *(specifying the Nature thereof, and if it consists in Messuages, Lands, or Tithes, in whose Occupation the same are; and if in Rent, the Names of the Owners or Possessors of the Tenements out of which such Rent is issuing, or of some of them)*, lying or being at within the *Rape* of *Bramber*, in the County of *Sussex*, of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents and Profits thereof for your own Use above twelve Calendar Months (or that the same came to you within the Time aforesaid by Descent, Marriage, Marriage-settlement, Devise, or Promotion to a Benefice in a Church, or by Promotion to an Office); and that such Freehold Estate has not been granted or made to you fraudulently, on Purpose to qualify you to give your Vote; and that the Place of your Abode is at in and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election."

Which Oath, or solemn Affirmation, the Constable, or other proper Officer to whom the Return of any Writ or Precept for such Election shall belong, is hereby required to administer: And in case any Freeholder or other Person taking the said Oath or Affirmation hereby appointed, shall thereby commit wilful Perjury, and be thereof convicted; or if any Person shall unlawfully and corruptly procure or suborn any Freeholder or other Person to take the said Oath or Affirmation, in order to be polled, whereby he shall commit such wilful Perjury, and shall be thereof convicted, he and they, for every such Offence respectively, shall incur such Penalties as are inflicted on Persons guilty of Perjury, or Subornation of Perjury, in and by two Acts of Parliament, one made in the fifth Year of the Reign of Queen *Elizabeth*, (intituled, *An Act for punishing such Persons as shall procure or commit wilful Perjury, or suborn or procure any Person to commit any wilful or corrupt Perjury)*; and the other made in the second Year of his late Majesty's Reign, (intituled, *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money)*, contrary to the said Acts.

Persons guilty of Perjury, &c. liable to the Penalties as directed by Act 5 Eliz. and Act 2 Geo. II.

V. And be it further enacted by the Authority aforesaid, That such Constable, or other proper Officer, to whom any Writ or Precept shall be directed for making any Election for the said Borough, shall, upon the Reception of such Writ or Precept, indorse upon the Back thereof the Day of his Receipt thereof, in the Presence of the Party from whom he received such Precept; and shall forthwith cause public Notice to be given within the said Borough of *New Shoreham*, and at the Towns of *Bramber* and *Steyning*, in the said County of *Sussex*, by fixing up a Notice thereof in Writing on the Market-houses, or on the Doors of the Churches of the said Towns, of the Day of Election; and shall proceed to Election thereupon, within the Space of twelve Days, and not less than eight Days, next after his Receipt of the same Precept.

Constable to back a Precept the Day of the Receipt thereof.

VI. And be it further enacted by the Authority aforesaid, That this Act shall be publickly read at every Election for the said Borough of *New Shoreham*, immediately after the Acts directed by any Act of Parliament to be read thereat, and before the Persons present shall proceed to make such Election.

The Act to be read publickly.

CAP. LVI.

An Act for divesting out of the Crown, and to vest in *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, in the Kingdom of *Ireland*, Esquire, and his Heirs, the Reversion in Fee of and in several Lands in *Ireland* therein mentioned.

Preamble.

'WHEREAS his Majesty King *Charles* the Second, by Letters Patent bearing Date the twelfth of *December*, in the thirty-sixth Year of his Reign, did grant unto *Gerald Fitzgerald* of *Rathrone*, in the Kingdom of *Ireland*, and to his Heirs and Assigns for ever, the Town and Lands of *Rathrone* aforesaid, and several other Lands in the Counties of *Eastmeath*, *Westmeath*, *Kildare*, and *Cavan*, to have and to hold the same to the said *Gerald*, his Heirs and Assigns for ever, subject to several yearly Quit-rents payable thereout, as by the said Letters Patent inrolled in the Rolls Office of his Majesty's Court of Chancery in *Ireland* may more at large appear: And whereas by an Act of Parliament made and passed in the eleventh and twelfth Years of the Reign of his late Majesty King *William* the Third, intituled, *An Act for granting an Aid to his Majesty by Sale of the forfeited and other Estates and Interests in* Ireland, *and by a Land-tax in* England, *for the several Purposes therein mentioned*, all Honours, Manors, Lands, Tenements, Rents, Reversions, Remainders, and other Hereditaments therein mentioned, the Estates of Persons who stood convicted or attainted of High Treason or Rebellion, or other Treason committed in foreign Parts since the thirteenth Day of *February*, one thousand six hundred and eighty-eight, were thereby vested in Trustees therein named, and their Heirs, according to the several Estates and Interests which the said Persons had therein, to the End the same might be sold and disposed of for the several Purposes therein mentioned, subject nevertheless to such Decrees or Adjudications as the said Trustees should make in favour of Persons interested in such Estates previous to such Attainders; and when any of the said Persons were seised of an Estate-tail only in the said Honours, Manors, Lands, and Hereditaments, the same were thereby enacted to be vested in the said Trustees and their Heirs, in Fee-simple, to be sold and disposed of as aforesaid, as by the said Act, Relation being thereunto had, may more fully appear: And whereas by another Act made and passed in the first Year of the Reign of her late Majesty Queen *Anne*, all the Estates vested in the Trustees to be sold, which should not be sold before the twenty-fourth Day of *June*, one thousand seven hundred and three, or otherwise disposed of pursuant to the former Acts, were vested in her Majesty, her Heirs and Successors, for the Uses therein mentioned: And whereas *Gerald Fitzgerald* and *Edward Fitzgerald*, Minors, by *William Fitzgerald* of *Dublin*, Gentleman, their next Friend, did make and tender their Claim to the Trustees or Commissioners appointed to put in Execution the first above-mentioned Act of Parliament, and thereby set forth, that the said *Gerald Fitzgerald*, their Uncle, being seised in Fee of and in certain Lands and Tenements therein mentioned, situate and lying in the said Counties of *Meath*, *Kildare*, *Westmeath*, and *Cavan*, by Indentures of Lease and Release, bearing Date the fourth and fifth Days of *June*, one thousand six hundred and eighty-five, made between the said *Gerald Fitzgerald* of the one Part, and *Charles Moore*, *Christopher Cusack*, and *John Connor*, of the other Part; the said *Gerald Fitzgerald*, by the said Lease, in consideration of five Shillings, did bargain and sell the said Premises to the said *Charles Moore* and others, to have and to hold, for one Year from the Day next before the Date of the said Lease; and by the said Release, in consideration of five hundred Pounds Sterling by him received from the said *John Connor* as a Marriage Portion with *Mary Fitzgerald*, alias *Connor*, then married Wife of the said *Gerald*, and for settling the said Premises in his Name, Blood, and Family, did grant, remise, release, alien, and confirm the said Premises unto the said *Charles Moore*, *Christopher Cusack*, and *John Connor*, and their Heirs, to the Use of the said *Gerald*, for and during his natural Life; and as to Part thereof to the Use of the said *Mary* his Wife for her Jointure; Remainder to the first and every other Son of the said *Gerald* in Tail-male; Remainder to *Henry Fitzgerald*, Brother of the said *Gerald*, for his Life; Remainder to the first and every other Son of the said *Henry*, in Tail-male; to which Deed *Thomas Darcy*, *John Connor*, *Gerald Fitzgerald*, and *William Connor*, were subscribing Witnesses, as by the said Deed, ready to be produced, might appear; by virtue whereof, the said *Gerald* became seised of the said Premises in his Demesne as of Freehold during his natural Life, with Remainder over as aforesaid: That the said *Henry* had Issue the Claimant *Gerald Fitzgerald*, his first Son, who was born in or about the Year one thousand six hundred and eighty-four, whereby he became intitled to the said Premises in Tail-male in Remainder as aforesaid; and the said *Henry* had also the Claimant *Edward Fitzgerald*, his second Son, who was born in or about the Year one thousand six hundred and eighty-seven, whereby he became intitled to the said Premises in Tail male in Remainder as aforesaid; that the said *Henry* was attainted, as the Claimants were informed, and the Claimants thereby represented their said Right and Title, to the Intent the same might not be prejudiced, but that they might respectively have and enjoy the same: And whereas the said Claim was heard on the twenty-third Day of *March*, one thousand seven hundred and one, and it was certified by the said Trustees or Commissioners, that the said *Gerald Fitzgerald* made such Settlement as in the said Claim was set forth, and that thereby *Henry Fitzgerald*, attainted for the Treason in the said Act mentioned, was intitled to a Remainder for Life, with Remainder to his Son in Tail-male, after the said *Gerald* dying without Issue Male, and that the Claimants *Gerald* and *Edward* were the Sons of the said *Henry*; and it was thereupon adjudged, determined, and decreed by the said Trustees or Commissioners, that the said

Act 11 & 12 Gul. III.

Act 1 Annæ.

Tender of Claim to the Commissioners.

'ſaid Claimants ſhould be, and they were thereby reſpectively allowed their ſeveral and reſpective Re-
'mainders in Tail-male, limited to the Heirs Male of *Henry*, after Failure of Iſſue Male by the ſaid *Gerald*
'*Fitzgerald* the Grantor, and the ſaid *Henry*'s Death: And whereas by an Act of Parliament paſſed in the
'fourth Year of his preſent Majeſty's Reign, intituled, *An Act for diveſting out of the Crown, and to veſt in* A&. 4 Geo. III.
'Gerald Fitzgerald *of* Rathrone, *in the County of* Meath, *in the Kingdom of* Ireland, *Eſquire, and his Heirs,*
'*the Reverſion in Fee of and in ſeveral Lands in* Ireland, reciting or taking Notice to the Effect herein be-
'fore recited; and alſo reciting, that the ſaid *Gerald Fitzgerald* the Patentee, and *Mary* his Wife, and the
'ſaid *Henry Fitzgerald*, died many Years ago; and that the ſaid *Gerald Fitzgerald* the Patentee, and the
'Grantor in the ſaid Settlement, died without Iſſue; and that after their Death the ſaid *Gerald Fitzgerald*
'the younger, who was the eldeſt Son of the ſaid *Henry Fitzgerald*, and was alſo the Nephew and Heir at
'Law of the ſaid *Gerald Fitzgerald* the Patentee, being ſeiſed of an Eſtate in Tail-male of and in the ſaid
'Lands and Premiſes, had levied Fines and ſuffered Recoveries of all the ſaid Lands, except the ſaid Lands
'in the County of *Meath*; and alſo reciting, that *Elizabeth O'Farrell*, Widow, in *Eaſter* Term, one thou-
'ſand ſeven hundred and twenty-five, did obtain a Judgement in the Court of Common Pleas in the King-
'dom of *Ireland* againſt the ſaid *Gerald Fitzgerald* for the Sum of five thouſand four hundred Pounds; and
'that the ſaid *Gerald* the younger afterwards died, leaving Iſſue three Sons, *John* his eldeſt Son, *Gerald* the
'younger, his ſecond Son, and *Chriſtopher* his third Son; and reciting, that the ſaid *John* the eldeſt Son
'died without Iſſue ſoon after the Death of his ſaid Father, and that thereupon the ſaid *Gerald Fitzgerald*,
'the ſecond Son of the ſaid *Gerald Fitzgerald* the younger, became his eldeſt Son and Heir at Law, and
'was Heir at Law and Heir Male of the ſaid *Gerald Fitzgerald* the Patentee, and had entered into and
'became ſeiſed of and intitled to the ſaid Lands and Premiſes, ſubject to the above Incumbrance, and after
'the Death of the ſaid *Mary Fitzgerald*, otherwiſe *Connor* (the Widow of the ſaid *Gerald Fitzgerald* the
'Grantor) levied Fines and ſuffered Recoveries of Part of the ſaid Lands, and had contracted ſeveral
'Debts, ſecured by ſeveral Judgements; and alſo reciting, that it had been lately diſcovered that the Re-
'verſion in Fee of and in the Lands and Premiſes in the ſaid Letters Patent, Claim, and Adjudication
'mentioned, expectant as aforeſaid, was, by virtue of and under the ſaid Act made in the firſt and ſecond A&. 1 & 2 Anne.
'Years of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for advancing the Sale of the for-*
'feited Eſtates in Ireland, *and for veſting ſuch as remain unſold by the preſent Truſtees in her Majeſty, her Heirs*
'and Succeſſors, and for the more effectually ſelling and ſetting the ſaid Eſtates to Proteſtants; and for explaining
'ſeveral Acts relating to Lord Bophin *and Sir* Redmond Everard, become veſted in his preſent Majeſty, his
'Heirs and Succeſſors, ſubject to the Order of Parliament; and that the ſaid *Gerald Fitzgerald*, the Grand
'Nephew and Heir of the ſaid Patentee, had no other Fund or Expedient to ſecure his Perſon, or to exo-
'nerate his ſaid Eſtate, but by ſelling ſome Part thereof, or mortgaging the ſame for that Purpoſe, which
'he was unable effectually to do without diveſting the Reverſion in Fee of the ſaid Eſtate out of his Ma-
'jeſty; and that it had been uſual and frequent in ſuch Caſes for the Crown to extend their Grace and
'Favour to Proteſtant Subjects well attached to his Majeſty, it was enacted, That the Remainder or Re-
'verſion in Fee-ſimple, expectant on the Determination of the ſeveral Entails therein before mentioned,
'and all other Eſtates, Right, Title, and Intereſt of and in certain Towns and Lands, with their Ap-
'purtenances, ſituate in the Counties of *Meath*, *Weſtmeath*, *Kildare*, and *Cavan*, in the Kingdom of *Ire-*
'land, therein particularly mentioned, which, in and by virtue of the ſaid Act of Parliament, were then
'veſted in his Majeſty, his Heirs and Succeſſors, ſhould be thereby diveſted, and the ſame was thereby
'diveſted out of the Crown, ſo that his preſent Majeſty, his Heirs or Succeſſors, or any of them, or any
'Perſon or Perſons whatſoever, claiming or to claim by, from, or under, or in Truſt for him, them, or
'any of them, or by, from, or under the ſeveral Acts of Parliament therein before recited, by reaſon of
'the Forfeitures therein before mentioned, or otherwiſe howſoever, ſhould not, nor might from thence-
'forth have any Right, Title, or Intereſt therein or thereunto; and that the ſaid Reverſion or Remainder
'in Fee-ſimple, and other the Eſtates and Intereſts of and in the Lands and Hereditaments therein men-
'tioned, ſhould, from and immediately after the paſſing of the ſaid Act, be veſted in, and the ſame were
'thereby from thenceforth veſted in the ſaid *Gerald Fitzgerald*, his Heirs and Aſſigns, for ever: And it
'was thereby further enacted, That all and every Papiſt and Perſon profeſſing the Popiſh Religion ſhould
'be diſabled and made incapable to purchaſe, either in his or her own Name, or in the Name or Names
'of any other Perſon or Perſons to his or her Uſe, or in Truſt for him or her, any of the Lands, Tene-
'ments, Hereditaments, and Premiſes aforeſaid, or any Rents, Profits, Terms, or Intereſts, in or out of
'the ſame; and that all and ſingular Eſtates, Terms, and other Intereſts and Profits whatſoever, in or out
'of the Premiſes, and all Conveyances and Declarations of Truſt concerning the ſame, which ſhould be
'made, ſuffered, or done, to or for the Uſe, Benefit or Behoof of any ſuch Papiſt, contrary to the true
'Intent and Meaning of the ſaid recited Acts of Parliament, ſhould be utterly void and of no Effect to all
'Intents, Purpoſes, and Conſtructions whatſoever: And in the ſaid Act was contained a Clauſe for ſaving
'to his Majeſty, his Heirs and Succeſſors, all ſuch Crown rents, Quit-rents, Compoſitions, Services,
'and Duties, as were due and payable, and ought to be paid or performed to his Majeſty on account of
'the Premiſes, or any Part thereof; and alſo a Saving to all and every Perſon and Perſons, Bodies Politic
'and Corporate, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, of all ſuch Right, Title,
'Intereſt, Claim, and Demand whatſoever, of, in, to, or out of the ſaid Lands, Tenements, and Here-
'ditaments therein mentioned, or any of them, with the Appurtenances, or any Part thereof (other than
'and except his Majeſty, his Heirs and Succeſſors, and the Truſtees named in and by the ſaid Act of the
'eleventh and twelfth Years of the late King *William* the Third, and their Heirs) as they, every or any
'of them, have or had, or might have had, at or before the making the ſaid Act, as fully to all Intents

'and Purpoſes as if the ſaid Act had never been made: And whereas the ſaid *Gerald Fitzgerald* is ſeiſed of 'the Towns and Lands herein after mentioned, claiming Title thereto in the ſame Manner as in the ſaid 'Act of the fourth Year of his preſent Majeſty's Reign was mentioned with reſpect to the Lands therein 'compriſed, and his preſent Majeſty is alſo ſeiſed of the Reverſion in Fee of the Towns and Lands herein 'after mentioned, claiming Title thereto in the ſame Manner, and by virtue of the ſame Forfeiture, as 'was mentioned and ſet forth in the ſaid Act of Parliament paſſed in the fourth Year of his preſent Ma-'jeſty's Reign: And whereas the Leaſes of the Lands in the laſt-mentioned Act, or the greateſt Part 'thereof, expired, and the ſaid Lands came into the Occupation of the ſaid *Gerald Fitzgerald*, the Grand 'Nephew and Heir of the ſaid *Gerald Fitzgerald* the Patentee, as the Owner thereof, in bad Condition, 'and, by reaſon of the many Debts and Incumbrances charged upon the ſaid Lands, the ſaid *Gerald Fitz-'gerald* hath not been able to put the ſaid Lands into a State of Cultivation and Improvement, ſo as to let 'the ſame to good and ſubſtantial Tenants; and in caſe the ſaid Lands were offered to Sale in their pre-'ſent Condition, the ſame muſt be ſold to a great Diſadvantage; but the ſaid *Gerald Fitzgerald*, for the 'Security of his Creditors, ſince the paſſing of the ſaid laſt-mentioned Act, hath executed a Mortgage of 'the Lands in the ſaid former Act mentioned, or Part thereof, unto the Reverend *John Magill*, Clerk, 'one of his Creditors, for ſecuring ſix thouſand ſix hundred thirty-three Pounds two Shillings and ſeven 'Pence three Farthings, being the Amount of his Demand, and the Demands of ſeveral other Creditors; 'which Mortgage is ſtill ſubſiſting: And whereas the Debt to *Elizabeth O'Farrell*, Widow, in the ſaid 'former Act mentioned to be due on a Judgement in the Court of Common Pleas in *Ireland* appears to 'have been alſo ſecured by a Mortgage among other of the Lands herein after mentioned, with the uſual 'Covenants in the ſaid Mortgage Deed; and the ſaid *Gerald Fitzgerald*, the Grand Nephew of the ſaid 'Patentee, who is ſeiſed in Tail-male of the Lands ſo mortgaged, with Reverſion in Fee to his preſent 'Majeſty, is adviſed, that no Perſon will contract or treat for the Purchaſe of the Lands in the ſaid former 'Act, unleſs they are diſcharged from all the Debts to which the ſame are liable, and put into proper Or-'der and Condition, and let to Tenants, but a favourable Opportunity now offers for Sale of the Towns 'and Lands of *Inniſcoffy* and *Old Towne* herein after mentioned, at a high Price, which will raiſe Money 'ſufficient to pay off the ſaid *Elizabeth O'Farrell*'s Mortgage, in caſe the Fee-ſimple and Inheritance 'thereof could be ſafely conveyed to the Purchaſer thereof; whereby not only a more ready Fund for the 'Payment of the Debts affecting the ſaid Lands, and for the Security of the ſaid *Gerald Fitzgerald*'s Per-'ſon, would be provided, but the ſaid *Gerald Fitzgerald* would be enabled to put the Lands in the ſaid 'former Act mentioned into proper Condition and Repair, whereby the ſame would alſo become ſaleable, 'and the many heavy Incumbrances which now affect the ſaid Lands be paid off and diſcharged; but the 'ſaid Lands herein after mentioned cannot be mortgaged or ſold without diveſting the Reverſion in Fee 'thereof out of his Majeſty, in like Manner as in and by the ſaid laſt-mentioned Act of Parliament was 'done with reſpect to the Lands therein compriſed, and which ſaid laſt-mentioned Act paſſed by the Grace 'and Favour of his Majeſty, extended to the ſaid *Gerald Fitzgerald*, the Grand Nephew and Heir of the 'ſaid Patentee, who was then, and now is, one of his Majeſty's Proteſtant Subjects:' Therefore your Majeſty's moſt loyal Subject the ſaid *Gerald Fitzgerald* doth moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Remainder or Reverſion in Fee-ſimple, expectant on the Determination of the ſeveral Entails herein before mentioned, and all other Eſtates, Right, Title, and Intereſt, of and in the Towns and Lands of *Enniſcoffy*, otherwiſe *Inniſcoffy*, otherwiſe *Iniſhcoffy*, otherwiſe *Iniſcoffy*, otherwiſe *Iniſhco*, and *Old Towne*, lying and being in the Barony of *Fertullagh*, and County of *Weſtmeath*, in the Kingdom of *Ireland*, which, in and by virtue of the before-mentioned Acts of Parliament, is now veſted in his preſent Majeſty, his Heirs and Succeſſors, ſhall be hereby diveſted, and the ſame is hereby diveſted out of the Crown, ſo that his preſent Majeſty, his Heirs or Succeſſors, or any of them, or any Perſon or Perſons whatſoever, claiming or to claim by, from, or under the ſeveral Acts of Parliament before mentioned and recited, by reaſon of the Forfeiture as aforeſaid, or otherwiſe howſoever, ſhall not, nor may, from and after the paſſing of this Act, have any Right, Title, or Intereſt therein or thereunto; and that the ſaid Reverſion or Remainder in Fee-ſimple, and other the Eſtates and Intereſts of and in the Lands and Hereditaments herein before mentioned, ſhall, from and immediately after the paſſing of this Act, be veſted in, and the ſame are hereby from henceforth veſted in the ſaid *Gerald Fitzgerald*, his Heirs and Aſ-'ſigns, for ever.

Papiſts incapable to purchaſe Lands.

II. And it is hereby further enacted by the Authority aforeſaid, That all and every Papiſt and Perſon profeſſing the Popiſh Religion ſhall be diſabled and made incapable to purchaſe, either in his or her own Name, or in the Name or Names of any other Perſon or Perſons, to his or her Uſe, or in Truſt for him or her, any of the Lands, Tenements, Hereditaments, or Premiſes aforeſaid, or any Rents, Profits, Terms, or Intereſts, in or out of the ſame; and that all and ſingular Eſtates, Terms, and other Intereſts and Profits whatſoever, in or out of the Premiſes, and all Conveyances and Declarations of Truſt concerning the ſame, which ſhall be made, ſuffered, or done, to or for the Uſe, Benefit, or Behoof of any ſuch Papiſt, contrary to the true Intent and Meaning of the ſaid recited Acts of Parliament, ſhall be utterly void and of no Effect, to all Intents, Purpoſes, and Conſtructions whatſoever.

Nothing contained to prejudice the Intereſt of the Repreſentatives of Thomas Bomford.

III. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall in any wiſe affect, impeach, or prejudiſe, or in any wiſe ſtrengthen, inforce, or confirm, or be conſtrued, deemed, or taken to affect, impeach, or prejudiſe, or to ſtrengthen, inforce, or confirm any Right, Title, or Intereſt, which the Repreſentatives of *Thomas Bomford*, late of *Rathingſtown*, in the County of

'*Meath*,

Meath, Eſquire, deceaſed, now have or claim, or which they ſhall at any Time hereafter have or claim, in or to a certain Grant or Leaſe, bearing Date the twentieth Day of *July*, one thouſand ſix hundred and ninety-two, made by *Gerald Fitzgerald* of *Rathrone*, in the County of *Meath*, Eſquire, to the ſaid *Thomas Bomford*, of the Town, Townland, and Land called *Enniſcoffy* and *Old Towne* before mentioned, with the Appurtenances, or any Part thereof; but the Right, Title, and Intereſt of the Repreſentatives of the ſaid *Thomas Bomford*, deceaſed, in and to the ſaid Grant or Leaſe, and the Benefit thereof, ſhall from henceforth be and remain in the ſame State, Plight, and Condition, and no other, as the ſame was before the paſſing of this Act.

IV. Saving to the King's moſt excellent Majeſty, his Heirs and Succeſſors, all ſuch Crown-rents, Quit-rents, Compoſitions, Services, and Duties, as are due and payable, and ought to be paid and performed to his Majeſty on account of the Premiſes, or any Part thereof; and ſaving alſo to all and every Perſon and Perſons, Bodies Politic and Corporate, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, all ſuch Right, Title, Intereſt, Claim, and Demand whatſoever, of, in, to, or out of the ſaid Lands, Tenements, and Hereditaments, herein before mentioned, or any of them, with the Appurtenances, or any Part thereof (other than and except our Sovereign Lord the King's Majeſty, his Heirs and Succeſſors, and the Truſtees named in and by the ſaid Act of the eleventh and twelfth Years of the late King *William* the Third, and their Heirs) as they, every or any of them, have or had, or might have had therein or thereto, as fully to all Intents and Purpoſes as if the Reverſion of the ſaid Towns, Town-lands, or Lands, had never been veſted in the Crown, or as if this Act had never been paſſed; any Thing herein contained to the contrary thereof in any wiſe notwithſtanding. Saving Clauſe.

THE STATUTES at Large, &c.

Anno Regni GEORGII III. duodecimo.

'AT the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May*, *Anno Domini* One thouſand ſeven hundred and ſixty-eight, in the Eight Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c.

'And from thence continued, by ſeveral Prorogations, to the Twenty-firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; being the Fifth Seſſion of the Thirteenth Parliament of *Great Britain*.'

CAP. I.

An Act to continue and amend an Act made in the laſt Seſſion of Parliament, intituled, *An act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time.*

Preamble.

'WHEREAS an Act was made in the laſt Seſſion of Parliament, intituled, *An Act to continue the Prohibition of the Exportation of Corn, Grain, Meal, Flour, Bread, Biſcuit, and Starch; and alſo of the Extraction of Low Wines and Spirits from Wheat and Wheat Flour, for a further Time; and alſo to prohibit the Exportation of Malt for a limited Time*; which ſaid Act was to continue in force 'until the Twentieth Day after the Commencement of the then next Seſſion of Parliament: And 'whereas it is expedient that the ſaid Act ſhould be continued for a further Time; may it therefore 'pleaſe your Majeſty, that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act ſhall be, and the ſame is hereby further continued from the Time therein limited for the Exportation thereof, until the Twentieth Day after the Commencement of the next Seſſion of Parliament.

Act 11 Geo. III. further continued till the 20th Day after the Commencement of next Seſſion.

II. And it is hereby further enacted by the Authority aforeſaid, That, in caſe any Mariner or other Perſon on Board any Ship or Veſſel, (other than and except the Maſter or Perſon having the Charge or Command thereof), wherein any Corn, Grain, Meal, Malt, Flour, Bread, Biſcuit, or Starch, ſhall be exported, contrary to the Intent and Meaning of the ſaid recited Act hereby continued, ſhall diſcover any ſuch offence to the Commiſſioners, or any Officer of His Majeſty's Cuſtoms, within the Space of Five Months after ſuch Offence ſhall be committed, ſuch Mariner or other Perſon, (except as aforeſaid), making ſuch Diſcovery, ſhall, as an Encouragement, have, and be intituled to receive, One third Part of the Net Money which ſhall be recovered and paid by Means of ſuch Diſcovery; after deducting, from the Money recovered, the Charges of proſecuting for and recovering the ſame; and One other third Part thereof ſhall be to the Uſe of His Majeſty, His Heirs, and Succeſſors; and the other third Part to ſuch Officer or Officers of His Majeſty's Cuſtoms, as ſhall ſue and proſecute for the ſame.

In caſe any Perſon on Board (except the Maſter) ſhall diſcover an Offence to the Commiſſioners, &c. of Cuſtoms, within Three Months after the Offence, ſhall be intitled to One third of the Net Money recovered by Means thereof; after deducting Charges of proſecuting. One third Part thereof to His Majeſty's Uſe; and the other to the Proſecutor.

III. And be it further enacted by the Authority aforeſaid, That the Clauſe or Clauſes in the ſaid Act, inflicting Penalties on all Diſtillers or Makers of Low Wines or Spirits, who ſhall have in their Cuſtody or Poſſeſſion more than Five Quarters of Wheat or Wheat Flour, ſhall not extend, or be conſtrued to extend, to any Diſtiller or Maker of Low Wines or Spirits who practiſes the Trade of a Miller,

Clauſes in Act 11 Geo. III. inflicting Penalties on Makers of Low Wines, &c. Not to extend to Millers.

Miller, and who was poſſeſſed of, and worked any Mill or Mills for grinding of Wheat, on or before the Firſt Day of *October*, One thouſand ſeven hundred and ſeventy-one, for or upon Account of any Quantity of Wheat or Wheat Flour which ſhall at any Time, during the Continuance of this Act, be found in any ſuch Mill or Mills; any Thing therein contained to the Contrary notwithſtanding.

Continuation may be abridged by Parliament.

IV. Provided nevertheleſs, That the ſaid Continuation may be abridged or ſhortened, and the ſaid Act, or any Part thereof, may be altered and varied, by any other Act or Acts to be made in this preſent Seſſion of Parliament.

CAP. II.

An Act to continue for a further Time an Act made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act to continue and amend an Act made in the Fifth Year of the Reign of His preſent Majeſty, intituled*, An Act for the Importation of Salted Beef, Pork, Bacon, and Butter from *Ireland*, for a limited Time; and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time, till Firſt of *March*, One thouſand ſeven hundred and ſeventy-three.

CAP. III.

An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

CAP. IV.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

CAP. V.

An Act for the Regulation of His Majeſty's Marine Forces, while on Shore.

CAP. VI.

An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

CAP. VII.

An Act for explaining and amending an Act made in the Seventh Year of His preſent Majeſty, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company, *as is therein mentioned, for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; and for ſettling certain Doubts and Diſputes which have ariſen upon the ſaid Act of Parliament.

Preamble, Act 7o Geo. III.

'WHEREAS by an Act of Parliament made in the Seventh Year of His preſent Majeſty, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company, *as is therein mentioned, for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; amongſt other Things reciting, That the taking off the Inland Duty of One Shilling *per* Pound Weight, then payable as therein is mentioned, upon Black and Singlo Teas, and the allowing, upon the Exportation of all Teas which ſhall be exported to *Ireland* and his Majeſty's Plantations in *America*, the whole of the Duty paid upon the Importation thereof into this Kingdom, appear to be the moſt probable and expedient Means of extending the Conſumption of Teas legally imported within this Kingdom, and of increaſing the Exportation of Teas to *Ireland*, and to His Majeſty's Plantations in *America*, which are now chiefly furniſhed by Foreigners in a Courſe of illicit Trade; and further reciting, That the United Company of Merchants of *England* trading to the *Eaſt Indies*, are willing and deſirous to indemnify the Publick in ſuch Manner as is therein after provided, with reſpect to any Diminution of the Revenue which ſhould or might happen from this Experiment, it is amongſt other Things enacted, That for and during the Space of Five Years, to be computed from the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, the ſaid Inland Duty of One Shilling *per* Pound Weight upon Teas ſhall not be paid for or in reſpect of any Bohea,

'Congo, Souchong, or Pekoe Teas, commonly called *Black Teas*, or any Teas known by the Denomination of *Singlo Teas*, which ſhall be cleared for Conſumption within *Great Britain* out of the Warehouſes of the ſaid United Company, but that all ſuch Teas ſo to be cleared, whether the ſame have been already or ſhall be hereafter ſold by the ſaid Company, or their Succeſſors, ſhall be, and are thereby free and diſcharged, during the ſaid Term, from the ſaid Inland Duty; and it is thereby, amongſt other Things, further enacted, That for and during the like Space of Five Years, to be computed from the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, there ſhall be drawn back and allowed for all Teas exported from this Kingdom, as Merchandiſe to *Ireland*, or any of the *Britiſh* Colonies or Plantations in *America*, the whole Duties of Cuſtoms, payable upon the Importation of ſuch Teas, and for making Good any Diminution which might happen in the Revenues of Cuſtoms and Exciſe, by the Diſcontinuance of the ſaid Duty, and the Allowance of the ſaid Drawback, during the Term aforeſaid; it was further enacted, That on or before the Firſt Day of *September*, One thouſand ſeven hundred and ſixty-eight, and on or before the Firſt Day of *September*, in each of the Four ſucceeding Years, a true and exact Account ſhall be taken, ſtated, and made up, by the proper Officers of the Cuſtoms and Exciſe reſpectively, of the Net Produce of all the Duties of Cuſtoms, for and in reſpect of Teas ſold by the ſaid Company, and alſo of the Net Produce of the Duties of Exciſe, upon Teas cleared out of the Warehouſes belonging to the ſaid Company within the Year, ending the Fifth Day of *July* immediately preceding the taking, ſtating, and making up ſuch Accounts, and that a Sum which ſhall be equal to the Annual Net Produce of the Duties of Cuſtoms, paid upon the Importation of Teas which were exported to *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, upon an Average for Five Years, preceding the Fifth Day of *July* One thouſand ſeven hundred and ſixty-ſeven, ſhall be deducted from the Total of the Net Produce, ſo ſtated of the ſaid Duties of Cuſtoms and Exciſe in the ſaid Account for the Year ending the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-eight, and for each of the ſaid Four ſucceeding Years reſpectively; and if after ſuch Deduction ſhall have been made, the remaining Sum ſhall not amount to the Sum as ſhall be equal to the annual Net Produce of all the Duties of Cuſtoms, for and in reſpect of Teas ſold by the ſaid Company, and alſo to the annual Net Produce of the Duties of Exciſe, upon Teas cleared out of the Warehouſes of the ſaid Company, on an Average for Five Years, preceding the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, then, and in every ſuch Caſe, from Time to Time, as often as ſuch Caſe ſhall ſo happen, the ſaid Company, or their Succeſſors, within Forty Days after a Copy of ſuch yearly Account reſpectively, ſhall have been delivered their Chairman, Deputy Chairman, Secretary, Caſhier, or Accomptant General, ſhall Advance and Pay for every ſuch Year reſpectively, into the Receipt of His Majeſty's Exchequer, for His Majeſty's Uſe, ſuch Sum of Money as ſhall, with the Monies remaining in ſuch reſpective annual Account, after the Deduction aforeſaid ſhall have been made, amount to ſuch a Sum, as ſhall be equal to the annual Net Produce of all the ſaid Duties of Cuſtoms and Exciſe upon Teas, on the ſaid Average of Five Years, preceding the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, ſo as the Money to be paid by the ſaid Company, or their Succeſſors, in purſuance of the ſaid Act, ſhall not in any One of the ſaid Five Years, exceed ſuch a Sum, as ſhall be equal to the annual Net Amount of the ſaid Inland Duty of One Shilling *per* Pound Weight, upon Teas cleared from the Warehouſes of the ſaid Company for Conſumption within *Great Britain*, and alſo to the annual Net Amount of the Duties of Cuſtoms, paid on the Importation of Teas, which were exported to *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, upon an Average for Five Years, preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven: And whereas the annual Net Produce of the Duties of Cuſtoms, paid upon the Importation of Teas, which were exported to *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, upon an Average for Five Years, preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, is found to amount to the Sum of Thirty-two thouſand three hundred and two Pounds, Four Shillings, and Sixpence, and the annual Net Produce of all the Duties of Cuſtoms, for or in reſpect of Teas ſold by the ſaid Company together with the annual Net Produce of the Duties of Exciſe upon Teas, cleared out from the Warehouſes of the ſaid Company, on an Average of Five Years preceding the Fifth Day of *July*, One thouſand ſeven hundred and ſixty-ſeven, is found to amount to the Sum of Seven hundred and eighteen thouſand, nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny: And whereas if the ſaid Sum of Thirty-two thouſand three hundred and two Pounds, Four Shillings and Sixpence, ſhould be deducted from the Total of the Net Produce of the Cuſtoms of Exciſe, upon Teas ſold by the ſaid United Company, and cleared out of their Warehouſes, after paying ſuch Drawbacks as are allowed by the ſaid in-part-recited Act, in the Year ending on the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-eight, and in each of the ſaid Four ſucceeding Years; and, if the ſaid United Company ſhould be bound to pay ſuch Sum, as will make the Sum which ſhall remain after ſuch Deduction equal to the ſaid Sum of Seven hundred and eighteen thouſand nine hundred and ſixty-ſix Pounds, One Shilling, and Two-fifth Parts of a Penny, Your Majeſty would probably in every of the ſaid Years, receive from the ſaid United Company a greater Sum of Money, in the Name of Indemnity, than the actual Deficiency of Your Majeſty's Revenue, computed upon the Average in the ſaid recited Act mentioned, would amount to; and, on the other Hand, if the ſaid Deduction ſhould be made from the ſaid Total of the Produce of the Cuſtoms and Exciſe, upon Teas ſold by and cleared out of the Warehouſes of the ſaid United Company for the Year, ending on the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſixty-eight, and for each of the ſaid Four ſucceeding Years, before paying or deducting ſuch Drawbacks as are allowed by the ſaid recited Act; and if the ſaid Company ſhould only pay ſuch Sum, as would

'make the Sum, in such Case, remaining equal to the said Sum of Seven hundred and eighteen thousand 'nine hundred and sixty-six Pounds, One Shilling, and Two-fifth Parts of a Penny, Your Majesty 'would probably in every of the said Years, receive less than the actual Deficiency of Your Majesty's 'Revenue, computed upon the Average in the said Act mentioned, would amount to; so that the Rule 'prescribed by the said Act, for estimating the Indemnity therein provided, is inadequate and ineffec-'tual, whereupon Doubts and Disputes have arisen between the Officers of Your Majesty's Revenue, 'and the said United Company concerning the Manner of ascertaining the same: And whereas it appears 'to have been the true Intent and Meaning of the said Act, That the said United Company should ful-'ly indemnify Your Majesty, for any Diminution of Your Majesty's Revenue, which might happen 'from the Experiment in the said Act mentioned, by paying to Your Majesty such Sum of Money as 'should be sufficient to make the Net Produce of the Duties of Customs and Excise, upon Teas sold by 'and cleared out of the Warehouses of the said Company in the said Year, to be computed from the 'Fifth Day of *July*, One thousand seven hundred and sixty-seven, after paying the said Drawbacks al-'lowed by the said Act, and in each of the said Four succeeding Years, after the like Payment of the 'said Drawbacks, equal to the said Sum of Seven hundred and eighteen thousand nine hundred and 'sixty-six Pounds, One Shilling, and Two-fifth Parts of a Penny, and the said United Company are 'willing, and have agreed, to indemnify Your Majesty accordingly, provided the several Sums so 'to be computed, may be accepted in Satisfaction and Discharge of their Agreement, and of the 'Act herein before-recited; may it therefore please Your most Excellent Majesty that it may be de-'clared and enacted;' and be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That instead of the Rate of Indemnity provided by the said Act, and to be computed as therein is mentioned, the said United Company shall be liable to pay and make good to His Majesty for the Year ending on the Fifth Day of *July*, One thousand seven hundred and sixty-eight, and for each of the said Four succeeding Years, such Sum of Money as, together with the Net Produce of Customs, upon Teas so by the said Company and the Net Produce of Excise upon Teas cleared out from the Warehouses of the said Company, shall, in and for each of the said Years, amount to the Sum of Seven hundred and eighteen thousand nine hundred and sixty-six Pounds, One Shilling, and Two-fifth Parts of a Penny, and no more.

Instead of the Rate of Indemnity, provided by the former Act, the United Company shall pay annually to His Majesty for each succeeding Year since 1768, the Sum of 718,966 l. 1 s. and Two fifth Parts of a Penny.

II. And whereas, by an Account stated and made up in Conformity to the Rate of Indemnity herein before last mentioned, for the first Four of the said Five Years, the said Four Years ending on the Fifth Day of *July* One thousand seven hundred and seventy-one, the said United Company of Merchants of *England* trading to the *East Indies*, stand indebted to His Majesty in the Sum of One hundred and seventeen thousand three hundred and fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny; be it further enacted by the Authority aforesaid, That the said Company shall, on or before the Fifth Day of *July*, which will be in the Year of our Lord One thousand seven hundred and seventy-two, advance and pay into the Receipt of His Majesty's Exchequer the said Sum of One hundred and seventeen thousand three hundred and Fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny, without any Abatement or Defalcation whatsoever.

The said United Company, before July 5, 1772, to pay into the Receipt of the Exchequer 117,314 l. 1 s. 3 d. and Seven-twentieth Parts of a Penny.

III. And be it further enacted by the Authority aforesaid, That all the Monies that shall be paid into the Receipt of His Majesty's Exchequer, in pursuance of this Act, shall be applied to and for the Uses and Purposes directed by the aforementioned Act of the Seventh Year of the Reign of His present Majesty.

All Monies to be paid in pursuance of this Act, shall be applied to the Uses of Act 7 Geo. III.

IV. And be it further enacted by the Authority aforesaid, That on or before the First Day of *September*, which shall be in the Year of our Lord One thousand seven hundred and seventy-two, a true and exact Account shall be taken, stated, and made up by the proper Officers of the Customs and Excise respectively, of the Net Produce of all the Duties of Customs for and in respect of Teas sold by the said United Company, and also the Net Produce of all the Duties of Excise upon Teas cleared out from the Warehouses belonging to the said United Company, within the Year ending the Fifth Day of *July*, One thousand seven hundred and seventy-two: And if the Net Sum Total of both the said Revenues, after paying the said Drawback allowed by the said recited Act, shall not amount to the Sum of Seven hundred and eighteen thousand nine hundred and sixty-six Pounds, One Shilling and Two-fifth Parts of a Penny, the said United Company shall, within Forty Days after such Account shall have been delivered to their Chairman, Deputy Chairman, Secretary, Cashier, or Accomptant General, advance and pay into the Receipt of His Majesty's Exchequer, for His Majesty's Use, such Sum of Money as shall, together with the said Sum Total of Customs and Excise, computed as aforesaid, make up the said Sum of Seven hundred and eighteen thousand nine hundred and sixty-six Pounds, One Shilling, and Two-fifth Parts of a Penny.

Before Sept. 7, 1772, an exact Account to be taken by the Officers of the Customs of the Net Duties in respect of Teas sold by the said Company; and also of the Net Produce of the Duties of Excise upon Teas cleared out within the Year 1772.

If the Net Sum Total of both Revenues, allowed by Act 7 Geo. III. shall not amount to 718,966 l. 1 s. and Two-fifth Parts of a Penny, the United Company shall make up the Deficiency to the Receipt of Exchequer.

V. And be it further enacted, That the said Sum of One hundred and Seventeen thousand three hundred and Fourteen Pounds, One Shilling, and Three-pence, and Seventeen-twentieth Parts of a Penny, and also such Sum of Money as shall be payable by the said United Company, in respect of the Account herein before directed to be made up for the Year ending on the Fifth Day of *July*, One

In Default of Payment by the said Company, it may be sued for, and recovered,

One thouſand ſeven hundred and ſeventy-two, ſhall, in Default of Payment as aforeſaid, be ſued for and recovered in ſuch Manner and Form as the ſeveral Sums required to be paid in and by the ſaid recited Act are therein directed to be ſued for and recovered. in manner directed by the former Act.

VI. And be it further declared and enacted by the Authority aforeſaid, That the ſaid recited Act is and ſhall be confirmed and eſtabliſhed, except ſo far as the ſame is hereby explained, altered or repealed. Act 7 Geo. III. confirmed, except as hereby altered and explained.

CAP. VIII.

An Act to explain and amend an Act paſſed in the Tenth Year of His preſent Majeſty's Reign, for Paving, Lighting, and Watching the Town of *Plymouth*, in the County of *Devon*, and for regulating the Carmen and Porters within the ſaid Town.

'WHEREAS an Act paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for Paving, Lighting, and Watching the Town of* Plymouth, *in the County of* Devon, *and for regulating the Carmen and Porters within the ſaid Town*, has in many Reſpects been found inconvenient and defective: For Remedy whereof, may it pleaſe Your Majeſty that it may it be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act as relates to the Nomination and Appointment of Commiſſioners to put the ſame in Execution, ſhall be and is hereby declared to be repealed; and that from and after the paſſing of this preſent Act, the Mayor, Recorder, Aldermen, and Common Council of the Borough of *Plymouth* for the Time being, together with Thirty-eight other Perſons, Inhabitants of the ſaid Borough, to be elected at the Time and in Manner herein after mentioned, ſhall be, and they are hereby declared to be appointed Commiſſioners for putting the ſaid former and this preſent Act in Execution, and, from and after ſuch Election, ſhall be veſted with the ſame Powers and Authorities for that Purpoſe as the Commiſſioners named and appointed in and by the ſaid former Act. Preamble.

II. And be it further enacted by the Authority aforeſaid, That the Mayor, Recorder, Aldermen, and Common Council of the ſaid Borough, or any Two or more of them, ſhall meet at the Guildhall within the ſame Borough, on the *Wedneſday* Three Weeks next after the paſſing of this preſent Act, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and ſhall then and there proceed to the Election of Thirty-eight proper Perſons, Inhabitants of the ſaid Borough, qualified as herein after mentioned, to be added to the ſaid Mayor, Recorder, Aldermen, and Common Council, as Commiſſioners for putting the ſaid former and this preſent Act in Execution; which Election ſhall be determined by a Majority of the Votes of ſuch Perſons preſent at the ſaid Meeting as have been aſſeſſed to any Rate made in purſuance of the ſaid former Act; and the Names of the Perſons ſo elected ſhall be fairly entered and written in a proper Book to be kept for that Purpoſe. Corporations to meet for electing Commiſſioners.

III. Provided always, and be it enacted, That as often as it ſhall happen that any of the ſaid Commiſſioners ſo to be elected as aforeſaid ſhall happen to die, or to remove out of the ſaid Borough, or refuſe to act, or become Recorder, Alderman, or Common Councilman, of the ſaid Borough; then, and in either of the ſaid Caſes, the Mayor, or, in his Abſence, the ſenior Alderman there being, ſhall, within Ten Days after either of the ſaid Events ſhall have been duly notified to him by a Certificate of any Two or more Commiſſioners, cauſe a publick Notice in Writing to be fixed upon the Guildhall of the ſaid Borough for the Space of Eight Days before ſuch intended Election, that he will proceed on a certain Day, to be ſpecified in ſuch Notice, which ſhall not exceed Three Days after the Expiration of the ſaid Eight Days, to the Election of a proper Perſon or Perſons to ſupply ſuch Vacancy or Vacancies, which Election ſhall be determined at the Guildhall of the ſaid Borough by the Majority of the Votes of ſuch Perſons preſent at the ſaid Meeting, who ſhall then have been duly aſſeſſed to any Rate made in purſuance of the ſaid former Act. In caſe of their Death, new ones to be elected.

IV. Provided alſo, That neither the Mayor, Recorder, Aldermen, or Common Councilmen of the ſaid Borough ſhall have any Vote or Votes in the Choice of the ſaid Thirty-eight Commiſſioners, or in the Choice of any Perſon or Perſons to be elected a Commiſſioner or Commiſſioners to ſupply ſuch Vacancy or Vacancies as aforeſaid. Mayor, Recorder, &c. not to have a Vote.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the Guildhall of the ſaid Borough on the *Wedneſday* next after ſuch Election of the Thirty-eight Commiſſioners, between the Hours of Ten of the Clock in the Forenoon and Two in the Afternoon, and afterwards, from Time to Time, as is directed by the ſaid former Act. First Meeting of Commiſſioners.

VI. And be it further enacted by the Authority aforeſaid, That as ſoon as the Streets, Lanes, and Paſſages, in the ſaid former Act mentioned ſhall be paved, relaid, repaired, raiſed, lowered, altered, cleanſed, and freed from Annoyances, Obſtructions, Nuiſances, and Encroachments, and Drains made as in and by the ſaid former Act is directed, and the Monies raiſed, and to be raiſed, according to the Powers given by the ſaid former and this preſent Act ſhall be repaid and diſcharged, with ſuch Intereſt as ſhall or may be due for the ſame, then it ſhall be lawful for the ſaid Commiſſioners, or the major Part of them, to aſſemble; and the Commiſſioners ſo aſſembled, or the Majority of them, ſhall and may, and they are hereby authoriſed and required to determine whether the ſaid Streets, Lanes, and Paſſages, ſhall from thenceforth be kept in Repair, or relaid, as Occaſion may require, in the Manner directed by the ſaid former Act, or by the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, The Commiſſioners diveſted of the Property of Pavements.

Tenements, or Hereditaments, before which the Pavements are ſituate, at their own proper Coſts and Charges: And if the ſaid Commiſſioners ſhall then determine that the Owners or Occupiers ſhall thenceforth ſo repair, and keep in Repair, the Pavement before their reſpective Premiſes; then, and in ſuch Caſe, from and after ſuch Determination by the ſaid Commiſſioners, ſuch Part of the ſaid former Act as veſts the Property of all the preſent and future Pavements in the Streets, Lanes, and Paſſages, within the ſaid Borough in the Commiſſioners appointed by the ſaid Act, and impowers the ſaid Commiſſioners to direct all the ſaid Pavements to be repaired, taken up, paved, relaid, raiſed, lowered, or altered; and alſo ſo much of the ſaid former Act as directs the Paviors employed by the Commiſſioners to repair the Pavements of the Parade, Quays, Markets, and the ſeveral other Places within the ſaid Borough, which had been uſually paved and kept in Repair by the ſaid Corporation, and the Owners thereof reſpectively, and which has provided a Remedy in caſe of Injury or Damage to any Part of the Pavements by any Perſon employed by the Owner or Owners of any Water Pipe, and by which the Commiſſioners are authoriſed to compound and agree with the ſaid Corporation and Owners of the ſaid Quays or Water Pipes reſpectively for a certain Sum of Money; and alſo ſo much of the ſaid former Act as impowers the ſaid Commiſſioners to cut, dig, take, and carry away, any Stones from any of the Quarries belonging to the ſaid Corporation, or from the Quarry under the Eaſtern Hoe; and alſo ſo much of the ſaid former Act as directs the Charges and Expences attending the repairing the Pavements, and removing Nuiſances and Obſtructions, from Time to Time to be borne by the Owners and Proprietors of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town; and alſo ſo much of the ſaid former Act as impowers the ſaid Commiſſioners to contract for the paving, relaying, repairing, raiſing, lowering, mending, and altering, the Streets, Lanes, and Paſſages, within the ſaid Borough; and alſo ſo much of the ſaid former Act as gives Authority to the ſaid Commiſſioners to apply the Monies ariſing by the Rates and Aſſeſſments in that Act directed, and all Penalties and Forfeitures to be recovered or levied by virtue thereof, for the defraying the Expences of paving and repairing the ſaid Pavements, ſhall be, and the ſame are hereby declared to be repealed: And that from and after ſuch Determination the Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments, in the ſaid Town, ſhall be obliged, and they are hereby directed and required, from Time to Time, and at all Times hereafter, at their own proper Coſts and Charges, to repair, and keep in proper and ſufficient Repair, the Pavement before the Premiſes by them reſpectively held and occupied, in ſuch Sort, Manner, and Form, and to ſuch Extent, as ſhall be thought neceſſary by a Surveyor to be for that Purpoſe appointed at a Meeting of the ſaid Commiſſioners; which Surveyor ſhall, and he is hereby impowered and required to cauſe the ſaid Pavement to be repaired in a regular and uniform Manner, and the Streets, Lanes, and Paſſages, of the ſaid Town to be cleanſed and freed from all Annoyances, Obſtructions, Nuiſances, and Encroachments whatſoever.

The paving of the Streets, &c. how to be inforced and executed.

VII. And be it further enacted by the Authority aforeſaid, That if the Occupier or Occupiers of any Houſe, Building, Land, Tenement, or Hereditament within the ſaid Borough, ſhall neglect or refuſe to repair the Pavement before the Premiſes ſo in his, her, or their Occupation, according to the Directions of ſuch Surveyor, within the Space of Ten Days next after ſuch Occupier or Occupiers ſhall have had Notice in Writing for that Purpoſe given or left at their reſpective Dwellings, ſigned by Seven or more Commiſſioners preſent at a Meeting; or in caſe ſuch Premiſes ſhall be unoccupied, or the Owner or Owners thereof ſhall neglect or refuſe as aforeſaid for the Space of Ten Days next after a Notice in Writing, ſigned as aforeſaid, ſhall have been affixed to ſome conſpicuous Part of the ſaid Premiſes; then, and in either ſuch Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them as aforeſaid, from Time to Time, and ſo often as the ſame ſhall happen, to employ One or more Pavior or Paviors to repair ſuch Pavements under the Inſpection, and according to the Directions of the ſaid Surveyor; and the Sum or Sums due for ſuch Repairs ſhall be defrayed by any Occupier of ſuch Premiſes, or any Part thereof, and be paid to the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint to receive the ſame; and if ſuch Premiſes ſhall be unoccupied, then ſuch Sums ſhall be paid as aforeſaid by the Perſon, or Perſons, or any of them, who ſhall firſt occupy the ſame, or by the Owner or Owners thereof; and all and every Occupier and Occupiers, chargeable with the Repairs of the Pavement, ſhall be at Liberty, and is and are hereby impowered to deduct and detain out of his, her, or their Rents ſuch Sum or Sums of Money as he, ſhe, or they ſhall reſpectively pay for the Purpoſes aforeſaid; which Sum or Sums of Money the Owner or Owners of the Premiſes is and are hereby required to allow or pay to ſuch Occupier; any Leaſe, Contract, or other Matter or Thing to the Contrary notwithſtanding: And if in any Caſe any Perſon or Perſons hereby made liable to pay the ſaid Sum or Sums of Money ſhall refuſe to pay the ſame to the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint to receive the ſame, for the Space of Fourteen Days after lawful Demand made thereof, ſuch Sum or Sums of Money ſhall or may be recovered in Manner herein after-mentioned.

Sums due for Repairs to be defrayed by the Occupiers of the Premiſes.

Corporation to repair ſuch Part of the Town as they formerly paved.

VIII. And be it further enacted by the Authority aforeſaid, That from and after ſuch Determination by the Commiſſioners as is before mentioned, the Corporation of the ſaid Borough ſhall, from Time to Time, and at all Times, at their own Expence, repair, and keep in conſtant Repair, all ſuch Parts of the Pavements of the ſaid Town, as have heretofore been uſually repaired and kept in Repair by or at the Expence of the ſaid Corporation before the paſſing of the ſaid former Act.

For repealing the Clauſe for Corporation to pay 40l. per Annum; and in

IX. And be it further enacted, That ſuch Part of the ſaid former Act as directs that the Corporation of the Borough of *Plymouth* ſhall pay the Sum of forty Pounds yearly and every Year to the Commiſſioners for putting the ſaid former Act in Execution, or any Seven or more of them, or ſuch Perſon or Perſons as they ſhall, from Time to Time, order and appoint to receive the ſame, ſhall be, and the

ſame

ſame is hereby declared to be, repealed; and that from and after the paſſing of this preſent Act, the ſaid Corporation ſhall, in lieu of the ſaid Forty Pounds *per Annum*, out of the publick Stock of the ſaid Corporation, pay the Sum of Twenty Pounds yearly to the ſaid Commiſſioners. lieu thereof 20 l. out of the Common Stock.

X. And be it further enacted, That ſo much of the ſaid former Act as directs the ſaid Commiſſioners to appoint and pay, and alſo to limit and appoint what Wages and Allowances ſhall be paid to any Scavenger or other Officer for the Purpoſe of ſweeping, cleanſing, and carrying away the Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth; and alſo ſo much of the former Act as directs the Expences of ſweeping and cleanſing the ſaid Streets, Lanes, and Paſſages, to be defrayed out of the Rates made or to be made under the Authority of the ſaid former Act; and alſo ſo much of the ſaid former Act as gives Authority to the Commiſſioners to compound with the Inhabitants, or any of them, for the ſweeping and cleanſing, and that gives Power to the ſaid Commiſſioners to buy or rent Land for depoſiting of Soil, Aſhes, Cinders, and Rubbiſh, be, and is hereby repealed: And that from and after the paſſing of this Act, the Mayor, Recorder, Aldermen, and Common Council of the ſaid Borough, or the major Part of them, ſhall or may appoint a ſufficient Number of Scavengers, or other Officers, for the Purpoſes aforeſaid, and ſhall pay a ſufficient Salary or Salaries to ſuch Scavengers and other Officers, and ſhall defray all Expences for cleanſing, ſweeping, and removing all noiſome Matter within the Streets, Lanes, and Paſſages of the ſaid Town; and that from and after ſuch Appointment by the ſaid Mayor, Recorder, Aldermen, and Common Council, all and every Scavenger and Scavengers, Officer and Officers, aforeſaid, already appointed by the Commiſſioners under the ſaid former Act, ſhall be, and are hereby diſmiſſed; and that all Contracts made by the ſaid Commiſſioners with ſuch Scavengers or other Officers ſhall from thenceforth be null and void. Clauſes in former Act limiting Wages to Scavenger, cleanſing the Streets, &c. repealed.

XI. Provided nevertheleſs, That the ſaid Commiſſioners ſhall pay, out of the Rates levied or to be levied, or out of the monies borrowed or to be borrowed by the Authority of the former or this preſent Act, all Monies which ſhall be then due to ſuch Scavengers or Officers as aforeſaid. Proviſo.

XII. Provided alſo, That nothing in this preſent Act contained ſhall extend, or be conſtrued to extend, to repeal or alter any of the Powers or Authorities by the ſaid former Act given to the Commiſſioners over ſuch Scavengers or other Officers, or to order and appoint how and in what Manner the Scavengers and other Officers ſhall reſpectively act and execute their ſeveral Offices, Places, and Employments; and it ſhall be lawful for the ſaid Commiſſioners to diſmiſs ſuch Scavengers and ſuch other Officers ſo to be appointed by virtue of this Act, at their Will and Pleaſure, for any Neglect of Duty; in which Caſe, the ſaid Mayor, Recorder, Aldermen, and Common Council ſhall, and they are hereby required to appoint other Scavengers, or other Officers, in the Place and Stead of them ſo diſmiſſed by the Commiſſioners; and that all Scavengers, or other Officers ſo to be appointed by the ſaid Mayor, Recorder, Aldermen, and Common Council, ſhall be ſubject to the like Penalties and Forfeitures in ſuch Caſes, and for ſuch Offences, as ſuch Scavengers and other Officers are by the ſaid former Act liable to. Nothing herein contained to alter the Powers of the former Act.

XIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Recorder, Aldermen, and Common Council, to compound with the Inhabitants of the ſaid Town by the Year, for the ſweeping and cleanſing any of the ſaid Streets, Lanes, or Paſſages, in ſuch Sort and Manner as the ſaid Commiſſioners were by the ſaid former Act impowered to do, though ſuch Compoſition-money be not paid in Advance. Mayor and Council to compound with the Inhabitants.

XIV. And be it further enacted, That the ſaid Mayor, Recorder, Aldermen, and Common Council ſhall, and are hereby required to provide proper and convenient Places for depoſiting of the Soil, Aſhes, Cinders, and Rubbiſh, of the ſaid Streets, Lanes, and Paſſages; and the ſaid Commiſſioners, or any Seven or more of them, ſhall, and are hereby required, from and after the paſſing this Act, to order ſuch Scavengers, or other Officers ſo to be appointed, to convey ſuch Soil, Aſhes, Cinders, and Rubbiſh, as he or they ſhall collect by virtue of this Act, to ſuch Place or Places within the ſaid Borough as the Mayor, Recorder, Aldermen, and Common Council, ſhall provide as aforeſaid; and the ſaid Soil, Aſhes, Cinders, and Rubbiſh, ſo depoſited, ſhall from thenceforth be and remain the Property of the ſaid Mayor, Recorder, Aldermen, and Common Council. They are to provide convenient Places for depoſiting of Soil, &c.

XV. And be it further enacted by the Authority aforeſaid, That after ſuch Determination by the ſaid Commiſſioners, as is before mentioned, if the Pavement of any of the ſaid Streets or Places directed to be repaired by the ſaid former or this preſent Act, ſhall be injured or damaged by the breaking or burſting of any Water Pipe or Pipes, the Expence of repairing ſuch Damage ſhall be reimburſed by the Owner or Owners of ſuch Pipe or Pipes to the Perſon or Perſons chargeable with ſuch Repair; and as often as it ſhall happen that any of the ſaid Pipes ſhall be injured or damaged in repairing any of the ſaid Pavements, the Perſon or Perſons chargeable with the ſaid Repairs ſhall make good all ſuch Damage as ſhall have been thereby ſuſtained by the Owner or Owners of ſuch Pipe or Pipes; and in caſe ſuch Owner or Owners of ſuch Pipe or Pipes, or the Perſon or Perſons chargeable with the Repairs of any of the ſaid Pavements, ſhall reſpectively refuſe to make ſuch Satisfaction as is hereby required of them, for the Space of Six Days after the ſame ſhall be demanded of them, the ſame ſhall be recovered and levied in Manner herein after mentioned. Damage by Water Pipes, how to be repaired.

'XVI. And whereas the Number of Lamps directed by the ſaid former Act to be erected within the 'ſaid Borough, is inſufficient,' be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, as aforeſaid, ſhall have Power to cauſe to be erected ſo many Lamps as to them ſhall ſeem proper and convenient; the Property of which Lamps, and of the Lamp Irons and Poſts thereunto belonging, as well as of thoſe already erected by virtue of the ſaid former Act, ſhall be and is hereby veſted in the ſaid Commiſſioners, in as full and ample Manner as the Lamps, Lamp Irons, and Poſts, are veſted by the ſaid former Act; and all Clauſes in the ſaid former Act contained reſpecting Lamps, Commiſſioners may erect what Number of Lamps, as may appear convenient.

Lamps, Lamp Irons, and Posts, erected by virtue of the said Act, shall extend to every Lamp, Lamp Iron, and Post, to be erected by virtue of this Act.

Offenders out of the Jurisdiction of the Town, how to be punished.

XVII. And be it further enacted by the Authority aforesaid, That if any Offender against the said former or this present Act shall be found out of the Jurisdiction of the said Borough, any Justice or Justices of the Peace for the County or Place where such Offender shall be found, shall have the same Power with respect to the apprehending and punishing such respective Offenders as by the said former Act is given to the Justices of the Peace for the said Borough.

Watchmen to be appointed by Commissioners.

'XVIII. And whereas it may be necessary hereafter to employ more than Twenty Watchmen in 'watching and guarding the Streets, Lanes, and Passages, of the said Town,' be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall have Power to appoint any competent Number of fit and able-bodied Men to watch and guard the Streets, Lanes, and Passages of the said Town, under the Direction of One or more Constable or Constables for the said Borough for the Time being, to be for that Purpose nominated by the Mayor of the said Borough, or in his Absence, by any One of the said Justices for the Time being; and out of the Assessments to be made by virtue of the said former and this present Act, to make such Allowance to the said Constable or Constables, and Watchmen, for their Attendance; and to give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed; and, from Time to Time, to remove any of the said Watchmen, and appoint others in their Stead, as Occasion may require.

Penalty on Persons neglecting to serve the Office of Constable.

XIX. Provided always, and be it further enacted by the Authority aforesaid, That if any Constable of the said Borough appointed as aforesaid shall refuse or neglect to take upon him such Direction of the Watchmen as aforesaid, and to do his Duty therein, he shall, upon Conviction thereof before the Mayor and One other Justice of the Peace for the said Borough, or, in the Absence of the Mayor, before any Two Justices of the Peace for the said Borough, be liable to the Payment of such Fine for the same (not exceeding Five Pounds) as the said Mayor and Justice, or the said Two Justices, shall think proper to impose; to be recovered and levied in Manner herein after mentioned.

Nuisances to be removed, on Forfeiture of 5 s.

XX. And be it further enacted by the Authority aforesaid, That in case any Filth, Rubbish, or any other Matter whatsoever, (except Muck, Dung, or Manure, brought in order to be loaded and carried away by the Scavenger), lying or being in any of the said Streets, Lanes, or Passages, shall, upon Complaint made to the said Commissioners, be judged offensive, the same shall be deemed a Nuisance, and an Offence against the said former Act; and in case the same shall not be removed within Four Hours after Request made for that Purpose by the Party then complaining to the Person or Persons who ought to remove the same, upon Proof made thereof on Oath of One credible Witness before any Justice of the Peace for the said Borough, such Person or Persons, so offending, shall forfeit and pay the Sum of Five Shillings for the said Offence, and Five Shillings an Hour for every Hour that the same shall continue unremoved after the Expiration of the said Four Hours; to be recovered and levied in Manner herein after mentioned.

No Casks or Vessels to stand in the Streets.

XXI. And be it further enacted by the Authority aforesaid, That no Cooper, or other Person, shall hoop or burn, or cause to be hooped or burnt, any Cask or Casks of what Kind soever, in any Street of the said Borough, upon Pain that every Person so offending shall, on Proof thereof made on the Oath of One credible Witness before any Justice of the Peace of the said Borough, forfeit and pay the Sum of Five Shillings for every such Offence; to be recovered and levied in Manner herein after mentioned.

Time for emptying Necessary-houses.

XXII. And be it further enacted by the Authority aforesaid, That if any Necessary-house in the said Town shall be emptied at any Time, except between the Hours of Twelve at Night and Four in the Morning, or the Soil thereof shall be laid in any other Place than shall be appointed for that Purpose by the said Commissioners, or any Seven or more of them, as aforesaid, by any Person or Persons; then, and in either of the said Cases, as well the Person or Persons knowingly employing any Person or Persons for that Purpose, as the Person or Persons committing the Offence, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and if any Person or Persons shall wilfully or negligently spill any of the Soil of any Necessary-house in any of the said Streets, Lanes, or Passages, and not immediately remove the same, every Person so offending shall, for every such Offence, forfeit and pay the like Sum of Forty Shillings.

Expences of the Act to be defrayed by Tenants.

Assessments not to exceed 6 d. in the Pound.

XXIII. And be it further enacted by the Authority aforesaid, That from and after such Determination by the said Commissioners, as is before mentioned, all Charges and Expences attending the removing Obstructions, and lighting and watching the said Streets, Lanes, and Passages, shall, from Time to Time, be paid, borne, and defrayed by the Tenants or Occupiers of the several Houses and Buildings in the said Town, and other the Inhabitants thereof; provided that no Assessment to be made for defraying the said Expences shall exceed in the Whole Sixpence in the Pound in any One Year.

Doubt in the former Act, obviated.

'XXIV. And whereas Doubts have arisen upon the Construction of such Part of the said Act of the 'Tenth Year of His present Majesty, as impowers the Commissioners to make a Rate or Assessment, which 'shall not exceed in the Whole Nine-pence in the Pound in the Two First Years after the passing the Act;' be it declared and enacted by the Authority aforesaid, That the Rates or Assessments made by the said Commissioners for the Payment of Nine-pence in the Pound in each Year for the first Two Years after the passing the said Act, are, and are hereby declared to be legal Rates; and that the respective Sums assessed upon the several Inhabitants by the said Rates or Assessments, and all Arrears thereof, shall and may be recovered and levied in such and the like Manner as any Rate or Assessment directed to be made by virtue of the said former or this present Act, may be recovered and levied.

Rates, when made to be signed by the Commissioners.

XXV. Provided always, and be it enacted, That when and so often as any Rate or Assessment shall be made by virtue of this or the said former Act, the same shall be signed by the Commissioners, or any

Seven or more of them, within Two Days after such Rate or Assessment shall be made, and publick Notice shall be given thereof in the respective Parish Churches within the said Borough, immediately after Divine Service, on the *Sunday* next after the same shall be so signed; and the said Rate or Assessment, or a Duplicate thereof, so long as the same shall continue in Force, shall lie open in the Guildhall of the said Town, or in such other Place as the Commissioners at a Meeting shall appoint, for publick Inspection, without Fee or Reward; and that any Rate to be made by virtue of this present Act, shall be subject to such and the same Regulations and Powers as the Commissioners are authorised to exercise over Rates made in Pursuance of the said former Act.

Persons within certain Limits only to be rated.

XXVI. Provided also, That no Person or Persons shall be subject or liable to the Payment of any Rate or Rates, or Assessments, to be made in pursuance of this or the said former Act, for sweeping, cleansing, lighting, watching, and removing Nuisances, but the several Tenants or Occupiers of such Houses and Buildings as now are, or at any Time or Times hereafter shall be, erected in the said Town.

Collectors, how to be appointed.

XXVII. And be it further enacted by the Authority aforesaid, That so much of the said former Act as impowers the Commissioners to appoint the Assessors therein mentioned, or any Six or more of the Inhabitants, to be Collectors of the Rates therein mentioned, be and is hereby repealed; and that from and after the passing this Act, the said Commissioners, or any Seven or more of them, shall and may, by Writing under their Hands, from Time to Time, nominate and appoint Two or more Collectors of the Monies to be raised by virtue of the said former and this present Act; which Collectors so appointed shall be subject to the said Commissioners, and be liable to the same Forfeitures as in and by the said former Act is provided; and that each and every of such Collectors shall have and be intitled to such Sum, not exceeding Thee-pence in the Pound, upon the Amount of the Money by them respectively received, as the said Commissioners shall think reasonable.

Collectors and Assessors to serve a limited Time.

XXVIII. Provided always, That no Person shall continue in either of the said Offices of Assessor or Collector for any longer Time than the Space of One Year, nor shall be again nominated to either of the said Offices, in less than Five Years from the Time of his having served the same, unless it shall happen to come sooner to his Turn by general Rotation, or unless he shall particularly apply or request to be so appointed.

Manner of Payment of Rates.

XXIX. And be it further enacted by the Authority aforesaid, That all and every the Rate and Rates, Assessment and Assessments, which shall at any Time hereafter be made in pursuance of this and the said former Act, shall be collected and received by the several Persons appointed for that Purpose by four equal Quarterly Payments.

Persons liable to Watch and Ward, to pay such Sum as the Commissioners appoint.

XXX. And be it further enacted by the Authority aforesaid, That the Inhabitants or Resiants of the said Town, who, by virtue of the said former Act, were liable to be assessed Four Shillings a Year in lieu of the personal Duty of Watch and Ward, shall pay by quarterly Portions such annual Sum as the said Commissioners shall appoint, not exceeding the Sum of Four Shillings a Year each, in lieu of their said personal Duty, to the Persons appointed to collect and receive the Assessment to be made in pursuance of the said former and this present Act; which said Collector shall, from Time to Time, make a true and faithful Return of the Names of all Persons making Default in such Payment to the Commissioners, at their next publick Meeting; and the respective Payments so in arrear shall be recovered and levied in Manner herein-after mentioned: Provided, that if any such Defaulter or Defaulters shall, through Poverty, be really unable to pay the Money so to be assessed on him or them as aforesaid, and shall be proved so to be to the Satisfaction of the said Commissioners, it shall and may be lawful to and for such Commissioners, and they are hereby authorised and impowered to mitigate and lessen the Amount of the Arrears so due from such Defaulter or Defaulters, or wholly to discharge him or them from the same, as the Nature of the Case may require, and as the said Commissioners in their Discretion shall think proper; any Thing in the said former or this present Act contained to the Contrary thereof notwithstanding.

Poor Persons to be excused.

Commissioners to borrow a further Sum, not exceeding 1500l.

XXXI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners to borrow and take up at Interest any Sum or Sums of Money, not exceeding One thousand five hundred Pounds, over and above all Sums already borrowed upon the Credit of the said former Act, at some publick Meeting or Meetings, at which there shall be present no less than Fifteen of the said Commissioners, upon the Credits of the Assignments to be made by virtue of the said former and this present Act, which Lease shall be made under such Regulations as are prescribed by the said former Act.

30 Days Notice to be given of borrowing Money.

XXXII. Provided also, That no Money shall be borrowed by virtue of the said former or this present Act, unless Thirty Days Notice shall be given of the same by Writing affixed to the Guildhall of the said Borough, signed by the Clerk or Treasurer to the said Commissioners for the Time being; and that all Creditors who shall have lent Money upon the Rates or Assessments granted by the said former and this present Act, shall be deemed and taken to be Creditors in equal Degree, without any Priority.

Qualification of Commissioners.

XXXIII. Provided always, and be it further enacted by the Authority aforesaid, That so much of the said former Act as describes the Qualification of the Commissioners for putting the said Act in Execution be and is hereby repealed; and that no Person (except the Mayor, Recorder, Aldermen, and Common Council of the said Borough) shall be capable of acting as a Commissioner for putting the said former or this present Act in Execution who shall not be rated and pay for his own Property the Sum of Twenty Shillings by the Year, for the Relief of the Poor of the said Borough for the Time being, or be seised in his own Right, or in the Right of his Wife, of Lands within the said Borough, of which the reserved Rent shall amount to Forty Pounds by the Year, or shall be possessed of a Term of Ninety-

nine Years in such Lands, determinable on Lives, of which the Rents and Profits to his own Use shall amount to Forty Pounds by the Year; and if any Person shall, from and after the Election of the Thirty-eight Commissioners as aforesaid, act as a Commissioner for putting the said former or this present Act in Execution, not being such Member of the Corporation of the said Borough for the Time being, and not being qualified as described by this present Act, such Person or Persons shall be subject to the Penalties inflicted by the said former Act on Persons acting as Commissioners, who shall not be qualified according to the Directions of the said Act; which Penalties shall be recovered and levied in the like Manner as by the said former Act is directed in case of Persons acting without a Qualification.

Recovery of Penalties.

XXXIV. And whereas in the said former Act, and in this present Act, divers Penalties and Forfeitures are directed for certain Offences particularly specified, touching which no express Provision is made how the Offenders liable to such Penalties and Forfeitures shall be proceeded against; be it further enacted by the Authority aforesaid, That, upon Complaint made to any Justice of the Peace for the said Borough against any such Offender or Offenders, it shall be lawful for the said Justice, upon the Oath of One or more credible Witness or Witnesses, to convict the Offender or Offenders; and that all Penalties and Forfeitures by this or the said former Act incurred, and also all and every Sum and Sums of Money therein or herein directed to be raised or paid, touching which no other Provision is made, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, (unless such Persons shall voluntarily pay the same on Demand) by Warrant under the Hand and Seal of a Justice of the Peace of the said Borough, (which Warrant the said Justice is hereby impowered and required to grant); and the said Penalties, Forfeitures, and Sums, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so distrained and sold, (the Charges of such Distress and Sale being first deducted) shall be applied (if not otherwise directed to be applied by this or the said former Act) to the Purpose of carrying the said former and this present Act into Execution.

Justices vested with a Power of Mitigation.

XXXV. Provided always, That it shall be in the Power of the Justice or Justices before whom such Conviction shall be made to mitigate all or any of the Penalties inflicted by this Act, so that such Mitigation do not extend to more than Three-fourths of the original Penalty.

Rails on the Quays, to be placed by the Proprietors.

XXXVI. And be it further enacted, That so much of the said former Act as directs, that the Owners or Proprietors of the several Quays adjoining to *Sutton Pool*, shall cause Rails to be placed upon the Quays, and keep the same in Repair, be, and the same is hereby repealed; and that in order to prevent Accidents which may happen from the Want of proper Rails being placed upon the Quays near the Harbour called *Sutton Pool* in the said Town, the several Owners and Proprietors of the several publick Quays adjoining to the said Harbour shall, within Six Calendar Months from and after the passing this Act, cause proper Rails to be placed and fixed upon the said Quays next the said Harbour; and shall, from Time to Time, keep such Rails in proper Repair; or in Default thereof, the said Commissioners are hereby authorised and required with all convenient Speed to order the said Quays to be properly railed, or the Rails thereof repaired, as the Case shall happen to be, and the Expence attending the same shall be paid by the respective Owners or Occupiers of such Quays to the said Commissioners, or their Treasurer or Clerk, or to such other Person as they shall for that Purpose appoint; and in Default of such Payment, the same may be recovered from the said respective Owners or Occupiers of the said Quays by Action of Debt, in any of His Majesty's Courts of Record, in the Name of any Two of the said Commissioners or their Clerk, with Full Costs of Suit.

Watchmen to apprehend disorderly Persons, and carry them before a Justice.

XXXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for for the said Watchmen, or any of them, and they are hereby respectively authorised and required, during the Time of their keeping Watch and Ward, to apprehend and secure in the Watch-house, or some other Places of Safety under the Direction of the Constable of the Watch for the Time being, all such Disturbers of the King's Peace, and such disorderly or suspected Persons as shall be found wandering or misbehaving themselves, and to carry them as soon as conveniently may be before the Mayor, or some Justice of the Peace of the said Borough, in order to be examined and dealt with according to Law.

Clause in former Act to prevent Sledges being left in the Streets, further extended.

'XXXVIII. And whereas by a Clause in the said former Act, Carts, Waggons, and other Wheel-'carriages are prohibited to remain in the Streets for any longer Time than the Space of Two Hours;' be it further enacted by the Authority aforesaid, That the said Clause, and all and every the Penalties thereby imposed, shall, from and after the passing of this Act, extend to all Drays, Sledges, or other Carriages of what Nature or Kind soever.

Power of Appeal.

XXXIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Assessment, Adjudication, or Penalty, in pursuance of the said former or this present Act, such Person or Persons shall and may be at Liberty to appeal either to the Justices of the Peace for the said Town at the next Court of Quarter Sessions of the Peace, to be holden in and for the same by Adjournment or otherwise, such Appellant or Appellants first giving reasonable Notice to the said Commissioners or their Clerk; and if reasonable Notice be not given, the Justices shall adjourn the Appeal to the next Court, to be holden as aforesaid, at which said Court the said Justices shall have Power to hear and determine the same, or he, she, or they, shall and may be at Liberty to appeal, in the first Instance, to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the said County of *Devon*, such Appellant or Appellants First giving such Notice, and entering into such Recognizances as by the said former Act is in that Behalf directed; and the Determination of the Quarter Sessions, to which such Appeal shall be made, shall be binding, final, and conclusive, to all Intents and Purposes.

Former Act confirmed.

XL. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Articles, Provisions, Penalties, Forfeitures, Matters, and Things, in the said former Act contained, except such

ſuch and ſo many of them as are repealed, altered, or varied by this preſent Act, ſhall be, and continue in full Force and Effect; and that all and every Contract and Agreement which have already been made in purſuance or by virtue of the ſaid former Act, ſhall be, and the ſame are hereby eſtabliſhed and confirmed.

Expences of the Act how to be defrayed.

XLI. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act, and attending all Contracts made in purſuance of the Execution of the Powers of the ſaid former Act, and the Expences attending the ſeveral Applications to Parliament in the laſt Seſſion, for Amending the ſaid former Act, ſhall be paid out of the Firſt Monies to be raiſed by virtue of the ſaid former or this preſent Act.

Publick Act.

XLII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. IX.

An Act to enable the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called *Bedford Level*, to borrow upon Bonds further Money, upon account of the Middle and South Levels, Part of the ſaid Great Level; and for eſtabliſhing a further certain Fund, for Payment of the Bonds of the ſaid Corporation, out of the ſaid Middle and South Levels.

Preamble.

'WHEREAS by an Act of Parliament, made in the Fifteenth Year of King *Charles* the Second, intituled, *An Act for ſettling the draining of the Great Level of the Fens called* Bedford Level; it was (amongſt other Things) enacted, "That *William* then Earl of *Bedford*, and the Adventurers and Participants of *Francis* Earl of *Bedford*, and the ſaid Earl *William*, or either of them, their Heirs and Aſſigns, in ſuch Manner as in the ſaid Act is contained, ſhould be a Body Body Politick and Corporate, and have Succeſſion for ever, by the Name of *The Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens*; with Power to lay Taxes upon the Ninety-five thouſand Acres alloted to them as a Recompence for draining the ſaid Great Level, (Twelve thouſand Acres whereof had been deſigned and intended for His late Majeſty King *Charles* the Firſt, and had been ſet forth by Bounds in Severalty) for the Support, Maintenance, and Preſervation of the ſaid Great Level, and to levy the ſame, with Penalties for Non-payment; and to do all other Things, in order to the Support, Maintenance, and Preſervation of the ſaid Great Level, and Works made, and to be made, in ſuch Manner as in the ſaid Act is mentioned: And whereas by another Act, made in the Twentieth Year of the Reign of King *Charles* the Second, intituled, *An Act for the taxing and aſſeſſing of the Lands of the Adventurers within the Great Level of the Fens*, it was enacted, That Eighty-three thouſand Acres, Parcel of the ſaid Ninety-five thouſand Acres, ſhould, from Time to Time, be taxed and aſſeſſed by a gradual Acre-tax of different Sorts and Values of Lands; and that the ſaid Twelve thouſand Acres, Reſidue of the ſaid Ninety-five thouſand Acres, ſhould be rated at a Medium of the whole Tax, to be from Time to Time aſſeſſed upon the ſaid Ninety-five thouſand Acres: And, to the End that the ſaid Eighty-three thouſand Acres might be more equally taxed by a gradual Acre-tax, certain Perſons, in the ſame Act named, were appointed Surveyors and Valuers of the ſaid Eighty-three thouſand Acres; and were, within the Time limited by the ſaid Act, to digeſt the ſaid Eighty-three thouſand Acres into a Number of Sorts and Degrees, not under the Number of Seven Sorts and Degrees, and to rate and tax ſuch Degrees, and digeſt the ſame into Schedules, in Writing; and to make Returns thereof, upon their Oaths, into the Fen-office, in ſuch Manner as by the ſaid Act is preſcribed: And whereas by Valuations, made by the ſeveral Perſons appointed by the ſaid Act of the Twentieth of King *Charles* the Second, and duly returned into the Office of the ſaid Corporation in *London*, the ſaid Eighty-three thouſand Acres were ſet out and digeſted into Eleven different Sorts and Degrees of Land, and the ſeveral Sums to be rated and aſſeſſed upon each of the ſaid Sorts and Degrees, as their reſpective Proportions of the Taxes to be paid to the ſaid Corporation, were, by the ſaid Valuations, ſettled and limited; and the ſaid Eighty-three thouſand Acres have always ſince been taxed by a gradual Acre-tax, according to the Degrees and Proportions to ſet out and allotted, and the ſaid Twelve thouſand Acres at a Medium of ſuch Tax: And whereas by another Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level, and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland, taking Notice, amongſt other Things, that, at a Court of the ſaid Corporation, held the Tenth Day of *March*, One thouſand ſix hundred and ninety-ſeven, the ſaid Corporation declared, that the ſeveral Parts of the ſaid Great Level ſhould be diſtinguiſhed by the ſeveral Names of *The North Level*, *Middle Level*, and *South Level*, reſpectively; it was, amongſt other Things, enacted, That the ſaid North Level, or the Lands,

Act 15 Car. II. for draining Bedford Level.

Act 20 Car. II.

27 Geo. II.

" Tenements, Rents, Taxes, and Revenues thereof, or of any Part thereof, ſhould not be ſubject or " liable to the Payment of any Debt, or Sum or Sums of Money, which ſhould, at any Time there- " after, be contracted, taken up, or borrowed by the ſaid Corporation, for or upon account of the " ſaid Middle or South Levels, or either of them; and alſo, that the ſaid Middle and South Levels, " or either of them, or the Lands, Tenements, Rents, Revenues, and Taxes of them, or either of " them, ſhould not be ſubject or liable to the Payment of any Debt, or Sum or Sums of Money what- " ſoever, which ſhould at any Time thereafter be contracted, taken up, or borrowed, by the ſaid Cor- " poration, on account of the ſaid North Level: And whereas, by another Act, made in the Twenty-
29 G. II. " ninth Year of His ſaid late Majeſty King *George* the Second, intituled, *An Act for eſtabliſhing a Fund* " *for Payment of the Bonds of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of* " *the Great Level of the Fens, commonly called* Bedford Level, *and for exchanging the preſent Bonds of the* " *ſaid Corporation for other Bonds, payable out of the Revenues of the Middle and South Levels, Part of* " *the ſaid Great Level, and for enabling the ſaid Corporation to borrow further Sums, for the Uſe of the ſaid* " *Great Level*, to the End that a ſufficient Fund might be at all times thereafter raiſed and ſecured for " the Payment of the Bonds of the ſaid Corporation, and that the Bonds which had been given by the " ſaid Corporation for the Sum of Twenty ſeven thouſand four hundred and forty Pounds, the then " Debt of the ſaid Corporation, might be exchanged; and that the ſaid Corporation might be enabled to " borrow ſuch further Sums as ſhould be neceſſary for the Support and Preſervation of the ſaid Great " Level; and that diſtinct Bonds might be given for the Money which ſhould be borrowed upon account " of the ſaid Middle and South Levels, and upon account of the ſaid North Level, it was (among other " Things) enacted, That, during ſuch Time as any Debt or Sum of Money ſhould be due or owing from " or upon account of the ſaid Middle and South Levels, all ſuch Parts of the ſaid Eighty-three thouſand " Acres as lie within the ſaid Levels, or either of them, ſhould yearly and every Year be, and the ſame " were thereby rated, taxed, charged and aſſeſſed, by and with a ſingle gradual Acre-tax, and ſuch Part of " the ſaid Twelve thouſand Acres as lie within the ſaid Middle or South Levels, with a Medium of " ſuch ſingle gradual Acre-tax, according to the ſaid Act of the Twentieth of King *Charles* the Se- " cond, and the Valuations made in purſuance thereof: And it was thereby provided, That it ſhould " be lawful for the Governor, Bailiffs, and Conſervators, of the ſaid Corporation, from Time to " Time, to rate, tax, charge, or aſſeſs, all ſuch Parts of the ſaid Eighty-three thouſand Acres, and " Twelve thouſand Acres, as lie within the ſaid Middle or South Levels, with any further Tax which " they the ſaid Governors, Bailiffs, and Conſervators, ſhould judge neceſſary, in the ſame Manner as " they might have done before the making of the ſaid Act: And it was thereby further enacted, That, " in lieu of the Bonds thentofore given by the ſaid Corporation, for ſecuring the Payment of the " ſaid Debt of Twenty-ſeven thouſand four hundred and forty Pounds, the ſaid Governor, Bailiffs, " and Conſervators, or any Five or more of them, whereof the ſaid Governor or Bailiffs, or any of " them, to be Two, ſhould give other Bonds, under the Common Seal of the ſaid Corporation, for the " reſpective Sums due to the Perſon or Perſons poſſeſſed of ſuch Bonds, mentioning in the Bonds ſo " to be given, that the Money ſecured thereby was due and owing upon account of the ſaid Middle " and South Levels; and that all and ſingular the Rents, Taxes, and Revenues, of the ſaid Middle " and South Levels ſhould be, and they were thereby declared to be, a Security for, and ſhould be " charged and chargeable with the Payment of the Sums mentioned in ſuch Bonds, and all Intereſt " due, and to become due thereupon; and that it ſhould be lawful for the ſaid Governor, Bailiffs, " and Conſervators, or any Seven or more of them, whereof the ſaid Governor or Bailiffs, or any of " them, to be Two, from Time to Time, to borrow upon Bonds, any Sum or Sums of Money which " they ſhould judge neceſſary, for the Uſe of the ſaid Middle and South Levels, or either of them, ſo " as by the borrowing of ſuch Sum or Sums the Debt of the ſaid Corporation, upon account " of the ſaid Middle and South Levels, ſhould not be at any Time made to exceed in the " whole the Sum of Thirty-two thouſand Pounds; declaring in the Bonds to be given for " ſuch Sum or Sums, that the Monies ſecured thereby was due and owing upon account of the " ſaid Middle and South Levels; and that the Rents, Taxes, and Revenues, of the ſaid Middle " and South Levels ſhould be, and they were thereby, made a Security for Repayment of the Sums ſo " to be borrowed, with legal or leſs Intereſt for the ſame, as ſhould be agreed upon between the ſaid " Corporation and the Perſon or Perſons lending ſuch Money: And it was thereby further enacted, " That all and ſingular the Rents, Taxes, and Sums of Money, to be received, raiſed, or levied, by " the ſaid Corporation, from, upon, or upon account of, ſuch Part of the ſaid Ninety-five thouſand " Acres as lie within the ſaid Middle and South Levels, or either of them, ſhould be charged and " chargeable, in the firſt Place, with the Payment of the aforeſaid Debt of Twenty-ſeven thouſand " four hundred and forty Pounds, and of ſuch other Sums of Money as ſhould be ſo borrowed upon " account of the ſaid Middle and South Levels, and of the Intereſt of ſuch Debts and Sums of Money; " and the Receiver of the ſaid Corporation was thereby impowered and required, out of the firſt " Money which ſhould from Time to Time come to his Hands, ariſing from the Rents, Taxes, and " Revenues, of the ſaid Middle and South Levels, to pay the Intereſt of ſuch Bonds as ſhould be en- " tered into upon account of the ſaid Middle and South Levels, and alſo the Principal Monies due " upon ſuch Bonds, upon Six Months Notice left for that Purpoſe at the Office of the ſaid Corporation " in *London*, by the Perſon or Perſons poſſeſſed of ſuch Bonds: And it was thereby further enacted " and declared, That, in caſe any of the Bonds to be given by the ſaid Corporation, upon account " of the ſaid Middle and South Levels, ſhould not be paid by the ſaid Receiver, purſuant to ſuch

" Notice

" Notice left or given as aforesaid, then the Rents, Taxes, and Revenues, of the said Middle and " South Levels, should vest in the Person or Persons possessed of such Bonds, until the same, together " with all Interest due thereupon, should be fully paid and satisfied; and such Person or Persons, " their Executors, Administrators, and Assigns, should have the same Power, Rights, and Privileges, " of recovering the said Rents, Taxes, and Revenues, of the said Middle and South Levels, as the " said Corporation would have had, in case such Bonds had been regularly paid and fully satisfied: " And whereas, by an Order made by the said Corporation, on the Tenth Day of *June*, One thou- " sand seven hundred and fifty-six, it was resolved, That it should be a standing Order of the said " Corporation, that no Money should be applied to any other Works in the said Middle and South " Levels until the South Banks of *Moreton's Leame*, beginning at *Standground*; the North Bank of the " Hundred Foot from *Erith* to *Salters Load*; the Bank from the *Hard Lands of Swasey* to the *Her-* " *mitage*; the South Bank of the Hundred Foot, from the *Hermitage* to *Denver Sluice*; the West Bank " of *The Ouse*, from *Denver Sluice* to *Littleport*; the West Bank of *The Grant*, from *Harrimeer* to " *Clayhithe*; the East Bank of *The Ouse*, from *Helgay Creek* to *Harrimeer*; and the East Bank of *The* " *Grant*, from *Harrimeer* to *Clayhithe*; and the several Sluices and Gates adjoining to those Banks, (being " the principal Works necessary for the Preservation of the said Middle and South Levels) should be " put into good Repair; unless, at any future General Meeting of the Corporation, it should be found " necessary for the Corporation to be at Part of the Expence of some particular material Works that " might be wanting for the Preservation of a particular District within either of those Levels: And " whereas the Debt of the said Corporation, on account of the said Middle and South Levels, is in- " creased to the Sum of Thirty thousand seven hundred Pounds, which Debt still remains due, and is " secured by Bonds entered into pursuant to the said Act, and the Interest of such Bonds amounts " annually to the Sum of Twelve hundred and Twenty-eight Pounds; and a single gradual Acre-tax " on such Part of the said Eighty-three Thousand Acres, and the Medium Tax on such Part of the " said Twelve thousand Acres, as lie within the said Middle and South Levels, charged and assessed " by the said Act of the Twenty-ninth Year of His late Majesty King *George* the Second, produce an- " nually the Sum of Four thousand four hundred and eighteen Pounds, Eighteen Shillings; and the " further Tax of a Quarter of a single gradual Acre-tax on the said Lands will produce the further Sum " of Eleven hundred and four Pounds, Fourteen Shillings, and Six-pence: And whereas, by the Floods " which happened last Winter, great Damage hath been done to the Banks and principal Works before- " mentioned, which cannot be sufficiently repaired, or the said Middle and South Levels properly pre- " served, by the ordinary Revenue of the said Corporation, arising from the said Middle and South " Levels, nor unless a further Power is given to the said Corporation to borrow Money beyond the " Sum of Thirty-two thousand Pounds, limited by the said Act of the Twenty-ninth Year of His " late Majesty, and such Parts of the said Ninety-five thousand Acres as lie in the said Middle and " South Sevels, are absolutely charged with a further Tax than the same are charged with by the said " Act of the Twenty-ninth Year of His late Majesty King *George* the Second, as a Further certain " Fund for the Payment of the Debts of the said Corporation, upon account of the said Middle and " South Levels, which cannot be done without the Aid of Parliament; and as the maintaining and " preserving the said principal Works will not only be for the Benefit of the Country in general, but " will tend to the greater Security of the present Creditors of the said Corporation; may it please Your " Majesty, upon the humble Petition of the said Governor, Bailiffs, and Commonalty, of the Com- " pany of Conservators of the said Great Level of the Fens, That it may be enacted;" and be it en- acted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Governor, Bailiffs, and Conservators, of the said Corpora- ration, or any Ten or more of them, whereof the Governor, or Bailiffs, or any of them, to be Three, to borrow upon Bonds, under the Common Seal of the said Corporation, any Sum or Sums of Money which they shall see necessary, for the use of the said Middle and South Levels, or either of them, at legal or less Interest for the same, as shall be agreed upon between the said Corporation and the Per- son or Persons lending such Money, so as by the borrowing of such Sum or Sums of Money the Debt of the said Corporation, upon account of the said Middle and such Levels, including the said present Debt of Thirty thousand seven hundred Pounds, be not at any Time made to exceed in the whole the Sum of Forty four thousand Pounds; declaring in the Bonds to be given for such Sum or Sums, that the Money secured thereby is due and owing upon account of the said Middle and South Levels; any Thing in the said Act of the Twenty-ninth Year of His late Majesty King *George* the Second to the Contrary thereof in anywise notwithstanding.

Order of Bedford Level Corporation, of 10th June, 1756, directing Money to be applied to the principal Banks of Middle and South Levels only.

Present Debt of the Corporation, on account of Middle and South Levels: Annual Interest thereof. Produce of a single tax; also of a Quarter tax.

Power to borrow more Money upon Bonds, on account of Middle and South Levels, so as the whole Debt be not made to exceed the Sum of 44,000 l.

II. And be it further enacted by the Authority aforesaid, That during such time as the Debts which shall be due and owing from the said Corporation, upon account of the said Middle and South Levels, shall exceed the Sum of Thirty-two thousand Pounds, all such Parts of the said Eighty-three thousand Acres as lie within the said Middle and South Levels, or either of them, shall yearly, and every Year, be, and the same are hereby rated, taxed, charged, and assessed, with a Quarter, or Fourth Part of a single gradual Acre-tax over and above the single gradual Acre-tax with which the same are rated, taxed, charged, and assessed by the said Act of the Twenty-ninth Year of His said late Majesty; and that, du- ring such time as aforesaid, such Parts of the said Twelve thousand Acres as lie within the said Middle and South Levels, shall likewise be, and the same are hereby rated, taxed, charged, and assessed, with a Medium of such further Tax of a Quarter, or Fourth Part, of a single gradual Acre-tax, according to

The several Parts of the 83,000 Acres as lie in the Middle and South Levels, charged with a Tax and a Quarter during the Continuance of any Part of such additional Debt.

the ſaid Act of the Twentieth of King *Charles* the Second, and the Valuations made in purſuance thereof.

Proviſo.

III. Provided always, That it ſhall and may be lawful for the Governor, Bailiffs, and Conſervators, of the ſaid Corporation, from Time to Time, to rate, tax, charge, or aſſeſs, all ſuch Parts of the ſaid Eighty-three thouſand Acres, and Twelve thouſand Acres, as lie within the ſaid Middle or South Levels, with any further Tax which they the ſaid Governor, Bailiffs, and Conſervators, ſhall judge neceſſary, in the ſame Manner as they might have done before the making of this Act.

Bonds to be transferrable, without Stamps.

Aſſignments to be entered with the Regiſter of the Corporation.

IV. And be it further enacted by the Authority aforeſaid, That all Bonds to be given by the ſaid Corporation for the Money to be borrowed by them as aforeſaid, as well as the Bonds already given for the ſaid Debt of Thirty thouſand ſeven hundred Pounds, ſhall be transferrable or aſſignable, by Indorſement upon the original Bonds, without Stamp, to any Perſon or Perſons whomſoever; and ſuch Transfer or Aſſignment being produced to the Regiſter of the ſaid Corporation, and by him entered in a Book to be kept for that Purpoſe (which Entry the ſaid Regiſter is hereby required to make upon Requeſt, the Perſon producing ſuch Transfer or Aſſignment paying the Sum of Two Shillings and Sixpence for every ſuch Entry) ſhall intitle the Perſon or Perſons to whom ſuch Transfer or Aſſignment ſhall be made his, her, and their Executors, Adminiſtrators, or Aſſigns, to the Money ſecured by ſuch Bonds, and all Intereſt due, or to grow due thereupon; and ſuch Aſſignee or Aſſignees, his, her, and their Executors and Adminiſtrators, may, in like Manner, by Indorſement, without Stamp, aſſign and transfer ſuch Bonds ſo aſſigned as aforeſaid, and ſo *toties quoties*, as Occaſion ſhall require; every ſuch Aſſignment being entered in ſuch Book as aforeſaid.

Money raiſed by the Corporation upon the taxable Lands in Middle and South Levels, how to be applied.

V. And be it further enacted by the Authority aforeſaid, That all and ſingular the Rents, Taxes, and Sums of Money, to be received, raiſed, or levied, by the ſaid Corporation, from, upon, or on account of, ſuch Part of the ſaid Ninety-five thouſand Acres as lie within the ſaid Middle or South Levels, or either of them, ſhall be charged or chargeable, in the firſt Place, with the Payment of the aforeſaid Debt of Thirty thouſand ſeven hundred Pounds, and of all ſuch other Sums of Money as ſhall be borrowed upon account of the ſaid Middle and South Levels as aforeſaid, and of the Intereſt of ſuch Debt and Sums of Money; and the Receiver of the ſaid Corporation for the Time being, is hereby impowered and required, out of the firſt Money which ſhall from Time to Time come to his Hands, ariſing from the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, to pay the Intereſt of the Bonds entered into, and to be entered into, upon account of the ſaid Middle and South Levels, and alſo the Principal Money due upon ſuch Bonds, upon like Notice left at the Office of the ſaid Corporation.

If Bonds for Money on account of the Middle and South Levels be not paid by Receiver, Rents, Taxes, &c. to be veſted in Perſons poſſeſſed of ſuch Bonds:

VI. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That in caſe any of the Bonds given by the ſaid Corporation upon account of the ſaid Middle and South Levels, ſhall not be paid by the ſaid Receiver purſuant to ſuch Notice left or given as aforeſaid, then the Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, ſhall veſt in the Perſon or Perſons poſſeſſed of ſuch Bonds, until the ſame, together with all Intereſt due, and to become due, thereupon, ſhall be fully ſatisfied and paid; and ſuch Perſon or Perſons, their Executors, Adminiſtrators, or Aſſigns, ſhall have the ſame Power, Rights, and Privileges, of recovering the ſaid Rents, Taxes, and Revenues, of the ſaid Middle and South Levels, as the ſaid Corporation would have had in caſe ſuch Bonds had been regularly and fully paid and ſatisfied.

But no Money borrowed for ſaid Levels ſhall be charged on the Rents, &c. of North Level.

VII. Provided alſo, and be it further enacted and declared by the Authority aforeſaid, That no Money to be borrowed by the ſaid Corporation, upon account of the ſaid Middle and South Levels, or either of them, ſhall be charged or chargeable upon any of the Rents, Taxes, or Revenues, of the ſaid Corporation, ariſing within the ſaid North Level, or any Part thereof.

How the Money borrowed is to be applied.

VIII. Provided always, and be it further enacted by the Authority aforeſaid, That the Money to be borrowed in purſuance of this Act, as aforeſaid, or any Part thereof, ſhall not be applied by the ſaid Corporation to any other Works but the repairing, maintaining, and preſerving, the South Banks of *Moreton's Leame*, beginning at *Standground*; the North Bank of the Hundred Foot from *Erith* to *Salters Load*; the Bank from the *Hard Lands* of *Swaſey* to the *Hermitage*; the South Bank of the Hundred Foot from the *Hermitage* to *Denver Sluice*; the Weſt Bank of *The Ouſe* from *Denver Sluice* to *Littleport*; the Weſt Bank of *The Grant*, from *Harrimeer* to *Clayhithe*; the Eaſt Bank of *The Ouſe*, from *Helgay Creek* to *Harimeer*; and the Eaſt Bank of *The Grant*, from *Harimeer* to *Clayhithe*; and the ſeveral Sluices and Gates adjoining to thoſe Banks.

The Sum of 6000 l. to be applied only in Caſes of actual Breach of Bank;

and to be repaid, ſo as to be a perpetual Fund for that Purpoſe.

IX. Provided alſo, and be it further enacted by the Authority aforeſaid, That no more than the Sum of Six thouſand Pounds of the Money to be borrowed in purſuance of this Act, ſhall be applied for the Purpoſes aforeſaid; except in caſe of actual Breach of ſome or One of the Banks before mentioned; and that the Sum of Six thouſand Pounds, Reſidue of the Money ſo to be borrowed in purſuance of this Act, ſhall be applied only in repairing the Breaches which ſhall, from Time to Time, happen in the ſaid Banks, or any of them: And, to the End that there may always be a ſufficient Fund to repair the Breaches which may from Time to Time, happen in the ſaid Banks; be it further enacted by the Authority aforeſaid, That all ſuch Sums of Money as ſhall be ſo applied in repairing and amending ſuch Breaches of Banks, ſhall, from Time to Time, be repaid and reimburſed by the ſaid Corporation, out of their general yearly Revenue ariſing from the Rents and Taxes of the ſaid Middle and South Levels (but ſubject, and without Prejudice, to the Debts of the ſaid Corporation, and to the Remedies given for recovering the ſame); at the yearly Rate of Ten Pounds for every One hundred Pounds advanced for the Purpoſe aforeſaid, and ſo in proportion for a greater or leſſer Sum, till the capital Sums ſo advanced (without any Intereſt for the ſame) ſhall, from Time to Time, be repaid or reimburſed; and that

the Money, from Time to Time repaid or reimburſed, ſhall be again applicable to the repairing and amending of ſuch Breaches of Banks as aforeſaid, or to the Payment of the Money borrowed for that Purpoſe; and that ſo much thereof as ſhall be again applied in repairing ſuch Breaches of Banks, be again repaid or reimburſed out of the general yearly Revenue of the ſaid Corporation, ariſing from the Rents and Taxes of the ſaid Middle and South Levels, in Manner aforeſaid; and ſo *toties quoties* as often as any Money ſo repaid or reimburſed ſhall be again laid out in Repairs of Breaches of Banks, as aforeſaid.

Publick Act.

X. And be it further enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed and allowed in all Courts within this Kingdom to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. X.

An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts; and for Relief of Proteſtant Purchaſers. EXP. 1ſt *January* 1773.

CAP. XI.

An Act for the better regulating the future Marriages of the Royal Family.

Moſt Gracious Sovereign,

Preamble.

'WHEREAS Your Majeſty, from Your Paternal Affection to Your own Family, and from Your Royal Concern for the future Welfare of Your People, and the Honour and Dignity of Your Crown, was graciouſly pleaſed to recommend to Your Parliament to take into their ſerious Conſideration, Whether it might not be wiſe and expedient to ſupply the Defect of the Laws now in being; and, by ſome new Proviſion, more effectually to guard the Deſcendants of His late Majeſty King *George* the Second, (other than the Iſſue of Princeſſes who have married, or may hereafter marry, into Foreign Families) from marrying without the Approbation of Your Majeſty, Your Heirs, or Succeſſors, firſt had and obtained; we have taken this weighty Matter into our ſerious Conſideration; and, being ſenſible that Marriages in the Royal Family are of the higheſt Importance to the State, and that therefore the Kings of this Realm have ever been entruſted with the Care and Approbation thereof; and, being thoroughly convinced of the Wiſdom and Expediency of what Your Majeſty has thought fit to recommend, upon this Occaſion, we, Your Majeſty's moſt dutiful and loyal Subjects the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, do humbly beſeech Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Deſcendant of the Body of His late Majeſty King *George* the Second, Male or Female, (other than the Iſſue of Princeſſes who have married, or may hereafter marry, into Foreign Families) ſhall be capable of contracting Matrimony without the previous Conſent of His Majeſty, His Heirs, or Succeſſors, ſignified under the Great Seal, and declared in Council, (which Conſent, to preſerve the Memory thereof, is hereby directed to be ſet out in the Licence and Regiſter of Marriage, and to be entered in the Books of the Privy Council); and that every Marriage, or Matrimonial Contract, of any ſuch Deſcendant, without ſuch Conſent firſt had and obtained, ſhall be null and void, to all Intents and Purpoſes whatſoever.

No Deſcendant of His late Majeſty, Geo. II. (other than the Iſſue of Princeſſes married, or who may marry into Foreign Families) ſhall be capable of contracting Matrimony without the previous Conſent of His Majeſty, His Heirs, &c. ſignified under the Great Seal, declared in Council, and entered in the Privy Council Books. Every Marriage of any ſuch Deſcendant, without ſuch Conſent, ſhall be null and void.

II. Provided always, and be it enacted by the Authority aforeſaid, That in caſe any ſuch Deſcendant of the Body of His late Majeſty King *George* the Second, being above the Age of Twenty-five Years, ſhall perſiſt in his or her Reſolution to contract a Marriage diſapproved of, or diſſented from, by the King, His Heirs, or Succeſſors; that then ſuch Deſcendant, upon giving Notice to the King's Privy Council, which Notice is hereby directed to be entered in the Books thereof, may, at any Time from the Expiration of Twelve Calendar Months after ſuch Notice given to the Privy Council as aforeſaid, contract ſuch Marriage; and his or her Marriage with the Perſon before propoſed, and rejected, may be duly ſolemnized, without the previous Conſent of His Majeſty, His Heirs, or Succeſſors; and ſuch Marriage ſhall be good, as if this Act had never been made, unleſs both Houſes of Parliament ſhall, before the Expiration of the ſaid Twelve Months, expreſsly declare their Diſapprobation of ſuch intended Marriage.

In caſe any Deſcendant of Geo. II. being above 25 Years old, ſhall perſiſt to contract a Marriage diſapproved of by His Majeſty, ſuch Deſcendant, after giving 12 Months Notice to the Privy Council, may contract ſuch Marriage; and the ſame may be duly ſolemnized, without the previous Conſent of His Majeſty; and ſhall be good; except both Houſes of Parliament ſhall declare their Diſapprobation thereof.

III. And be it further enacted by the Authority aforeſaid, That every Perſon who ſhall knowingly or wilfully preſume to ſolemnize, or to aſſiſt, or to be preſent at the Celebration of any Marriage with any ſuch Deſcendant, or at his or her making any Matrimonial Contract, without ſuch Conſent as aforeſaid firſt had and obtained, except in the Caſe above-mentioned, ſhall, being duly convicted thereof, incur and ſuffer the Pains and Penalties ordained and provided by the Statute of Proviſion and Premunire made in the Sixteenth Year of the Reign of *Richard* the Second.

Perſons who ſhall wilfully ſolemnize, or aſſiſt at the Celebration of ſuch Marriage, without ſuch Conſent, ſhall on Conviction, incur the Penalties provided by the Statute and Premunire 16 Rich. II.

CAP.

CAP. XII.

An Act for further continuing Two Acts made in the Sixth and Ninth Years of His Majesty's Reign, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, in His Majesty's Dominions in *America*, till 24th *March* 1774.

CAP. XIII.

An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thousand seven hundred and seventy-two,

CAP. XIV.

An Act for Clearing, Depthening, Repairing, Maintaining, and Improving the Haven and Piers of *Great Yarmouth*; and for Depthening, and making more Navigable, the several Rivers emptying themselves into the said Haven; and, for preserving Ships wintering therein from Accidents by Fire.

Preamble. Act 23 Geo II.

'WHEREAS by an Act made in the Twenty-third Year of the Reign of his late Majesty King 'George the Second, intituled, *An Act for Repairing, Improving, and Maintaining the Haven and* 'Piers of Great Yarmouth, *and for Depthening and making more Navigable the several Rivers emptying* 'themselves into the said Haven, *and also for preserving Ships wintering therein from Accidents by Fire*; several Duties were granted for clearing, depthening, repairing, extending, maintaining, and improving 'the said Haven and Piers, and for depthening the Channel of that Part of the River *Yare* called *Braydon*, and for making more navigable the said River *Yare*, and the Rivers *Waveney* and *Bure*, which 'empty themselves into the said Haven, and for repairing the Bridge and publick Quays belonging to 'the said Town; and also for preserving Ships wintering in the said Haven; which Act will expire at 'the End of this present Session of Parliament: And whereas the said Haven and Piers will soon fall 'into Decay, unless some timely and effectual Provision be made by Parliament for preserving the same; 'Therefore, for preserving to the Inhabitants of the said Borough and the adjacent Counties, and of 'the City of *Norwich*, the Benefit of the said Haven and Piers, and to the End that the said Haven, 'which is of great Importance to the Trade of these Kingdoms, may be cleared and depthened, and 'the said Piers and Jettee, on the North Side of the said Haven, may be preserved and kept in Repair, 'and Timber and other Materials for that Purpose provided from Time to Time, as Occasion may require; and that the Channel of that Part of the River *Yare* called *Braydon*, leading from *Great Yarmouth* to the said City of *Norwich*, and so much of the River *Wenson*, commonly called *Yare*, as 'lies between the *New Mills* in *Norwich* and *Hardly Cross*, in *Hardly*, in the County of *Norfolk*, and 'also the River *Waveney*, and also the River *Bure*, commonly called the *North River*, (which said Rivers empty themselves into the said Haven), may be depthened and made more navigable for Boats and 'Keels usually passing upon the same, and that the Bridge and publick Quays belonging to the said 'Town may be repaired; may it please Your Majesty, that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Twenty-fifth Day of *March* One thousand Seven hundred and Seventy-two, the Duties granted by the said recited Act made in the Twenty-third Year of His late Majesty's Reign shall cease, determine, and be no longer, paid.

After the 25th March 1772, the Duties granted by the former Act are to cease.

II. And be it further enacted, that in lieu of the Duties hereby repealed, there shall be paid by every Master, or other Person or Persons having the Rule and Command of any Ship or Vessel which shall unlade within the said Haven of *Great Yarmouth*, or in that Part of the Sea called *Yarmouth Road*, near a joining to the said Borough, extending from the South Part of the Town of *Scratby*, in the County of *Norfolk*, to the North Part of the Town of *Corton*, in the County of *Suffolk*, at the Time of unlading the said Ship or Vessel, for the Goods hereafter mentioned; (that is to say,)

Duties on Goods, &c. unladen in the Haven of Great Yarmouth, &c.

III. For every Chaldron of Coals, *Winchester* Measure, Last of Wheat, Rye, Barley, Malt, or other Grain, and for every Weigh of Salt, and every Tun of all other Goods or Merchandise whatsoever (Fish only excepted) which shall be unladen in or imported into the said Haven or Road, the Sum of Tenpence, or such other greater Sum as the Twelve Commissioners to be appointed as herein after is directed, or any Seven of them (Five being Commissioners for the Counties of *Norfolk*, *Suffolk*, and the City of *Norwich*) shall order and direct, not exceeding in the Whole the Sum of Twelve-pence; which said Sums of Money shall, from Time to Time, be applied and disposed of for the several Uses, Intents, and Purposes, and in the Manner and Proportions herein-after directed concerning the same.

May 1, &c. to chuse a Collector.

IV. And be it further enacted by the Authority aforesaid, That the Mayor, Aldermen, Burgesses, and Commonalty of the Borough of *Great Yarmouth*, in Common Council assembled, shall, from Time to Time, during the Continuance of this Act, nominate and chuse such Person or Persons as they shall think fit to be Collector or Collectors, Receiver or Receivers of all and every the Sum and Sums of Money by the Authority of this Act ordered and appointed to be paid; which Sum and Sums of Money the said Collector or Collectors, Receiver or Receivers shall, from Time to Time, pay, or cause to be paid, into the Hands of the Chamberlains of the said Borough for the Time being, or into the Hands of such other Person or Persons as the Mayor, Aldermen, Burgesses, and Commonalty of the said Borough

Borough in Common Council assembled shall, from Time to Time, direct and appoint to receive the same, for the Uses and Purposes in and by this Act directed, and for no other Use, Intent, or Purpose whatsoever: And the Mayor, or Deputy Mayor, of the said Borough for the Time being, is hereby authorised and required to administer an Oath to every such Collector or Collectors, Receiver or Receivers, who shall be nominated and chosen as aforesaid, for the true and faithful executing of his or their Office in or about the Premises, according to the true Intent and Meaning of this Act: And the said Collector or Collectors, Receiver or Receivers, to be nominated and chosen as aforesaid, and every of them, shall, from Time to Time, be allowed for his or their Pains in executing the said Office, out of the Sums of Money by him or them received and paid, so much as the said Mayor, Aldermen, Burgesses, and Commonalty, in Common Council assembled, shall think fit, not exceeding Sixpence for every Twenty Shillings by him or them received and paid as aforesaid; and the Mayor, Aldermen, Burgesses, and Commonalty, of the said Borough, shall be answerable for, and make good such Money as shall be collected, levied, or received by, and paid into the Hands of, any Collector, Receiver, Chamberlain, or other Person or Persons by them to be appointed as aforesaid: And also shall and may, during the Continuance of this Act, call before them the Collectors, Receivers, Chamberlains, or other Person or Persons so by them appointed as aforesaid, who are hereby required to render to them, or to such Person or Persons as they shall direct to inspect and take the Accounts of such Collectors, Receivers, Chamberlains, or other Persons so by them appointed, a full and perfect Account of all Monies which they the said Collectors, Receivers, or other Persons, shall have collected or received as aforesaid; and in case they, or any of them, shall be found in Arrear, or shall refuse to account or to pay the Money due upon the Balance of such Account, then it shall and may be lawful for the Mayor, or Deputy Mayor, of the said Borough for the Time being respectively, by Warrant under his Hand and Seal, to levy, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing to account, or to pay the Money due upon the Balance of such Account, such Sum or Sums of Money as he or they shall be required to account for, or as shall be found due upon the Balance of his or their Account, rendering the Overplus (if any shall be) to the Person or Persons upon whom such Distress shall be made; and, for want of sufficient Distress, it shall and may be lawful to and for the said Mayor, or Deputy Mayor, for the Time being respectively, by like Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol of the Borough of *Great Yarmouth*, until he or they shall account for and pay, or secure to be paid, such Sum or Sums of Money as hath or have been, or shall be, received by him or them, or found due upon the Balance of his or their Account.

Collectors to take an Oath.

Collectors Allowance for their Troubles.

Collectors to account for Duties.

Collectors not accounting to be committed.

'V. And, for the better carrying into Execution the Purposes of this Act,' be it further enacted by the Authority aforesaid, That Twelve Commissioners shall yearly, and every Year, be nominated and appointed, in Manner and at the Times following; (that is to say), Three of the said Commissioners shall be nominated and appointed by the Mayor, Aldermen, Burgesses, and Commonalty of the said Borough of *Great Yarmouth*, in Common Council assembled, before the End of the Week next after the Feast of *Easter*, and other Three of the said Commissioners shall be nominated and appointed by the Mayor, Sheriffs, Citizens, and Commonalty of the said City of *Norwich*, in Common Council assembled, before the End of the said Week next after the Feast of *Easter*, and other Three of the said Commissioners shall be nominated and appointed by the Justices of the Peace for the said County of *Norfolk*, at the General Quarter Sessions of the Peace, to be holden for the said County, in the said Week next after the Feast of *Easter*, and the other Three of the said Commissioners shall be nominated and appointed by the Justices of the Peace for the said County of *Suffolk*, at the General Quarter Sessions of the Peace to be holden at *Beccles* or *Lowestoft*, in and for the said County, in the said Week next after the said Feast of *Easter*; which said Commissioners so annually nominated and appointed as aforesaid, shall continue in their respective Offices from the Week next after *Easter* in every Year, until the Week next after *Easter* in the Year following; the First Appointment of the said Twelve Commissioners, to be made in the Week next after the First of *Easter*, which shall happen next after the passing of this Act.

Commissioners how to be annually appointed.

VI. And be it further enacted, That the said Twelve Commissioners so to be annually nominated and appointed as aforesaid, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk* and the City of *Norwich*), shall meet at the *Guildhall* in *Great Yarmouth* aforesaid, upon the Second *Tuesday* in *June*, One thousand seven hundred and seventy-two; and also upon the Second *Tuesday* in *June* in every Year, during the Continuance of this Act, and at such other Time or Times, and at such other Place in *Great Yarmouth* aforesaid, as they the said Commissioners, or any Seven or more of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), or the major Part of them present at and constituting any Meeting, shall, at such their annual or adjoining Meetings, adjourn themselves unto, and at such other Time or Times, and at such Place in *Great Yarmouth* aforesaid, as they shall think fit, (Notice in Writing thereof being given by any Two of the said Commissioners to the rest of the Commissioners, and also to the Mayor, or Deputy Mayor of the said Borough of *Great Yarmouth* for the Time being, Fourteen Days at the least before any such Meeting.)

First Meeting of Commissioners.

VII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), at any of their Meetings to be held at *Great Yarmouth* aforesaid, to order and direct the Chamberlains of the said Borough, or such other Person or Persons as shall be appointed in Manner before directed, to receive the Money to be collected and levied by virtue of this Act, to pay out of all or any of the said Monies then in his or their Hands, or which shall come to his or their Hands, such Sum and Sums of Money as shall have been expended by the respective Counties, City, and

Expences of the Act how to be paid.

Borough aforesaid, in and about procuring this present Act of Parliament; and the said Chamberlains, or other Person or Persons appointed as aforesaid, are hereby required to pay such Sum and Sums of Money accordingly.

The Sum of 3 d. to be divided in Manner therein mentioned, and applied for the Purposes of the Act.

VIII. And be it further enacted, That the Sum of Three-pence, Part of the said Duty of Ten-pence, granted by this Act, shall be divided and paid upon the Second *Tuesday* in *June* in every Year, by the Chamberlains of the said Borough of *Great Yarmouth* for the Time being, or such other Person or Persons as shall be, from Time to Time, appointed to receive the Duties aforesaid, in the Manner and Proportions following; (that is to say), The Sum of One Penny Halfpenny, Part of the said Three-pence, unto the Chamberlain of the City of *Norwich* for the Time being, or such other Person or Persons, as by the Mayor, Sheriffs, Citizens, and Commonalty of the said City, in Common Council assembled, shall be appointed to receive the same, to be applied for and towards clearing and depthening that Part of the Channel of the said River *Wenson*, commonly called *Yare*, which lies between the *New Mills* in *Norwich* and *Hardly Cross* aforesaid, and for preventing Filth and Mud falling into the said River, and for didelling or otherwise cleansing the same, in such Manner as the Mayor, Sheriffs, Citizens, and Commonalty of the said City, in Common Council assembled, shall order and direct; and also for and towards defraying the Expence of procuring and carrying into Execution a Commission of Sewers for improving the Navigation of such Part of the said River *Wenson*, commonly called *Yare*, as is last above mentioned, and for removing all such Impediments and Annoyances as shall be found to be dangerous and hurtful thereunto; and the Sum of One Halfpenny, other Part of the said Three-pence, unto such Person or Persons as by the Justices of the Peace, at the Quarter-sessions holden for the County of *Norfolk*, shall be yearly appointed to receive the same, to be applied for and towards clearing and depthening the said River *Bure*, commonly called *The North River*, and also those Branches of the said River which lead from *Saint Bennet's Abby* to *Dilham*, and from *Bastwick Bridge* to *Hickling*, in the said County of *Norfolk*, in such Manner as the said Justices of the Peace, at the Quarter-sessions holden as aforesaid, shall order and direct; and also for and towards defraying the Expence of procuring and carrying into Execution a Commission of Sewers for improving the Navigation of the said River *Bure*, commonly called *The North River*, and its Branches aforesaid, and for removing all such Impediments and Annoyances as shall be found to be dangerous and hurtful thereunto; and the Sum of One Halfpenny, other Part of the said Three-pence, unto such Person or Persons as by the Justices of the Peace, at the Quarter-sessions holden at *Beccles* or *Lowestoft*, in and for the said County of *Suffolk*, shall be yearly appointed to receive the same, to be applied for and towards clearing and depthening the said River *Waveney*, in such Manner as the Justices of the Peace for the said County of *Suffolk*, at the Quarter-sessions holden as aforesaid, shall order and direct; also for and towards defraying the Expence of procuring and carrying into Execution a Commission of Sewers, for improving the Navigation of the said River *Waveney*, and for removing all such Impediments and Annoyances as shall be found to be dangerous and hurtful thereunto; and the Sum of One Halfpenny, Residue of the said Three-pence, unto such Person or Persons as by the Mayor, Aldermen, Burgesses, and Commonalty of the said Borough of *Great Yarmouth*, in Common Council assembled, shall be appointed to receive the same, to be applied for and towards repairing the Bridge, and the publick Quays belonging to the said Borough, in such Manner as the Mayor, Aldermen, Burgesses, and Commonalty of the said Borough, in Common Council assembled, shall, from Time to Time, order and direct: Which said several Sums hereby directed to be divided and paid to each of the said Counties of *Norfolk* and *Suffolk*, the City of *Norwich*, and Borough of *Great Yarmouth* respectively, shall be annually accounted for during the Continuance of this Act, by the Persons concerned in the Receipt and Expenditure thereof, before the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), at their annual Meeting at *Great Yarmouth* aforesaid; and the Surplus of the said respective Sums, (if any) shall be applied for and towards the several Uses herein-before directed, concerning the same respectively, in such Manner as the said Commissioners, or any Seven of them (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and City of *Norwich*) shall think fit.

Application of Surplus-money allotted to the County of Suffolk.

IX. Provided always, and be it enacted, That in case the aforesaid Surplus of the Quota or Sum of Money, Part of the said Sum of Three-pence, herein-before allotted to the County of *Suffolk*, shall be more than sufficient for the Purposes to which the same is appropriated as aforesaid, it shall and may be lawful for the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) and they, or the major Part of them, are hereby authorised, from Time to Time, to order such Part of the said Surplus as shall be unnecessary for the Purposes aforesaid, to be laid out and employed for such publick Purposes within the said County of *Suffolk*, as to them the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) shall seem most meet and expedient; any Thing therein contained to the Contrary thereof notwithstanding.

Three-pence (other Part of the said Duties) how to be applied.

X. And be it further enacted by the Authority aforesaid, That the Sum of Three-pence, other Part of the said Duty of Ten-pence granted by this Act, shall be divided and paid in Manner following; that is to say, The Sum of One Halfpenny, Part of the said last-mentioned Three-pence, to such Person or Persons as by the Justices of the Peace at the Quarter-sessions, to be holden for the said County of *Norfolk*, shall be appointed to receive the same, to be applied for and towards the further clearing and depthening the said River *Bure*, commonly called *The North River*, and also those Branches of the said River, which lead from *Saint Bennet's Abby* to *Dilham*, and from *Bastwick Bridge* to *Hickling*, in the said County of *Northfolk*, in such Manner as the said last-mentioned Justices of the Peace, at the Quarter-session holden as aforesaid, shall order and direct; and the Sum

of Two-pence Halfpenny, Reſidue of the ſaid laſt-mentioned Sum of Three-pence, to ſuch Perſon or Perſons as by the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of *Great Yarmouth*, in Common Council aſſembled, ſhall be appointed to receive the ſame, to be applied for and towards the full and effectual clearing and depthening that Part of the River *Yare* leading from *Yarmouth* to *Norwich*, called *Braydon*, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) ſhall order and direct.

The laſt mentioned 3 d. ſhall not be raiſed without Notice, that it is abſolutely neceſſary.

XI. Provided always, and be it enacted, That the ſaid laſt-mentioned Sum of Three-pence, ſhall not, at any Time, be raiſed and levied, unleſs Notice in Writing, ſigned by the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) at One of their Meetings at *Great Yarmouth* aforeſaid, ſhall be firſt given to the Mayor, or Deputy Mayor, of the ſaid Borough of *Great Yarmouth* for the Time being reſpectively, that it is neceſſary to raiſe the ſaid Sum of Three-pence for the Purpoſes aforeſaid; and that then ſuch Sum ſhall be raiſed accordingly.

How to be applied, if raiſed.

XII. Provided alſo, and be it further enacted, That the laſt-mentioned Sum of Three-pence, when raiſed, ſhall be annually accounted for by the ſeveral Perſons concerned in the Receipt and Expenditure thereof, before the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk* and the City of *Norwich*) at their annual Meeting at *Great Yarmouth* aforeſaid; and the Overplus (if any) of the ſaid Halfpenny, Part of the ſaid laſt-mentioned Sum of Three-pence, ſhall be applied and diſpoſed of in clearing and depthening the ſaid River *Bure*, commonly called *The North River*, and its Branches aforeſaid, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) at their annual Meeting as aforeſaid, ſhall order and direct; and the Overplus (if any) of the ſaid Two-pence Halfpenny, Reſidue of the ſaid laſt-mentioned Sum of Three-pence, ſhall remain in the Hands of ſuch Perſon or Perſons as the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of *Great Yarmouth*, in Common Council aſſembled, ſhall appoint, to be applied in keeping the ſaid Channel of *Braydon* cleared and depthened, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) ſhall think fit.

The Four-pence (Part of the ſaid Duties) how to be applied, except when the further Duty of Two-pence ſhall be raiſed.

XIII. And be it further enacted, That the Sum of Four-pence, other Part of the ſaid Duty of Ten-pence, granted by this Act, ſhall be applied and diſpoſed of in clearing and depthening the ſaid Haven, and in maintaining and keeping in Repair the ſaid Piers and Jettee, and all the Capſterns, Cables, and Ropes thereunto belonging and neceſſary, proper and accuſtomed to be therewith uſed, in ſuch Manner as the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of *Great Yarmouth* aforeſaid, in Common Council aſſembled, ſhall, from Time to Time, order and direct, except at ſuch Time or Times only as the further Duty of Two-pence herein-after mentioned ſhall be raiſed.

If Four-pence is not ſufficient, the Commiſſioners may raiſe the additional Sum of Two-pence.

XIV. Provided always, That if in any Year it ſhall appear to the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners, for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) that the ſaid Sum of Four-pence, hereby directed to be applied in clearing and depthening the ſaid Haven, and in maintaining and keeping in Repair the ſaid Piers and Jettee, and the Capſterns, Cables, and Ropes thereto belonging, will not be ſufficient for thoſe Purpoſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), at any of their Meetings at *Great Yarmouth* aforeſaid, to direct a further Sum of Two-pence, Part of the ſaid Duty of Twelve-pence, to be raiſed, until the next annual Meeting of the Commiſſioners to be appointed in purſuance of this Act; which further Sum of Two-pence, when raiſed, and all ſuch Sums as ſhall have ariſen from the aforeſaid Sum of Four-pence, Part of the ſaid Duty of Ten-pence, and ſhall then be remaining in Hand as a Surplus unexpended, and alſo all ſuch Sums as ſhall ariſe from the aforeſaid Sum of Four-pence, for and during ſo long Time only as the ſaid additional Duty of Two-pence ſhall be raiſed, ſhall be applied and diſpoſed of by the Mayor, Aldermen, Burgeſſes, and Commonalty of the Borough of *Great Yarmouth* aforeſaid, in repairing, improving, and maintaining the ſaid Haven, Piers, and Jettee, and the Capſterns, Cables, and Ropes thereunto belonging, in ſuch Manner as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) ſhall judge neceſſary, and for no other Uſe or Purpoſe whatſoever.

The additional Two-pence not to be raiſed unleſs Notice thereof ſhall be firſt given.

XV. Provided alſo, and it is hereby declared, That the ſaid further Sum of Two-pence ſhall not be raiſed and levied unleſs Notice in Writing, ſigned by Seven of the ſaid Commiſſioners, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) at a Meeting of the ſaid Commiſſioners at *Great Yarmouth* aforeſaid, ſhall be firſt given to the Mayor, or Deputy Mayor, of the ſaid Borough for the Time being reſpectively, that it is neceſſary to raiſe the ſaid Sum of Two-pence for the Purpoſes aforeſaid.

Proviſo for ſaving Part of the Four-pence Duty.

XVI. Provided alſo, That if at any Time or Times hereafter it ſhall appear to the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) that the ſaid Haven ſhall be ſo ſufficiently cleared and depthened, and the ſaid Piers and Jettee, and the Capſterns, Cables, and Ropes thereunto belonging, ſhall be put in ſuch good and ſubſtantial Repair and Condition that the ſaid Haven may continue to be ſufficiently cleared and depthened, and the ſaid Piers and Jettee, and the Capſterns, Cables, and Ropes thereunto belonging, may continue to be in ſuch good and ſubſtantial Repair and Condition, without collecting the whole Sum of Four-

pence, Part of the ſaid Duties herein-before granted for thoſe Purpoſes; that then it ſhall and may be lawful to and for the ſaid Commiſſioners or any Seven of them (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) at any of their Meetings to be held at *Great Yarmouth* aforeſaid, to order and direct ſuch Part only of the ſaid Duty of Four-pence, as they ſhall think neceſſary for the Purpoſes aforeſaid, to be collected and raiſed for ſuch Time as the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) ſhall think neceſſary; and the ſaid Duty ſo reduced ſhall be collected, levied, and applied in ſuch Manner, and by ſuch Ways and Means, as the ſaid Duty of Four-pence herein before directed can or may be collected, levied, and applied.

In caſe neceſſary to increaſe the Duty, Commiſſioners may levy the whole Four-pence.

XVII. Provided nevertheleſs, That if at any Time or Times, after ſuch Reduction as aforeſaid, it ſhall be found neceſſary to increaſe the ſaid Duty ſo reduced as aforeſaid, the ſaid Commiſſioners, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), ſhall, and they are hereby authoriſed and impowered, to order and direct the whole Sum of Four-pence, Part of the ſaid Duties, to be collected, levied, and applied in Manner herein-before directed according to the true Intent and Meaning of this Act.

If the Mayor, &c. ſhall neglect to apply the aforeſaid Duties, the Commiſſioners at large may do it.

XVIII. And be it further enacted, That in caſe the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of *Great Yarmouth*, ſhall neglect or refuſe to apply the Money ariſing by the ſaid further Duty of Two-pence, or ſuch Sums as ſhall be then remaining in Hand as a Surplus of the Money raiſed by the aforeſaid Sum of Four-pence, or which ſhall ariſe from the ſaid Sum of Four-pence, during all ſuch Time as the ſaid additional Duty of Two-pence ſhall be raiſed, in ſuch Manner, and for ſuch Purpoſes, as the ſaid Commiſſioners ſhall think proper, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven of them (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) to contract and agree with any fit Perſon or Perſons for the Performance of ſuch Works as they the ſaid Commiſſioners ſhall think neceſſary; and in ſuch Caſe the Chamberlains of the ſaid Borough of *Great Yarmouth*, or ſuch other Perſon or Perſons as ſhall be appointed to receive the Duties to be collected and levied by virtue of this Act, ſhall pay the Money ariſing by the ſaid further Duty of Two-pence; and all ſuch Sums as ſhall be remaining in Hand as a Surplus of the Money raiſed by the aforeſaid Sum of Four-pence, or which ſhall ariſe from the ſaid Sum of Four-pence, during all ſuch Time as the ſaid additional Duty of Two-pence ſhall be raiſed, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven of them (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) ſhall by Writing under their Hands appoint to receive the ſame.

The Duty of 4d. ſhall be applied as the Mayor, &c. ſhall direct, except when the additional Duty of 2 d. ſhall be paid.

XIX. Provided always, That the ſaid Sum of Four-pence ſhall, at all Times during the Continuance of this Act, be applied for the Purpoſes aforeſaid, in ſuch Manner as the Mayor, Aldermen, Burgeſſes, and Commonalty of the Borough of *Great Yarmouth* aforeſaid, in Common Council aſſembled ſhall direct, ſave at and during ſuch Times only as the ſaid Duty of Two-pence ſhall be raiſed; any Thing herein before contained to the Contrary notwithſtanding.

Commiſſioners may examine the Collectors upon Oath.

'XX. And, to the End that the reſpective Duties by this Act granted may be duly accounted for, 'and the ſeveral Sums hereby directed to be applied in repairing, improving, and maintaining the ſaid 'Haven, Piers, and Jettee, and other the Purpoſes aforeſaid, may be duly employed;' be it further enacted by the authority aforeſaid, That the ſaid Twelve Commiſſioners to be nominated in purſuance of this Act, or any Seven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), ſhall, at their annual Meeting at *Great Yarmouth* aforeſaid, during the Continuance of this Act, or any Adjournment thereof, if they ſhall think fit, examine upon Oath (which Oath the ſaid Commiſſioners, or any Seven of them, are hereby impowered to adminiſter) the Collectors or Receivers of all or any of the Monies to be collected and levied in purſuance of this Act; which ſaid Collectors or Receivers are hereby required to appear at ſuch Meeting, or any Adjournment thereof, and to render to the ſaid Commiſſioners, aſſembled as aforeſaid, a full and perfect Account of all and every the Sum and Sums of Money ſo by them collected or received as aforeſaid; and the ſaid Commiſſioners, or any Seven of them, aſſembled as aforeſaid, alſo ſhall and may, if they think fit, examine upon Oath, (which Oath the ſaid Commiſſioners, or any Seven of them, are hereby impowered to adminiſter) all Perſons concerned in, or intruſted with, the Receipt or Expenditure of all or any the ſeveral Sums hereby directed to be applied and diſpoſed of for the ſeveral Purpoſes aforeſaid; which Perſons concerned or intruſted as aforeſaid, are hereby required to appear at the ſaid annual Meeting, or any Adjournment thereof, and to render unto the ſaid Commiſſioners, or any Seven of them as aforeſaid, full and perfect Accounts of the Receipt and Expenditure of all the Monies ſo by them received or expended, ſpecifying in the ſaid Accounts the particular Works for which the ſeveral Sums mentioned in the ſaid Accounts to have been diſburſed were expended, and producing proper Vouchers for the Payment of the ſaid reſpective Sums, and ſhall alſo truly ſtate in the ſaid Accounts all and every Sum and Sums of Money which ſhall reſt due upon the Balance of ſuch Accounts; and the ſaid Commiſſioners, or any ſeven of them, (Five being Commiſſioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) ſhall, at their annual Meeting, or any Adjournment thereof, inſpect, examine, and audit the ſaid Accounts, and every Article thereof, and diſallow and ſtrike out of ſuch Accounts, all unjuſt and unreaſonable Articles and Charges, if any ſuch there ſhall be; and alſo ſhall and may then order and direct all ſuch Monies as ſhall juſtly, and without Fraud, appear to be due upon the Balance of ſuch Accounts to be applied and diſpoſed of for the ſeveral Purpoſes herein-before directed concerning the ſame; and the reſpective Accounts of the Receipt and Expenditure of all and every the Sum and Sums of money by this Act directed to be applied and diſpoſed of, for the ſeveral Purpoſes herein-before mentioned, ſhall be made up yearly to the Twenty-fifth Day of *March*.

Perſons intruſted with Money to give in Accounts of their Diſburſements,

and pay over the Balance to the Commiſſioners.

XXI.

Persons to appear and be examined with regard to their Accounts before the Commissioners, or be committed.

XXI. And be it further enacted, That if any of the Persons who are hereby required to appear before the said Commissioners, at their said annual or adjourned Meetings at *Great Yarmouth* aforesaid, shall refuse or wilfully neglect to attend at any such Meeting, or shall then and there refuse to render such Account, or to answer upon Oath to all such lawful Questions as shall be put to them by the said Commissioners, or any of them, touching the Receipt or Expenditure of any of the Monies mentioned or charged in such Accounts; then, and in any of the said Cases, it shall and may be lawful to and for the said Commissioners, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*), by Warrant under their Hands and Seals, to commit the Person or Persons so refusing or neglecting to the Common Gaol of the said Borough of *Great Yarmouth*, there to remain until he or they shall submit to render such Account, and be so examined upon Oath as aforesaid.

Commissioners neglecting to attend at the yearly Meeting, the Mayor, &c. to examine the Accounts.

XXII. Provided always, and be it further enacted, That in case the said Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*, or any Five of them, shall not meet yearly as aforesaid, in order to inspect, examine, and audit the Accounts of the Receipt and Expenditure of the several Sums by this Act granted and made payable; then, in every such Year in which they shall not so meet and inspect, examine, and audit the said Accounts as aforesaid, it shall and may be lawful to and for the Mayor, Aldermen, Burgesses, and Commonalty of the Borough of *Great Yarmouth* aforesaid, in Common Council assembled, to inspect, examine, and audit the said Accounts, in the same Manner as the said Commissioners are herein before impowered, to inspect, examine, and audit the same.

Accounts up to March 25, to be settled by the Commissioners.

'XXIII. And whereas several Sums of Money raised in pursuance of the said Act made in the Twenty-'third Year of His late Majesty's Reign, will, at the Commencement of this Act, remain unaccounted 'for;' be it therefore enacted by the Authority aforesaid, That the Commissioners to be appointed to put this Act in Execution, or any Seven of them, (Five being Commissioners for the Counties of *Norfolk* and *Suffolk*, and the City of *Norwich*) shall and may, at their First Meeting, to be held at *Great Yarmouth* as aforesaid, inspect, examine, and audit, the Accounts of the Receipt and Expenditure of the said respective Sums: which Accounts shall be made up to the said Twenty-fifth Day of *March*, One thousand seven hundred and seventy-two; and the said Commissioners also shall and may, at such their First Meeting, execute all other the Powers and Authorities of the said Act made in the Twenty-third Year of His late Majesty's Reign, relating to the said Sums, and every of them, and to all Persons concerned in the Collection, Receipt, and Expenditure thereof, as fully and effectually as the Commissioners appointed, or to be appointed, in pursuance of the said last-mentioned Act, could or might have done during the Continuance of the said Act.

Mayor, &c. may remove Officers, &c.

XXIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor, Aldermen, Burgesses, and Commonalty, of the said Borough of *Great Yarmouth*, in Common Council assembled, from Time to Time, and as often as they shall think fit, to remove or displace any Collector, Receiver, Officer, Overseer, Workman, or Labourer, who shall be by them employed in the Receipt or Collection of any of the Monies to be collected and levied by virtue of this Act, or in any Work or Employment in or about the said Haven, Piers, and Jettee or Channel of *Braydon* aforesaid, and, from Time to Time, to dispose of, order, and direct, the Payment of such Sum or Sums of Money as they shall contract or agree for, for Materials, Workmen's Wages, or otherwise, for clearing and depthening the said Haven or Channel of *Braydon*, and for repairing and maintaining the said Piers and Jettee; and also to inspect and take Accounts of the Receipts and Disbursements of all such Monies as shall be by them applied and disposed of in clearing and depthening the said Haven or Channel of *Braydon*, and in repairing and maintaining the said Piers and Jettee; and to summon before them all Persons who shall be by them employed in or intrusted with the Receipt or Expenditure of the Monies to be collected and levied for the Purposes aforesaid; which Persons are hereby required to render to the said Mayor, Aldermen, Burgesses, and Commonalty, or to such Person or Persons as they shall direct to inspect and take such Accounts, a true and perfect Account of all Monies so by them received and disbursed for the Purposes aforesaid: And in case they, or any of them, shall be found in Arrear, or refuse to acount as aforesaid, that then it shall and may be lawful to and for the Mayor, or Deputy Mayor, of the said Borough for the Time being respectively, by Warrant under his Hand and Seal, to levy, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing to account as aforesaid, or to pay the Money due upon the Balance of his or their Account, such Sum and Sums of Money as he or they shall be so charged with, rendering the Overplus (if any) to the Person or Persons upon whom such Distress shall be made; and, for want of sufficient Distress, it shall and may be lawful to and for the said Mayor, or Deputy Mayor, respectively, by like Warrant under his Hand and Seal, to commit such Person or Persons to the Common Gaol of the said Borough of *Great Yarmouth*, until he or they shall account for and pay, or secure to be paid, such Sum or Sums of Money as he or they shall be so respectively charged with.

inspect the Accounts of Receipt and Expenditure of Money, &c.

and enforce the Payment of all Money in Arrear.

Mayor, &c. not to remove any Officer, &c. while the additional Duty is raised.

XXV. Provided always, That nothing herein contained shall extend, or be construed to extend, to impower the Mayor, Aldermen, Burgesses, and Commonalty, of the said Borough of *Great Yarmouth*, to remove or displace any Officer, Overseer, Workman, Labourer, or other Person, who shall be employed by the said Commissioners, or by any other Persons with whom they shall contract for the Performance of any Works by them directed to be done in pursuance of this Act, during such Time only as the said Duty of Twopence shall be raised.

Collectors may enter Vessels to collect Duties;

'XXVI. And, in order the better to collect the said Duties,' be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Collector and Collectors, Receiver and Receivers, for the Time being, at all seasonable and convenient Times, to enter into any Ship or Vessel

ſel within the ſaid Haven or Road, in order to ſee and diſcover what Goods are in ſuch Ship or Veſſel before the unlading thereof; and, in caſe the ſaid Duties, ſo directed to be paid as aforeſaid, ſhall not be by the Maſter, or other Perſon or Perſons having the Rule or Command of any Ship or Veſſel upon the unlading thereof within the ſaid Haven or Road as aforeſaid, according to the true Intent and Meaning of this Act, that then it ſhall and may be lawful to and for every ſuch Collector or Receiver, by Warrant from the Mayor, or Deputy Mayor, of the ſaid Borough of *Great Yarmouth* for the Time being, under his Hand and Seal, to take and diſtrain every ſuch Ship or Veſſel, and all Tackle, Apparel, and Furniture, thereunto belonging, or any Part thereof; and in caſe of Neglect or Delay of or in the Payment of the ſaid Duties for the Space of Ten Days after any Diſtreſs ſhall be made as aforeſaid, that then it ſhall and may be lawful to and for every ſuch Collector or Receiver to ſell the ſaid Diſtreſs or Diſtreſſes ſo taken, and therewith to ſatisfy himſelf, as well for the Duty ſo neglected or delayed to be paid, as alſo for his reaſonable Charge in taking, keeping, and ſelling, ſuch Diſtreſs or Diſtreſſes, rendering to the Maſter, or other Perſon having the Rule or Command of the Ship or Veſſel ſo diſtrained as aforeſaid, the Overplus, (if any there be) when demanded.

and, in caſe of Neglect of Payment, for 10 Days, they may be levied by Diſtreſs and Sale.

XXVII. And be it further enacted, That no Cuſtomer, Collector, Comptroller, Surveyor, Searcher, Waiter, or other Officer whatſoever of the Cuſtoms, in the Port of *Great Yarmouth* aforeſaid, ſhall permit any Ship or Veſſel to clear at the Cuſtom-houſe, or to go out of the ſaid Port, until the Maſter, or other Perſon or Perſons having the Rule or Command of ſuch Ship or Veſſel, ſhall produce a Certificate from the Collector or Collectors, Receiver or Receivers, of the Duties by this Act impoſed, that the ſaid Duties are paid, or ſecured to be paid, according to the true Intent and Meaning of this Act; which Certificate ſuch Collector or Collectors, Receiver or Receivers, is and are hereby required to give, without Fee or Reward, on Pain of forfeiting, for every Neglect or Refuſal ſo to do, the Sum of Ten Pounds to the Mayor, Aldermen, Burgeſſes, and Commonalty, of the Borough of *Great Yarmouth* aforeſaid; and that every Cuſtomer, Collector, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the ſaid Cuſtoms, making Default in the Premiſes enjoined them by this Act, ſhall forfeit the like Sum of Ten Pounds to the Mayor, Aldermen, Burgeſſes, and Commonalty of the Borough of *Great Yarmouth* aforeſaid, both which Sums ſhall be recovered by the ſaid Mayor, Aldermen, Burgeſſes, and Commonalty, together with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Wager of Law, or Protection, nor more than One Imparlance, ſhall be allowed; which Sums ſo to be forfeited ſhall, when recovered, be applied for and towards clearing and depthening the ſaid Haven.

Officers of Cuſtoms not to ſuffer Ships to clear until the Duties are paid.

XXVIII. Provided always, That all ſuch Fiſh Oil or Fiſh Livers as ſhall be obtained in and upon any Fiſhing Voyage or Voyages, and ſuch Remainder of Salt, Bread, Beer, and other Proviſions, as ſhall be taken into any Ship or Veſſel, for accompliſhing any Fiſhing Voyage or Voyages, or into any Ship or Veſſel, for the Maintenance of the Maſter or Commander thereof, or Mariners ſerving therein, upon any Voyage or Voyages to be made with ſuch Ship or Veſſel, and not ſpent therein, ſhall be exempted from the Payment of the ſaid Duties; any Thing herein contained to the Contrary in anywiſe notwithſtanding.

Proviſions exempt from the Duties.

'XXIX. And whereas great Quantities of Coals, and other Goods, would oftentimes be imported into 'the ſaid Haven, and be re-exported, to the great Advantage of the Inhabitants of the ſaid Town of '*Great Yarmouth*, and Trade in general, if the Duties paid upon the Importation of ſuch Coals, and 'other Goods, were repaid upon the Exportation thereof; for the Encouragement therefore, and In-'creaſe of ſuch Trade,' be it enacted by the Authority aforeſaid, That, on the Exportation of all Coals, and other Goods, for which the Duties charged on the Importation thereof ſhall have been paid by virtue of this Act as aforeſaid, any Collector or Receiver of the Duties, payable by virtue of this Act, (Due Proof in Writing, upon Oath, before ſuch Collector or Receiver being firſt made of the Payment of the ſaid Duties, which Oath the ſaid Collector or Receiver is hereby impowered and required to adminiſter) ſhall out of ſuch Monies as ſhall then remain in his Hands, or out of the firſt Monies which he ſhall receive on account of the Duties payable, by virtue of this Act, repay unto the Perſon or Perſons ſo exporting ſuch Coals, or other Goods, all ſuch Duties as ſhall have been paid on the Importation of the ſame; any Thing herein contained to the Contrary notwithſtanding.

Duties on certain Goods imported to be repaid on Exportation.

XXX. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace in and for the ſaid City and County of the City of *Norwich* are hereby impowered and required, at any of the Quarter-ſeſſions to be held in and for the ſaid City and County of the City of *Norwich*, to appoint a ſkilful Engineer, with ſuch Reward as they ſhall order and direct, from Time to Time, and as often as the ſaid Juſtices ſhall think proper, to ſurvey and examine that Part of the ſaid River *Wenſon*, commonly called *Yare*, which lieth between the *New Mills* in *Norwich* and *Hardly Croſs* aforeſaid, and all Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, that ſhall be made upon or in the ſame; and that ſuch Engineer ſhall, upon every ſuch Survey ſo to be made by him, have full Power and Authority to ſummon and cauſe all and every or any of the Conſtables of the ſeveral Pariſhes, Wards, Hamlets, Precincts abutting on the ſaid River, within the Limits aforeſaid, to attend him in ſuch Survey, and give him ſuch Information as he ſhall require as to ſuch Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, and the Names of the ſeveral Perſons guilty of the ſame, and of the Owners and Inhabitants of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, bordering upon and adjoining to the ſaid River, within the Limits aforeſaid; and that ſuch Surveyor ſhall, at the Quarter-ſeſſions to be held for the ſaid City and County of the ſaid City of *Norwich*, next and immediately after every ſuch Survey to be made and taken by him, make his Report in Writing, ſigned by him with his own Hand, to the ſaid Juſtices then and there aſſembled, as to

Engineer to ſurvey that Part of the River Wenſon or Yare between the New Mills and Hardly Croſs;

who is to report the State of the River to the Juſtices.

to the State of the ſaid River, within the Limits aforeſaid, and all Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, upon and in the ſaid River within the Limits aforeſaid, and his Opinion as to the Means and Manner of remedying and removing the ſame, and the Names of the ſeveral Perſons guilty of making, and bound to repair, amend, remove, and make Satisfaction for ſuch Incroachments, Impediments, Obſtructions, Annoyances, and Nuiſances, and that a Copy of ſo much of ſuch Report as ſhall relate to every Offender, in all and every or any of the Reſpects aforeſaid, or that ſhall be guilty of any ſuch Incroachment, Impediment, Obſtruction, Annoyance, or Nuiſance, ſhall be given to every ſuch Offender, or left for him or her at the Dwelling-houſe of any Occupier of the Meſſuages, Lands, or Grounds, where the ſame ſhall be committed, or made; and the ſaid Juſtices ſhall and may, and are hereby impowered and directed, to give Notice to all and every or any of the Parties who, in ſuch Report, ſhall be mentioned to have made or done, or to have been guilty of any ſuch Incroachment, Impediment, Obſtruction, Annoyance, or Nuiſance, to remove, or to repair, amend, and make good, the ſame, or to ſhew cauſe to the Contrary by a Time limited by ſuch Juſtices: And that if the Perſon or Perſons to or for whom ſuch Notice ſhall be given or left, ſhall neglect or refuſe to appear before the ſaid Juſtices of the Peace at ſuch Quarter-ſeſſions; or if ſuch Juſtices ſhall, after hearing what ſuch Party or Parties may alledge in his, her, or their Behalf, be of Opinion that ſuch Incroachments, Impediments, Obſtructions, Annoyances, or Nuiſances, or any of them, ought to be removed or amended, repaired, or made good; then, and in ſuch Caſe, the ſaid Juſtices of the Peace, aſſembled at the Quarter-ſeſſions for the City, and County of the City of *Norwich*, ſhall and may, and are hereby required, to order the ſame to be removed or amended, repaired or made good, by a Time to be limited by ſuch Juſtices; and that if ſuch laſt-mentioned Order ſhall not be complied with within the Time ſo to be limited by all or any of the Parties againſt whom ſuch Order ſhall be ſo made; then, and in ſuch Caſe, the Commiſſioners of Sewers for the Time being, acting for or in reſpect of the ſaid laſt-mentioned River, ſhall and may, and they are hereby declared to be at Liberty to proceed, as by Law they are impowered, only againſt ſuch of the Parties guilty of any ſuch Incroachment, Impediment, Obſtruction, Nuiſance, or Annoyance, as ſhall refuſe to comply with the ſaid laſt-mentioned Order of the ſaid Juſtices of the Peace.

Copy of the Report to be given to every Offender, as relates to his Offence, and the Juſtices to order Reparation to be made.

Perſons offending, and refuſing to remove the Incroachments, &c. to be proceeded againſt by the Juſtices as the Law directs.

XXXI. Provided always, That if any of the Perſons by ſuch Report charged with having been guilty of any ſuch Incroachment, Impediment, Obſtruction, Nuiſance, or Annoyance, ſhall, by the ſaid Juſtices aſſembled at the Quarter Seſſions, be adjudged not to be guilty thereof, or ſhall comply in all Reſpects to the Satisfaction of ſuch Juſtices with the Order of the ſaid Juſtices for the removing or repairing, amending or making good the ſame; then, and in either of the ſaid laſt-mentioned Caſes, the ſaid Commiſſioners of Sewers, or any Perſon in their Behalf, or under or by virtue of their Order or Authority, ſhall not, in any Way or Manner whatſoever, proceed againſt ſuch Perſon or Perſons; any Law, Statute Uſage, or Cuſtom, to the Contrary thereof in anywiſe notwithſtanding.

Proviſo.

XXXII. And be it further enacted by the Authority aforeſaid, That ſuch Engineer, ſo to be appointed, ſhall, at all Times, by Advertiſements to be inſerted in the *Norwich* News Paper or Papers, give a Fortnight's previous Notice of his Intention to make ſuch Survey, and that the Reward of ſuch Surveyor ſhall be payable out of the ſaid Allotment of One Penny Halfpenny, hereby directed to be paid according to the Appointment of the ſaid Corporation of the City of *Norwich*; and that it ſhall be lawful for the ſaid Juſtices, aſſembled at the Quarter-ſeſſions to be held for the ſaid City and County of the City of *Norwich*, to remove ſuch Engineer, or any other Engineer to be hereafter appointed; and to nominate and appoint any other Perſon to be an Engineer for the Purpoſes aforeſaid, in the Place and Stead of the Perſon ſo to be removed, who ſhall be paid in Manner herein-before mentioned.

Engineer to give Notice of his Intention to make a Survey.

XXXIII. And, for the better Preſervation of the ſaid Haven, be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-two, no Perſon or Perſons whomſoever, ſhall throw or empty any Balaſt, Earth, Duſt, Rubbiſh, or Stones, into the ſaid Haven, or do any Act, Matter, or Thing, to prejudice or annoy the ſame; and if any Act, Matter, or Thing, ſhall be done to the Prejudice or Annoyance of the ſaid Haven, the ſame ſhall be deemed to be a publick Nuiſance, and ſhall be examined, heard, tried, and determined, as common Nuiſances are to be examined, heard, tried, and determined by or according to the Laws of this Realm; and all Offenders therein, being thereof lawfully convicted upon Information or Indictment in His Majeſty's Court of *King's Bench* at *Weſtminſter*, or by Indictment at the Aſſizes or General Gaol Delivery, or the General or Quarter-ſeſſions of the Peace for the ſaid County of *Norfolk*, or by Indictment at the General or Quarter-ſeſſions of the Peace for the ſaid Borough of *Great Yarmouth*, ſhall be liable to ſuch Fines, Penalties, and Puniſhments, as Perſons convicted of common and publick Nuiſances are by the Statutes of this Realm ſubject and liable to.

Penalty on emptying Rubbiſh, &c. into the Haven.

'XXXIV. And whereas by reaſon of the Commodiouſneſs and Safety of the ſaid Haven for Ships in 'the Winter Seaſon, ſeveral Hundred Ships and Veſſels are yearly laid up and do Winter therein, which 'Ships lie contiguous to one another, and ſo near to the Houſes of the ſaid Town of *Great Yarmouth*, 'that if a Fire ſhould happen, not only ſuch Ships and Veſſels, but alſo the ſaid Town would be in great 'Danger of being deſtroyed; therefore, for preventing any ſuch Miſchief,' be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Mayor, or Deputy Mayor, of the ſaid Borough of *Great Yarmouth* for the Time being reſpectively, yearly and every Year, to appoint ſo many Watchers or Clappermen as ſhall be neceſſary to keep Watch on the Quays of the ſaid Town, nightly and every Night, from the Firſt day of *November* to the Firſt Day of *March* yearly and every Year, in ſuch Manner as hath hitherto been uſed, or as the ſaid Mayor or Deputy Mayor ſhall think proper; and in order to defray the Expence of the ſaid Watchmen and Clappermen, there ſhall be paid by every Maſter,

In order to prevent Accidents by Fire from the Ships within the Haven, Watchmen, &c. to be appointed.

Watchmen and Clappermen by whom to be paid.

Maſter, or other Perſon or Perſons having the Rule or Command of any Ship or Veſſel which ſhall lie in the Haven of the ſaid Town, from the South End of the *Ballaſt Quay* upwards, for the Space of One Month between the Firſt Day of *November* and the Firſt Day of *March* in any Year, ſuch Sum of Money, not exceeding One Halfpenny *per* Ton of the full Burthen of ſuch Ship or Veſſel, as the Mayor or Deputy Mayor of the ſaid Borough for the Time being ſhall from Time to Time order and appoint.

No Fire nor lighted Candle ſhall be allowed on board Ships between Nov. 1. and March 1.

XXXV. And be it further enacted, That if any Maſter, or other Perſon or Perſons having the Rule and Command of any Ship or Veſſel wintering in the ſaid Haven as aforeſaid, or lying in the ſaid Haven at any Time between the Firſt Day of *November* and the Firſt Day of *March* in any Year, ſhall make, uſe, permit, or ſuffer, any Fire or lighted Candle to be in ſuch Ship or Veſſel lying from the South End of the ſaid *Ballaſt Quay* upwards in the ſaid Haven, on any Pretence whatſoever, (ſuch Ships which ſhall have Officers of the Cuſtoms or Exciſe lawfully boarded on them by the Direction of the Chief Officer of the Cuſtoms or Exciſe belonging to the Port or Town of *Great Yarmouth* only excepted) ſuch Maſter, or other Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings of lawful Money of *Great Britain*; One Moiety thereof ſhall be paid to the Perſon or Perſons who ſhall give Information thereof upon Oath, before the Mayor or Deputy Mayor of the ſaid Borough for the Time being reſpectively, and the other Moiety to be paid to the Chamberlains of the ſaid Borough, for the Uſe of the Mayor, Aldermen, Burgeſſes, and Commonalty of the ſaid Borough of *Great Yarmouth*; and it ſhall and may be lawful to and for the Perſons appointed to keep Watch as aforeſaid, at any Time or Times to go on board any Ship or Veſſel lying or wintering in the ſaid Haven as aforeſaid, to view, remove, or extinguiſh any lighted Candles or Fire which ſhall be on board ſuch Ship or Veſſel.

Maſter, &c. mooring Ships ſo as to prejudice the Haven,

'XXXVI. And whereas the lying or mooring Ships in the ſaid Haven, with their Sides towards the 'ſaid Quay, has been found prejudicial to the ſaid Haven, by obſtructing the free Current and Force of 'the Water; and Ships are often moored or placed in the ſaid Haven in ſuch a Situation as to impede 'and obſtruct the Engineers and Workmen employed in depthening the ſaid Haven; for Remedy where-'of,' be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-two, no Ship or Veſſel ſhall lie or be moored in the ſaid Haven, with her Side towards the Quay, longer than One Tide, unleſs upon ſome unavoidable Occaſion; nor ſhall any Ship or Veſſel lie or be moored in the ſaid Haven in ſuch a Situation as to impede or obſtruct the Work of depthening the ſaid Haven by the Engineers and Workmen employed therein; and the Mayor, or Deputy Mayor of the ſaid Borough, or any Two of the ſaid Commiſſioners for the Time being, ſhall, from Time to Time, take ſuch Order therein as to him or them ſhall appear juſt and reaſonable; and in caſe any Maſter, or other Perſon having the Charge of ſuch Ship or Veſſel, ſhall neglect or refuſe to obey the Order of the ſaid Mayor, or Deputy Mayor, or any Two of the ſaid Commiſſioners, for altering the Situation of any ſuch Ships or Veſſels, the ſaid Maſters, or other Perſons as aforeſaid, ſhall, for every ſuch Neglect or Refuſal, forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, to be applied towards the Maintenance and Repair of the ſaid Haven; and it ſhall and may be lawful to and for the Mayor or Deputy Mayor of the ſaid Borough, or any Two of the ſaid Commiſſioners for the Time being, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the ſaid Forfeiture by Diſtreſs and Sale of the Goods and Chattels of the Maſter or other Perſon having the Charge of ſuch Ship or Veſſel, or by Diſtreſs and Sale of the Anchors and Cables, or other Tackle, Apparel, and Furniture thereof.

to forfeit not exceeding 5l.

The Duty of the Pier Maſter, and his accuſtomed Fee for that Duty.

'XXXVII. And whereas it is the Duty of the Pier Maſter for the Time being of the ſaid Town of 'Great Yarmouth, to attend at all proper Times on the Pier Heads to regulate and direct the Uſes of the 'Crabs and Capſterns there for the Aſſiſtance add Convenience of Ships coming into the ſaid Haven, and 'alſo to regulate and direct the Mooring of the ſaid Ships at the Haven's Mouth, which has at all Times 'been found very uſeful and neceſſary, and the Paſſage of Ships over the Bar into the ſaid Haven is there-'by rendered more ſecure and convenient, for which the ſaid Pier Maſter hath received as a Fee or Re-'ward the Sum of One Shiling of the Maſter, or other Perſon having the Rule or Command of every 'Ship or Veſſel coming into the ſaid Haven, and it is reaſonable that the ſame ſhould continue to be paid 'to the ſaid Pier Maſter for his Trouble and Attendance as aforeſaid;' be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-two, every Maſter, or other Perſon having the Rule or Command of any Ship or Veſſel coming into the ſaid Haven, ſhall pay into the Hands of the Perſon or Perſons who ſhall be appointed Collector or Collectors, Receiver or Receivers of the Duties to be collected by virtue of this Act, the ſaid Fee or Sum of One Shilling, for the Uſe of the ſaid Pier Maſter, for and in Conſideration of his Trouble and Attendance as aforeſaid; and in caſe any Maſter, or other Perſon having the Rule or Command of any ſuch Ship or Veſſel, ſhall neglect or refuſe to pay the ſaid Fee or Sum of One Shilling to ſuch Collector or Collectors, Receiver or Receivers, as aforeſaid, the ſame ſhall and may be levied by Warrant under the Hand and Seal of the Mayor or Deputy Mayor of the ſaid Borough for the Time being, in ſuch Manner as is herein-before directed and appointed for levying and recovering the ſeveral Duties, Sum and Sums of Money, herein-before ordered and appointed to be paid by the Authority of this Act; and it ſhall not be lawful for any Collector or Collectors, Receiver or Receivers, of the Duties by this Act impoſed, to give any Certificate or Certificates that the Duties are paid, or ſecured to be paid, until the ſaid Fee or Sum of One Shilling ſhall be received by him or them for the uſe of the ſaid Pier Maſter; any Thing in this Act contained to the Contrary hereof in anywiſe notwithſtanding.

The ſame Fee as formerly to be paid to the Pier Maſter, and how to be recovered.

XXXVIII.

XXXVIII. Provided always, That in case the said Pier Master shall refuse or neglect to attend at all proper Times, and to do and perform the Duty of Pier Master as he ought to do, and shall be convicted thereof before the said Mayor or Deputy Mayor of the said Borough of *Great Yarmouth* for the Time being, or any Two of the said Commissioners, by the Oath of One or more credible Witness or Witnesses, (which Oath such Mayor or Deputy Mayor, or two Commissioners are hereby impowered to administer) every such Pier Master shall, for every such Refusal, Neglect, or Non-performance of his Duty as aforesaid, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, for every such Offence, to be applied towards the Maintenance and Repair of the said Haven, after deducting the Charges of recovering thereof; and in case of Refusal to pay the said Penalty, the same may be levied by Distress and Sale of the Goods and Chattels of such Pier Master, by Warrant under the Hand and Seal of the said Mayor or Deputy Mayor, or under the Hands and Seals of such Two Commissioners.

Pier Master neglecting his Duty,

to forfeit not exceeding 40s.

'XXXIX. And whereas the laying Ballast, Earth, Sand, Rubbish, or Stones, upon the Quays 'near the said Haven, and suffering the same to continue there, hath been found very injurious to the 'said Haven, and to contribute much to the filling up the same, as great Part of such Ballast, Earth, 'Sand, Rubbish, and Stones, often unavoidably fall into the said Haven, or is driven therein by Winds, 'so that it is very difficult to preserve a sufficient Depth of Water for Ships to come up to the Quays: 'For Remedy whereof,' be it enacted by the Authority aforesaid, That from and after the said Twenty-fifth Day of *March*, One thousand seven hundred and seventy-two, if any Person or Persons shall lay any Ballast, Earth, Sand, Rubbish, or Stones, on the said Quays, within Ten Feet of the Quay Head, for the Purpose of ballasting Ships, or for any other Purpose whatsoever, (except for making or repairing Quays, and during such Time only as such Quays are making or repairing), and shall suffer the same to continue there for the Space of Seven Days, and shall be thereof convicted before the Mayor or Deputy Mayor of the said Borough for the Time being, upon the Oath of One or more credible Witness or Witnesses, such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be applied towards the Repair and Maintenance of the said Haven.

Injuring the Haven, by laying Ballast, &c. on the Quays, how to be prevented.

XL. Provided always, and be it further enacted, That in case the Master or other Person or Persons having the Rule or Command of any Ship or Vessel lying in the said Haven, shall neglect or refuse to pay such Sum or Sums of Money as shall be ordered and appointed to be paid for keeping Watchmen and Clappermen as aforesaid, or any Forfeitures or Penalties which shall be incurred by reason of any Offence or Offences against this Act, (the Manner of levying and recovering whereof is not herein before particularly directed), it shall and may be lawful to and for the Mayor, or Deputy Mayor, of the said Borough respectively, from Time to Time, by Warrant under his Hand an Seal, to levy such Sum or Sums of Money, and also all such Forfeitures and Penalties to be incurred, as aforesaid by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing to pay such Sum or Sums of Money, or any of the Penalties or Forfeitures which shall be incurred as aforesaid, together with the reasonable Charges of levying the same

Money directed to be paid for keeping Watchmen, &c. and also Penalties how to be recovered.

XLI. And be it further enacted by the Authority aforesaid, That this Act shall commence and take Place from and after the said Twenty-fifth Day of *March*, One thousand seven hundred and seventy-two, and shall continue in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

XLII. Provided always, and it is hereby declared, That this Act, or any Thing herein contained, shall not suspend or extinguish the Payment of such Port Duties and Tolls, as the Mayor, Aldermen, Burgesses, and Commonalty of the said Borough of *Great Yarmouth* are intitled to have and receive by immemorial Custom or Usage, which for Twenty Years last past have been paid and received, and which they are intituled to recover by Action at Law, without shewing or alledging any Benefit which they are bound to perform to the Publick, or any Cause or Consideration whatsoever, whereon to found their prescriptive Right thereto; but all such Port Duties and Tolls as aforesaid shall and may be recovered and received by the said Mayor, Aldermen, Burgesses, and Commonalty, in such Manner as the same have heretofore been recovered and received, or might have been recovered and received, in case this Act, or any former Act relating to the said Haven and Piers, had not been made.

Not to prejudice the Tolls, &c. payable to the Mayor, &c. by Grants.

XLIII. Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, or anywise in relation to the Premises, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of *Norfolk*, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, may plead the General Issue, Not guilty, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done; or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County than as before directed, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgment shall be given against him, her, or them, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Limitation of Actions.

General Issue.

Treble Costs.

Publick Act.

XLIV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

CAP. XV.

An Act for Lighting, Cleansing, and Watching, the Streets, Lanes, and other Passages, of the Burgh of *Canongate*, and the Liberties of *Pleasance* and *Leith-wynd*, adjoining to the Royalty of the City of *Edinburgh*.

Preamble.

'WHEREAS the Burgh of *Canongate* is the great Outlet from the City of *Edinburgh*, but has 'not the Benefit of being lighted and cleansed along with the said City, or the Security and Pro-'tection arising from the City Guard: And whereas the Streets called *Pleasance* and *Leith-wynd* are al-'so Parts and Dependencies of the said Burgh of *Canongate*, but are not lighted, cleansed, and watched, 'along with the Suburbs of the City of *Edinburgh*: And whereas it would not only be a great Advan-'tage and Safety to the Inhabitants of the said Burgh of *Canongate*, and its said Dependencies, but 'likewise to the Inhabitants of the said City of *Edinburgh*, and of all Persons resorting to and from the 'said City of *Edinburgh*, by and through the *Canongate*, and its said Dependencies, that the Lanes, 'Ways, Passages, Streets, Vennels, and Avenues thereof, were properly lighted, cleansed, and watched, 'and a Fund established for that Purpose: May it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the present Magistrates and Treasurer of the Burgh of *Canongate*, with the Preses of the Stent-masters thereof, and their Successors in Office, shall, in all Time coming, within the aforesaid Bounds or Limits of the Burgh of *Canongate*, have Power, and they are hereby authorised and impowered to direct, order, and appoint, in Manner hereafter specified, in all Matters and Things respecting the lighting, cleansing and watching of the said Burgh of *Canongate*, and its said Dependencies, and of the Streets, Lanes, Ways, Passages, Avenues, and Vennels, within or leading to the same; and to nominate and appoint Clerks, Servants, Scavengers, Watchmen, and other Officers necessary for the Execution of this present Act, and at Pleasure to remove and displace them, or any of them; and to limit and appoint the Salaries, Wages, and other Allowances to be given to such Officers and Servants, and to the Collector hereafter appointed; and to direct and appoint the Number of Lamps to be set up, and the Places to which they shall be affixed; and to appoint proper Persons for watching and cleansing the said Streets, Lanes, Passages, and others; and to make all such other Orders, Rules, and Regulations, from Time to Time, as shall appear necessary in the Premises; and to alter and vary the same as they may see cause: And the said Magistrates, Treasurer, and Preses, shall meet at all Times, in relation to the Execution of this Act, in the Court House of the *Canongate*, upon Twenty-four Hours previous Notice in Writing to be given by One of the Officers of *Canongate*, by order of any of the Magistrates, Treasurer, or the said Preses of the Stent-masters thereof; and in all such Meetings Three shall be a Quorum; and the eldest Magistrate present shall preside in the respective Meetings, and all Questions shall be determined by the Majority of Persons present at the Time, and the Preses, in case of an Equality, shall have the casting Vote.

Magistrates, &c. of Canongate, to direct the lighting, cleansing, and watching the Streets, &c.

Proceedings to be entered in Books.

II. And be it further enacted, That all Acts, Orders, and Proceedings of the said Meetings, shall be regularly entered, from Time to Time, in Books to be kept for that Purpose, and shall be signed by the Preses and Clerk of the said Meetings; and such Entries shall be held and taken to be the original Orders and Proceedings of the said Meetings; and such Books shall and may be produced and taken as Evidence in all Courts whatsoever.

Contracts may be made for lighting and cleansing.

III. And be it enacted, That it shall be lawful to the said Magistrates, Treasurer, and Preses of the Stent-masters of *Canongate*, and they are hereby impowered to contract with any Person or Persons, for lighting and cleansing the Streets, Ways, Passages, and others, of the said Burgh of *Canongate* and its said Dependencies; and that such Contract or Contracts shall be signed by the Preses and Clerk, in Name of the Meeting, at which the said Agreement or Contract shall be made and entered into.

Contracts not to be entered into till Notice given.

IV. And be it further enacted, That no Contract shall be entered into by the said Magistrates and Preses of the Stent-masters for lighting the said Streets, Lanes, and Passages, and others, of the said Burgh of *Canongate*, *Pleasance*, and *Leith-wynd*, till after Four Weeks previous Notice has been given in each of Two of the *Edinburgh* News-Papers, to Persons to give in signed Proposals for lighting the said Lamps; and the said Magistrates and Preses of the Stent-masters, shall accept of, and contract with the Persons whose Proposals shall appear to be most reasonable and beneficial.

Magistrates, &c. to have no Concern in Contracts for lighting.

V. And be it further enacted, That it shall not be lawful to any of the said Magistrates, Treasurer, Preses, or any of the said Stent-masters, to have any Concern, directly or indirectly, in undertaking to light the said Lamps; declaring, That if any such Concern shall be made appear, the Person so concerned shall lose and forfeit any Right or Claim to Payment; or if Payment is made, shall be subject to restore the Sum, to which his Share in the said Contract or Undertaking shall amount, beside Full Costs of Suit; and Action for that Purpose shall be competent at the Instance of any One of the said Magistrates, Treasurer, Preses, or any One of the said Stent-masters, at the Time, or at the Instance of any Two or more Heritors, qualified to be Stent-masters in Terms of this Act.

VI.

VI. And be it further enacted, That the said Magistrates, Treasurer, and Preses of the Stent-masters, are hereby authorised and impowered to order such Sum or Sums as they shall contract for, to be paid out of the Monies to be raised for the Purposes of this Act, in Manner hereafter directed. Contracts to be paid out of Monies raised for the Purpose of this Act.

VII. Provided always, and be it further enacted, That no Nomination, Contract, Bond, or other Writing whatsoever, under the Hand of the said Preses and Clerk, concerning, or in Execution of the Powers vested in them by this Act, shall be chargeable with any Stamp-duty whatsoever. Writings exempt from Stamp Duties.

'VIII. And, in order to raise a Fund for defraying the Charges of lighting the Streets, Lanes, 'Passages, and others, of the said Burgh of *Canongate*;' Be it enacted by the Authority aforesaid, That the Stent-masters of the *Canongate* shall be, and they are hereby impowered and required, at the Time of imposing and proportioning the Land-tax or Cess of the said Burgh of *Canongate*, for the Service of the Year One thousand seven hundred and seventy-two, and annually thereafter, to assess and lay upon all Heritors, Life-renters, and other Proprietors of Houses, Lands, and Tenements, within the said Burgh of *Canongate*, and its said Dependencies, subject to the Payment of Land-tax or Cess, an annual Assessment not exceeding Two and an Half *per Centum* in the Pound of the real Rents, as the same now are, or shall at any Time hereafter stand rated in the Cess Books of the said Burgh of *Canongate*, or so much of the said Sums as the said Magistrates, Treasurer, and Preses of the Stent-masters aforesaid shall judge necessary for the said Service at the Time; which annual Assessment shall be payable in the same Proportions, and at the same Times, with the Cess for each Year respectively, and shall be levied and collected by the Clerk of *Canongate*, Collector of the Cess for the said Burgh of *Canongate*; for collecting of which Assessment, such Allowance shall be made as the said Magistrates, Treasurer, and Preses of the Stent-masters, shall judge proper; and the like Action and Execution shall be, and is hereby directed and appointed to be competent for recovering and levying such Assessment as is authorised by the Law and Practice of *Scotland*, and used there for levying and in-bringing of the Cess or Land-tax; and the said Collectors of the Cess for the said Burgh of *Canongate*, for the Time being, are hereby impowered and required so to levy, collect, and afterwards pay over the said Assessment to the said Magistrates, Treasurer, and Preses of the Stent-masters, or to such Person or Persons as they, or a Majority of them, shall appoint. Assessments to be made for lighting the Streets, &c.

IX. And it is hereby further enacted, That in Time coming, no Person shall be appointed a Stent-master within the said Burgh of *Canongate*, who is not a residing Heritor for the Time, possessed of Lands and Tenements to the Value of Fifteen Pounds Sterling of yearly Rent. Qualification of the Stent-masters.

X. And be it enacted, That the said Lamps within the *Canongate*, *Pleasance* and *Leith-wynd*, shall be lighted with, and continue burning as long as the Lamps within the City of *Edinburgh*, or longer, if judged necessary. Lamps within the Canongate to continue burning as long as the Lamps within the City of Edinburgh.

'XI. And, for raising and establishing a Fund for defraying the Expence of watching and cleansing 'the said Streets, Lanes, Ways, Passages, Vennels, and Avenues of the said Burgh of *Canongate*, *Plea-'sance*, and *Leith-wynd*,' be it enacted, That from and after the Twenty-fifth Day of *March* next, the said Magistrates shall annually, in all Time coming, apply Three-fourth Parts of the Monies or Tack-duties arising, or that shall arise, from the Sett of the Dung or Fulzie of or upon the said Streets, Avenues, Ways, Passages, Closes, Vennels, and others, of the said Burgh of *Canongate*, *Pleasance*, and *Leith-wynd*, towards defraying the Expence of cleansing and watching the said Streets Avenues, Passages, and others. Three Fourth Parts of the Monies arising from the Sett of the Dung, &c. to be applied towards cleansing and watching.

XII. And be it further enacted, That it shall only in Time coming be lawful to the said Magistrates to sett or lease the said Dung or Fulzie by publick Roup, upon previous Notice of Four Weeks in each of Two of the *Edinburgh* News-papers, and for no longer Space than Five Years at each Sett or Lease. Dung, &c. to be let by publick Roup.

XIII. And be it further enacted, That from and after the said Twenty-fifth Day of *March* next, the said Magistrates shall be impowered, and they are hereby impowered and required annually to levy the whole Monies leviable from the Inhabitants within the said Burgh of *Canongate*, in virtue of an Act of the Parliament of *Scotland* in the Year One thousand six hundred and sixty-three, by the Name of Annuity, or so much thereof as they shall judge necessary to answer the Purpose of the said Act, in the first Place; and in the next Place, for defraying the Deficiency of the Expence of watching and cleansing the Streets, Lanes, Passages, and others, of the said Burgh of *Canongate*, *Pleasance*, and *Leith-wynd*, after Application of the aforesaid Three-fourth Parts of the Monies or Tack-duties arising, or that shall arise from the Sett of the Dung or Fulzie of the Streets, Ways, and others, of the said Burgh of *Canongate*, *Pleasance*, and *Leith-wynd*. Magistrates to levy the Monies leviable by Act of Parliament of Scotland in 1663, for the Purposes of the Act.

XIV. And be it further enacted by the Authority aforesaid, That if the aforesaid Assessment of Two and an Half *per Centum* upon the real Rent of the Houses and Tenements directed to be levied by the Authority of this Act, for Lighting the Streets of the said Burgh of *Canongate*, *Pleasance*, and *Leith-wynd*, shall prove insufficient for defraying that Expence; and that the Three-fourth Parts of the Monies and Tack-duties arising, or that may arise from the Dung and Fulzie of the Streets; and that the whole Fund of Annuity aforesaid, authorised to be levied by the Act of the Parliament of *Scotland* in the Year One thousand six hundred and sixty-three, shall be more than sufficient for answering the Purposes of that Act, and for defraying the Expence of watching and cleansing the Streets, Lanes, Passages, and others, of the said Burgh of *Canongate*, *Pleasance*, and *Leith-wynd*, it shall and may be lawful to the said Magistrates of *Canongate* to apply the Surplus arising from the said Tack- Deficiency of the Fund for lighting, how to be supplied.

duties and Annuity, towards the making up the Deficiency of the Fund for lighting the Streets of the ſaid Burgh of *Canongate*, *Pleaſance*, and *Leith-wynd*, or ſo much thereof as ſhall be wanted to make up ſuch Deficiency.

Deficiency of the Fund for watching and cleanſing how to be ſupplied.

XV. And be it further enacted by the Authority aforeſaid, That if the aforeſaid Tack-duties and Annuity, authoriſed to be levied in virtue of the aforeſaid Act of Parliament of *Scotland*, ſhall not be ſufficient for anſwering the Purpoſes of that Act, and for defraying the Expence of watching and cleanſing the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of *Canongate*, *Pleaſance*, and *Leith-wynd*; and that the aforeſaid Aſſeſſment of Two and an Half *per Centum*, upon the Houſes and Tenements, ſhall be more than ſufficient for anſwering the Purpoſes for which it is impoſed, it ſhall and may be lawful for the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of *Canongate*, to apply the Surplus of the ſaid Fund towards the making up the Deficiency of the Expence neceſſary for watching and cleanſing the Streets, Lanes, Paſſages, and others, of the ſaid Burgh of *Canongate*, *Pleaſance*, and *Leith-wynd*, or ſo much thereof as ſhall be thought neceſſary.

Expences of the Act to be paid in the firſt Place.

XVI. And be it further enacted, That the Sums to be raiſed and levied, in virtue of this Act, ſhall be applied by the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of *Canongate*, in the Firſt Place, to defray the Charges of paſſing this Act; and afterwards, wholly and ſolely to the Uſes and Purpoſes herein-before mentioned, and to no other Uſe or purpoſe whatſoever.

Accounts to be kept.

XVII. And be it further enacted, That the ſaid Magiſtrates, Treaſurer, and Preſes of the Stent-maſters of *Canongate*, ſhall keep diſtinct and ſeparate Accounts of all Monies raiſed, levied, and paid, by virtue of this Act, from and upon account of the aforeſaid Aſſeſſment, Tack-duties, and Annuity reſpectively; which Accounts ſhall be entered in a Book, and ſigned by the Preſes and Clerk of the ſaid reſpective Meetings; and the ſaid Clerk ſhall permit any Perſon aſſeſſed to inſpect the ſame at reaſonable Times, paying Sixpence for each Inſpection; and ſhall, upon Demand, give Copies of the ſame, or any Part thereof, to ſuch Perſon, on his paying at the Rate of Sixpence for every Page containing Two hundred Words.

Saving the Rights of the City of Edinburgh.

XVIII. Saving and reſerving to the City of *Edinburgh* all Juriſdictions, Commodities, Rights and Privileges, competent and belonging thereto, within or over the ſaid Burgh of *Canongate* and its ſaid Dependencies aforeſaid, in the ſame Manner as the City and Community now have and enjoy, or might enjoy the ſame.

Publick Act.

XIX. And it is hereby further enacted, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act; and all Judges, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

CAP. XVI.

An Act for deepening, cleanſing, ſcouring, preſerving, and maintaining, the Harbour of *Port Glaſgow*, for enlarging and improving the Quays and Piers, for erecting new Breaſts, Jettees, and Piers, and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

Preamble.

'WHEREAS the Harbour of *Port Glaſgow*, in the County of *Renfrew*, has of late Years, by 'the Flux and Reflux of the Tide, and various other Cauſes, been greatly choaked, and filled 'up with Mud and Dirt, which hinders Veſſels of Burthen from getting into the Piers and Quays, and 'expoſes the Shipping lying in the ſaid Harbour to many Dangers and Inconveniencies: And whereas 'the Trade of the City of *Glaſgow*, and Port of *Port Glaſgow*, hath of late Years greatly increaſed, 'and the Ships and Veſſels now belonging to, and trading to and from the ſaid Port, are more nume-'rous, and of larger Dimenſions than heretofore: And whereas the Quays and Piers already made and 'conſtructed, by and at the Expence of the Magiſtrates and City Council of *Glaſgow*, within the ſaid 'Port and Harbour, are not ſufficient for the Reception and convenient Lying of the Ships and Veſſels 'reſorting thereto, and for the requiſite and convenient Diſpatch in lading and unlading the ſame, 'which render the deepening, cleanſing, and ſcouring of the ſaid Harbour, and the building and erec-'ting new and additional Piers and Quays, highly neceſſary, and the ſame will be of great publick 'Utility, as well as of Advantage to the Trade of the ſaid City and Port: And as the deepening, clean-'ſing, and ſcouring, of the ſaid Harbour, and the building and erecting the ſaid new and additional 'Piers and Quays, and other proper and neceſſary Works, will be attended with conſiderable Expence, 'which the ordinary Revenue of the ſaid City cannot defray; and as the ſame cannot be effected with-'out the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be 'enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Magiſtrates and City Council of *Glaſgow*, and their Succeſſors in Office, or ſuch Perſon or Perſons as they ſhall appoint, from Time to Time, and at all Times hereafter, as they ſhall ſee Occaſion, to deepen, clean, ſcour, and preſerve the ſaid Harbour of *Port Glaſgow*, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Dirt and Mud, and other Obſtructions whatſoever; and alſo to build and erect, or cauſe to be built and erected therein, (except as herein after is excepted) Piers and Quays of proper Dimenſions, particularly a Mid Quay or Pier in the preſent Harbour, and another Quay or Pier at and from a Point of Land called *The Black Houſe Nook*, near the old Caſtle of *Newark*,

Newark, and to carry out the ſame from the ſaid Point into the Sea; and likewiſe ſuch and ſo many other Quays, Piers, Jettees, and Breaſts, in the open Harbour or old Bay of *Newark*, and other neceſſary Works within the ſaid Harbour and Bay, for the Reception of Ships and Veſſels reſorting to the ſaid Port and Harbour, and for the more convenient lading and unlading of ſuch Ships and Veſſels of ſuch Dimenſions, and to be executed in ſuch Manner as the Commiſſioners herein after named, or any Ten or more of them, at a General Meeting aſſembled, in Manner as herein-after directed, ſhall judge to be neceſſary and expedient.

No Pier, &c. to be built eaſtward of Black Houſe Nook.

II. Provided always, That no Quay, Pier, Jettee, Breaſt, or any other Work hereby authoriſed to be built and erected, ſhall be built and erected to the Eaſtward of the ſaid Point of Land called *The Black Houſe Nook*, without the Conſent in Writing of *Robert Hamilton* of *Wiſhaw*, Eſquire, his Heirs or Aſſigns, under his or their Hands and Seals firſt had and obtained for that Purpoſe; any Thing herein before contained to the Contrary in anywiſe notwithſtanding.

No Wharfs, &c. to be erected on the Lands belonging to Mr. Hamilton.

III. Provided alſo, and be it further enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to enable, authoriſe, or impower, the ſaid Magiſtrates and City Council of *Glaſgow*, or their Succeſſors or Aſſigns, to make build, or erect any Wharfs, Quays, Piers, Jettees, Breaſts, or other Works or Buildings, in or upon the Lands or Grounds of or belonging to the ſaid *Robert Hamilton*, his Heirs or Aſſigns, without the ſpecial Licence and Conſent of the ſaid *Robert Hamilton*, his Heirs and Aſſigns, in Writing under his or their Hands and Seals reſpectively, firſt had and obtained for that Purpoſe; nor to authoriſe or impower the ſaid Magiſtrates and City Council of *Glaſgow*, or their Succeſſors or Aſſigns, to make, erect, or build any Houſes, Warehouſes, or other Buildings; ſave and except Piers, Quays, Jettees, Breaſts, and Engines, Cranes, or Weigh-beams, for lading and unlading of Ships and other Veſſels, in or upon any Part of the Scite, Ground, or ſoil of the ſaid Harbour of *Port Glaſgow*, or any Part thereof, between the Dry Dock belonging to the ſaid City of *Glaſgow* on the Weſt, and the ſaid Point called *Black Houſe Nook* on the Eaſt; any Thing herein contained to the Contrary thereof notwithſtanding.

Proviſo.

IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall not be lawful for the ſaid *Robert Hamilton*, his Heirs or Aſſigns, without the Licence or Conſent in Writing of the ſaid Magiſtrates and City Council of the City of *Glaſgow*, to make, build, or erect any buildings or Erections of what Kind or Nature ſoever, from High Water Mark to Low Ground Ebb, or within the Full Sea Mark, from the ſaid Dry Dock to the ſaid Point called *Black Houſe Nook*.

Truſtees appointed.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Magiſtrates and City Council, and their Succeſſors in Office, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, and for the better effecting the Ends and Purpoſes of the ſame; and that the Fee and Property of the Quays, Piers, Breaſts, and other Works to be made, built, and erected by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, to and for the End and Purpoſes aforeſaid; and that the ſaid Truſtees are, and ſhall be bound to apply the Rates and Duties after mentioned, in making and repairing, and in keeping and maintaining the ſame in good Order and Repair, and in preſerving the ſaid Harbour clean and free from Mud, Dirt, and other Obſtructions whatſoever.

Harbour-duties to be paid, after *June* 1, 1772.

VI. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *June*, in the Year One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Truſtees, and ſuch Perſon and Perſons as they ſhall appoint, to demand, collect, receive, and take (over and above all other Rates and Duties which at preſent ſubſiſt and are levied from Ships, Veſſels, Barks, Lighters, and Boats, coming into, or going out of, the ſaid Port or Harbour of *Port Glaſgow*) of and from all and every the Maſters and Owners of any Ships, Veſſels, Barks, and Lighters, bound outward from the ſaid Port or Harbour of *Port Glaſgow*, on any foreign Voyage, or to any foreign Country or Place, or to any of the *Britiſh* Plantations, One Penny Halfpenny Sterling for each and every Ton which ſuch Ships, Veſſels, Barks, and Lighters, ſhall meaſure; and alſo One Penny Halfpenny Sterling for each and every Ton of ſuch Ships, Veſſels, Barks, and Lighters coming into the Port and Harbour aforeſaid, from any foreign Voyage, Country, or Place, or *Britiſh* Plantation; and from the Maſters and Owners of all Veſſels of Thirty Tons or upwards, trading or coming into and out of the ſaid Port, from or to any Part of *Great Britain* or *Ireland*, without proceeding to or coming from any other Place or Country, Three Farthings Sterling for each Ton Burthen ſuch Veſſel ſhall meaſure, every Time they ſhall arrive in, or ſail from the Port or Harbour aforeſaid; and from the Maſters and Owners of all ſmall Veſſels above the Burthen of Fifteen Tons, and under the Burthen of Thirty Tons, trading to or from any Port of *Great Baitain* or *Ireland*, without proceeding to or coming from any other Place or Country, Three-pence Sterling for each Ton of Burthen every Year they ſhall ſail to or from the Port and Harbour aforeſaid; the Commencement of which Year to be reckoned from the Time of their coming into or going out of the ſaid Harbour after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, and the Payment of the ſaid Duty for the then current Year, to be paid before clearing out of the Port and Harbour aforeſaid.

What Ships, &c. are exempted from Duties.

VII. Provided always, That all Ships and Veſſels, Lighters, and Boats, coming into the Port and Harbour of *Port Glaſgow* aforeſaid, ſolely and only loaded with Fiſh, freſh or ſalted, or with Proviſions of any Kind; or ſolely and only loaded with Corn, Grain, or Meal, or with Stones, Slates, and Coals, which ſhall be diſcharged within the Port and Harbour aforeſaid, or that may proceed from thence with the ſaid Loading to any Part within the River of *Clyde*; and all Lighters, Boats, and Veſſels, loaded with Salt and Caſk only, going to or coming from the Herring Fiſhing; and all Ships or Veſſels

ſels arriving in the Port and Harbour aforeſaid in Ballaſt, and without any Kind of Goods or Merchandiſe on Board, ſhall be free and exempted from the Rates and Duties granted by this Act.

Maſters to allow their Ships, &c. to be meaſured by the Truſtees, or forfeit 5 l.

VIII. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and lighters, trading to and from the ſaid Port and Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall, from Time to Time, appoint for that Purpoſe, and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid, who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

Truſtees to appoint Collectors, Receivers, and other Officers, and to ſettle their Salaries.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them for carrying the ſame into Execution; and, from Time to Time, to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead; and to ſettle ſuch reaſonable Fees or Salaries for them, as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, and to the Commiſſioners after named, or any Two of them, at all Times when they ſhall demand Inſpection of the ſame) and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed; and that the Collector and Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts ſo often as he or they ſhall be thereunto required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe, to the beſt Bidder or Bidders at publick Roup or Sale, for that Purpoſe appointed, (and advertiſed in all the *Glaſgow* Newspapers Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale) the Rates and Duties aforeſaid, for any Term or Space not exceeding Three Years.

Collectors to give Security to the Truſtees.

Maſters of Veſſels to produce Receipts of the Payment of the Duties before Ships are cleared.

'X. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid,' be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *June*, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms at *Port Glaſgow*, by the Maſter or Owners of every Ship, Veſſel, Bark, or Lighter, coming into or ſailing out of the ſaid Port or Harbour of *Port Glaſgow*, or liable in the Rates and Duties in this Act granted, a Receipt, or other ſufficient Voucher, of the Payment of the ſaid Rates and Duties; and that, until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or *Britiſh*, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Ten Pounds Sterling.

Harbour Duties to be levied, in caſe of Refuſal to pay them, by Diſtreſs and Sale.

XI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and to ſuch Perſon and Perſons as ſhall be for that Purpoſe authoriſed by them, to go on Board any Ship, Bark, Lighter, or Veſſel, and to take the Dimenſions thereof, and to demand, collect, and receive, from any Owner, Maſter, or other Perſon having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed, and made due and payable; and in caſe of Delay, or Refuſal of Payment, to take, ſeize, and detain, preferable to, and, notwithſtanding of, any Attachment, Arreſtment, or other Right whatſoever, claimable by or due to any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to take, ſeize, and detain, until the ſaid Duty and Duties be ſatisfied and paid; and that, in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeiſing, and detaining aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons, and afterwards to ſell and diſpoſe of the Goods, or other Effects, ſo taken and appraiſed, and therewith to ſatisfy the Duty and Duties ſo neglected or delayed to be paid, together with the Charges of ſuch ſeiſing, taking, detaining, and ſelling, (as the ſame ſhall be aſcertained by the Sellers upon Oath) rendering to the Maſter or Owners of ſuch Ship, Bark, Lighter, or other Veſſel, or Owners of ſuch Goods, the Overplus (if any be) on Demand.

Ship-maſters, &c. evading the Payment of the Duties, to forfeit 5 l. and be ſtill liable for the Rates.

XII. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee of any Ship, Bark, or other Veſſel, ſhall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatever, every ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall notwithſtanding ſtand charged with and be liable to the Payment of the ſaid Rates and Duties.

Truſtees may borrow 5000 l. on the Credit of the Duties.

XIII. And be it likewiſe enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money not exceeding at any One Time the Sum of Five thouſand Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates, Duties, and Tonnage, given and

granted

granted by this Act, to any Perſon or Perſons whatſoever who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt, reſpectively; and that the Money ſo to be borrowed and advanced ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Duties received to be applied after paying Expence of the Act, towards improving the Harbour, &c.

XIV. And be it further enacted by the authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall by the ſaid Truſtees, after paying the Expence of this Act, be applied for and towards the deepening, clearing, ſcouring, enlarging and improving, maintaining and cleanſing, the Harbour of *Port Glaſgow* from all Dirt and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean, and for and towards the making, erecting, building, and finiſhing, ſuch Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided, by this Act; and for the executing and performing of all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame, and to no other Uſe or Purpoſe whatſoever.

Obſtructions, &c. in the Harbour may be removed by the Magiſtrates.

'XV. And whereas the Magiſtrates and City Council of *Glaſgow* are Superiors of the Village of *Port* '*Glaſgow*, and have the Nomination and Appointment of the Bailie or Civil Magiſtrate of the ſaid Vil-'lage, and of the Water Bailie and Shore Maſter for the Port and Harbour of *Port Glaſgow*: And 'whereas it will tend greatly to the Improvement of the ſaid Harbour, and to the Accommodation of the 'Publick, that the ſaid Magiſtrates and City Council, and Officers appointed by them, had Power and 'Authority to remove (after reaſonable Notice to the Perſon or Perſons immediately intereſted) all un-'neceſſary Obſtructions within the ſaid Port and Harbour, and upon the Quays and Piers belonging to 'the ſame, and to order and regulate with reſpect to the Stations and Places of Mooring of the Ships 'and other Veſſels within the ſaid Port and Harbour, and with reſpect to the Time of Continuance upon 'the ſaid Quay of Goods and Merchandiſe, or others whatſoever; and to make ſuch other Bye-laws, 'Orders, and Regulations, for the better Government and Management of the ſaid Port and Harbour, 'as to them the ſaid Magiſtrates and Council ſhall ſeem meet and expedient;' be it therefore further enacted by the Authority aforeſaid, That no Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by, as unfit for further Sea Service, or neglected by the Owner, ſhall be permitted to be and remain in any of the Piers or Quays erected within the ſaid Harbour of *Port Glaſgow*, ſo as to incumber the ſame; but that, in every ſuch Caſe, it ſhall and may be lawful to and for the Water Bailie or Shore Maſter, nominated yearly by the ſaid Magiſtrates and City Council of *Glaſgow*, and their Succeſſors in Office, for the ſaid Port, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Quays and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the Strand or Seaſhore, within the Highwater Mark, or any other Place of Safety without the ſaid Harbour, and there to moor ſuch Ship or other Veſſel; and that, on or before Demand of Payment is made by ſuch Water Bailie or Shore Maſter from the Owner or Owners, Maſter or Agents of ſuch Ship, Bark, or other Veſſel, of the Charge of removing and mooring ſuch Ship, Bark, or other Veſſel as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by the Bailie or Magiſtrate of *Port Glaſgow*, yearly nominated by the Magiſtrates and Council of the City for the Time being; and that, in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid for the Space of Five Days after Demand ſhall be made, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Water Bailie or Shore Maſter, to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part, thereof, rendering the Overplus, if any ſuch there be, (after deducting the Charge of taking, keeping, and Sale of ſuch Diſtreſs) to the Owner or Owners, Maſter, Factor, or Agent of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Ships, &c. unfit for Service to be moved out of the Harbour at the Owners Expence,

and in caſe Payment be refuſed, to be levied by Diſtreſs.

Goods not to remain on the Quays or Piers longer than Forty-eight Hours.

XVI. And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, or in the Power of, any Perſon or Perſons, who ſhall have landed, and cauſed to be landed, and laid any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving Stones, Lime Stones, Slates, Soaper's Waſte, Dung, or Manure, or any other Thing (other than Materials for the neceſſary Repair of the Piers and Quays, and for immediate Uſe in Shipping) upon any of the Piers and Quays, or Landing Places within the ſaid Harbour, or in any of the adjacent Streets and Avenues leading to the ſaid Quays and Piers, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon, for any longer Time than Forty-eight Hours; and that, in all Caſes where the ſaid Goods or others aforeſaid ſhall have ſo continued beyond the ſaid Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Water Bailie or Shore Maſter for the Time being, to remove, or cauſe to be removed, all ſuch Goods and other Things as he ſhall ſo find lying, continuing, and being on the ſaid Quays and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration beſides to the ſaid Officers, for their Trouble in and about the ſame, as the ſaid Bailie or Magiſtrate of *Port Glaſgow* ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof by the ſaid Water Bailie or Shore Maſter; then, and in every ſuch Caſe, he and they, reſpectively, are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels, ſo reſpectively ſecured and render the Overplus, if any be, to the Owner or Owners thereof, the Charges of taking, keeping, and making Sale of ſuch Diſtreſs being deducted and allowed, and on the ſame being demanded.

XVII.

Truſtees may hire Warehouſes for lodging Goods ſo removed.

XVII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or their Bailie and Magiſtrate at *Port Glaſgow* aforeſaid, ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire, by the Year or otherwiſe, any convenient Warehouſe, Yard, or other Place for the receiving, ſafe keeping, or lodging of ſuch Goods and other Things, ſo to be removed from off the Quays and other Places as aforeſaid; or to incloſe, erect, or build in any ſuch Yard, Warehouſe, or other Buildings on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder, and other combuſtible Matter, not to remain on Quays or Piers longer than 24 Hours,

XVIII. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy, or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Quay and Piers aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Port and Harbour of *Port Glaſgow*, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Piers or Quays, lying in the Harbour aforeſaid, for above the Space of Twenty-four Hours after paſſing the Cuſtom-houſe Officers: And that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Quays, Place or Places, by Day-light; that then, and in every ſuch Caſe, the Owners of ſuch Goods and Things ſhall be obliged, and are hereby required to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons, to guard and watch over the ſame, for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Water Bailie or Shore Maſter ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter and Maſters of Ships, Barks, or other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Pounds Sterling.

on Forfeiture of 10 l.

Ships and Veſſels may be removed from one Birth to another, by Order of the Water Bailie, &c.

XIX. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees, or the ſaid Water Bailie, or Shore Maſter of *Port Glaſgow* for the Time being, or ſuch other Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he or they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbour of *Port Glaſgow*, or at any Quay, Pier, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbour, from the Birth or Lying-place at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying-place, as he or they ſhall think proper; and in caſe the Maſter, Mate, or any other Perſon, having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on board the Ship or Veſſel intended to be removed, Twelve Hours before the Time of Removal, by the ſaid Water Bailie or Shore Maſter, or ſuch other Perſon or Perſons as he ſhall appoint, neglect or refuſe to remove, or cauſe to be removed, during the firſt High Water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat, from her ſaid Birth to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Water Bailie or Shore Maſter, or any other Perſon authoriſed by him; that then the ſaid Truſtees, or the Water Bailie or Shore Maſter of *Port Glaſgow* for the Time being, or any other Perſon or Perſons he or they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove, or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place, to ſuch other Birth and Mooring-places as the ſaid Water Bailie or Shore Maſter ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees of ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Truſtees, all ſuch Coſts and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat; to be recovered, levied, and applied, in like Manner as the Forfeitures and Penalties impoſed by this Act are herein-after ordered to be recovered, levied, and applied: And that every Maſter, Commander, Mate, or other Perſon, taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall, for every ſuch Offence, forfeit the Sum of Ten Pounds Sterling.

Maſter, &c. hindering a Removal, to forfeit 10 l.

Veſſels coming into the Harbour in Diſtreſs, to have the Preference as to the Birth and Diſcharge, of other Ships; Maſter, &c. refuſing, to forfeit 10 l.

XX. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Road or Harbour of *Port Glaſgow* in Diſtreſs, or meet with any Misfortune in the Road or Harbour aforeſaid, it ſhall and may be lawful to and for the Bailie or Magiſtrate of *Port Glaſgow* aforeſaid, upon a Petition to him in Writing by the Maſter, Commander, or Owner of ſuch Ship or Veſſel, or Owner of any Goods on board of ſuch Ship or Veſſel; and upon Proof being made before him of ſuch Diſtreſs to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to the Birth at the Piers and Quays, and as to the Courſe of diſcharging, to any other Ship or Veſſel arrived before her in the Port aforeſaid; and that every Maſter or Commander of any Ship or Veſſel lying within the Harbour of *Port Glaſgow*, who ſhall refuſe or delay to comply with the Order of the ſaid Bailie, in Favour of the ſaid Ship or Veſſel in Diſtreſs as aforeſaid, ſhall forfeit the Sum of Ten Pounds Sterling, to be levied and applied in the Manner herein after directed.

Perſons throwing Ballaſt, &c. into the Harbour to forfeit 40 s.

XXI. And be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful to any Perſon or Perſons, to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Single Stones, or other Things, into the ſaid Harbour, or to dig and take away any Ballaſt, Single Stones, or other Things, from within the ſame, to the Hurt or Prejudice of the ſaid Harbour, or of the Works erected, or to be erected, for the Se-

curity and Accommodation of the ſame, or to do any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch offence.

Ballaſt thrown on the Quays, &c. to be immediately removed, on Pain of 40s.

XXII. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons, who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel, upon any Quay, Pier, or Breaſt, or other Place in or about the ſaid Quays, Piers, Breaſts, or other Works, made or to be made, as before mentioned, belonging to the ſaid Port and Harbour, ſhall not ſuffer the ſame to be and remain on the ſaid Quays, Piers, Breaſts, or other Places, but ſhall immediately after cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as the Bailie or Magiſtrates of *Port Glaſgow*, or the Water Bailie or Shore Maſter aforeſaid ſhall for ſuch Purpoſes provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Maſters of Veſſels anſwerable for Damages done by their Crews.

XXIII. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of every Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbour of *Port Glaſgow*, ſhall be, and is hereby made anſwerable to the ſaid Truſtees, for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on board the ſame, to any of the Piers, Quays, Breaſts, or other Works already conſtructed, or that ſhall be conſtructed by Virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts, ſhall be ſued for and recovered in Manner herein after directed.

Herrings, and other Fiſh, not to be packed, or lie on the Quays.

XXIV. And be it enacted by the Authority aforeſaid, That it ſhall not be lawful for any Perſon or Perſons whatſoever, to pack, or cauſe to be packed, upon any of the Piers, Quays, or Breaſts built, or to be built, as aforeſaid, any Herrings or other Fiſh, or to ſuffer Herrings and other Fiſh, which are packed, to lie upon the ſaid Piers, Quays, and Breaſts, longer than Forty-eight Hours; and that after they have lain the ſaid Space, it ſhall and may be lawful to and for the Water Bailie or Shore Maſter aforeſaid, to carry away the ſaid Herrings or other Fiſh, and lay them up in a Cellar or Warehouſe at the Expence of the Owner or Proprietor; and that the ſaid Water Bailie or Shore Maſter ſhall detain the ſaid Herrings and other Fiſh, till the Charges of carrying them from the Piers, Quays, and Breaſts, ſhall be ſatisfied, and the Cellar Rent paid.

Water Bailiff or Shore Maſter to inſpect into the State of the Piers.

XXV. And be it enacted by the Authority aforeſaid, That the Water Bailie or Shore Maſter, nominated and appointed by the Magiſtrates and City Council of *Glaſgow* for the ſaid Port and Harbour of *Port Glaſgow*, ſhall be, and he is hereby authoriſed and required, from Time to Time, and at all Times after the paſſing of this Act, carefully to inſpect into the State of the ſaid Piers, Quays, Breaſts, and other Places within the Port and Harbour of *Port Glaſgow*, and to prevent, as far as his Power ſhall extend, any Offences made puniſhable by this Act, from being committed; and that in caſe of any wilful Neglect or Default therein, the ſaid Water Bailie or Shore Maſter reſpectively, ſhall forfeit and pay Twenty Shillings Sterling, for each and every ſuch Offence.

Fines and Forfeitures, amounting to 5 l. how to be ſued for, recovered, and applied.

XXVI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, or any Collector to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, in all ſuch Caſes where the Sum to be recovered ſhall amount to Five Pounds Sterling, or upwards, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before Two or more Juſtices of the Peace, or any other Judge competent for Civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide, or be apprehended; and that the ſaid Juſtices of the Peace ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgments, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that, in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit herein-before enacted, which ſhall be awarded and ordered by the Juſtices of Peace or Judge aforeſaid, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed, ſhall and may be ſent, by the Juſtices of Peace, and Judges aforeſaid, to the Priſon or Houſe of Correction neareſt to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept to hard Labour for ſuch Time, not exceeding Six Months, as ſuch Juſtices or Judges ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors as aforeſaid, after Deductions of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Fines not amounting to 5 l. how to be recovered.

XXVII. And be it further enacted by the Authority aforeſaid, That every other Penalty, Fine, and Forfeiture impoſed, and which ſhall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, ſhall and may be ſued for and recovered by the ſaid Truſtees, or any Collector appointed by them, before the Bailie or Magiſtrate of *Port Glaſgow* aforeſaid, or any One Juſtice of the Peace within whoſe Juriſdiction the Offender or Offenders before mentioned ſhall be apprehended, or reſide for the Time, by Action, Bill, and Complaint or Information made in that Behalf, within Six Months after ſuch Offence ſhall have been committed; and that the ſaid Bailie of *Port Glaſgow*, or Juſtice of Peace aforeſaid, ſhall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of ſuch Offences ſummarily; and upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give ſuch Orders, Judgments, and Decrees, as to him or them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act;

and in Default of Payment of the ſeveral Fines, Forfeitures, and others laſt mentioned, ſo to be awarded by the ſaid Bailie or Juſtice of the Peace, the Perſon who ſhall be convicted as aforeſaid ſhall and may be ſent by the ſaid Bailie or Juſtice of the Peace to the neareſt Priſon or Houſe of Correction, for ſuch Time as the ſaid Judges ſhall direct, not exceeding Three Months; and that the ſaid pecuniary Penalties, not exceeding Five Pounds Sterling, ſhall, after Deduction of the neceſſary Charges of recovering the ſame, be applied, One Half thereof to the Uſe of the Informer, and the other Half to the Miniſter and Kirk Seſſion of *Port Glaſgow*, for the Uſe of the Poor of that Pariſh.

Penalties may be mitigated.

XXVIII. Provided always, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, Bailie, and other Judges aforeſaid, or any of them, by whom ſuch Judgment, Sentence, or Determination ſhall be given, pronounced, or made from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen any of the Penalties or Forfeitures aforeſaid, as he or they, in his or their Diſcretion, ſhall think fit; ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively, for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

For getting Materials,

XXIX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, gather, take, and carry away from ſuch Quarries and Pits, any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Waſte or Common Grounds, lying within Two Miles of the River and Firth of *Clyde*, or of any River that diſcharges itſelf into the ſaid River or Firth of *Clyde*, for carrying on, executing, and repairing the ſeveral Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour of *Port Glaſgow*, or authoriſed to be built by virtue of this Act, without paying any Thing for ſuch Waſte and Common Ground opened and uſed as aforeſaid;

and levelling the Pits.

the ſaid Truſtees being obliged, at their own Expence and Charge, to fill up and level all ſuch Holes and Pits which ſhall be made in ſuch Common or Waſte Ground, by quarrying, digging, and carrying away Stone, Sand, Gravel, Clay, and other Materials aforeſaid, as ſoon as they ſhall have no further or immediate Uſe for the ſame: And that, in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials from the ſaid Waſte or common Ground, and that ſufficient Materials, for the Purpoſes aforeſaid, cannot eaſily be got from the ſame, that then it ſhall and may be lawful to, and in the Option of the ſaid Truſtees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons within Two Miles of the River or Firth of *Clyde*, or of any River that diſcharges itſelf into the ſaid River and Firth of *Clyde*, not (being Ground on which ſtands any Houſes, Garden, Orchard, planted Walk or Walks, or Avenue to a Houſe) where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried off, or ſo much thereof as the ſaid Truſtees, and their Deputies, Agents, Officers, or Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair; the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Surface of the ſaid Ground, and for the Value of the Stones, Sand, Gravel, Clay, and other Materials, ſo to be carried in and out of the aforeſaid Ground, to the Proprietors, Liferenters, Tackſmen, and other Parties intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, and Materials carried away in Manner aforeſaid.

If proper Materials cannot be got in Commons, &c. private Grounds may be uſed;

making Satisfaction for the Damage.

Truſtees impowered to make Roads to the Harbour through common or private Ground, &c. after making Satisfaction.

XXX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain Roads from the ſaid Waſte and Common Ground, or other Grounds aforeſaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, to any Part of the River or Firth of *Clyde*, or to any River that diſcharges itſelf into the ſaid River or Firth of *Clyde*, or from the ſaid Pits and Quarries ſo to be opened as aforeſaid, directly to the Harbour of *Port Glaſgow*; and to make the ſame through any Ground belonging to any Perſon or Perſons whatſoever, (not being the Ground on which any Houſe, or any Garden, Orchard, and Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs, to the Proprietor, Liferenter, Tackſmen, and other Parties concerned and intereſted in ſuch Grounds to which ſuch Damage ſhall be done or occaſioned as aforeſaid.

Proviſo,

XXXI. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That it ſhall not be in the Power of the ſaid Magiſtrates and City Council of *Glaſgow*, or of their Servants or Agents, or of any other Perſon or Perſons employed by them, to dig or carry away any Sand, or other Materials for the making of the ſaid Piers, Quays, or other Works, as aforeſaid, from or out of any of the Sand Banks and Fiſhing Places belonging to the Borough of *Dumbarton* in the River *Clyde*, or in the River of *Leven*, without the Conſent of the Magiſtrates and Council of the ſaid Borough of *Dumbarton* firſt had and obtained.

Perſons deſtroying the Works deemed guilty of Felony.

XXXII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on Fire, any of the Jettees, Piers, Quays, Breaſts, or other Works, conſtructed, or to be conſtructed, in or belonging to the ſaid Harbour of *Port Glaſgow*, or any Ship, Boat, or other Veſſel, lying or being therein; every ſuch Perſon or Perſons, ſo offending, ſhall be adjudged guilty of Felony; and the Court and Courts, by and before whom ſuch Perſon or Perſons ſhall be indicted and tried, ſhall, and hereby have Power and Authority to tranſport ſuch Felon or Felons for the Space of

Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Bye-laws, may be made by the Magiſtrates of Glaſgow.

XXXIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Magiſtrates and City Council of *Glaſgow*, and their Succeſſors in Office, in Common Council aſſembled, at any Time or Times hereafter, to make, ordain, and eſtabliſh ſuch Orders, Rules, and Bye-laws, for the better deepening, clearing, cleanſing, and keeping in Repair, the Harbour of *Port Glaſgow* aforeſaid; and for the better regulating, governing, and managing the Jettees, Piers, Quays, and every other the Works erected, or to be erected, made, or ſet up, in the Harbour aforeſaid; and for the better executing the other Purpoſes of this Act: And alſo, from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem meet, fitting, and requiſite; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance, or other Breach of all or any ſuch Rules or Bye-laws, or any Part of them, to be recovered and applied in ſuch Manner, and according as the Penalties under Five Pounds Sterling are ordered to be recovered, levied, and applied: And the ſaid Magiſtrates and City Council, and their Succeſſors in Office, ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up in the moſt conſpicuous Place of the Cuſtom-houſe of *Port Glaſgow*; and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

The Perſons who ſhall be appointed Commiſſioners for authoriſing, &c. all the Works, &c.

XXXIV. And be it enacted by the Authority aforeſaid, That the following Perſons ſhall be Commiſſioners for allowing, authoriſing, and confirming all the additional Piers, Quays, Breaſts, and other Works, which ſhall be made in purſuance of this Act; and for inſpecting, auditing, and adjuſting the Accounts of all the Collectors Receipts and Diſburſements, under and by virtue of the ſame, for the Ends and Purpoſes before mentioned; that is to ſay, The Provoſt and Three Bailies, Dean of Guild, and Convener of the City of *Glaſgow*, for the Time being; *Robert Hamilton* of *Wiſhaw*, *Eſquire*, his Heirs and Succeſſors in the Barony of *Newark*, in the County of *Renfrew* aforeſaid; the Bailie of the ſaid Barony for the Time being; Eight Merchants, Inhabitants of the City of *Glaſgow*, to be nominated in Manner as herein after mentioned; the Bailie of *Port Glaſgow* for the Time being; and Two Perſons, Inhabitants of *Port Glaſgow*, to be alſo nominated in the Manner as herein after mentioned, ſhall be Commiſſioners for the Ends and Purpoſes laſt mentioned.

How Commiſſioners are to be choſen on Behalf of the Merchants of Glaſgow;

XXXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Dean of Guild of *Glaſgow*, for the Time being, and he is hereby authoriſed and required, to call and convene the Merchants of *Glaſgow*, Owners, or Part Owners of Ships or Veſſels trading in or belonging to the Port of *Port Glaſgow*, by publick Advertiſements in the *Glaſgow* News-papers, Fourteen Days preceding the Meeting; and they are hereby required to meet together at and in the Merchants Hall of the City of *Glaſgow*, at Eleven of the Clock in the Forenoon, on the Firſt *Tueſday* of *November*, One thouſand ſeven hundred and ſeventy-two, and ſo yearly on every following Firſt *Tueſday* of *November*; and then and there, by Plurality of Voices of ſuch as are preſent, to nominate and appoint Eight Perſons to be Commiſſioners on their Part, for the Purpoſes before mentioned; and that the Eight Perſons ſo elected and choſen ſhall be and continue Commiſſioners under this preſent Act for One Year afterwards, and until the Firſt *Tueſday* of *November* immediately following: Provided always, That none of the ſaid Commiſſioners to be nominated as aforeſaid, ſhall be Members of the Council of the City of *Glaſgow* at the Time of ſuch Nomination.

and how for the Merchants of Port Glaſgow.

XXXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Bailie and Magiſtrate of *Port Glaſgow*, named yearly by the City Council of *Glaſgow*, and he is hereby authoriſed and required, to call and convene the Owners, or Part Owners of Ships or Veſſels, belonging to the ſaid Town of *Port Glaſgow*, being Inhabitants of the ſame, by publick Advertiſements in the *Glaſgow* News-papers, Fourteen Days preceding the Meeting; and they are hereby required to meet together, in any publick Place at *Port Glaſgow* aforeſaid, at Eleven of the Clock in the Forenoon, on the Firſt *Tueſday* of *November*, One thouſand ſeven hundred and ſeventy-two, and ſo yearly on the Firſt *Tueſday* of *November*, and then and there elect, nominate, and appoint, by Plurality of Voices of ſuch as are preſent, Two Perſons to be Commiſſioners for the Purpoſes before mentioned; and that Two Perſons ſo choſen ſhall continue Commiſſioners for One Year, and until the Firſt *Tueſday* of *November* immediately following.

General annual Meeting to be held at Glaſgow;

XXXVII. And be it further enacted by the Authority aforeſaid, That an annual General Meeting of the ſaid Commiſſioners ſhall be held at the Office of the Town Clerk of the City of *Glaſgow*, upon the Firſt *Tueſday* of *February* in every following Year; and that the ſaid Magiſtrates and Council, and their Succeſſors, ſhall, at every ſuch General Meeting, cauſe to be laid before the ſaid Commiſſioners, or any Seven or more of them, a true and fair Account of all the Monies which ſhall have been collected and levied the Year preceding from the Rates, Duties, Fines, and Forfeitures before mentioned, and of every Sum or Sums of Money which ſhall have been borrowed during the Year preceding, for the Uſes and Purpoſes before mentioned; and alſo of all the Monies which ſhall have been uſed, paid, and applied out of the ſame, for the deepening, cleaning, ſcouring, preſerving, and maintaining, of the ſaid Harbour of *Port Glaſgow*, and for making, building, and erecting the Piers, Quays, Jettees, Breaſts, and other Works before mentioned; and that all the ſaid Accounts ſhall be examined and certified by the Commiſſioners preſent at ſuch annual Meeting, or by the Majority of them; and that the ſaid Commiſſioners ſhall, at every ſuch Meeting, bear their own Charges.

and the Commiſſioners to bear their own Expences.

Commiſſioners at the annual Meetings may adjourn from Time to Time.

XXXVIII. And be it enacted by the Authority aforeſaid, That it ſhall be in the Power of the ſaid Commiſſioners, or the Majority of them, ſo aſſembled at ſuch annual General Meetings, to adjourn themſelves, from Time to Time, as they ſhall ſee Cauſe; and alſo that it ſhall be in the Power of the ſaid Truſtees, at all Times, to call Meetings of the ſaid Commiſſioners, by Advertiſements for that Purpoſe, publiſhed at leaſt Fourteen Days before the Day of ſuch Meeting, in all the *Glaſgow* Newspapers, for the Time being; and that no Buſineſs ſhall be proceeded on at any of the ſaid Meetings, unleſs there be Seven Commiſſioners at leaſt preſent; and that all Queſtions ſhall be determined by Plurality of Voices.

Rates may be leſſened with Conſent of Truſtees and Creditors.

XXXIX. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Eleven or more of them, at General Meetings as aforeſaid aſſembled, may, and they are hereby impowered, by and with the Conſent of the ſaid Truſtees, and Lenders of Money, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the Rates and Duties aforeſaid will permit.

Rates and Duties to ceaſe on Repayment of Money borrowed.

XL. Provided always, and it is hereby further enacted, That from and after the Repayment out of the Rates, Duties, and Forfeitures aforeſaid, of all and every Sum and Sums of Money which ſhall be borrowed or advanced by the ſaid Truſtees by virtue of this Act, and applied in Terms thereof, with the legal Intereſt from the reſpective Terms of borrowing and advancing the ſame, the Rates and Duties hereby granted and impoſed ſhall ceaſe and determine.

Saving the Juriſdictions of the City of Glaſgow, and the Rights of Lords of Manors.

XLI. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction or Power of the Magiſtrates and Council of the City of *Glaſgow*, and Corporation, in and about or concerning the Harbour, Docks, Piers, and Quays, built, or to be built, as aforeſaid; and alſo ſaving and reſerving to the ſaid Magiſtrates and City Council, and to the ſaid *Robert Hamilton*, his Heirs and Aſſigns, and to all other Lords of Baronies, and to all other Bodies Politick or Corporate, and other Perſons, all their legal Right, Eſtates, and Intereſts, in the Premiſes aforeſaid.

Magiſtrates, &c. of Dumbarton to enjoy former Privileges.

XLII. Provided alſo, and be it further enacted by the Authority aforeſaid, That the Magiſtrates, Town Council, and Inhabitants, of the Borough of *Dumbarton*, ſhall have and enjoy all Privileges, Immunities, and Exemptions, at the Port, and in the Harbour, of *Port Glaſgow*, to which they were intitled before the paſſing of this Act, by virtue of any Contracts or Agreements between the ſaid City of *Glaſgow* and the ſaid Borough of *Dumbarton*, in the ſame Manner, and as fully and effectually, as the ſaid Magiſtrates, Town Council, and Inhabitants of the ſaid Borough of *Dumbarton*, were, before the paſſing of this Act, intitled to, at the aforeſaid Port and Harbour; any Thing in the ſaid Act to the Contrary notwithſtanding.

Act may be pleaded in Actions brought in purſuance thereof.

XLIII. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Magiſtrates and Council, or their Succeſſors, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Suit or Action may produce this Act, and plead that the ſaid Things were done in purſuance, and by the Authority of this Act: And if it ſhall appear ſo to be done, that then the Defendants ſhall be abſolved from every ſuch Suit, Action or Actions, and ſhall have Treble Coſts and Expences in the Defence thereof awarded to them, from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriffs, &c. to aſſiſt in the Execution of the Act.

Publick Act.

XLIV. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed, in all the Courts of Law and Equity as a Publick Act, and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XVII.

An Act for lighting ſuch Part of the Town of *Iſlington* as lies in the Pariſh of *Saint Mary, Iſlington*, in the County of *Middleſex*; and for eſtabliſhing a regular Nightly Watch therein.

Preamble.

'WHEREAS ſuch Part of the Town of *Iſlington*, as lies in the Pariſh of *St Mary, Iſlington*, in the County of *Middleſex*, is very populous and extenſive, and daily increaſing; and, from its Situation, the Inhabitants thereof are expoſed to frequent Murders, Robberies, Burglaries, and other Outrages: And whereas the lighting ſuch Part of the ſaid Town, and eſtabliſhing therein a proper and well-regulated Nightly Watch, would greatly contribute to remedy thoſe Evils, and render the Inhabitants thereof more ſafe and ſecure in their Perſons and Property: And whereas by the Laws now in being the ſaid Inhabitants are not authoriſed and impowered to raiſe Money for effecting and carrying into Execution thoſe good and ſalutary Purpoſes: May it therefore pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Vicar and Churchwardens of the ſaid Pariſh of *Saint Mary, Iſlington*, for the Time being, together with *Roger Altham*, *Charles Ambroſe*, *Nathaniel Biſhop*, *Claude*

Commiſſioners Names.

Claude Boſanquet, *Hammond Croſſe*, *Thomas Croſſe*, *Thomas Cogan*, *Peter Cavtencin*, *John Dawes*, *William Huſſey*, *John Lloyd*, *Thomas Luffingham*, *Francis Marſhall*, *John Mackintoſh*, *Liſcombe Price*, *John Simes*, *Richard Smith*, *Richard Strong*, *William Savage*, *William Welby*, *George Welſh*, Eſquires; the Reverend *Robert Lloyd*, the Reverend *Henry Fly*, the Reverend *Thomas Toller*, the Reverend *John Palmer*, *James Burgh*, *Charles Brown*, *Devereux Bowly*, *William Blackborrow*, *Kelſey Bull*, *James Crane*, *Nathaniel Clarkſon*, *John Cumberlege* junior, *Edmund Clutterbuck*, *William Curtis*, *Dionyſius Callaghan*, *John Church*, *Thomas Dale*, *Robert Dower*, *Thomas Dickens*, *Iſaac Mendez Furtado*, *Edward Grace*, *Richard Horton*, *John Hole*, *William Hyde*, *Francis Hayford*, *Joſeph Hodges*, *John Lewis*, *Joſeph Manwaring*, *John Piggott*, *William Powell*, *John Pearce*, *Walter Seobon*, *John Shield*, *Thomas Shirley*, *Thomas Stone-ſtreet*, *John Spencer*, *John Sayer*, *Joſeph Thornthwaite*, *Barnard Frederick Taylor*, *Robert Withy*, Gentlemen; ſhall be, and they and their Succeſſors, to be qualified and elected in Manner herein-after mentioned, are hereby nominated, conſtituted, and appointed Commiſſioners for the Purpoſe of carrying and putting this Act in Execution.

Commiſſioners, when reduced to leſs than Forty, others to be choſen.

'II. And, for a Continuance of a ſufficient Number of fit and able Perſons to be Commiſſioners for 'the Purpoſes aforeſaid,' be it further enacted by the Authority aforeſaid, That from Time to Time, and at all Times hereafter during the Continuance of this Act, as the Number of the ſaid Commiſſioners appointed by this Act, or hereafter to be elected and appointed in purſuance thereof, ſhall, by Death or Removal out of the ſaid Town, or otherwiſe by Refuſal to act, be reduced to leſs than Forty, it ſhall and may be lawful to and for the ſurviving and remaining Commiſſioners, or any Nine or more of them, by Writing or Writings, under their Hands and Seals, (without any Stamp thereupon) to nominate, elect, and appoint, One or more fit and able Perſon or Perſons, either Landlords or Tenants, to be Commiſſioners in the Place and Stead of the Commiſſioners ſo dying, removing, or refuſing to act as aforeſaid, Ten Days publick Notice of the Time and Place of Meeting for every ſuch Election being previouſly given, by affixing the ſame in Writing upon the principal Door of the Pariſh Church of *Saint Mary*, *Iſlington*, aforeſaid; and every Perſon and Perſons ſo as aforeſaid to be elected and choſen, ſhall be, and they are hereby inveſted with the ſame Powers and Authorities for putting this Act in Execution, as by this Act are granted and given to the Commiſſioners herein and hereby particularly nominated and appointed.

Ten Days publick Notice to be given of the Election of Commiſſioners.

Qualification of Commiſſioners.

III. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be eligible or capable of acting as a Commiſſioner in the Execution of this Act, (except the Vicar and Churchwardens of the ſaid Pariſh for the Time being) but for and during ſo long and ſuch Time only as he ſhall either pay or be liable to pay as Landlord or Tenant, for Premiſes ſituate in the ſaid Town, valued and rated at the Sum of Twenty Pounds a Year at the leaſt, for and towards the Rate and Aſſeſſment herein-after mentioned to be made for the Purpoſes of this Act, or ſhall in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion or Receipt of the Rents of Lands, Tenements, or Hereditaments, in any Part of *Great Britain*, of the clear Value of Twenty Pounds a Year, or ſhall be poſſeſſed of or intitled unto a perſonal Eſtate of the Value of Five Hundred Pounds; and if any Perſon, not being ſo qualified as aforeſaid, ſhall preſume or take upon himſelf to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Pounds, together with Coſts of Suit, to any Perſon or Perſons who ſhall or will ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, and wherein the Proof of Qualification ſhall be on the Perſon proſecuted; and it ſhall be ſufficient for the Proſecutor to prove, that the Perſon ſo proſecuted had acted as a Commiſſioner in the Execution of this Act.

Penalty of acting if not qualified.

No Victualler, &c. to act as a Commiſſioner.

IV. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That no Perſon who ſhall ſell Ale, Beer, Wine, or any ſpirituous or fermented Liquors by Retail, ſhall be eligible or capable of acting as a Commiſſioner under this Act.

First Meeting.

V. And be it further declared and enacted by the Authority aforeſaid, That the Firſt publick Meeting of the Commiſſioners to be had by virtue of and under this Act, ſhall be held within Fourteen Days after the paſſing of this Act in the Veſtry-room of the ſaid Pariſh Church of *Saint Mary*, *Iſlington*; and the ſaid Commiſſioners ſhall then and there proceed (the Number then preſent not being leſs than Nine) to put this Act in Execution; and they are hereby authoriſed and impowered to adjourn themſelves from Time to Time, and to meet at the ſame or any other Place within the ſaid Town or Pariſh.

Notice of adjourned publick Meetings to be given to Commiſſioners; and if a ſufficient Number do not attend, publick Notice to be given of the next Meeting.

VI. Provided always, That every Commiſſioner ſhall have Notice to attend at ſuch adjourned publick Meeting by a Summons given or ſent to him for that Purpoſe; and if at any Meeting ſo appointed, from Time to Time, there ſhall not appear a ſufficient Number of Commiſſioners preſent to Act, or adjourn to another Day or Time; or, in caſe the ſaid Commiſſioners, ſo met and aſſembled, ſhall omit, neglect, or refuſe, to adjourn themſelves; then, and in every ſuch Caſe, the Commiſſioners then preſent ſhall, by cauſing Notice in Writing to be affixed upon the principal Door of the ſaid Pariſh Church at leaſt Three Days before ſuch intended Meeting, appoint the Commiſſioners to meet at the Place where the laſt Meeting was appointed to be held, upon ſome Day, not exceeding Ten Days, next after the Day upon which ſuch laſt Meeting was appointed to have been holden.

Commiſſioners to defray their own Expences.

VII. Provided always, That the Commiſſioners, at all their Meetings and Adjournments to be had in purſuance of this Act, ſhall bear, pay, and defray, their own Charges and Expences.

VIII.

No Commiſſioner to be intereſted in any Contract, &c.

VIII. Provided alſo, That no Perſon hereby appointed, or hereafter to be appointed, a Commiſſioner as aforeſaid, ſhall be, directly or indirectly, intereſted or concerned in any Contract which ſhall be made or entered into by or on Behalf of the ſaid Commiſſioners, for or concerning any of the Work or Buſineſs, from Time to Time to be done or performed by virtue of or in purſuance of this Act, or for or concerning any Thing to be uſed, provided, or employed therein, upon Pain that every ſuch Contract ſhall be null and void; nor ſhall any Commiſſioner be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit or beneficial Employment in purſuance of the Powers given by this Act; and that the Perſon being a Commiſſioner as aforeſaid, and who ſhall be ſo intereſted or concerned therein, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Eſſoin, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon againſt whom the ſaid Penalty ſhall be recovered, ſhall for ever thereafter be diſabled from being elected a Commiſſioner for the Purpoſes of this Act.

and if intereſted, to forfeit 100 l.

Commiſſioners may appoint a Treaſurer, &c.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, and they are hereby impowered, from Time to Time, to appoint One or more Treaſurer or Treaſurers, reſident within the ſaid Town, for receiving all the Monies to be raiſed and collected in purſuance and for the ſeveral Purpoſes of this Act, and, from Time to Time, as they ſhall think neceſſary, to remove ſuch Treaſurer or Treaſurers, and appoint ſuch other Perſon or Perſons in his and their Stead and Place, as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper; and ſuch Treaſurer or Treaſurers is and are hereby directed to keep diſtinct Accounts of all Monies by him or them received and paid for the different Purpoſes of this Act, and to account Once in every Year, or oftener, if thereunto required by the ſaid Commiſſioners, or any Nine or more of them, aſſembled and met together as aforeſaid, for all the Monies by him or them received and paid purſuant to the Directions of this Act, and to pay all ſuch Monies, as upon the Balance of the ſaid Accounts reſpectively ſhall appear to be remaining in his or their Hands, to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Nine or more of them, ſhall, by Writing under their Hands and Seals, authoriſe and appoint to receive the ſame, to be applied to and for the ſeveral Uſes and Purpoſes for which the ſame were collected, raiſed, received, or levied; and in Default of rendering and making ſuch Accounts and Payments as aforeſaid, ſuch Treaſurer or Treaſurers ſhall be liable to ſuch Penalties as Overſeers of the Poor in the like Caſes are liable to.

Treaſurer to give Security.

X. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall, and they are hereby authoriſed and required, from Time to Time, to take ſufficient Security from ſuch Treaſurer or Treaſurers for his or their faithful accounting for and paying all ſuch Monies as he or they ſhall receive by virtue of his or their ſaid Office or Offices.

Treaſurer to give Twenty Days Notice of removing.

XI. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon, by virtue of this Act appointed a Treaſurer, ſhall think proper to remove out of the ſaid Town before the Expiration of his Office, that then he ſhall, and is hereby required, before ſuch Removal, to give Twenty Days Notice in Writing of his Intention ſo to remove to the Vicar and Churchwardens of the ſaid Pariſh for the Time being, who are hereby required forthwith, upon receiving ſuch Notice, to ſummon a Meeting of the ſaid Commiſſioners, by affixing a Notice on the principal Door of the ſaid Church, expreſſing and ſpecifying the Time and Place for ſuch Meeting, to the End that a Meeting of the ſaid Commiſſioners may be held purſuant to this Act for taking the Account or Accounts of ſuch Treaſurer ſo removing as aforeſaid, and for directing and cauſing all the Monies, which upon ſuch Account or Accounts ſhall appear to be remaining in his Hands, to be forthwith paid over to ſuch other Perſon or Perſons as the ſaid Commiſſioners preſent at ſuch Meeting, or the major Part of them, ſhall, by Writing under their Hands, authoriſe and appoint to receive the ſame, to be applied for the Uſes and Purpoſes of this Act; and the ſaid Treaſurer ſo removing as aforeſaid is hereby accordingly required to make up and render ſuch reſpective Account or Accounts, in ſuch Manner as is herein-before directed, to the ſaid Commiſſioners preſent at ſuch laſt mentioned Meeting, and to pay over all the Monies then remaining in the Hands of ſuch Treaſurer to ſuch Perſon or Perſons as aforeſaid.

On Death of Treaſurer, Executors, &c. to account.

XII. And be it further enacted by the Authority aforeſaid, That if any ſuch Treaſurer ſhall die before the Expiration of his Office, that then his Executors or Adminiſtrators ſhall, within Forty Days next after his Death, make up and render to the ſaid Commiſſioners, aſſembled at any Meeting for that Purpoſe, an Account in Writing of all Monies received and paid by ſuch deceaſed Treaſurer, and alſo pay, as the major Part of the ſaid Commiſſioners ſo aſſembled ſhall direct, out of the Aſſets left by the ſaid Treaſurer, all Sums of Money remaining due, which ſuch deceaſed Treaſurer ſhall have received by virtue of his ſaid Office.

Commiſſioners to ſettle and aſcertain the Sum to be raiſed for the enſuing Year,

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall meet together in the Veſtry-room of the ſaid Pariſh-church, or ſome other fit and convenient Place within the ſaid Town or Pariſh, on the Fifteenth Day of *February* in every Year after the paſſing of this Act, or within Fourteen Days after; and they, or the major Part of them, who ſhall be aſſembled at ſuch Meetings reſpectively, ſhall ſettle and aſcertain the ſeveral Sums of Money neceſſary to be raiſed in the enſuing Year, for the Purpoſe of lighting ſuch Part of the ſaid Town of *Iſlington* as lies in the ſaid Pariſh of *St. Mary Iſlington*, and eſtabliſhing and keeping a regular Nightly Watch therein.

and ſign a Rate or Aſſeſſment by way of Pound-rate.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall aſſemble and meet together within Fourteeen Days next after the ſaid ſeveral Sums of Money ſhall have been ſo ſettled and aſcertained as aforeſaid; and they, or any Nine of them ſo aſſembled, ſhall, and they

are

are hereby required to make and ſign a Rate or Aſſeſſment by way of Pound-rate, not exceeding in any One Year One Shilling and Two-pence in the Pound of their yearly Rent, to be charged upon all and every Perſon and Perſons who now do or ſhall at any Time hereafter inhabit, hold, uſe, occupy, or enjoy any Houſes, Gardens, Shops, Ware-houſes, Coach-houſes, Stables, and other Buildings now erected, or at any Time hereafter, during the Continuance of this Act, to be erected in any Part of the ſaid Town, within the ſaid Pariſh of *Saint Mary Iſlington*, upon and according to the improved Rent or value thereof, and as the ſame are aſcertained and rated in and by the Land-tax Books for the Time being; which ſaid Rate or Aſſeſſment ſhall be paid quarterly, and ſhall be entered in ſeparate Books, to be provided for that Purpoſe by the ſaid Commiſſioners, wherein there ſhall be Four diſtinct Columns for the Four Quarters of the Year, and a Fifth Column for the Sum Total of the ſaid Four Quarters.

Landlords to pay the Rate for Houſes lett out in Apartments, or ready-furniſhed to Lodgers:

'XV. And whereas there are divers Houſes in the ſaid Town which are lett out to ſeveral Perſons occupying different Apartments therein, and other Houſes lett ready furniſhed to 'Lodgers, whereby the Payment of the ſaid Rate or Aſſeſſment may be evaded; for remedy whereof,' be it further enacted by the Authority aforeſaid, That every Perſon, whether Landlord or Tenant, who ſhall lett his or her Houſe in ſeparate Apartments, or ready-furniſhed, to a Lodger or Lodgers, ſhall, for the ſeveral Purpoſes of this Act, be deemed and taken to be the Occupier thereof, and may be rated or aſſeſſed accordingly, and ſhall be liable and ſubject to the Payment of the ſeveral Sums ſo rated and aſſeſſed.

Goods of ſuch Lodgers ſhall be liable to pay the Rate.

XVI. Provided always, That the Goods and Chattels of each and every Perſon renting or occupying any ſeparate Apartment or Apartments in ſuch Houſe or Houſes, or renting or occupying any ready-furniſhed Houſe, ſhall be liable to be diſtrained and ſold for the Payment of the ſaid Rate or Aſſeſſment; and that each and every Perſon who ſhall pay ſuch Rate or Aſſeſſment ſo charged on his or her reſpective Landlord, or upon whoſe Goods and Chattels the ſame ſhall be levied in purſuance of this Act, ſhall and may deduct the ſame from and out of the Rent due and payable, from Time to Time, to his, her, or their reſpective Landlord or Landlords, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to his or her Landlord or Landlords for ſo much Money as he or ſhe ſhall have ſo paid, or which ſhall have been levied on his or her Goods and Chattels in purſuance of this Act.

Perſons to pay the Rate in Proportion to the Time of occupying Houſes, &c.

'XVII. And whereas Perſons frequently remove without paying the Rates aſſeſſed on them, and 'other Perſons do enter and occupy or hold their Houſes, Gardens, Tenements, or Hereditaments, 'Part of the Year, by reaſon whereof great Sums of Money may be annually loſt;' be it therefore enacted by the Authority aforeſaid, That where any Perſon or Perſons ſhall come into or occupy any Houſe, Garden, Tenement, or Hereditament, or other Premiſes out of or from which any other Perſon or Perſons aſſeſſed ſhall be removed, or which at the Time of making ſuch Rates as aforeſaid was empty or unoccupied; that then, and in every ſuch Caſe, ſuch Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rates and Aſſeſſments, in Proportion to the Time that ſuch Perſon occupied the ſame reſpectively, in the ſame Manner, and under the like Penalties, as if ſuch Perſon ſo removing had not removed, or ſuch Perſon ſo coming in or occupying had been originally rated and aſſeſſed in ſuch Rates; which ſaid Proportion, in caſe of Diſpute, ſhall be aſcertained, ſettled, and finally determined, by any Five or more of the ſaid Commiſſioners.

Commiſſioners to compound or remit the Rate to Perſons who may appear unable to pay.

XVIII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, as they ſhall judge fit and neceſſary, at any of their Meetings to be had in purſuance of this Act, to compound with or in Part, or wholly to remit to any Perſon or Perſons ſo rated or aſſeſſed as aforeſaid, and who ſhall or may, at any Time hereafter, on account of his, her, or their Poverty, Diſability, or Diſtreſs, be exempted from or excuſed the Payment of the Church and Poors Rates, or either of them, in the ſaid Pariſh, all ſuch Sum or Sums of Money which he or they ſhall be ſo rated or aſſeſſed as aforeſaid, when and as often as it ſhall, from Time to Time, be made to appear to the Satisfaction of the ſaid Commiſſioners, or any Five of them as aforeſaid, that ſuch Perſon or Perſons ſo rated or aſſeſſed as aforeſaid, is or are, on account of ſuch his, her, or their Poverty, Diſtreſs, or Inability, real and proper Objects of ſuch Compoſition or Exemption.

Collectors to be appointed by the Commiſſioners.

XIX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, and they are hereby authoriſed and impowered, yearly and every Year, to appoint Two or more Perſons, ſubſtantial Inhabitants and Houſeholders in the ſaid Town, to collect and gather quarterly the Rate and Aſſeſſment hereby impowered and directed to be made, raiſed, and collected, for the Purpoſe of lighting and watching ſuch Part of the ſaid Town as lies in the ſaid Pariſh of *Saint Mary, Iſlington*, and as ſhall be lighted and watched by virtue and in purſuance of this Act.

Collectors to account, on Oath, for all Sums received by them.

XX. And be it further enacted by the Authority aforeſaid, That every Collector who ſhall have collected or received any Money by virtue of this Act, for the Purpoſes of lighting and watching ſuch Part of the ſaid Town as aforeſaid, ſhall, as often as required by the ſaid Commiſſioners, or any Five or more of them, deliver in Writing under his Hand to the ſaid Commiſſioners at ſuch Meeting as they ſhall appoint, a true and perfect Account upon Oath (which Oath may be taken in Writing without Stamp) before any Three of the ſaid Commiſſioners, (who are hereby impowered to adminiſter the ſame) of all ſuch Sum and Sums of Money which any ſuch Collector ſhall have collected or received, or which ſhall have been rated or aſſeſſed as aforeſaid, and remain unreceived; and alſo of all Sums paid, and of all other Matters and Things relating to his Office committed to his Charge, by virtue of this

Act;

Act; and also all Books, Papers, and Vouchers, relating to every such Account, and shall pay all the Money which shall be then remaining in the Hands of such Collector to the said Commissioners, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same: And in case any such Collector shall refuse or neglect to account as aforesaid, or to deliver all or any such Books, Papers, and Vouchers, as aforesaid; that then, and in any or either of the said Cases, it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Middlesex*, and they are hereby required, upon Proof thereof upon Oath of One or more Witness or Witnesses, at the Request of the said Commissioners, or any Three or more of them, to commit every such Collector so refusing or neglecting as aforesaid, by Warrant under their Hands and Seals, to the Common Gaol of the said County, there to remain without Bail or Mainprize for the Space of Six Calendar Months, or until he shall have made and delivered a true and perfect Account as aforesaid, and shall have delivered all the Books, Papers, and Vouchers, in his Hands or Power relating thereto; and in case any such Collector shall refuse or neglect to pay any such Sum or Sums of Money collected or received by virtue of this Act, and which shall remain in his Hands, it shall and may be lawful for any Two Justices of the Peace for the said County, upon Oath of One or more Witness or Witnesses, that any of the Monies so collected by virtue of this Act, are then in the Hands of such Collector, to grant a Warrant under their Hands and Seals, directed to the Constables, or One or more of the Headboroughs of the said Parish, for the levying the same by Distress and Sale of the Goods and Chattels of such Collector, rendering the Overplus, (if any), after the Arrears and Charges of such Distress and Sale are deducted and paid, to such Collector or Collectors, whose Goods and Chattels shall be seized and distrained as aforesaid; and if no sufficient Distress can be found to answer and satisfy the said Money, and the charges of such Distress and Sale, then it shall and may be lawful for any Two Justices of the Peace for the said County, by Warrant under their Hands and Seals, at the Request of the said Commissioners, or any Three or more of them, to commit such Collector to the Common Gaol of the said County, there to remain without Bail or Mainprize for Six Calendar Months, or until such Collector, or his Security or Securities, shall have paid over all Money in his Hands, and also the Charges occasioned by the Delay of Payment thereof, or have compounded for the same to the Satisfaction of the said Commissioners, or the major Part of them, assembled at any publick Meeting to be held for that Purpose; which Composition the said Commissioners, or the major Part of them, who shall be so assembled, are hereby authorised to make and accept.

In case of Refusal to deliver Vouchers, &c. to be committed for Six Calendar Months.

Goods may be assessed in another county.

XXI. And be it further enacted by the Authority aforesaid, That, for the more effectual levying and raising the Money rated and assessed for the several Purposes of this Act, the Goods and Chattels of any Person rated or assessed as aforesaid, and neglecting or refusing to pay the Sum or Sums by him respectively payable as aforesaid, shall and may be distrained in Manner aforesaid, not only in the Parish where such Rate or Assessment was made, but in any other Place in the same County; and if sufficient Distress cannot be found within the same County, then upon Oath thereof made before any One or more Justice or Justices of the Peace of any other County, City, Liberty, or Place, (which Oath shall be certified under the Hand of the said Justice or Justices, on the Warrant made for such Distress), the Goods and Chattels of the said Person so neglecting or refusing to pay, shall be subject and liable to such Distress and Sale in such other County, City, Liberty, or Place, where the same shall be found, and may, by virtue of such Warrant and Certificate, be distrained in the same Manner as if the same had been found within the said Town of *Islington*.

Collectors may inspect the Land-tax and Poors Rates Books gratis.

'XXII. And, in order to enable the said Commissioners to form a proper Judgment, and ascertain 'the Rates and Assessments, necessary to be made and raised be virtue of and in pursuance of this Act;' be it further enacted by the Authority aforesaid, That the Collectors appointed by the said Commissioners shall have free Liberty at all convenient Times to inspect any of the Books of the Assessment of the Land-tax, and also any of the Books of the Assessment of the Rates towards the Relief of the Poor within the said Parish *gratis*, and to take Copies of such Books, or any Part thereof, as they or any of them shall think fit, at their own Expence: And if any Person or Persons, in whose Custody, Possession, or Power, any of the said Books or Rates shall be, shall refuse to produce the same, and to suffer or permit the said Collectors, or any of them, to inspect such Books or Rates, and take Copies of them as aforesaid; then, and in every such Case, every Person who shall so refuse, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Rates under former Acts discontinued.

XXIII. Provided always, and it is hereby enacted and declared, That the Rate or Assessment made or charged by virtue of, or in pursuance of any former Act or Acts of Parliament, for or towards lighting such Part of the said Town of *Islington*, as is in the said Parish of *Saint Mary Islington*, shall, from and after the passing of this Act, be discontinued, repealed, annulled, and made void.

Persons rated, refusing to pay, the Sums to be levied by Distress.

XXIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons who shall be rated or assessed by virtue of, or in pursuance of this Act, shall, by the Space of Fourteen Days after Demand made thereof by the Collector or Collectors authorised and appointed to collect and receive the same, (such Demand being either personally made to the respective Person or Persons so charged, or left in Writing at his or their respective House or Houses, Place or Places of Abode), refuse, neglect, or omit to pay, satisfy, and discharge such Sum or Sums of Money, at which he, she, or they shall be so rated or assessed; then, and in every such Case, it shall and may be lawful to and for the said Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hands and Seals of any Two Justices of the Peace for the said County of *Middlesex*, and with the Assistance of a Constable or Peace Officer of the said Town, to enter the House or Houses, Apartment or Apartments, of the Person or Persons so refusing or neglecting to pay the same, and then and there to seize

and

and diſtrain his, her, or their Goods and Chattles; and if the ſame ſhall not be replevied, or ſuch Rate or Aſſeſſment paid within Five Days next after ſuch Diſtreſs made, together with the Coſts and Charges thereof, then to appraiſe and ſell ſo much and ſuch Part of the ſaid Goods and Chattles as ſhall be ſufficient to ſatisfy and pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus, (if any), to the Owner or Owners of ſuch Goods and Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Commiſſioners, or any Five or more of them).

On Collector's removing out of the Town, dying, or if guilty of any Neglect, or becoming inſolvent, another proper Perſon to be appointed.

XXV. And be it further enacted by the Authority aforeſaid, That if any Perſon appointed to the Office of Collector as aforeſaid, ſhall, during the Year for which he ſhall be ſo appointed to collect the Rate or Aſſeſſment aforeſaid, remove out of the ſaid Town, or die, or ſhall be guilty of any Neglect or Miſbehaviour in the Performance of his duty, or ſhall become inſolvent; then and in any of the Caſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, preſent at any Meeting to be held for that Purpoſe by Appointment under their Hands and Seals, to nominate and appoint ſome other fit and proper Perſon, inhabiting within the ſaid Town, to be a Collector of the ſaid Rate or Aſſeſſment, in and for the remaining Part of that Year, in the Room and Stead of ſuch Perſon ſo removing, dying, or being guilty of any Neglect or Miſbehaviour, or becoming inſolvent, as aforeſaid; and the Perſon ſo appointed in the Room and Stead of any ſuch Collector, ſhall immediately, upon being ſo appointed, enter upon and execute the ſaid Office of Collector, ſubject to the like Penalties, Orders, and Rules, in all Reſpects as the preceding Collector in whoſe Place and Stead ſuch new Collector ſhall have been ſo appointed, was ſubject to by this Act.

Collector removing out of Town, to give 20 Days Notice in Writing to the Vicar, &c. of the Pariſh; and to account, &c.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Collector appointed in purſuance of this Act, ſhall, within the Time of his being Collector, remove out of the ſaid Town, before the Expiration of his Office, ſuch Collector ſhall, before ſuch Removal, give Twenty Days Notice in Writing of ſuch his Intention to remove to the Vicar and Churchwardens of the ſaid Pariſh for the Time being, or one of them, who are thereupon hereby required and directed forthwith to ſummon a Meeting of the ſaid Commiſſioners, by affixing a Notice on the principal Door of the ſaid Church, ſpecifying the Time and Place for ſuch Meeting, to the End that a Meeting of the ſaid Commiſſioners may be held purſuant to this Act, for taking the Account or Accounts of ſuch Collector ſo removing, and for directing and cauſing all the Monies which upon ſuch Accounts ſhall appear to be and remain in his Hands, together with all Books, Papers, and Vouchers relating thereto, to be forthwith delivered and paid over to ſuch Perſon or Perſons as the ſaid Commiſſioners preſent at ſuch Meeting, or the major Part of them, ſhall, by Writing under their Hands, authoriſe, direct, and appoint to receive the ſame, to be applied for and towards the Uſes and Purpoſes of this Act; and the ſaid Collector is hereby accordingly required to make up and render ſuch reſpective Account or Accounts in ſuch Manner as is herein-before directed to the ſaid Commiſſioners preſent at ſuch laſt-mentioned Meeting, and to pay over all the Monies then remaining in the Hands of ſuch Collector to ſuch Perſon as aforeſaid; and that in caſe any ſuch Collector ſhall, within the Time of his being Collector as aforeſaid, remove out of the ſaid Town, ſuch Collector ſhall, before ſuch Removal, deliver over to the ſaid Commiſſioners, or to ſuch Perſon as the major Part of ſuch Commiſſioners preſent at any Meeting ſhall for that Purpoſe appoint to receive the ſame, his Account or Accounts in Writing, under the Hands of ſuch Collector, verified upon Oath if required, (which Oath the ſaid Commiſſioners, or any Three of them, are hereby impowered to adminiſter), with all Rates, Aſſeſſments, Books, Papers, Vouchers, and other Things concerning the ſaid Office, and alſo the Balance of all Money which ſhall have been received by any ſuch Collector by virtue of his ſaid Office, under the like Penalties as are inflicted by this Act, upon Collectors refuſing or neglecting to account, when thereunto required, as before directed; and if any ſuch Collector ſhall die as aforeſaid, his Security or Securities, Executors, or Adminiſtrators, ſhall, within Thirty Days next after his Deceaſe, deliver all Books, Papers, Vouchers, Writings, and Things, concerning and relating to the ſaid Office, to ſuch Perſon or Perſons as the major Part of the ſaid Commiſſioners at any Meeting to be by them held, ſhall order, direct, or appoint; and if any Sum or Sums of Money ſhall be due from, or remain in the Hands of ſuch Collector, at the Time of his Deceaſe, on the Balance of his Collections as aforeſaid, the ſame ſhall be paid by ſuch Executors or Adminiſtrators as a Debt on ſpecial Contract, and in Preference to any Debts of any ſuch Collector on ſimple Contract.

and if he ſhall die in his Office, his Executors, &c. to deliver Vouchers, &c. to a proper Perſon appointed by the Commiſſioners.

Arrears of Rates how to be recovered.

XXVII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon ſhall be in Arrear for the Rate or Aſſeſſment, to be made by virtue and in purſuance of this Act, the Perſon or Perſons hereby impowered to collect the ſame, ſhall and may demand ſuch Arrears; and, upon Refuſal or Neglect, after ſuch Demand, levy ſuch Arrears in Manner herein before directed.

Allowance to be made to Collectors.

XXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, at any publick Meeting to be holden for the Purpoſe of putting this Act in Execution, and they are hereby authoriſed and impowered, by and out of the Monies raiſed and collected by virtue and in purſuance of this Act, to make ſuch Allowance to ſuch Collector or Collectors, for his or their Trouble in collecting the ſame, as they, or any Nine or more of them, ſo aſſembled as aforeſaid, ſhall think fit and reaſonable, not exceeding the annual Sum of Three-pence in the Pound, of the Monies ſo by him or them to be collected as aforeſaid; and the ſaid Commiſſioners, or any Five of them, ſhall and may, and they are hereby required, from Time to Time, to take ſufficient Security from ſuch Collector and Collectors, for his and their due and faithful Diſcharge of the Duties of the ſaid Office.

Collectors to give Security.

No Collector to act as a Truſtee.

XXIX. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon who ſhall be appointed a Collector of any Rate or Aſſeſſment made by virtue of or in purſuance of this Act, ſhall, during the Time he ſhall remain and continue in his Office of Collector, act as a Commiſſioner in the Execution of this Act.

Deficiencies of One Year to be made good by the next.

XXX. And be it further enacted by the Authority aforeſaid, That all Monies which ſhall be raiſed by any Rate or Aſſeſſment made in purſuance of this Act, ſhall be iſſued and applied to and for the reſpective Purpoſes only in and by this Act directed and preſcribed, and to no other Uſe or Purpoſe whatſoever; and in caſe it ſhall happen that the Monies which ſhall be rated and aſſeſſed in any One Year by virtue of this Act, ſhall not be ſufficient to anſwer the Ends and Purpoſes for which the ſame were ſo rated and aſſeſſed, ſuch Deficiency ſhall be made good, and ſupplied by and out of the Monies which ſhall ariſe out of the Rate or Aſſeſſment of the next enſuing Year; and in caſe there ſhall remain, at the End of any One Year, any Surplus of Money collected and received by virtue of this Act, ſuch Surplus, ſhall, from Time to Time, as the ſame ſhall happen to accrue, be carried to the Account of, and be applied in Aid of the ſucceeding Year's Expence in carrying into Execution the Purpoſes of this Act.

Surplus to be carried to next Year's Account.

Commiſſioners to direct the Number of Lamps, &c. and they may appoint or contract with Perſons for the ſame; and direct how and where they are to be placed, &c.

'XXXI. And, for the better enlightening of the ſaid Town,' be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, from Time to Time, order, direct, and appoint, what Number and Sort of Lamps ſhall be erected, ſet up, and placed, and in what Manner, and in what Parts within the ſaid Town, and may appoint or contract with any Perſon or Perſons for furniſhing ſuch Lamps, or may find and provide the ſame themſelves, if they ſhall think fit; and alſo for the lighting, cleanſing, ſupplying, maintaining, and repairing, ſuch Lamps from Time to Time, and ſhall likewiſe direct and appoint both how and where the ſaid Lamps ſhall be placed, all proper Care being taken in fixing and placing the ſame to avoid any Damage being done to the Premiſes of any Perſon or Perſons whatſoever; and ſhall alſo direct and appoint at what Time and how long the ſaid Lamps ſhall be and continue lighted, and what Sum or Sums of Money ſhall be paid to the Perſon or Perſons appointed or contracted with to light, maintain, and repair the ſame; and ſhall make all ſuch further and other Orders and Regulations concerning the ſaid Service as ſhall appear to them, or any Nine or more of them, to be neceſſary or needful for the Purpoſe of well and ſufficiently lighting the ſaid Town.

The Property of the Lamps, Poſts, &c. veſted in Commiſſioners.

XXXII. And be it further enacted by the Authority aforeſaid, That if the ſaid Commiſſioners ſhall, for the Purpoſe of putting this Act in Execution, at any Time during the Continuance thereof, themſelves purchaſe any Poſts, Lamps, Irons, or other neceſſary Materials relating thereto for the Uſe of the ſaid Town, the Property thereof, as well as of all ſuch other Poſts, Lamps, Irons, Materials, and other Furniture thereunto belonging or relative thereto, and heretofore found and provided by or at the Expence of the ſaid Town or Pariſh, or at the publick Expence of the Inhabitants thereof, and now uſed for the publick Benefit and Service in the ſaid Town, ſhall be veſted in the Commiſſioners for the Time being, and they are hereby authoriſed and impowered to bring and proſecute, or cauſe and procure to be brought and proſecuted, any Indictment or Indictments, Action or Actions, againſt any Perſon or Perſons for ſtealing, taking away, breaking, extinguiſhing, damaging, or ſpoiling the ſame, or any Part thereof.

Perſons breaking or damaging Lamps, Poſts, Irons, &c.

XXXIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully break, throw down, or otherwiſe damage or deſtroy, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps when lighted, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid County, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant or Warrants for the apprehending and bringing before him the Party or Parties ſo accuſed; or it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aid and aſſiſt in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey ſuch Offender or Offenders, and to deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County, to be dealt with as hereinafter is directed; and the Party accuſed being brought before any ſuch Juſtice, or Oath being made before him that ſuch Party cannot be found and apprehended, ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear and be produced to give Information touching ſuch Offences; and if the Party accuſed ſhall be convicted of ſuch Offence, either by his own Confeſſion, or upon ſuch Information as aforeſaid, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Ten Shillings for each Lamp, Poſt, Iron, or other Furniture thereof ſo broken, thrown down, damaged, deſtroyed, or extinguiſhed, as aforeſaid; and for the Second Offence the Sum of Fifteen Shillings, for every ſuch Lamp, Poſt, Iron, or other Furniture thereof; and for the Third, and every other ſubſequent Offence, the Sum of Twenty Shillings for every ſuch Lamp, Poſt, Iron, or other Furniture thereof, and ſhall alſo make full Satisfaction to the ſaid Commiſſioners for the Damage ſo by him or them done and committed as aforeſaid: And in caſe ſuch Offender ſhall not, upon Conviction, pay ſuch Forfeiture ſo by him incurred, and alſo make ſuch Satisfaction as aforeſaid, the Juſtice before whom ſuch Offender ſhall be convicted is hereby required to commit ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and ſuch Offender ſhall not be diſcharged before the Expiration of the Time for which he ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid; One Moiety of which Forfeiture ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied towards lighting ſuch Parts of the ſaid Town as

For First Offence, 10s. for Second Offence, 15s. and for ſubſequent Offences 20s.

ſhall

ſhall be lighted by virtue of this Act: And if any Perſon ſhall careleſsly, negligently, or accidentally break, throw down, or otherwiſe damage, any of the ſaid Lamps, or any of the Poſts, Irons, or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction to the ſaid Commiſſioners for the Damage by ſuch Perſon done as aforeſaid; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid County, and he is hereby required, upon Complaint to him made by any Three or more of the ſaid Commiſſioners, to ſummon before him the Party who ſhall be ſo complained of; and upon his Appearance (or making Default to appear, Oath being made that the Party complained of was ſerved with ſuch Summons, or that the ſame was left at his Dwelling-houſe, or Place of Abode, and that he could not be found) ſuch Juſtice ſhall proceed to examine the Matter of the ſaid Complaint, and, upon Proof thereof, either by the Confeſſion of the Party complained of, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party complained of for the Damage ſo by him done, as to ſuch Juſtice ſhall appear juſt and reaſonable; and ſhall cauſe the Sum ſo awarded, in caſe the ſame be not forthwith paid upon the making of ſuch Award or Order, to be levied by Diſtreſs and Sale of the Goods or Chattels of the Perſon ſo complained of, rendering to him the Overplus (if any) ariſing by ſuch Diſtreſs and Sale, after the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be firſt deducted.

In caſe of Refuſal, to be levied by Diſtreſs.

XXXIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may order, direct, and appoint, what Number of Watchmen they ſhall judge neceſſary or proper to be provided and kept in the ſaid Town for each Year, and nominate, elect, and chuſe, ſuch honeſt and able-bodied Men to be employed in that Service, as they ſhall think beſt qualified for the ſame; and ſhall likewiſe direct and appoint where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed and clothed, and how often they ſhall go their Rounds, how long they ſhall continue on their Duty, and what Wages ſhall be allowed ſuch Watchmen for ſuch their Attendance and Service; and the ſaid Commiſſioners ſhall and may, for the Purpoſe of this Act only, have or make uſe of the preſent Watch-houſe now ſituate, ſtanding, and being in the ſaid Town of *Iſlington*, and belonging to the ſaid Pariſh of *Saint Mary*, *Iſlington*, or may erect or build ſome other proper Place within ſuch Part of the ſaid Town as lies in the ſaid Pariſh, for the Reception of the ſaid Watchmen; and they are hereby authoriſed and impowered to erect, build, and ſet up, or cauſe or procure to be erected, built, and ſet up, ſuch and ſo many proper and convenient Boxes or Stands for each reſpective Watchman in the ſaid Town, and at ſuch Places and Diſtances reſpectively as they ſhall think proper; and further, to make and give all other neceſſary and needful Orders and Regulations relative thereto, as the Nature of ſuch Service or Employment ſhall or may, from Time to Time, neceſſarily require.

Commiſſioners to direct the Number of Watchmen, &c.

Commiſſioners to make uſe of the preſent Watch-houſe ſituate in the Town.

XXXV. And be it further enacted by the Authority aforeſaid, That all Acts, Orders, and Regulations, of the ſaid Commiſſioners, which ſhall, from Time to Time, be made for the better Direction and Government of the Watchmen as aforeſaid, ſhall be entered in a Book or Books to be for that Purpoſe provided and kept by the ſaid Commiſſioners, or by the Clerk who ſhall be appointed by ſuch Commiſſioners, and ſhall be ſigned by the Chairman for the Time being, or any Three other of the Commiſſioners then preſent at the Meeting, who ſhall cauſe a Copy of all ſuch Orders and Directions, ſigned as aforeſaid, to be delivered to the ſeveral Watchmen for the Time being; which Orders and Directions the ſaid ſeveral Watchmen, and each and every of them, ſhall, to the utmoſt of his and their Power, obſerve, perform, and keep, upon Pain to forfeit and pay, for every Neglect or Refuſal, a Sum not exceeding the Sum of Ten Shillings.

Copy of Orders for the Watchmen to be ſigned, and given to them ſeverally.

XXXVI. And be it further enacted by the Authority aforeſaid, That, from and immediately after the paſſing of this Act, the ſaid Watchmen ſo to be appointed ſhall attend to do Duty, and ſhall keep regular Watch and Ward within the ſaid Town, at ſuch Times, and in ſuch Manner, as ſhall be, from Time to Time, directed and appointed by the ſaid Commiſſioners, or any Five or more of them, and ſhall, in their Courſe of Watching, uſe their beſt Endeavours to prevent all Miſchiefs by Fires, and all Murders, Burglaries, Robberies, and other Outrages, Diſorders, and Diſturbances; and to that End the ſaid Watchmen, and alſo the Superviſors of the ſaid Watch herein-after appointed, and each of them, ſhall, and they are hereby authoriſed, impowered, directed, and required, to apprehend and detain all Night-walkers, Malefactors, and ſuſpected Perſons, who ſhall be found wandering or miſbehaving themſelves, or whom they ſhall have reaſon to ſuſpect of any evil Deſigns or Intentions, and ſhall confine them, in order to be carried, as ſoon as conveniently may be, before One or more Juſtice or Juſtices of the Peace for the ſaid County, to be examined and dealt with according to Law: And the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby impowered to appoint the Conſtables and Head-Boroughs belonging to and reſident in the ſaid Town, or ſuch other Perſon or Perſons as they ſhall think proper, to be, and who ſhall be, Superviſor, or Superviſors of the Watch, and ſhall alternately or in Turn, as the ſaid Commiſſioners, or any Five or more of them, from Time to Time, ſhall direct, go about and patrole the ſaid Town, and take Notice whether all the Watchmen perform their reſpective Duties in their ſeveral Stations, according to ſuch Orders and Regulations as ſhall be made for that Purpoſe by the ſaid Commiſſioners, or any Five or more of them: And, in caſe the Superviſor or Superviſors ſo appointed as aforeſaid, ſhall find any Watchman miſbehaving or neglecting, or being remiſs in his Duty, he or they ſhall, as ſoon as conveniently may be, give Notice thereof to the Treaſurer ſo appointed as aforeſaid for the Time being, who is hereby authoriſed and required to ſuſpend and diſplace every ſuch Watchman from the Execution of his ſaid Office, and to nominate and appoint ſome other fit and proper Perſon or Perſons in his or their Place and Stead, to officiate therein until the next Meeting of the ſaid Commiſſioners ſhall be had, when ſuch

Duty of the Watchmen.

Commiſſioners to appoint Superviſors.

If any Watchman be negligent, Superviſor to appoint another till next Meeting.

Supervisor or Supervisors shall attend, and acquaint the said Commissioners, met and assembled at such Meeting, with the Neglect of Duty, or other Misbehaviour of such Watchmen, in order for the said Commissioners to proceed to the Examination of the Offence, and to make such Order in the Premises as to them shall seem just: And if any Supervisor or Supervisors of the said Watchmen, as aforesaid, shall omit or neglect to attend the said Commissioners at their said next Meeting, to make out his Charge and Complaint against any such Watchman, every such Supervisor or Supervisors so neglecting or refusing to attend the said Commissioners, shall forfeit and pay for every such Neglect or Default the Sum of Ten Shillings of lawful Money of *Great Britain*: And in case any or either of the said Constables or Head-boroughs, or other Person or Persons who shall be so appointed such Supervisor or Supervisors as aforesaid, shall refuse or neglect, within Six Days next after such Appointment, on his being served with Notice thereof, to act in the said Office, or having taken upon him the same, shall be afterwards negligent in the Discharge of the Duty thereof, he shall, for every such Offence, forfeit and pay the Sum of Forty Shillings of like lawful Money of *Great Britain*.

Supervisor neglecting to make good his Complaint against a negligent, Watchman to forfeit 10 s. and being negligent in his Duty, &c. to forfeit, for every Offence, 40 s.

Supervisors to attend the Commissioners at their several Meetings, or forfeit 10 s. for every wilful Neglect.

XXXVII. And be it enacted by the Authority aforesaid, That every Supervisor or Supervisors, to be appointed as aforesaid, shall, upon every Notice in Writing being for that Purpose given to or left for him at his usual Place of Abode, attend the said Commissioners at any of their publick or adjourned Meetings to be held in pursuance of this Act; and if any such Supervisor, upon having such Notice as aforesaid, shall wilfully neglect or refuse to attend at any such Meetings, he shall forfeit and pay for such wilful Neglect, Omission, or Refusal, the Sum of Ten Shillings of lawful Money of *Great Britain*: And the said Commissioners are hereby authorised, out of the Monies arising or to arise by virtue of this Act, to allow and pay unto such Supervisor or Supervisors such Salary, Allowance, or Gratuity, as they, or any Nine of them, shall judge fit and reasonable for such their Service and Services; that is to say, Not exceeding the Sum of One Shilling and Sixpence a Night for the Months of *October*, *November*, *December*, *January*, *February*, and *March*, in each Year, and not exceeding the Sum of One Shilling a Night for the Months of *April*, *May*, *June*, *July*, *August*, and *September*, in each Year: And in case any Watchman shall neglect to keep Watch in Manner, or during the Time which shall be appointed by the Commissioners, or any Nine or more of them for that Purpose, or shall depart from or leave keeping Watch during the respective Hours appointed by the said Commissioners for keeping the same, or shall otherwise neglect his Duty, or misbehave himself; in each and every of the said Cases the Person or Persons so neglecting or offending shall forfeit and pay the Sum of Five Shillings of lawful Money of *Great Britain*: And when and as often as any Watchman appointed by virtue and in pursuance of this Act shall make Default in appearing at the Watch-house, or other Place appointed for that Purpose, and at such Hour as shall be from Time to Time appointed by the said Commissioners, or any Nine or more of them, for the Meeting of the said Watchmen, before they shall proceed to their respective Stands or Stations; that then, and so often, it shall and may be lawful to and for the said Supervisor or Supervisors of the said Watchmen for the Time being, who shall be present at such Watch-house or Place to be appointed as aforesaid for the above Purpose, to procure and appoint One other fit and able Person, who shall be willing to undertake the said Service, to patrole and watch in the Place and Stead of every Watchman who shall so make Default in appearing as aforesaid; and such Persons so appointed and undertaking such Service, shall be deemed to be, and shall be for such respective Night, a Watchman appointed in pursuance of this Act, and shall be in like Manner vested with the several Powers and Authorities given by this Act, as if such Watchman had been appointed by virtue and in pursuance thereof, by the said Commissioners, or any Nine or more of them, and shall incur and forfeit the same Pains and Penalties for Misbehaviour or Neglect of Duty.

Commissioners to make an Allowance to Supervisors.

Punishment on Watchmen neglecting Duty.

Watchmen neglecting to attend, others to be appointed.

The Property of Watch-houses, Boxes, Stands, &c. built for the Purposes hereof, to be vested in the Commissioners.

XXXVIII. And be it further enacted by the Authority aforesaid, That the Right and Property of all such Watch-house or Watch-houses, Boxes, Stands, or Places, for the Reception of the Watchmen, to be erected, built, or set up for the Purposes of this Act, and all the Materials and Things used, or to be used, in and about the same; and also all the Arms, Accoutrements, and Materials, which shall be allowed and furnished to the said Watchmen, shall be vested in the said Commissioners, and they are hereby impowered to dispose thereof; and to bring, or cause to be brought, any Action or Actions, or to prefer, or order to be preferred, any Indictment or Indictments, against any Person or Persons who shall steal, take, or carry away, damage, or destroy the same, or any of them, or any Part or Parts thereof.

Penalties and Forfeitures how to be applied.

XXXIX. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, (the Manner of recovering and levying whereof is not hereby otherwise particularly directed) shall be recovered and levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace acting in and for the said County, (which Warrant such Justice is hereby impowered to grant, upon the Confession of the Party or Parties, or upon Information of any One or more credible Witness or Witnesses, upon Oath); and the Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be) upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, (the Charges of such Distress and Sale being first deducted) shall be paid to the Treasurer of the said Commissioners for the Time being; and be applied, One Half to the Informer, and the other Half towards the Purposes of this Act.

Justices of the Peace to administer Oaths.

XL. And be it further enacted by the Authority aforesaid, That in all Cases where any Oath is required to be made, or any Testimony to be given, upon Oath, by virtue or in pursuance of this Act, before any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, it shall

and

and may be lawful to and for any ſuch Juſtice or Juſtices to adminiſter ſuch Oath, and they are hereby authoriſed and required to adminiſter the ſame.

Penalties may be mitigated.

XLI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Five or more of the ſaid Commiſſioners, from Time to Time, when and as often as they ſhall ſee Cauſe ſo to do, to mitigate or leſſen any of the ſaid Forfeitures or Penalties in which any ſuch Offender or Offenders ſhall be convicted as aforeſaid, in Favour of any ſuch Offender or Offenders, who ſhall immediately pay down or give Security to the Satisfaction of the ſaid Commiſſioners, for the Payment of ſuch Sum or Sums of Money, to which the ſaid Commiſſioners ſhall mitigate ſuch Forfeiture or Penalty, ſo as ſuch Mitigation or Leſſening do not extend to remit more than One Moiety of the ſaid Forfeiture or Penalty; and every ſuch Mitigation ſhall be a ſufficient Diſcharge to ſuch Offender or Offenders reſpectively for ſo much of the ſaid Penalties or Forfeitures as ſhall be ſo leſſened, mitigated, or remitted; but that no Mitigation or Leſſening of any of the Forfeitures or Penalties inflicted by this Act, ſhall be made or allowed in Favour of any Offender or Offenders, unleſs he or they ſhall reſpectively pay down, or give Security as aforeſaid, for the Payment of ſuch Sum of Money to which ſuch Commiſſioners ſhall think proper to mitigate, leſſen, or remit ſuch Forfeiture or Penalty.

Commiſſioners, who are in the Commiſſion of the Peace, may act as Juſtices.

XLII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Commiſſioner or Commiſſioners appointed, or to be appointed, to put this Act in Execution, who now is, or ſhall be in the Commiſſion of the Peace for the County of *Middleſex*, to act as a Juſtice or Juſtices of the Peace within his or their reſpective Juriſdictions, for putting in Execution the ſeveral Powers and Authorities granted by this Act, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners as aforeſaid.

Proceedings to be entered in Books;

XLIII. And be it further enacted by the Authority aforeſaid, That a Book or Books ſhall be prepared and kept by the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint, wherein ſhall be fairly entered, from Time to Time, the Names of ſuch Perſons as they ſhall nominate and appoint to put in Execution the Purpoſes of this Act, and Copies of all Orders and Proceedings relating thereunto, and alſo an Account of what Monies have been aſſeſſed, raiſed, levied, and paid, by virtue of this Act, and how the ſame have been applied; which Book or Books all Perſons contributing to the ſaid Rates or Aſſeſſments, may, at all convenient Times, peruſe and inſpect without Fee or Reward; and which ſaid Book or Books, and all the Proceedings of the Meetings to be held in purſuance of this Act, ſhall be ſigned by the Chairman of the ſaid Commiſſioners for the Time being, and ſhall be kept in the Veſtry-room of the ſaid Pariſh Church, or in ſuch other Place as ſhall be directed by the ſaid Commiſſioners, or any Five or more of them, and ſhall be deemed and taken to be original Orders, as if the ſame were under the Hands and Seals of Five or more of the ſaid Commiſſioners; which ſaid Book or Books ſhall and may be produced and read in all Caſes of Appeals, and in any Suits or Actions touching any Thing done in purſuance and by Authority of this Act.

and all Perſons concerned may inſpect the ſame without Fee, &c.

Commiſſioners to appoint a Clerk.

XLIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, are hereby authoriſed and impowered to appoint a Clerk for the Purpoſes aforeſaid, and, from Time to Time, to remove ſuch Clerk, and appoint another in his Stead; and to allow ſuch Clerk ſuch Salary, Allowance, or Recompence, out of the Monies to be raiſed by virtue of this Act, as to the ſaid Commiſſioners, or any Nine or more of them, ſhall ſeem meet.

Notice of Meetings to be given,

XLV. Provided always, and be it further enacted by the Authority aforeſaid, That no Meeting of the ſaid Commiſſioners, or any of them, ſhall be held for the Execution of this Act, or any of the Powers thereof, other than and except the Meetings by Adjournment, unleſs publick Notice be firſt given in the Church of the ſaid Pariſh of *Saint Mary, Iſlington*, immediately after Divine Service in the Forenoon of the Lord's Day next before ſuch Meeting, by an Order in Writing ſigned by Three or more of the ſaid Commiſſioners for the Time being for putting this Act in Execution.

Writings, &c. to be without Stamps.

XLVI. Provided always, and be it further enacted by the Authority aforeſaid, That no Writing whatſoever, under the Hands and Seals of, or only ſigned by, any of the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them; or any Contract or Agreement whatſoever in Writing, concerning or in the Execution of any of the Powers or Authorities by this Act granted, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Incidental Charges to be defrayed out of the Rates.

XLVII. Provided always, and be it further enacted by the Authority aforeſaid, That all incidental and neceſſary Charges and Expences which ſhall occaſionally ariſe and occur in carrying into Execution the ſeveral Purpoſes of this Act, ſhall be paid, defrayed, and made good by and out of the Monies to be raiſed and levied by virtue and in purſuance thereof.

Perſons aggrieved may appeal to the Quarter-ſeſſions, whoſe Order ſhall be final.

XLVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful for any ſuch Perſon to appeal to the next General or Quarter-ſeſſions of the Peace to be held for the ſaid County of *Middleſex*, and it ſhall and may be lawful for the Juſtices aſſembled, to make ſuch Order therein, as to them ſhall ſeem meet; which Order ſhall be final and concluſive.

Proceedings not to be quaſhed for want of Form, nor removeable by Certiorari.

XLIX. Provided alſo, That no Order, Judgment, or other Proceedings, to be made, given, or had by or before the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace, touching the Conviction of any Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*: And if any Perſon or Perſons ſhall appeal as aforeſaid to the Juſtices of the Peace at the General or Quarter-ſeſſions for the County of *Middleſex*, the Perſon or Perſons appealing ſhall, Fourteen Days at leaſt before ſuch General or Quarter-ſeſſions, give Notice, in Writing, to the Treaſurer or Treaſurers for the

Time

Time being, appointed in pursuance of this Act, of such his or their Intention to appeal; and shall, within Five Days after such Notice given, and before any Appeal shall be allowed, enter into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, with Condition to try such Appeal at the General or Quarter-sessions of the Peace which shall be held for the said County next after such Notice, and also to pay such Costs and Charges as the said Justices shall award, in case such Appeal shall be disallowed; and every such Appeal shall, at such General Quarter-sessions, be heard and determined: And, to prevent any vexatious Actions or Suits against the said Commissioners, or any or either of them, or against the said Collectors, or either of them, or any other Person or Persons whatsoever acting by virtue of or under the Authority of this Act, for any Sum or Sums of Money, Fine, Forfeiture, or Penalty, due, laid, incurred, or inflicted by virtue or in pursuance of this Act, for or on account of any of the Purposes thereof, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Warrant of, or for the Appointment of such Collector or Collectors, or in the Rate or Assessment, nor in any Warrant of Distress; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Party or Parties aggrieved by such Irregularity shall or may recover full Satisfaction for the special Damage he, she, or they shall have sustained thereby, and no more, in any Action of Trespass, or on the Case, at the Election of the Plaintiff or Plaintiffs.

Distress not unlawful for want of Form;

nor the Party be deemed a Trespasser ab initio.

L. Provided always, That no Plaintiff or Plaintiffs shall recover in any such Action or Actions for any Irregularity as aforesaid, if Tender of Amends hath been made by the Party or Parties making such Distress before such Action or Actions was or were brought; nor if Tender of Amends shall be made at any Time after the said Action or Actions shall have been brought, and before the Trial thereof, together with Costs of Suit, to the Time of such last-mentioned Tender.

Plaintiff not to recover, if Tender of Amends hath been made.

LI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, or of any of the Powers thereby given, or any ways in relation to the Premises; that then, and in every such Case, the Action or Suit shall be commenced and brought within the Space of Six Months next after the Cause of Action shall arise, and not afterwards; and shall be laid and brought in the County of *Middlesex*, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if it shall appear to be done in pursuance of this Act, or that such Action or Suit shall be brought after the Time herein-before limited in that Behalf, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall Discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given for the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have and be intitled to the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

LII. And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Justice as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

CAP. XVIII.

An Act for the better Paving, Cleansing, Lighting, and Watching, the Streets and Lanes in the Town and Parish of *Chatham*, in the County of *Kent*, and for removing and preventing Nuisances and Annoyances therein.

Preamble.

'WHEREAS the Streets and Lanes within the Town and Parish of *Chatham*, in the County 'of *Kent*, are very ill paved, and not sufficiently cleansed and lighted; and by Annoyances and 'Incroachments therein rendered incommodious and dangerous: And whereas it will tend greatly to 'the Benefit, Convenience, and Safety, of the Inhabitants of the said Town and Parish of *Chatham*, 'and of all Persons resorting thereto, and travelling through the same, if the said Streets and Lanes 'were properly paved, cleansed, lighted, and kept clear and free from Annoyances and Incroach-'ments; but the same cannot be remedied and effected without the Aid of Parliament: May it 'therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Best*, *Thomas Fletcher*, *Isaac Wildish*, *Edward Pilcher*, *Charles Proby*, *John Parr*, *Milbourn Marsh*, *Joseph Longley*, *John Coys*, *John Cazeneue*, *William Jones*, *William Witheridge*, *Harry Farmer*, *Thomas Kirby*, *John Roberts*, *Samuel Neale*, *Robert Wise*, Surgeon, *John Crowcher*, *William Holmden*, *Orlando John Nicholls*, *Edward Muddle*, *James White*, *Edward Fry*, *John Halfhead*, *John Phillips*, *George Cattlet*, *Richard Cooke*, *Samson Waring*, *John Townson*, *Edward Ackworth*, *Phineas Kite*, *John Byers*, *Thomas Weston*, *Thomas Hargood*, *John Nash*, *John Simmons*, being Proprietors and Owners of Houses, or Inhabitants residing within the Town and Parish of *Chatham* aforesaid and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for

Commissioners Names.

putting this Act in Execution: And, when any of the Commissioners herein named, hereafter to be elected, shall die, or remove out of the said Town or Parish, or shall at any Time, during the Space of One whole Year together, refuse or neglect to act, (such Death, Removal, Refusal or Neglect to act, being declared at a publick Meeting) that then the surviving or remaining Commissioners shall and may, at a Meeting to be appointed on that Day Month next after such Vacancy shall be declared, elect, a fit Person or Persons to be a Commissioner or Commissioners in the Place or Places of him or them so dying, removing, refusing or neglecting, to act; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Stead they shall be elected are vested with.

On Death, Refusal, or Removal of Commissioners, others to be chosen.

II. Provided always, and be it further enacted That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office, Place of Profit, or have any Share or Interest in any Contract relating to the Execution of any of the Powers of this Act.

Commissioners not to act if interested.

III. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may, from Time to Time, be exercised by the major Part of such of them as shall attend at any publick meeting of the said Commissioners, to be holden as herein-after mentioned, the Number of such Commissioners present at such publick Meetings not being less than Five; (except as herein-after excepted); and all Acts, Orders, and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Clerk at each Meeting, or at the next ensuing Meeting, and such Orders shall then be deemed and taken to be original Orders; and such Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

All the Powers vested in the major Part present at a publick Meeting, not being less than Five.

Proceedings to be entered in a Book.

IV. Provided always, and be it enacted, That no Act of such Commissioners shall be valid, unless done or made at some publick Meeting to be held in pursuance of this Act, where Five or more Commissioners shall be present.

No act valid unless done at a publick Meeting.

V. And be it further enacted, That the said Commissioners shall meet at the *Sun Inn*, within the same Town and Parish, on that Day Sevennight next after the passing of this Act, between the Hours of Three and Five in the Afternoon, and afterwards at such Time and Place within the said Town and Parish as shall be appointed for that Purpose, as often as it shall be necessary for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Commissioners to act, and to adjourn to another Day, or in case the Commissioners so assembled shall omit or neglect to adjourn themselves; then, and in such Case, the Clerk to the said Commissioners, or any Two of the said Commissioners, shall and may, by Notice in Writing, to be affixed at the Church-door and Market-place of the said Parish, at least Ten Days before the next Meeting, appoint the said Commissioners to meet at the Place where the last Meeting was held; and the said Commissioners shall, at all their Meetings, pay their own Expences.

First Meeting of Commissioners; who may adjourn.

For want of a sufficient Number to adjourn, publick Notice to be given of next Meeting.

Commissioners to pay their own Expences.

VI. And be it further enacted, That no Person hereafter to be elected a Commissioner, by virtue of this Act, shall be qualified or capable of acting as a Commissioner in the Execution of this Act, unless he shall, in his own Right, or in Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear and yearly Value of Ten Pounds, Freehold or Leasehold, arising within the Limits of the said Town and Parish of *Chatham*; and that no Person who shall be an Inhabitant or Resident within the said Town and Parish of *Chatham* shall be qualified or capable of acting as a Commissioner in the Execution of this Act, unless he shall be a Tenant or Occupier of Lands, Tenements, or Hereditaments of the clear yearly Rent of Twelve Pounds, and shall also be possessed of a personal Estate to the Amount or Value of Five hundred Pounds; and if any Person (not being so qualified) shall act as a Commissioner for putting this Act, or any of the Powers herein contained in Execution, contrary to the Intent and Meaning hereof, every such unqualified Person shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such unqualified Person hath acted as a Commissioner in the Execution of this Act.

Qualification of future Commissioners.

100 l. Penalty for acting if not qualified.

VII. And be it further enacted, that the said Commissioners shall and may, from Time to Time, at any of the said publick Meetings, elect and appoint One or more Treasurer and Clerk, Collector or Collectors; and also One or more Surveyor or Surveyors, and such and so many other Officers as they shall find necessary for the Execution of this Act; and the said Commissioners shall take Security as they shall think proper for the due Execution of the respective Offices; and shall and may, from Time to Time, remove any of the said Officers at their Will and Pleasure, and appoint others in the Room of such as shall die, or be removed, as aforesaid; and said Commissioners, shall and may, out of the Monies arising, or to arise, by virtue of this Act, appoint and pay such Salaries, Gratuities, and Allowances as they shall judge reasonable to such Officers, and to all such other Persons as shall have been or shall be employed in, or aiding and assisting about, the Execution of this Act.

Commissioners may appoint Officers, take Security, and remove such Officers and appoint others, at their Pleasure.

VIII. And be it further enacted, That if any Clerk, Surveyor, or other Officer or Servant, who shall be employed by the said Commissioners in the Execution of this Act, or any Part thereof, shall forbear to do any Thing hereby or by the said Commissioners directed to be done, or on any Account whatsoever,

50 l. Penalty on Officers neglecting their Duty, &c.

whatſoever, relative to the Execution of this Act, or ſhall any-way be concerned in Intereſt in any Bargain made, or to be made, by the ſaid Commiſſioners for any of the Purpoſes intended by this Act, every Perſon ſo offending ſhall from thenceforth for ever be incapable of being employed under this Act, and ſhall, over and above, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, to be commenced within Three Calendar Months after the Offence ſhall be committed, in which Action or Suit no Protection, Eſſoin, or Wager at Law, or more than one Imparlance ſhall be allowed.

Pavements, &c. veſted in Commiſſioners,

IX. And be it further enacted, That from and after the paſſing of this Act, the Property of all the preſent and future Pavements in the Streets and Lanes within the ſaid Town and Pariſh of *Chatham*, as well in the Foot-ways as Carriage-ways, and of all Lamps, Lamp-irons, and Poſts, which ſhall be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things to be purchaſed for the Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners; and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any Two or more of them, or in the Name of their Treaſurer or Clerk, or other Perſon or Perſons to be appointed for that Purpoſe, or to prefer any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy any Part or Parts thereof; and the ſaid Commiſſioners ſhall have full Power and Authority to ſell and diſpoſe of all or any Part of the old Materials, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing therefrom ſhall be applied to ſuch and the ſame Purpoſes, as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made, are directed to be applied.

who may bring Actions, and prefer Indictments,

Old Materials may be ſold.

Commiſſioners may order the Streets to be paved.

X. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, and at all Times, when and ſo often as the ſaid Commiſſioners ſhall think proper, to order and direct all or any of the Pavements in the High Street and Lanes adjoining, and leading into the High Street of the Town and Pariſh of *Chatham* aforeſaid, in being, or hereafter to be made, adjoining and leading into and out of the ſaid High Street of *Chatham* in the ſaid Pariſh, or any Part or Parts thereof, as well thoſe Parts uſed by Carriages as thoſe uſed by Foot-paſſengers, from the King's Victualling-office on both Sides of the Way to a certain Lane called *Cage Lane*, in the High Street of *Chatham* aforeſaid, to be taken up, and the ſaid Street and Lanes to be paved, relaid, repaired, raiſed, lowered, or altered, and alſo to be cleanſed, lighted, and freed from all Annoyances, Obſtructions, Nuiſances, and Encroachments whatſoever, and proper Drains to be made for conveying the Water under Ground, or otherwiſe, when, in ſuch Manner, and as often as the ſaid Commiſſioners ſhall think fit; and the Perſon or Perſons authoriſed or directed by them to do the ſame, hath and have hereby full Power and Authority to do the ſame accordingly.

Commiſſioners may dig Gravel, &c. and employ Workmen, as they ſhall judge neceſſary.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall alſo have full Power and Authority to cauſe to be dug, carted, and carried out of or brought into the ſaid Streets and Lanes, or into any of them, ſuch Gravel, Stones, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, Carters, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch Acts and Things as the ſaid Commiſſioners ſhall judge neceſſary or conducive to the accompliſhing the Ends and Deſigns of this Act.

No Perſon to alter the Pavement.

XII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, after the paſſing of this Act, make, or cauſe to be made, any Alteration in the Form of the Pavement of any Street or Lanes within the ſaid Town and Pariſh, without the Conſent and Approbation of the Commiſſioners, the Perſon or Perſons making, or cauſing the ſame to be made, ſhall, at his or their own Coſts and Charges, within Fourteen Days after Notice given for that Purpoſe by the ſaid Commiſſioners, or their Surveyor or Clerk, remove or take away the ſame, and put ſuch Part of the ſaid Street or Lanes, where the ſame ſhall have been made, in the ſame Form and Condition it was before the making the ſaid Alteration; and in caſe of his, her, or their Neglect or Refuſal ſo to do within ſuch Time as aforeſaid, then the ſaid Commiſſioners ſhall and may order any proper Workman or Workmen to reinſtate the ſame, and put the ſaid Street or Lanes in the ſame Form and Condition it was before, and, by Warrant under the Hands and Seals of the ſaid Commiſſioners, to levy, or cauſe to be levied, the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who made, or cauſed to be made, ſuch Alteration, together with the Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any be) to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold when demanded.

Commiſſioners may make Contracts, for paving, &c.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and impowered, from Time to Time, to contract with any Perſon or Perſons for the paving, relaying, repairing, raiſing, lowering, amending, altering, cleanſing, and lighting the ſaid Streets and Lanes, within the ſaid Town and Pariſh; which Contract or Contracts ſhall ſpecify the Works to be done, and the Prices to be paid for the ſame, and the Time and Times when ſuch Works ſhall be performed and completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and the ſame ſhall be ſigned by the ſaid Commiſſioners, and by the Perſon or Perſons contracting to perform ſuch Works; and the ſaid Commiſſioners are hereby authoriſed and impowered to pay ſuch Sum or Sums of Money for ſuch reſpective Works as they ſhall ſo contract and agree for, out of the Money to be raiſed for the Purpoſes of this Act; and all the Foot-ways, where practicable, ſhall be paved with *Maidſtone* Flats, *Purbeck* Squares, or other ſmooth Pavement, and a

Kirb

Kirb Stone, and the Horſe and Carriage-ways with good *Kentiſh* Blue Stones, or ſized Pebbles, or otherwiſe, as the ſaid Commiſſioners ſhall adjudge and ſee proper.

Old Materials to be made uſe of, making Allowance to Owners.

XIV. And be it further enacted, That ſuch of the *Kentiſh* Blue Stone, Pebbles, and *Maidſtone* Flats, now uſed in the Pavements of the ſaid Streets and Lanes in the ſaid Town and Pariſh, ſhall be relaid before the Houſe, Yard, Garden, Land, Tenement, or Hereditament, before which the ſame are now reſpectively laid, at the firſt Paving of the ſaid Streets or Lanes, by the ſaid Commiſſioners, and the Owner or Owners of ſuch Houſe, Yard, Garden, Land, Tenement, or Hereditament, ſhall have all proper Allowances made to him, her, or them, for the ſame, in the Expence of ſuch Paving.

Expences of paving, &c. how to be paid.

XV. And be it further enacted, That all Charges and Expences attending the paving, maintaining, repairing, and keeping in Repair, the ſaid Streets and Lanes, by virtue of this Act, ſhall be borne and defrayed, under the Direction and Order of the ſaid Commiſſioners, by the Owner or Owners, Proprietor or Proprietors of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, lying near and adjoining to the High Street and Lanes in the ſaid Town of *Chatham*, in Manner and in Proportion following; (that is to ſay) The Owner or Owners, Proprietor or Proprietors, of every Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall pay for the Pavements before the reſpective Front or Fronts of his, her, or their Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, the whole Width of ſuch Front or Fronts to the Middle of the Street, Court, Lane, Way, Alley, or publick Paſſage, in or adjoining to which ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall reſpectively ſtand, lie, or be; and the Owner or Owners, Proprietor or Proprietors, of every Corner Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, in all and every the ſaid Streets, Courts, Lanes, Ways, Alleys, or publick Paſſages, ſituate as aforeſaid, ſhall pay in equal Proportion for ſo much of the Pavement adjoining or contiguous to their reſpective Premiſes, as ſhall be ſufficient to complete the Pavement in the reſpective Streets, Courts, Lanes, Ways, Alleys, or publick Paſſages, at the Corner or Corners of which their reſpective Premiſes ſhall reſpectively ſtand, lie, or be.

Fronts of Houſes, &c. to be paved the Firſt Time by Commiſſioners.

XVI. Provided always, That the Pavement of the Fronts of all Houſes within the Limits aforeſaid, and which have been hitherto repaired by the Surveyors of the Highways, ſhall be paved for the Firſt Time by the ſaid Commiſſioners, out of the Rates to be raiſed by virtue of this Act, but ſhall, from Time to Time thereafter, be kept in Repair, at the Expence of the ſeveral Owners or Proprietors of the ſaid reſpective Houſes.

Charges of Paving, &c. to be paid by the Tenants, and to be deducted in paying their Rents.

XVII. And be it further enacted, That the Charges and Expences of Paving, and keeping in Repair, to be borne and defrayed by the reſpective Owners or Proprietors, and alſo of keeping in Repair ſuch parochial Pavement as aforeſaid, ſhall be paid to the Collector or Clerk for the Time being, appointed by the ſaid Commiſſioners, by the Tenants or Occupiers of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments; and ſuch Tenants or Occupiers ſhall be at Liberty, and they are hereby impowered to deduct and retain out of his, her, or their Rent or Rents, ſuch Sum or Sums of Money as they ſhall reſpectively pay on account thereof for the reſpective Owners or Proprietors of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents; and if any Tenant, or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Town and Pariſh, ſhall neglect or refuſe to pay ſuch Charges within Ten Days after Demand thereof, by Notice in Writing under the Hand of the ſaid Collector or Clerk, to be delivered to, or left at the Dwelling-houſe of ſuch Tenant or Tenants, Occupier or Occupiers, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals of any One or more Juſtice or Juſtices of the Peace acting for the Weſtern Diviſion of the ſaid County of *Kent*, or City of *Rocheſter* in the ſaid County, (which Warrant the ſaid Juſtice or Juſtices are hereby authoriſed and required to grant upon Information on Oath of ſuch Neglect or Refuſal; which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward) returning the Overplus (if any) of the Monies to be raiſed by ſuch Diſtreſs and Sale, after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods or Chattels ſo diſtrained on Demand: And where any Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, ſhall be let or demiſed to more than One Tenant or Tenants, Occupier or Occupiers, any One or more ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purpoſes of this Act; and the ſaid Charges ſhall be levied by Diſtreſs and Sale of all or any of the Goods or Chattels in ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament: And in caſe any Tenant or Tenants, Occupier or Occupiers, ſhall remove out of ſuch Houſe, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, before ſuch Charges ſhall be paid by him, her, or them; or if the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, ſhall not be ſufficient to defray ſuch Charges; or if it ſhall happen that any of the ſaid Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in the ſaid Town and Pariſh, ſhall be untenanted at the Time the Pavements before them ſhall be begun; then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, ſhall be and the ſame is and are hereby made a Security for, and chargeable with, all ſuch Charges; and the ſame ſhall and may be levied by Diſtreſs and Sale, by Warrant as aforeſaid, of any Goods or Chattels which ſhall after be found in or upon the ſame Houſes, Buildings, Yards, Gardens, Lands, Tenements,

Penalty on neglect.

Houſes, &c. let to more than One Tenant, any One may be deemed the Occupier.

Tenants removing before Charges paid.

Premiſes to be a Security for the ſame.

ments, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of such Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments: And in case such Owner or Owners shall neglect or refuse to pay the same for the Space of Twenty Days next after the same shall be demanded of him, her, or them, by Notice in Writing under the Hand of the said Collector or Clerk, to be delivered to, or left at the Dwelling-house, or usual Place of Abode, of such Owner or Owners, in case such Owner or Owners shall then live within the said Town and Parish of *Chatham*; and in case such Owner or Owners shall not live within the said Town and Parish of *Chatham*, then under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place, where such Owner or Owners shall reside: And in case any Tenant or Tenants, Occupier or Occupiers, shall pay to the said Collector more Money on account of the said Charges than shall be due from him, her, or them, for the Rent of his, her, or their House, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Owners of such House, Building, Yard, Garden, Land, Tenement, or Hereditament, by Distress and Sale of the Goods and Chattels of such Owner or Owners, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace, for the County, City, Borough, Town, Division, or Place, where such Goods or Chattels shall be, such Owner or Owners having refused or neglected, to pay the same, for the Space of Ten Days after Demand made thereof by such Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent, for that Purpose appointed.

Tenant paying more Money than shall be due for Rent, the Overplus to be made good by the Landlord.

Parishioners to pay for the Pavements before certain Places.

XVIII. And be it further enacted, That the Parishioners of the said Town and Parish of *Chatham* shall bear and sustain the Charges and Expences of paving, repairing, and keeping in Repair the Pavements in the said Streets adjoining and contiguous to the Poor-house for the said Parish of *Chatham*, and also for paving, for the First Time only, the Pavement before a certain Alms-house or Hospital called *Sir John Hawkins's Hospital* in the said Town and Parish; the Charges and Expences of maintaining and keeping in Repair the Pavement lying before the said Alms-house or Hospital, called *Sir John Hawkins's Hospital*, shall thereafter be borne and sustained by the Governors of the said Alms-house or Hospital, for the Time being, under the Direction and Powers of this Act; (that is to say), From the respective Fronts of the said Poor-house, and Alms-house or Hospital, to the Middle of the Street adjoining thereto; and the Charges and Expences of repairing the Pavements lying before the said Hospital or Alms-house, shall, for the first Time only, be paid by the Churchwardens of the said Town and Parish for the Time being, to the said Collector or Clerk; and the Charges and Expences of the Pavements adjoining to the said Poor-house, shall be paid by the Overseers of the Poor of the said Parish of *Chatham*, to the said Collector or Clerk; and the several Charges and Expences to be paid by the said Churchwardens and Overseers of the Poor of the said Town and Parish, shall be allowed to them respectively, in all Accounts touching their several Offices or Departments, and to all others whom it may concern: And in case the Churchwardens of the said Parish of *Chatham*, the Governors of the said Hospital, or the Overseers of the Poor, or any or either of them, shall neglect or refuse to pay to the said Collector or Clerk the Charges and Expences hereby directed to be paid by them respectively, for the Space of Twenty Days next after the same shall be demanded of them respectively, by Notice in Writing under the Hand of the said Collector or Clerk, to be delivered to them respectively, or left at their respective Dwelling-houses, or usual Places of Abode; then, and in every such Case, the said Charges and Expences, so neglected or refused to be paid, shall and may be levied by Distress and Sale of the Goods and Chattels of the said Churchwardens of the said Town and Parish of *Chatham*, the Governors of the said Hospital, and the said Overseers of the Poor, or of such of them as by this Act is or are directed to pay the Charges and Expences so neglected or refused to be paid; and such Distress shall be made by Warrant under the Hands and Seals of any Two or more Justices of the Peace acting for the Western Division of the said County of *Kent*, (which Warrant such Justices are hereby required and authorised to grant), and the Overplus of the Monies to be raised by such Distress and Sale, (if any) after deducting the Charges attending the same, shall be returned to the Owner or Owners of the Goods and Chattels so distrained and sold, on Demand.

Who shall be deemed Owners.

XIX. And be it further enacted, That neither the Mayor and Citizens of the City of *Rochester*, the Wardens and Commonalty of *Rochester Bridge*, the Dean and Chapter of *Rochester*, the Governors of *Chatham Chest*, the Patron and Brethren of *Saint Bartholomew's Hospital*, or any other Person or Persons whomsoever, shall, on account of any Ground-rent issuing out of, or payable for, any Messuage, Yard, Garden, Land, Tenement, or Hereditament, in the said Town and Parish, or on account of their Reversion or Interest therein, be considered, deemed, taken, or adjudged to be, the Owner or Owners, Proprietor or Proprietors, of such Messuage, Yard, Garden, Land, Tenement, or Hereditament, but the Lessee or Lessees of such Bodies Corporate or Collegiate, Aggregate or Sole, or of such other Person or Persons, or their Assigns, shall, during the Existence of the Term for which such Messuage, Yard, Garden, Lands, Tenements, or Hereditaments, shall be demised, shall be considered, deemed, taken, and adjudged, for all and every the Purposes of this Act, to be the Owner or Owners, Proprietor or Proprietors, of such Messuage, Yard, Garden, Lands, Tenements, and Hereditaments, and shall, during such Term, bear and pay all Expences and Impositions whatsoever, by force or virtue hereof, to be borne or defrayed by the Owner or Owners, Proprietor or Proprietors, of the said Messuage, Yard, Garden, Lands, Tenements, and Hereditaments; any Thing herein contained to the Contrary notwithstanding.

Contracts between Landlords and Tenants not vacated.

XX. Provided always, That nothing herein contained shall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving the said Streets and Lanes, or the keeping in Repair such Pavement.

XXI.

Commissioners, impowered to appoint Watchmen;

XXI. And be it further enacted, That the said Commissioners may, if they think proper, and they are hereby authorised and impowered, at any Time or Times after the passing of this Act, to appoint a competent Number of fit and able-bodied Men, not exceeding Six, to watch and patrol the said Streets and Lanes, and out of the Rate or Assessment, or Monies so to be made and raised by virtue of this Act, to make such Allowances to such Watchmen for their Attendances, and to give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed, and for the due and regular Performance of the said Service, as they the said Commissioners shall judge reasonable and expedient; and from Time to Time to remove any of the said Watchmen, and to appoint others in their Stead.

and to purchase Lamps, &c.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby impowered and authorised to apply any Part of the Monies arising by this Act, in the purchasing, providing, fixing, and renewing of such and so many Lamps, of such Sizes and Sorts, and such and so many Posts Irons, and other Materials, for fixing thereof, as may be thought requisite and necessary for the lighting all or any of the Streets and Lanes in the said Town and Parish, and may, at any Meeting, order, direct, and cause such Lamps to be set up within the said Town and Parish of *Chatham*, in such Manner, and in such Places, and at such Distances One from the other, as they the said Commissioners shall, from Time to Time, think proper; and may also contract with any Person or Persons for lighting of all such Lamps at such Seasons of the Year, and at such Hours in the Evening, as they shall think necessary, and may pay and apply any Part of the Monies arising by this Act, in Discharge of the Expences of lighting, cleansing, supplying, and repairing the said Lamps.

Persons wilfully breaking Lamps, to be committed;

XXIII. And be it further enacted, That if any Person shall wilfully break, throw down, or otherwise damage, any of the Lamps which shall be erected by the said Commissioners, or any of the Posts, Irons, or other Furniture thereof, or shall extinguish any of the said Lamps, it shall and may be lawful for any Justice of the Peace for the Western Division of the said County of *Kent*, or City of *Rochester* aforesaid, and he is hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant for apprehending the Party accused; or it shall and may be lawful for any Person or Persons, who shall see such Offence committed, to apprehend, as also for any other Person or Persons to assist in apprehending the Offender or Offenders, and, by Authority of this Act, and without any other Warrant, to deliver him, her, or them, into the Custody of a Constable or Borseholder, in order to be secured and conveyed before some Justice of the Peace acting for the Western Division of the said County; and the Party accused being brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear to be produced to give Information touching such Offence; and if the Party accused be convicted of such Offence, either by his her, or their own Confession, or upon Information as aforesaid, he, she, or they, so convicted, shall forfeit and pay any Sum not less than Five Shillings, nor more than Ten Shillings, for each Lamp so broken, thrown down, damaged, or extinguished as aforesaid, and shall make full Satisfaction to the said Commissioners, or to their Clerk, for the Damage so done by him, her, or them; and in case such Offender or Offenders shall not, upon Conviction, pay the Forfeiture by him, her, or them incurred, and make Satisfaction as aforesaid, the Justice, before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them, to the House of Correction, or Common Gaol for the said County or City, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and such Offender shall not be discharged before the Expiration of the Time for which he, she, or they, shall be committed, unless such forfeiture and Satisfaction shall be sooner paid and given, One Moiety of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Moiety shall be applied as the Rates or Assessments to be made by virtue of this Act are directed to be applied: And if any Person shall negligently or accidentally break, throw down, or otherwise damage, any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not, upon Demand, pay to the said Commissioners, or to their Clerk, for the Damage by such Person done as aforesaid, it shall and may be lawful for any Justice of the Peace acting for the Western Division of the said County or City, and he is hereby required, upon Complaint thereof made by the said Commissioners, or their Clerk, to summon the Party complained of, and upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling-house or Place of Abode, if known, or that he or she could not be found) such Justice shall proceed to examine the Matter of the said Complaint, and, upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of for the Damage so by him or her done, as to such Justice shall appear just and reasonable; and shall cause the Sum so awarded, in case the same be not paid forthwith upon the making such Award or Order, to be levied by Distress and Sale of the Goods and Chattels of the Person complained of, rendering to him or her, upon Demand, the Overplus, (if any be) after the Charges of prosecuting such complaint, and of such Distress and Sale, shall be deducted.

and forfeit not exceeding 10 s. for each Lamp;

Any Person accidentally breaking Lamps, &c. to be liable for the Damage as to the Judge shall appear just;

and in case of Refusal, to be levied by Distress.

'XXIV. And, for defraying the Charges and Expences attending the Execution of this Act,' be it further enacted, That from and after the passing of this Act, One Rate or Assessment shall Once in every Year be made, laid, and assessed, by the said Commissioners, or any Seven or more of them, upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, or enjoy, any House, Shop, Warehouse, or other Tenement or Hereditament, within the High Street and Lanes adjoining, and leading

Commissioners are impowered to make Rates,

ing into and out of the High Street of the said Town and Parish of *Chatham*, in such Sum and Sums of Money as the said Commissioners shall judge necessary, so as such Rate or Assessment shall not exceed in the Whole Nine-pence in the Pound, in any One Year, of the yearly Rent or Value of such House, Shop, Warehouses, or other Tenements or Hereditaments, according to the Rack-Rent, or full yearly Value thereof; and the said Rate or Assessment shall be, and the same is hereby vested in the said Commissioners, and shall be by them applied for the Purposes of this Act; the said Rate or Assessment to be made in the Month of *July* in each Year.

annually in July.

They may inspect Poors Rates also;

XXV. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Person or Persons by them authorised under their Hands for that Purpose, from Time to Time, to inspect the Poors Rates of and for the said Town and Parish, and to take Copies or Extracts therefrom, which the Overseer or Overseers, or other Person or Persons having the Custody thereof respectively, is and are hereby required, on producing such Order as aforesaid, to permit and suffer to be made and taken, without Fee or Reward; and on Refusal thereof by the Overseer or Overseers, or other Person or Persons as aforesaid, he or they so refusing shall forfeit and pay the Sum of Five Pounds for each such Offence, to be recovered and levied in Manner herein-after mentioned.

and appoint Collectors of the Rates.

XXVI. And be it further enacted, That from and after the passing of this Act the said Commissioners, or any Seven of them, shall and may yearly, and every Year, and so often as there shall be Occasion, under their Hands nominate and appoint, and they are hereby authorised and impowered to nominate and appoint One or more Inhabitant or Inhabitants, Resident or Residents, in the said Town and Parish, to be Collector or Collectors of the Rate or Assessment; and shall and may, from Time to Time, as soon as may be after such Rate or Assessment shall be made and confirmed as aforesaid, issue their Order under their Hands to the said Collector or Collectors for the Time being, requiring them jointly or severally to collect and receive, as soon as may be, the respective Sums of Money expressed and contained in such Rate or Assessment; Duplicates of which Rate or Assessment, under the Hands of the said Commissioners, shall be delivered, together with the said Order, to any One of such Collector or Collectors respectively; and such Collector or Collectors, to whom any Order or Orders from the said Commissioners, shall, from Time to Time, be directed, shall obey and execute the same in all Respects whatsoever; and the said Commissioners shall and may, from Time to Time, as they shall see Occasion, remove any Collector or Collectors, and appoint any others, being Inhabitants and Residents as aforesaid, in their Stead; and the said Collector or Collectors shall and are hereby required to pay the Money so collected and received by virtue of this Act, when and so often as he or they shall have collected the Sum of Twenty Pounds, to the Clerk acting under the said Commissioners, or to such Person or Persons as the Commissioners shall appoint to receive the same, to be applied for the Uses and Purposes of this Act; and shall and hereby is and are required, at the Time of making every such Payment, to deliver to the Person or Persons impowered to receive the same a true and exact Copy or Duplicate of the Rate or Assessment whereby the same was collected, together with an Account thereof, and also of all and every Sum and Sums of Money rated and assessed in such Rate or Assessment as remains uncollected, (if any shall be), together with the Reasons why the same hath not been collected, to the End that it may appear whether the Non-payment hath happened through the Insolvency of the Party rated, or through the Default of the Collector or Collectors; and in case any Collector or Collectors shall refuse or neglect to take upon him or them respectively the said Office, or duly to execute the same, according to the true Intent and Meaning of this Act, every such Collector or Collectors shall forfeit and pay the Sum of Five Pounds, and shall continue liable to be again appointed to the said Office the Year following, or sooner, if the said Commissioners so assembled shall think fit; and in case of his or their Refusal or Neglect afterwards to take upon him or them the said Office, or duly to execute the same, he or they so refusing or neglecting shall be again liable to the like Penalty, and in like Manner, as often as he or they shall refuse or neglect to take upon him or them the said Office.

Collectors to pay over Money to the Clerk or Treasurer.

Penalty on refusing to execute the Office of Collector.

Rates of Houses let to Two or more Tenants are to be paid by them,

and deducted from their Rent.

'XXVII. And whereas several Houses within the said Town and Parish may be, by the Landlords or Owners thereof, let out into Lodgings or Tenements to divers Tenants, whereby it may be difficult to rate or assess such Houses, and to recover such Rates or Assessments when made: For Remedy thereof' be it enacted, That the said Commissioners shall and may rate or assess the Landlord or Owner of any House which shall be let to or occupied by Two or more Tenants; and such Rate or Assessment shall be paid by One or more of the Occupiers of any Part or Parts of such House, who is and are hereby required to pay such Sum or Sums of Money as shall be so rated or assessed upon such Landlord or Owner, in pursuance of this Act, and to deduct the same out of his, her, or their Rent; and the Occupier or Occupiers paying such Rate or Assessment, or any Part thereof, shall be acquitted and discharged of and for so much Money as he, she, or they shall have so paid, as if the same had been actually paid to the Landlord or Owner to whom his, her, or their Rent shall be due and payable; and every such Landlord or Owner is hereby required to allow such Deduction upon Receipt of the Residue of his or her Rent.

Rates are to be recovered by Distress and Sale.

XXVIII. And be it further enacted, That in case any Person or Persons so rated or assessed, or charged or chargeable, and made liable as aforesaid, shall refuse or neglect to pay any such Rate or Assessment to the Collector or Collectors, for the Space of Three Days after personal Demand thereof made, or Demand in Writing left at the last Place of Abode of such Person or Persons, it shall and may be lawful to and for any One or more Justice or Justices of the Peace acting for the Western Division of the said County or City, upon Oath (which Oath he or they are hereby impowered and required to administer without Fee or Reward) of such Demand and Non-payment, by Warrant under his or their Hand and Seal or Hands and Seals, which he or they is and are hereby impowered and required

required to grant, to authoriſe and direct the ſaid Collector or Collectors to levy ſuch Rate or Monies ſo in Arrear, together with the Coſts and Charges attending the ſame, to be aſcertained by ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Perſon and Perſons ſo in Arrear, and neglecting or refuſing to pay as aforeſaid, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels on Demand thereof being made by ſuch Owner or Owners.

Rates due on Houſes, &c. to be paid by Perſons removing from, and by thoſe who occupy the Premiſes in proportion:

XXIX. And be it further enacted, That when any Perſon or Perſons ſhall come into and occupy any Houſe, Building, or other Premiſes aforeſaid, within the ſaid Town and Pariſh, out of or from which any other Perſon aſſeſſed towards Payment of any Rate or Aſſeſſment made by virtue of this Act ſhall have removed, every perſon ſo removing from, and every Perſon ſo coming into, or occupying ſuch Premiſes, ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time each Perſon occupied the ſame reſpectively; and in caſe any Perſon ſhall quit his or her Houſe, Building, or other Premiſes aforeſaid, before he or ſhe ſhall have paid any Rate or proportionable Part thereof by him or her due and payable, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall and may be lawful to and for the Collector or Collectors, by Warrant under the Hand and Seal, or Hands and Seals of any One or more Juſtice or Juſtices of the Peace for the County or Place wherein ſuch Perſon ſhall then reſide or be found, (which Warrant ſuch Juſtice or Juſtices is and are hereby required to grant, upon due Proof thereof made before him or them upon Oath), to levy ſuch Rate or proportional Part thereof by Diſtreſs and Sale of ſuch Perſons Goods and Chattels, rendering the Overplus (if any be) on Demand, to the Perſon whoſe Goods and Chattels have been ſo diſtrained and ſold, after all Charges paid.

Churchwardens and Overſeers of the Poor deemed Occupiers of Poor-houſe. Penalty on them for neglecting of Payment of Rates.

XXX. And be it further enacted, That for the Purpoſes of this Act, the Churchwardens of the Town and Pariſh of *Chatham* for the Time being, and the Overſeers of the Poor of the ſaid Pariſh of *Chatham* for the Time being, ſhall be deemed the Owners and Occupiers of the ſaid Poor-houſe for the ſaid Pariſh of *Chatham*, and of every Poor-houſe and Building hereafter to be erected for the ſaid Town and Pariſh; and it ſhall and may be lawful to and for the ſaid Commiſſioners, in the ſaid Rate or Aſſeſſment ſo to be made by them as aforeſaid, to rate and aſſeſs the ſaid Churchwardens of the ſaid Pariſh of *Chatham* for the Time being to pay the annual Sum of Five Pounds; and the ſaid Overſeers for the Time being for the ſaid Poor houſe, to pay the annual Sum of Five Pounds for repairing and keeping in Repair the Pavement before the ſaid Poor-houſe; and if any or either of ſuch Perſons ſo to be rated or aſſeſſed ſhall neglect or refuſe to pay the ſame for the Space of Twenty Days next after Demand made thereof, by Notice in Writing under the Hand of the ſaid Collector or Collectors, to be delivered to or left at the reſpective Dwelling-houſes of him or them ſo neglecting or refuſing, the Rate or Aſſeſſment ſo neglected or refuſed to be paid ſhall and may be levied on the Perſon or Perſons hereby directed to be rated or aſſeſſed for the ſame, by Diſtreſs and Sale of his or their Goods or Chattels, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace acting for the Weſtern Diviſion of the ſaid County of *Kent*, (which Warrant the ſaid Juſtices are hereby authoriſed and required to grant, upon Information on Oath of ſuch Neglect or Refuſal; which Oath ſuch Juſtices are hereby impowered and required to adminiſter), returning the Overplus (if any be) to the Owner or Owners, on Demand, after all Charges paid.

Exemptions from being rated.

XXXI. Provided always, That no Perſon ſhall be rated, or pay to the Rates or Aſſeſſments which ſhall be made by virtue of this Act, upon account of any Gardens, Garden-ground, Arable, Meadow, or Paſture-ground, or for any houſes out of the Town of *Chatham*, or for any Farms or Lands uſed, held, or occupied within the ſaid Town and Pariſh, except the Dwelling-houſes of ſuch Farmers as are ſituate in the High Street or Lanes of the ſaid Pariſh; any Thing herein contained to the Contrary notwithſtanding.

Tenants rated to the Pavements to be exempted from the Highway-duty or Compoſition-money.

'XXXII. And whereas ſeveral Drains, Ceſſpools, Water-courſes, and Sewers, ſituate in the 'ſaid High Street of *Chatham*, and alſo ſeveral Parts of the Pavement of the ſaid High Street, are main-'tained, paved, repaired, and made good by the Surveyors of the Highways of the ſaid Pariſh of '*Chatham*, at a large annual Expence: And whereas it is intended that the Monies ariſing from, or to 'be borrowed on the Credit of the ſaid Rate or Aſſeſſment, ſhall be appropriated to the repairing, 'paving, and keeping in Repair, ſuch parochial Drains, Ceſſpools, Watercourſes, and Pavements, 'ſituate in the High Street aforeſaid, whereby the ſaid Pariſh will be relieved and diſcharged from 'a very great annual Burthen and Expence;' be it therefore enacted, That when and ſo often as any Owner or Owners, Tenant or Tenants, Inhabitant or Inhabitants, of any Houſe, Shop, Warehouſe, or other Tenements or Hereditaments within the ſaid High Street, and the Lanes adjoining and leading into the High Street of the ſaid Town and Pariſh of *Chatham*, ſhall be rated or aſſeſſed to the paving, or repairing and keeping in Repair the Pavements belonging to the ſaid Town and Pariſh, to repave and keep in Repair, or to the cleanſing and lighting of the ſaid High Street, and the Lanes next adjoining to the ſaid High Street of the ſaid Pariſh of *Chatham*, all and every ſuch Owner or Owners, Tenant or Tenants, Inhabitant or Inhabitants, ſhall be, and they are hereby diſcharged and exempted from any Duty or Labour, or any Compoſition-money in lieu of Labour, and from the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments, that ſhall be made or demanded for the Repair of the Highways within the ſaid Town and Pariſh of *Chatham*; any Law, Uſage, or Cuſtom, to the Contrary notwithſtanding.

But not to excuſe other Perſons keeping Teams, &c. from Statute-duty.

XXXIII. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to excuſe any Perſon or Perſons keeping any Team, Draught, or Plough, from the Statute or Highway-duty or Labour, or Compoſition-money.

XXXIV.

Inhabitants liable to additional Assessment, as by Act 7 Geo. III.

XXXIV. Provided always, and be it further enacted, That if any additional Assessment shall be laid upon the Inhabitants of the said Parish of *Chatham*, for repairing the Highways within the said Parish, by the Justices of the Peace at their General or Quarter-sessions of the Peace to be holden at *Maidstone* in and for the said County, in pursuance of an Act of the Seventh Year of His present Majesty's Reign, for the Amendment and Preservation of the publick Highways of this Kingdom, the Inhabitants of the High Street and Lanes adjoining thereto shall be, and they are hereby declared to be, subject and liable to pay their Proportion of such additional Assessment; any Thing in this Act contained to the Contrary notwithstanding.

Certain Streets exempted until the Inhabitants are of Ability to contribute towards paving, &c.

'XXXV. And whereas there are several Streets and Places called *King Street*, *Queen Street*, and '*Cross Street*, situate at a certain Place called *Smithfield Bank*, and also the said Bank adjoining to the 'Town, and also several Houses near the Church in the Village called *Brompton*, in the said Parish 'of *Chatham*, the Owners, Proprietors, and Inhabitants of which Estates are not of Ability to defray 'the Expence of new-paving, cleansing, and lighting the same, under the Regulations of this Act;' be it therefore enacted, That it shall not be lawful for the said Commissioners appointed to put this Act in Execution, to order or direct any of the said Streets or Places to be new-paved or repaired, cleansed, or lighted; nor shall any Rate or Assessment be made by virtue of this Act for the Purposes of paving, repairing, cleansing, or lighting, any Part of the Streets and Lanes on *Smithfield Bank*, and Places aforesaid; any Thing in this Act contained to the Contrary thereof in anywise notwithstanding.

Proviso.

XXXVI. Provided nevertheless, That if at any Time hereafter the Proprietors or Owners of the said Estates, and Inhabitants thereof, which are exempted from being new-paved, lighted, and cleansed, as aforesaid, shall be of Ability to pave, repair, light, and cleanse the same, to be determined on a Petition of the major Part of the Proprietors of Estates, and Inhabitants, living within the said Streets and Lanes, to the Commissioners for executing this Act; then, and from thenceforth, such particular Streets and Places shall be subject to be paved and repaired, and kept in Repair, in such Manner, and by such Ways and Means, as the several Streets and Lanes which are under the Direction of the said Commissioners, can or may be paved and repaired; and for the Purpose of lighting and cleansing such particular Streets and Places, One Rate or Assessment shall be laid and assessed on all and every Person and Persons who do or shall inhabit, hold, or occupy, any Houses or Tenements whatsoever in such particular Streets and Places, so as such Rate or Assessment shall not exceed in the whole, in any One Year, the Sum of Four-pence in the Pound, in Consideration of their Proportion of Statute-work.

Commissioners may borrow Money, by mortgaging the Assessment;

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, to borrow, either by mortgaging the said Rate and Assessment, or on Life Annuities, any Sum or Sums of Money for the Purposes of this Act, not exceeding in the Whole the Sum of One thousand five hundred Pounds; and if borrowed by Mortgage, to assign over, by Writing, signed by any Seven or more of the said Commissioners, all or any Part of the Rate and Assessment directed to be made by virtue of this Act, as a Security for the Repayment of the Principal and Interest of the Money to be borrowed.

and by Annuities on Lives;

'XXXVIII. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, 'to be secured upon, and payable out of, the said Rate and Assessment,' it is hereby enacted, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, for the Purposes of this Act, any Sum or Sums of Money, not exceeding in the Whole, either by Mortgage or Life Annuities, or both, the Sum of One thousand five hundred Pounds, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Lives of such Persons, being of the Age of Forty Years or upwards, as shall be nominated by or on the Behalf of such respective Contributors, at the Time of Payment of their respective Contribution-monies; which Annuity or Annuities shall not exceed the Rate of Nine Pounds *per Centum per Annum* for every One hundred Pounds, and so in proportion for any greater or less Sum to be advanced and paid as aforesaid: All which Annuities, so to be purchased, shall be payable and paid by the said Commissioners, out of the Monies to arise by or from the said Rate or Assessment, by Four equal Quarterly Payments; the First Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of the First Quarter after Payment of their respective Purchase-monies, the Rate whereof shall be settled and adjusted by a publick Sale of the said Annuities by the said Commissioners, and the best Bidder for the same.

which Annuity not to exceed 9*l.* per Cent.

If Annuitants die, any Person may purchase Annuities for their Lives.

XXXIX. Provided always, and it is hereby further enacted, That when and as often as any such Annuitants shall die, it shall and may be lawful for any Person or Persons to purchase of the said Commissioners One or more Annuity or Annuities, upon the Life of such Persons, and upon such Terms and Conditions, and payable in such Manner, as above mentioned, so that the Sum or Sums to be contributed for the Purchase of any Annuities to be granted by virtue of this Act, shall at no One Time exceed the Sum of One thousand five hundred Pounds.

Clerk to enter all Securities for Monies borrowed, or Annuities granted.

XL. And is hereby enacted, That the Clerk of the said Commissioners for the Time being, shall enter in a Book or Books, to be provided for that Purpose, all Securities for Monies borrowed, or Annuities granted, by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing, in Words at Length, the Names, Surnames, Additions, Places of Abode, and other Descriptions of the Persons for whose Lives the said Annuities shall be respectively granted, and the Days whereon the said Annuities shall respectively be payable; to which Book and Books the Person or Persons intitled to and possessed of such Annuities, and all and every Person or Persons liable to the Payment of the said Rates and Assessments, shall, at all seasonable Times, have Access, with free Liberty to inspect the same without Fee or Reward.

The Annuities shall not be liable to Taxes.

XLI. And it is hereby further enacted, That all and every Perſon and Perſons, who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe-monies for the ſame at the Rates aforeſaid, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities ſo purchaſed during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Tenor and Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or their Purchaſe-money as aforeſaid, have an Order, in Writing, for the Payment of the Annuity or Annuities ſo purchaſed by him or her, for and during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her as aforeſaid, and ſhall be firm, good, valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Securities may be aſſigned.

XLII. And it is hereby further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons intitled to any of the Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any Time or Times, by Writing under his, her, or their Hand or Hands reſpectively, to aſſign or transfer ſuch Securities, by Indorſement on the Back thereof, to any Perſon or Perſons whatſoever, and ſo *toties quoties*; and ſuch Aſſignments or Transfers, after they ſhall reſpectively be entered by the Clerk to the ſaid Commiſſioners in Manner aforeſaid, (which he is hereby required to do without Fee or Reward), ſhall intitle the Perſon or Perſons to whom they ſhall reſpectively be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred.

The Money borrowed on the Rates how to be charged.

XLIII. And be it further enacted, That all and every Sum and Sums of Money ſo to be advanced and lent, and the Intereſt thereof, and all and every the Annuity and Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and they are hereby charged upon, and ſhall be paid and payable from Time to Time out of the Monies ariſing from the Rates and Aſſeſſments to be rated and aſſeſſed by virtue and for the Purpoſes of this Act; and all Perſons, who ſhall be poſſeſſed of ſuch Securities, ſhall be Creditors in equal Degree, without Preference in reſpect of the Priority of his, her, or their advancing the Money thereon.

After Pavements completed under this Act, Commiſſioners to order the ſame to be repaved on Complaint of Two Houſe-keepers.

XLIV. And be it further enacted, That if any Two Houſe-keepers within the ſaid Town and Pariſh of *Chatham* ſhall make Complaint, in Writing, under their Hands, to the ſaid Commiſſioners, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Streets or Lanes, after the ſame ſhall have been new paved or repaired by virtue of this Act; then, and in every ſuch Caſe, the ſaid Commiſſioners upon ſuch Complaint, or on their own View, ſhall forthwith cauſe the Pavement ſo complained of to be inſpected; and if the ſame ſhall be found defective, and ſo reported to be to the ſaid Commiſſioners, they the ſaid Commiſſioners ſhall forthwith repair, or cauſe the ſame to be repaired by their Contractor or Pavior, the Coſts and Charges whereof ſhall be paid and borne by the reſpective Owner or Owners, Proprietor or Proprietors, before whoſe Eſtate, and to whom ſuch Pavement ſhall belong; the ſame to be recovered of the reſpective Tenant or Tenants of ſuch Eſtate or Eſtates, or otherwiſe, in the ſame Manner, and by the ſame Ways and Means as are herein before directed for the Recovery of the Charges and Expences of firſt Paving the ſaid Streets and Lanes: And if the Contractor or Pavior to the ſaid Commiſſioners, to whom ſuch Order ſhall be given, ſhall not, within Four Days next after the Receipt thereof, repair the ſaid defective Pavements; then, and in every ſuch Caſe, the ſaid Contractor or Pavior ſhall forfeit and pay the Sum of Twenty Shillings for every Day that the ſaid defective Pavements ſhall remain unrepaired after the Expiration of the ſaid Four Days.

Sign, Shop-windows, Spouts, &c. to be regulated, and Owners of Houſes to carry off their Water by Pipes on the Sides of the Houſes;

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe all Signs which now are, or at any Time hereafter ſhall be, placed or hung in any Part or Parts of the ſaid Streets and Lanes, to be fixed or placed on the Fronts of ſuch Houſes reſpectively whereunto the ſame ſhall belong; and alſo ſhall and may cauſe all and every Sign-irons, Sign-poſts, or any other Poſts, Pent houſes, Spouts, Steps, Shop-windows, and Cellar-windows, and other Incroachments or Obſtructions, Projections and Annoyances, in and upon the ſaid Streets and Lanes, or any of them, to be removed, altered, and reformed, in ſuch Manner as they ſhall think fit; and ſhall and may cauſe all Water to be conveyed from the Roofs, Eaves, Cornices, and Pent-houſes, by proper and ſufficient Pipes or Trunks to be fixed to the Sides of the Houſe, Shop, Warehouſe, or other Building, whereto the ſame belongs: And in caſe the Owner or Occupier of any Houſe, Shop, Warehouſe, or other Building, in the ſaid Town and Pariſh, to which any Signs, Sign-irons, Sign-poſts, or any other Poſts, Pent-houſes, Spouts, Steps, Shop-windows, and Cellar-windows, or other Incroachments, now or may hereafter belong, ſhall not, (at the Coſts and Charges of ſuch Owner or Occupier, as the Caſe may be) within Fourteen Days after Notice in Writing, ſhall be given to them reſpectively, or left at their reſpective Dwelling-houſes, under the Hands of the ſaid Commiſſioners, or under the Hand of their Clerk, or other Perſon to be appointed for that Purpoſe, remove, alter, and reform, all and every ſuch Signs, Sign irons, Sign-poſts, or any other Poſts, Pent-houſes, Spouts, Steps, Shop-windows, Cellar-windows, and other Incroachments and Annoyances, in ſuch Manner as in ſuch Notice ſhall be expreſſed, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame to be done, and to levy, or cauſe to be levied, the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier, of ſuch Houſe, Shop, Warehouſe, or other Building, by Warrant under the Hand and Seal of One or more Juſtice or Juſtices of the Peace acting in and for the Weſtern Diviſion of the ſaid County or City, (which Warrant ſuch Juſtice or Juſtices is and are hereby

hereby required and authoriſed to grant) rendering the Overplus (if any be) when demanded, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; or, it ſhall and may be lawful for ſuch Tenant or Occupier to fix up Pipes and Trunks, and alſo to remove all ſuch Annoyances, Projections, and Incroachments, and to deduct and retain the Charges and Expences thereof, and alſo of any Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier as aforeſaid, out of his or her Rent; and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

Tenants may fix Pipes, &c. and deduct the Charges out of their Rent.

Perſons occaſioning Nuiſances, by laying Dirt, &c. and Carriages ſtanding in the Road, and permitting Swine at large about the Streets,

'XLVI. And, in order to prevent Annoyances and Obſtructions in the ſaid Streets and Lanes,' be it further enacted, That if any Perſon or Perſons ſhall drive or place any Carriage whatſoever, or ſhall drive any Wheelbarrow, or ſhall run any Wheel, or draw any Sledge upon the Foot-pavement within the ſaid Town and Pariſh; or ſhall throw or lay any, or ſhall permit or ſuffer to be thrown or laid, any Aſhes, Dirt, Duſt, Soil, Straw, Fern, Dung, or any other Filth or Annoyance whatſoever, either upon the Carriage or Foot-pavements, in any of the ſaid Streets and Lanes within the ſaid Town and Pariſh; or ſhall careleſsly or wilfully break or damage the ſaid Pavements; or ſhall ſet out or leave, or cauſe or procure to be ſet out or left, any Carriage, Timber, Stone, Caſk, or any other Matter or Thing which may occaſion any Annoyance, Nuiſance, or Obſtruction whatſoever, in any of the ſaid Streets or Lanes, ſo as to ſtop, obſtruct, incommode, or endanger any Perſon or Carriage paſſing therein, for the Space of Two Hours; or ſhall permit or ſuffer any Hog or Hogs to go at large in any Street, Lane, or publick Paſſage, within the ſaid Town and Pariſh; or ſhall take or carry away the Dirt, Filth, or Rubbiſh, which ſhall be in any of the ſaid Streets or Lanes, unleſs for that Purpoſe appointed by the ſaid Commiſſioners, and ſhall be thereof convicted upon the Oath of One or more Witneſs or Witneſſes; every Perſon, offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Commiſſioners any Sum not exceeding Ten Shillings, nor leſs than Three Shillings, over and above the Coſts and Charges of ſuch Conviction.

to forfeit for every Offence not exceeding 10s.

Perſons hooping any Caſk, &c. in any Street, &c. to forfeit, for each Offence, not exceeding 20s.

XLVII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall hoop any Caſk, or hew or ſaw, or cauſe to be hewed or ſawed, any Stone, Wood, or Timber; or bind, make, or repair any Wheel; or ſhoe or bleed, clean or dreſs, or turn or drive looſe, or place any Horſe; or wet, ſlack, or mix any Lime, or wet, mix, or make any Mortar; or ſhall or do aſſiſt in the making any Fire or Fires, commonly called *Bonefires*; or ſet fire to, or let off, or throw any Squib, Serpent, or Rocket, or Fireworks whatſoever, in any of the Streets or Lanes within the ſaid Town and Pariſh; or ſhall ſet, place, or expoſe to Sale, or cauſe, permit, or ſuffer to be ſet, placed, or expoſed to Sale, any Goods, Chattels, Wares, or Merchandiſes whatſoever, on the Foot or Carriage-ways of any of the Streets or Lanes in the ſaid Town and Pariſh, or any Part or Parts thereof; or hang up or expoſe any Goods, Wares, or Merchandiſes, or any Matter or Thing, ſo as to obſtruct or incommode the Paſſage of the Foot-way or Carriage-way of any Street or Lane in the ſaid Town and Pariſh; every Perſon ſo offending in either of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Three Shillings.

No Cart, &c. to be drawn with narrow Wheels, under Penalty of 40s.

XLVIII. And be it further enacted, That no Cart, Waggon, or other Carriage, ſhall be drawn upon any of the ſaid new Pavements with any other Tire, or larger Number of Horſes or Beaſts, than at ſuch Time they may lawfully paſs upon any Turnpike Road, under the Penalty of Forty Shillings for every Offence, to be paid by the Owner or Driver of every ſuch Carriage.

Foot ways to be ſwept every Day, Sundays excepted.

XLIX. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Town and Pariſh, and (in reſpect to Houſes let to Inmates) every Houſe Owner ſhall Once in every Day, (*Sundays* excepted) between the Hours of Eight and Ten of the Clock in the Forenoon of each Day, ſcrape, ſweep, and cleanſe, the Foot-way all along the Front of their reſpective Houſes or Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof ſhall, for every ſuch Offence, forfeit and pay any Sum of Money not exceeding Five Shillings, nor leſs that One Shilling.

Leave to incloſe before Houſes for rebuilding and repairing.

L. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Surveyor or Clerk, by Writing under his or their Hand or Hands, to give Liberty and Licence to any of the Proprietors or Inhabitants within the ſaid Town and Pariſh, or their Builders or Workmen, to make ſuch Incloſure before their reſpective Houſes in order to their pulling down, rebuilding, or repairing, the ſame, or any Vault, Drain, or Building, belonging thereto, and for laying the neceſſary Materials for the ſame; and the Rubbiſh ariſing therefrom; and no Perſon or Perſons, acting under Licence and in purſuance thereof, ſhall, during the Time thereby to be limited, be ſubject or liable to any of the Penalties aforeſaid.

Commiſſioners may cauſe Houſes to be numbered.

LI. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe every Houſe, Shop, Warehouſe, or Building, in each of the ſaid Streets, Lanes, and publick Paſſages, to be marked or numbered in ſuch Manner as they ſhall think moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, pull down, injure, obliterate, or deface, any ſuch Deſcription or Number, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings.

Houſes, &c. to riſe perpendicularly when built or new fronted.

LII. And be it further enacted, That all Houſes and Buildings hereafter to be built or new-fronted in the ſaid Streets and Lanes, or either of them, ſhall, for the effectual and abſolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, riſe perpendicularly from the Foundation; and if any Perſon or Perſons ſhall, at any Time or Times hereafter, preſume to build or new-front, or cauſe the ſame to be done, or riſe otherwiſe than perpendicularly from the Foundation, it ſhall and may be lawful to and for the ſaid Commiſſioners, under their Hands and Seals, to cauſe the ſame to be

pulled down and removed by any Person, Workman, or Persons, as they shall think fit, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners, or their Order, by the Owner or Owners of such Houses or Buildings, Person or Persons, ordering or directing the same.

Penalty on obstructing the Execution of this Act.

LIII. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest, any Collector, Clerk, or Surveyor, or other Officer or Officers, Person or Persons whatsoever, who are or shall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every such Person and Persons so offending shall, for every such Offence, forfeit and pay the Sum of Three Pounds.

Commissioners may dig Gravel, &c.

LIV. And be it further enacted, That, for the more effectual carrying this Act into Execution, the said Commissioners, or any Surveyor or other Person to be employed by them, or any Person or Persons to be appointed or employed by such Surveyor or other Person, shall and may, and they are hereby impowered to dig for, take, and carry away, any Gravel, and other Materials fit and proper for the paving and covering the Pavements in the said Streets, Lanes, and publick Passages, or which they shall adjudge necessary or fitting to be used in and about the said Streets, Lanes, and publick Passages, or the Pavements thereof, or for any other Purpose whatsoever in the Execution of this Act, or any of the Powers and Authorities herein contained, in such and the same Manner, and in and from such and the same Places, as the Surveyors of the Highways are now impowered by Law to do.

Commissioners to widen Globe Lane, and pull down the Round-about House.

'LV. And whereas a certain House, called *The Round-about House*, is erected on the said High 'Street, in that Part thereof which lieth in the said Parish of *Saint Margaret*: And whereas a certain 'Lane, called *Globe Lane*, is very narrow, incommodious, and dangerous, and it would be greatly 'for the Benefit of the Publick, and of His Majesty's Dock-yard, Ordnance, and Barracks in par-'ticular, if several Houses in the said Lane were taken down, and the same laid open; and it would 'be also of publick Utility if the said House, called *The Round-about House*, was taken down;' be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorised and impowered, at any Time or Times hereafter, when they shall think fit to widen the said Streets and Lanes, or any Passage or Avenue leading into or through the same, to purchase or contract for the Purchase of any Messuage or Messuages, Lands, Grounds, or Tenements, and to pay for the same out of such Monies as they may hereafter be supplied with for that Purpose; and it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Manner of Person or Persons, and Parties any way interested in such Messuages, Lands, Grounds, or Tenements, so contracted for or agreed to be sold, whether Infants of full Age, or otherwise, to make Conveyances thereof; which Conveyances, when made, shall be valid and effectual to all Intents and Purposes whatsoever; and all such Persons so conveyed are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

Estates may be valued by a Jury.

LVI. And be it further enacted by the Authority aforesaid, That if any Person, Body Politick, Corporate, or Collegiate, shall be willing to sell any Estate for the Purposes of this Act, and shall nevertheless chuse to have the Value ascertained by a Jury, it shall and may be lawful to and for the Justices of the Peace for the said County, at a General or Quarter-sessions assembled, upon Application to them made by such Person, Body Politick, Corporate, or Collegiate, and they are hereby required to order and appoint the Jury, at such Sessions assembled, to view the Premises so to be purchased, and, by a Verdict, to determine the Value thereof; which Determination shall be final and conclusive to all Parties.

Penalties to be levied by Distress and Sale.

LVII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred, (for the Recovery and Application whereof no particular Method is already directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace acting in and for the Western Division of the said County of *Kent*, which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to issue upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward); and such Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be) when demanded, to the Person or Persons whose Goods or Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go and be applied for such of the Purposes of this Act as the said Commissioners shall think fit: And, in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, any Inhabitant within the said Town and Parish may and shall be admitted to give Evidence; the Rate or Assessment charged as aforesaid upon any such Inhabitant by virtue hereof notwithstanding.

Inhabitants may be Witnesses.

Commissioners may act as Justices.

LVIII. And be it further enacted, That every Commissioner who is or shall be in the Commission of the Peace for the said County of *Kent*, may act as a Justice of the Peace for putting this Act in Execution, notwithstanding his being a Commissioner.

Persons aggrieved may appeal to the Quarter-sessions.

LIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Three Months after the Cause of Appeal shall have arisen, appeal to the Justices of the Peace at any General Quarter-sessions of the Peace to be holden in and for the Western Division of the County of *Kent*, such Appellant or Appellants first giving, or causing to be given, Twenty Days Notice at least in Writing of his, her, or their, Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Commissioners,

missioners, and, within Ten Days after such Notice, enter into Recognizance before some Justices of the Peace acting within the Western Division of the said County or City, with sufficient Sureties, conditioned to try such Appeal, and abide the Order of the Court, and to pay such Costs as shall be awarded by the said Justices at such Quarter-sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter-sessions shall be binding, final, and conclusive, to all Intents and Purposes.

Distress not illegal for want of Form.

LX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Power to tender Amends.

LXI. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed any Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings or Orders, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

No Conviction to be quashed for want of Form, &c.

LXII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the Contrary notwithstanding.

Writing to be without Stamps.

LXIII. And be it further enacted, That no Nomination, Appointment, Information, Warrant, Order, Judgment, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, or only signed by any Commissioner or Commissioners constituted by this Act, or any Justice or Justices of the Peace, or exhibited before any of them, or under the Hand and Seal, or Hands and Seals, or only signed by any other Person or Persons whatsoever relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

LXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given in Writing to the Treasurer or Clerk to the said Commissioners, or within Six Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought, and every such Action shall be brought, laid, and tried, in the County of *Kent*, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in Pursuance and by Authority of this Act: And if the said Matter or Thing shall appear to be so done, or if it shall appear that such Action or Suit was brought before Twenty Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, Judgment shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their, Costs in any Case at Law.

General Issue.

Treble Costs.

Expences how to be paid.

LXV. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid out of the first Monies arising by this Act.

Publick Act.

LXVI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and shall be Judicially taken Notice of as such by all Judges, Justices, and all other Persons, without specially pleading the same.

CAP. XIX.

An Act to enable His Majesty to grant certain Houses in *Fenchurch-street* and *Addle-street*, in the City of *London*, escheated to the Crown by the Death of Lieutenant-general *John Brown*, without Heir, unto *Frederick Montagu*, Esquire, and his Heirs, upon the Trusts therein mentioned.

CAP.

CAP. XX.

An Act for the more effectual proceeding againſt Perſons ſtanding Mute on their Arraignment for Felony or Piracy.

Preamble.

'FOR the more effectual proceeding againſt Perſons ſtanding Mute on their Arraignment for Felony, or Piracy,' be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon, from and after the paſſing of this Act, being arraigned on any Indictment, or Appeal for Felony, or on any Indictment for Piracy, ſhall, upon ſuch Arraignment, ſtand Mute, or will not anſwer directly to the Felony, or Piracy, ſuch Perſon ſo ſtanding Mute, as aforeſaid, ſhall be convicted of the Felony or Piracy charged in ſuch Indictment or Appeal; and the Court before whom he ſhall be ſo arraigned ſhall thereupon Award Judgment and Execution againſt ſuch Perſon, in the ſame Manner as if ſuch Perſon had been convicted by Verdict or Confeſſion of the Felony, or Piracy, charged in ſuch Indictment or Appeal; and ſuch Judgment ſhall have all the ſame Conſequences in every Reſpect as if ſuch Perſon had been convicted by Verdict or Confeſſion of ſuch Felony or Piracy, and Judgment had been thereupon awarded.

Perſons hereafter to be arraigned for Felony, or Piracy, ſtanding mute, ſhall be convicted of ſuch Felony or Piracy.

II. And be it further enacted, That the Proviſions of this Act ſhall extend to His Majeſty's Colonies and Plantations in *America*.

Proviſions of this Act to extend to America.

CAP. XXI.

An Act for giving Relief in Proceedings upon Writs of *Mandamus* for the Admiſſion of Freemen into Corporations; and for other Purpoſes therein mentioned.

Preamble.

'WHEREAS divers Perſons, who have a Right to be admitted Citizens, Burgeſſes, or Freemen, of divers Cities, Towns Corporate, Boroughs, Cinque Ports, and Places, within that Part of *Great Britain* called *England* and *Wales*, being refuſed to be admitted thereto, have, in many Caſes, no other ordinary Remedy to procure themſelves to be admitted to the Franchiſes of being Citizens, Burgeſſes, or Freemen, than by Writs of *Mandamus*, the Proceedings on which are very dilatory and expenſive; and, although any ſuch Writ of *Mandamus* is obeyed, the Perſon applying is nevertheleſs put to great and unneceſſary Trouble, Delay, and Expence: And whereas by the Laws now in being, in many Caſes, no Proviſion is made for giving Coſts to the Party ſuing out any ſuch Writ where the the ſame is obeyed; for Remedy whereof,' be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-two, where any Perſon ſhall be intitled to be admitted a Citizen, Burgeſs, or Freeman, of any ſuch City, Town Corporate, Borough, Cinque Port, or Place, and ſhall apply to the Mayor, or other Perſon, Officer or Officers, in ſuch City, Town Corporate, Borough Cinque Port, or Place, who hath or have Authority to admit Citizens, Burgeſſes, and Freemen therein, to be admitted a Citizen, Burgeſs, or Freeman thereof; and ſhall give Notice, ſpecifying the Nature of his Claim, to ſuch Mayor, or other Officer or Officers, that if he or they ſhall not ſo admit ſuch Perſon a Citizen, Burgeſs, or Freeman, with One Month from the Time of ſuch Notice, the Court of *King's Bench* will be applied to for a Writ of *Mandamus*, to compel ſuch Admiſſion; and if ſuch Mayor, or other Officer or Officers, ſhall, after ſuch Notice, refuſe or neglect to admit ſuch Perſon, and a Writ of *Mandamus* ſhall afterwards iſſue to compel ſuch Mayor, or other Officer or Officers, to make ſuch Admiſſion, and, in Obedience to ſuch Writ, ſuch Perſons ſhall be admitted by the ſaid Mayor, or other Officer or Officers, a Citizen, Burgeſs, or Freeman of ſuch City, Town Corporate, Borough, Cinque Port, or Place, then ſuch Perſon ſhall (unleſs the Court ſhall ſee juſt Cauſe to the Contrary) obtain and receive from the ſaid Mayor, or other Officer or Officers, ſo neglecting or refuſing as aforeſaid, all the Coſts to which he ſhall have been put in applying for obtaining and ſerving ſuch Writ of *Mandamus*, and enforcing the ſame, by a Rule to be made by the Court out of which ſuch Writ ſhall iſſue, for the Payment thereof, together with the Coſts of applying for, obtaining, ſerving, and enforcing the ſaid Rule; and if the Rule ſo to be made ſhall not be obeyed, then the ſame ſhall be enforced in ſuch Manner as other Rules made by the ſaid Court are or may be enforced by Law.

After Auguſt 1, 1772, any Perſon intitled to be admitted a Citizen, &c. of any City, and applying to the Mayor, &c. for that Purpoſe, giving him Notice, ſpecifying the Nature of his Claim, &c. if ſuch Mayor, &c. ſhall refuſe to admit ſuch Perſon, and a Mandamus ſhall iſſue, for compelling his Admiſſion, the Mayor to pay all Coſts.

'II. And, in order that it may be known what Perſons are, from Time to Time, admitted Freemen or Burgeſſes of any City, Corporation, Borough, or Cinque Port,' be it further enacted by the Authority aforeſaid, That the Mayor, Bailiff, Town Clerk, or other Officer of any City, Corporation, Borough, or Cinque Port, having the Cuſtody of, or Power over, the Records of the ſame, ſhall, upon the Demand of any Two Freemen or Burgeſſes, permit ſuch Freemen or Burgeſſes, and their Agent or Agents, at any Time whatſoever, between the Hours of Nine in the Morning and Three in the Afternoon, to inſpect the Entries of Admiſſion of Freemen, Burgeſſes, or other inferior Corporation, and to take Copies or Extracts therefrom, paying for every ſuch Inſpection Two Shillings and Sixpence; and for every ſuch Copy or Extract, not exceeding Seventy-two Words, the Sum of Four-pence; and ſo in proportion for all ſuch Copies or Extracts: And if any Mayor,

Freemen to be admitted to inſpect the Entries of Admiſſion, &c. and to take Copies thereof.

Mayor, Bailiff, &c. denying Inſpection of ſuch Entries, or to give Copies thereof, ſhall, for every Refuſal, forfeit 100 l. to be recovered by Action of Debt, to be commenced within One Year after the Cauſe ſhall have ariſen.

Bailiff, Town Clerk, or other Officer, ſhall refuſe or deny the Inſpection of any ſuch Entries, or to give Copies or Extracts thereof, as before directed; he or they ſhall, for every ſuch Denial or Refuſal, forfeit and pay the Sum of One hundred Pounds to any Perſon who ſhall ſue for the ſame; to be recovered, with Full Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*; in which Action, it ſhall be ſufficient for the Plaintiff to alledge in his Declaration, that the Defendant or the Defendants is or are indebted to the ſaid Plaintiff in the Sum of One hundred Pounds for Money had and received to his uſe; provided that ſuch Action ſhall be commenced within the Space of One Year after the Cauſe of it ſhall have ariſen, and not afterwards.

CAP. XXII.

An Act for deepening, cleaning, ſcouring, preſerving, and maintaining, the Harbour of *Ayr*; for enlarging and improving the Quays and Piers; for erecting Docks, Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels, trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned.

Preamble.

'WHEREAS the Harbour of *Ayr*, in the County of *Ayr*, is not, in its preſent State, capable of receiving Ships or Veſſels of any conſiderable Burthen: And whereas the Trade of the Town of *Ayr*, and of *Newtown upon Ayr*, hath of late Years conſiderably increaſed; and the Ships and Veſſels employed in that Trade are more numerous, and of larger Dimenſions, than heretofore: And whereas it would be of great Benefit to the ſaid Trade, that the Harbour of *Ayr* was cleanſed, ſcoured, deepened, and otherwiſe improved; and that Rules and Regulations were eſtabliſhed for Ships and Veſſels coming into or going out of the ſaid Harbour; but as theſe ſalutary Purpoſes cannot be obtained without the Aid of Parliament, may it pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Provoſt, Two Bailies, and Dean of Guild, of the Borough of *Ayr*; the firſt Bailie of the Burgh of Barony of *Newtown upon Ayr*; the Sheriff Depute of the County of *Ayr*, and the Convener of the Trades of *Ayr*, and their Succeſſors in Office, and the Eight other Perſons after mentioned to be choſen by Ballot annually, (as herein after provided for) to deepen, clean, ſcour, and preſerve, the ſaid Harbour of *Ayr*, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Dirt, Mud, and other Obſtructions whatſoever; and alſo to raiſe, repair, and make ſufficient, or cauſe to be raiſed, repaired, and made ſufficient, the Dykes, Piers, Quays, and other Works, at preſent belonging to the ſaid Harbour of *Ayr*; and to alter and extend the ſame, or any Part thereof, as the ſaid Truſtees, or any Five or more of them, ſhall judge to be neceſſary for the more effectual Improvement of the ſaid Harbour, and for ſcouring and cleanſing the Bed and Channel of the River of *Ayr*, from the ſaid Harbour to the Bay of *Ayr*; and likewiſe to build, erect, or cauſe to be built or erected, in the ſaid Harbour, Piers, Quays, Jettees, Breaſts, Dock or Docks, Lock or Locks, and other neceſſary Works, for the Improvement of the ſaid Harbour; and to fix and maintain ſuch Buoys, Moorings, Lamps, Light-houſes, and other Land-marks, as ſhall be judged neceſſary by the ſaid Truſtees, or any Five or more of them; and to do, or cauſe to be done, ſuch other and further Works as ſhall be proper and neceſſary for the Safety and Reception of Ships and Veſſels reſorting to the ſaid Harbour, and for the more convenient lading and unlading of ſuch Ships and Veſſels.

Provoſt, Bailies, &c. impowered to deepen, clean, &c. the Harbour of Ayr;

who are annually to be appointed Truſtees.

II. And be it enacted by the Authority aforeſaid, That the ſaid Provoſt, Two Bailies, and Dean of Guild, of the Borough of *Ayr*; the firſt Bailie of the Borough of Barony of *Newton upon Ayr*; the Sheriff Depute of the County of *Ayr*, and the Convener of the Trades of *Ayr*, and their Succeſſors in Office, and the Eight Perſons before and after mentioned, (to be choſen annually by Ballot, as herein after provided for) ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, and for the better effecting the Ends and Purpoſes of the ſame.

What Harbour Duties are to paid.

III. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *June*, in the Year of Lord One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and ſuch Perſon or Perſons as they ſhall appoint, to demand, collect, receive, and take, (over and above all Duties at preſent ſubſiſting, and which are levied by the Magiſtrates and Town Council of the Burgh of *Ayr*, on Ships, Veſſels, Barks, Lighters, and Boats, coming in or going out of the ſaid Harbour of *Ayr*) of and from all and every the Maſters and Owners of any Ships, Veſſels, Barks, and Lighters, importing into or exporting from the Harbour of *Ayr*, any Kind of Goods or Merchandiſe, the Sum of Sixpence Sterling for each and every Ton which ſuch Ships, Veſſels, Barks, and Lighters, ſhall meaſure; and of and from the Maſters and Owners of Veſſels, above the Burthen of Seventy Tons, carrying out Coals, Three-pence Sterling for each Ton the ſame ſhall meaſure; and for all Veſſels, of the Burthen of Seventy Tons or under, carrying Coals outward-bound, Two-pence Sterling for each Ton; and of and from the Maſters or Owners of all Ships, Barks, and Lighters, arriving in the Harbour of *Ayr*, or put into the ſame by Streſs of Weather, or otherwiſe, when neither the Ship is ſold, nor any Part of the Cargo is landed, Three-pence Sterling for each and every Ton.

IV.

IV. Provided always, That all Ships and other Veſſels, under the Burthen of Seventy Tons, coming into the ſaid Harbour with Limeſtone, or any other Manure for the Improvement of Land, and going out in Ballaſt only, and all Veſſels or Boats of Seven Tons or under, coming into the ſaid Harbour with Fiſh, ſhall be, and are hereby declared to be, exempted from the Rates and Duties by this Act impoſed; and that all Ships and other Veſſels, for which the Rates and Duties by this Act impoſed ſhall be paid on coming into the ſaid Harbour, ſhall be permitted to depart from the ſame, without paying the ſaid Rates and Duties a Second Time. Exemptions from Duties.

V. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, trading to and from the ſaid Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall, from Time to Time, appoint for that Purpoſe; and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence, reſpectively forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling. Ships and Veſſels to be meaſured; and if the Owner refuſe, to forfeit 5 l.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them for carrying the ſame into Execution; and, from Time to Time, to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead; and to ſettle ſuch reaſonable Fees or Salaries for them as to the ſaid Truſtees ſhall appear to be juſt and proper: And that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, at all Times when they ſhall demand Inſpection of the ſame) and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed; and that the Collector or Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees, for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts ſo often as required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe, to the beſt Bidder or Bidders, at publick Roup or Sale for that Purpoſe appointed, and advertiſed in all the *Edinburgh* and *Glaſgow* News-papers Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale, the Rates and Duties aforeſaid, for any Term or Space not exceeding Three Years. Truſtees to appoint Collectors, Receivers, and other Officers, and to ſettle their Fees, &c. Collectors, &c. to keep Books.

VII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, annually, at their General Meeting, which will be held on the Firſt *Wedneſday* of *June* in every Year, to make up, and prepare a general State and Account of all the Receipts and Payments for the Year immediately preceding, and an Account of all the Debts and Sums of Money which they owe at the Time, and on or before the Twenty-fourth Day of the ſame Month, to affix, or cauſe to be affixed, ſuch State and Accounts, (ſigned by the Preſes of the aforeſaid General Meeting) on One of the moſt publick and acceſſible Places within the Cuſtom-houſe of *Ayr*, for the Inſpection of all Perſons having an Intereſt in the ſame. General Accounts of Receipts and Payments to be ſtated.

'VIII. And to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid,' be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-two, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms at *Ayr*, by the Maſter or Owners of every Ship, Veſſel, Bark, or Lighter, coming into, or ſailing out of, the ſaid Harbour of *Ayr*, or liable in the Rates and Duties by this Act granted, a Receipt, or other ſufficient Voucher of the Payment of the ſaid Rates and Duties; and that, until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or *Britiſh*, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Twenty Pounds Sterling. Evading the Payment of the Duties, how to be prevented.

IX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and to ſuch Perſon and Perſons as ſhall be for that Purpoſe authoriſed by them, to go on board any Ship, Bark, Lighter, or Veſſel, and to take the Dimenſions thereof; and to demand, collect, and receive from any Owner, Maſter, or other Perſon having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed, and made due and payable; and in caſe of Delay or Refuſal of Payment, to ſeize, take, and detain, preferable to, and notwithſtanding of, an Attachment, Arreſtment, or other Right whatſoever claimable by or due to any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to detain and keep until the ſaid Duty and Duties be ſatisfied and paid; and that in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, or detaining, as aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons; and afterwards to ſell and diſpoſe of the Goods and other Effects ſo taken and appraiſed, and therewith to ſatisfy the Duty and Duties ſo neglected or delayed to be paid, together with the Charge of ſuch ſeizing, taking, detaining, and ſelling (as the ſame ſhall be aſcertained by the Sellers upon Oath) rendering to the Harbour Duties to be levied in caſe of Refuſal to pay them.

Maſter or Owners of ſuch Ship, Bark, Lighter, or other Veſſel, or Owners of ſuch Goods, the Overplus, (if any be) on Demand.

Maſters, &c. of Ships evading the Payment of Duties, to forfeit 5l.

X. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon, taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee, of any Ship, Bark, or other Veſſel, ſhall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatſoever, every ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall notwithſtanding ſtand charged with, and be liable to, the Payment of the ſaid Rates and Duties.

Truſtees may borrow Money.

XI. And be it likewiſe enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding at any One Time the Sum of Fifteen thouſand Pounds Sterling, and to grant, aſſign, and ſet over, the ſeveral Rates, Duties, and Tonnage, given and granted by this Act, to any Perſon or Perſons whatſoever who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt, reſpectively; and that the Money, ſo to be borrowed and advanced, ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Rates and Duties after paying Expences of the Act, to be applied in improving the Harbour.

XII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall by the ſaid Truſtees (after paying the Expence of this Act) be applied for and towards the deepening, clearing, ſcouring, enlarging, and improving, maintaining, and cleaning, the Harbour of *Ayr* from all Dirt and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean; and for and towards making, erecting, building, and finiſhing ſuch Docks, Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided by this Act; and for executing and performing all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame, and towards the Payment and Diſcharge of ſuch Sum and Sums of Money as ſhall be borrowed by the ſaid Truſtees upon the Credit of the ſaid Rates and Duties, in Manner as herein-before mentioned, and to no other Uſe or Purpoſe whatſoever.

Obſtructions in the Harbour to be removed.

'XIII. And whereas it will tend greatly to the Improvement of the ſaid Harbour, and to the Accommodation of the Publick, that the ſaid Truſtees had Power and Authority to nominate and appoint a Water Bailiff and Shore Maſter, for taking Care of, and ſuperintending the ſaid Harbour, and the Docks, Piers, Quays, and other Works, already made and to be made by virtue this Act, within the ſame; and that the ſaid Truſtees, and the Water Bailiff and Shore Maſter, and Officers appointed by them the ſaid Truſtees, had Power and Authority to remove, after reaſonable Notice to the Perſon or Perſons immediately intereſted, all unneceſſary Obſtructions within the ſaid Harbour and Docks, and upon the Piers and Quays belonging to the ſame; and to order and regulate, with reſpect to the Stations and Places of Mooring of the Ships and other Veſſels within the ſaid Harbour and Docks, and with reſpect to the Time of Continuance upon the ſaid Docks, Piers, Quays, and others aforeſaid, of Goods and Merchandiſe, or others whatſoever; and to make ſuch other Bye-laws, Orders, and Regulations, for the better Government and Management of the ſaid Harbour, as to them the ſaid Truſtees ſhall ſeem meet and expedient;' be it therefore further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, in General Meetings aſſembled, ſhall have Power, and they are hereby impowered and authoriſed, from Time to Time, and at all Times, as they ſhall ſee Occaſion, to elect, nominate, and appoint a Bailiff and Shore Maſter for the Care and ſuperintending of the ſaid Harbour, and the Docks, Piers, Quays, and other Works within the ſame; and to change and remove ſuch Bailiff and Shore Maſter, and to appoint others in his or their Stead, under ſuch Orders, Conditions, and Regulations, as to the ſaid Truſtees, or any Five or more of them, at General Meetings aſſembled as aforeſaid, ſhall ſeem proper and neceſſary.

Ships unſerviceable not to lie in the Docks, Piers, &c.

XIV. And be it alſo enacted by the Authority aforeſaid, That any Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by as unfit for further Sea Service, or neglected by the Owner, ſhall not be permitted to be and remain in any of the Docks, Piers, and Quays, erected within the ſaid Harbour, ſo as to incumber the ſame; but that in every ſuch Caſe, it ſhall and may be lawful to and for the Water Bailiff or Shore Maſter, nominated by the ſaid Truſtees for the ſaid Harbour, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Docks, Quays, and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the ſaid River of *Ayr*, or upon the Strand or Sea Shore within the High Water Mark, or any other Place of Safety without the ſaid Harbour, and there to moor ſuch Ship or other Veſſel; and that, on or before Demand of Payment is made by ſuch Water Bailiff or Shore Maſter from the Owner or Owners, Maſter or Agents of ſuch Ship, Bark, or other Veſſel of the Charge of removing and mooring ſuch Ship, Bark, or other Veſſel, as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by the Provoſt, or One of the Bailies of the ſaid Borough of *Ayr*, for the Time being: And that in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid, for the Space of Five Days after a Demand ſhall be made; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Water Bailiff or Shore Maſter to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any there be, (after deducting the Charge of taking, keeping, and

Sale of such Distress) to the Owner or Owners, Master, Factor, or Agent, of such Ship, Bark, Lighter, Boat, or Vessel, whenever the same shall be demanded.

Goods, &c. remaining on the Wharfs above a certain Time,

XV. And be it also enacted by the Authority aforesaid, That it shall not be lawful to, and in the Power of, any Person or Persons who shall have landed, and caused to be landed, and laid any Goods or Merchandise, Timber, Wood of any Kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Cask Guns, Ballast, Paving-stones, Lime-stones, Slates, Soapers Waste, Dung, or Manure, or any other Thing, (other than Materials for the necessary Repair of the Docks, Piers, and Quays before mentioned, and for immediate Use in Shipping) upon any of the Docks, Piers, and Quays, or Landing-places, within the said Harbour, or in any of the adjacent Streets and Avenues leading to the said Docks, Quays, and Piers, or any of them, to continue or permit the same, or any Part thereof, to remain and lie thereon for any longer Time than Forty-eight Hours; and that in all Cases where the said Goods, or others aforesaid, shall have so continued beyond the Space of Forty-eight Hours, it shall and may be lawful to and for the said Water Bailiff or Shore Master for the Time being, to remove, or cause to be removed, all such Goods and other Things as he shall so find lying, continuing, and being on the said Docks, Quays, and Piers, and other Places, above the said limited Time, to some Place or Places of Safety, and therein to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration besides, to the said Officers for their Trouble in and about the same, as the Provost, or One of the Bailies of the said Borough of *Ayr*, shall think reasonable; and if such Charges and Expences shall not be paid within the Space of Five Days after Demand made thereof by the said Water Bailiff or Shore Master; then, and in every such Case, he and they respectively are hereby authorised and required to levy the same by Distress and Sale of the said Goods and Cattels so respectively secured, and to render the Overplus, if any be, to the Owner or Owners of such Goods, Merchandise, and others aforesaid, (the Charges of taking, keeping, and making the Sale, being deducted and allowed) whenever the same shall be demanded.

Officers to remove them at the Expence of the Owners.

Trustees may hire Warehouses.

XVI. And be it further enacted by the Authority aforesaid, That the said Trustees shall and may, and they are hereby authorised and impowered, out of any of the Rates and Duties aforesaid, to rent or hire, by the Year or otherways, any convenient Warehouse, Yard, or other Place, for the receiving and safe-keeping or lodging of such Goods, and other Things so to be removed from off the Quays and other Places as aforesaid, or to inclose, erect, or build, any such Yard, Warehouse, or other Buildings, on their own Ground, or on Ground to be purchased by them, as to them shall seem most meet and fitting.

Gunpowder, and other combustible Matter, not to remain on Quays or Piers above a certain Time,

XVII. And be it further enacted by the Authority aforesaid, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy, or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other such combustible Things, shall be suffered to be and remain on the Docks, Quays, and Piers aforesaid, already constructed, or hereafter to be constructed, within the said Harbour of *Ayr*, or in any Part thereof, or upon the Deck of any Ship or Vessel in the said Docks, Piers, and Quays, lying in the Harbour aforesaid, for above the Space of Twenty-four Hours next after passing the Custom-house Officers; and that in case such Goods and Things cannot be conveniently removed or got off from such Docks, Quays, Place or Places, by Day-light, that then and in every such Case, the Owners of such Goods and Things shall be obliged, and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful, discreet, and sober Persons, to guard and watch over the same, for such and so many Hours, according to the Season of the Year, as the said Water Bailiff, or Shore Master, shall signify and appoint: And in case the Owner or Owners of such Goods and other Things, or the Master or Masters of Ships, Barks, or other Vessels, shall make Default herein, every such Owner or Owners, Master, or Mate, shall forfeit and pay, for every such Offence, the Sum of Ten Pounds Sterling.

unless proper Persons be appointed to guard them, or forfeit 10*l*.

Ships, &c. may be removed from one Birth to another.

XVIII. And be it also enacted by the Authority aforesaid, That the said Trustees, or the said Water Bailiff, or Shore Master of *Ayr* for the Time being, or such other Person or Persons as they shall authorise and appoint, shall and may, and he and they are hereby authorised and impowered, when and so often as he or they shall judge necessary, to remove, or cause to be removed, any Ship, Vessel, Bark, Lighter, or Boat, lying in any of the Entrances or Passages of the said Harbour of *Ayr*, or at any Dock, Quay, Pier, and Breast, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the said Harbour, from the Birth or Lying-place at which they shall respectively happen to be stationed or moored at the Time, to any other Birth, or Lying-place, as he or they shall think proper: And in case the Master, Mate, or any other Person, having and taking the Command and Charge of the said Ship, Vessel, Bark, Lighter, or Boat, shall, after Notice given him in Writing or left in Writing, on Board the Shipor Vessel intended to be moved, Twelve Hours before the Time of Removal, by the said Trustees, or by the said Water Bailiff or Shore Master, or such other Person or Persons as the said Trustees shall appoint, neglect, or refuse to move, or cause to be removed, during the first High Water or Tide after such Notice, such Ship, Vessel, Bark, Lighter, or Boat, from her said Birth to such other Birth or Mooring-places as are or shall be appointed unto them by the said Trustees, Water Bailiff, or Shore Master, or any other Person authorised by the said Trustees, that then the said Trustees, or the Water Bailiff or Shore Master, or any other Person or Persons they shall order or appoint, shall have Power, and are hereby directed and impowered, immediately after such Notice, Neglect, or Refusal, to remove, or cause to be removed, such Ship, Vessel, Bark, Lighter, or Boat, laying as aforesaid, from their present Birth and Mooring-place, to such other Births, or Mooring-place, as the said Trustees, or Water Bailiff, or Shore Master, or other Person or Persons aforesaid, shall judge proper; and that the Masters, Commanders, Owners, and Consignees, of such Ship, Vessel, Bark, Lighter, and Boat, so to be removed as aforesaid, shall respectively pay to the said Trustees, all such Costs and Charges as shall be reasonably

Masters, &c. refusing to remove Ships, &c. after proper Notice, to forfeit 20*l*.

reasonably expended in removing such Ship, Vessel, Bark, Lighter, or Boat; to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties imposed by this Act are herein-after ordered to be recovered, levied, and applied: And that every Master, Commander, Mate, or other Person, taking upon himself the Command of any Ship, Vessel, Bark, Lighter, or Boat, or the Owner, Factor, Consignee, or Agent, or other Person or Persons whatsoever, who shall obstruct or hinder the Removal of any such Ship, Vessel, Bark, Lighter, or Boat, shall, for every such Offence, forfeit the Sum of Twenty Pounds Sterling.

Vessels coming into the Harbour in Distress, to have the Preference as to the Birth and Discharge;

XIX. And be it further enacted by the Authority aforesaid, That in case any Ship or Vessel shall arrive or come into the said Harbour of *Ayr* in Distress, or meet with any Misfortune in the Bay of *Ayr*, or in the Harbour aforesaid, it shall and may be lawful to and for the Provost, or any One of the Bailies of the said Burgh of *Ayr*, upon a Petition to him in Writing, by the Master, Commander, or Owner of any such Ship or Vessel, or Owner of any Goods on board of such Ship or Vessel and upon Proof being made before him of such Distress, to give a Preference to such Ship or Vessel, being in Distress as aforesaid, both as to the Births at the Docks, Piers, and Quays, and as to the Course of discharging, to any other Ship or Vessel arrived before her in the Harbour aforesaid; and that every Master or Commander of any Ship or Vessel, lying within the Harbour of *Ayr*, who shall refuse or delay to comply with the Order of the said Provost, or Bailie, in favour of the Ship or Vessel in Distress as aforesaid, shall forfeit the Sum of Twenty Pounds Sterling; to be levied and applied in the Manner hereafter directed.

or the Master for refusing to forfeit 20 l.

Masters of Vessels to lower the Sails before they enter the Docks, or forfeit 5 l.

XX. And be it further enacted by the Authority aforesaid, That the Captain, Master, or Commander of every Ship, Sloop, or other Vessel, that shall go in at, or through the Gates of the said Docks, shall, before such Ship, Sloop, or other Vessel shall enter the same, lower or take down her Sails, so that such Ship, Sloop, or other Vessel, shall not go in sailing or under Sail; and that every Captain, Master, or Pilot, taking the Care or Command of every such Ship, Sloop, or other Vessel, neglecting to lower or take down the same as aforesaid, shall, for every such Offence, forfeit to the Trustees, the Sum of Five Pounds Sterling.

Ballast, &c. not to be thrown into the Harbour, or forfeit 40 s.

XXI. And be it enacted by the Authority aforesaid, That from and after the said First Day of *June*, One thousand seven hundred and seventy-two, it shall not be lawful to any Person or Persons, to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things into the said Harbour, or to dig and take away any Ballast, Shingle, Stones, or other Things from within the same, to the Hurt or Prejudice of the said Harbour, or of the Works erected, or to be erected, for the Security and Accommodation of the same, or to do any other Act or Deed to prejudice or annoy the same, or any Part thereof, under the Penalty of Forty Shillings Sterling for every such Offence.

Ballast thrown on the Quays to be removed immediately, or forfeit 40 s.

XXII. And be it further enacted by the Authority aforesaid, That such Person or Persons who shall or may hereafter have Occasion to throw or cast out any Ballast from out of any Ship or other Vessel, upon any Dock, Quay, Pier, or Breast, or other Place in or about the said Docks, Quays, Piers, or Breasts, or other Works made, or to be made, as before mentioned, belonging to the said Harbour, shall not suffer the same to be and remain on the said Docks, Quays, Piers, Breasts, or other Places, but shall immediately after, cart and carry away, or cause the same to be carted and carried away, to such Place or Places, as the Water Bailiff or Shore Master aforesaid shall for such Purposes provide and appoint, on Pain of forfeiting, for every such Offence, Forty Shillings Sterling.

Masters of Vessels made answerable for Damages done by their Crews.

XXIII. And be it enacted by the Authority aforesaid, That the Master or Owner of any Ship, Bark, Lighter, Boat, or other Vessel, lying or trading in the Harbour of *Ayr*, shall be, and is hereby made answerable to the said Trustees, for the Amount or Value of any Damage or Mischief that shall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on board the same, to any of the Docks, Piers, Quays, Breasts, or other Works, already constructed, or that shall be constructed, by virtue of this Act, with full Costs of Suit; and that such Damages and Costs shall be sued for and recovered in Manner herein after directed.

Water Bailiff and Shore Master to inspect State of the Harbour.

XXIV. And be it enacted by the Authority aforesaid, That the Water Bailiff or Shore Master, nominated and appointed by the said Trustees for the said Harbour of *Ayr*, shall be, and he or they is and are hereby authorised and required, from Time to Time, and at all Times after the passing of this Act, carefully to inspect into the State of the said Docks, Piers, Quays, Breasts, and other Places within the said Harbour, and to prevent, as far as his or their Power shall extend, any Offences made punishable by this Act from being committed; and that in case of any wilful Neglect or Default therein, the said Water Bailiff or Shore Master respectively, shall forfeit and pay Twenty Shillings Sterling for each and every such Offence.

Fines and Forfeitures above 5 l. how to be recovered and applied.

XXV. And be it enacted by the Authority aforesaid, That it shall and may be lawful to the said Trustees, or any Collector to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to prosecute and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit, by this present Act imposed, in all such Cases where the Sum to be recovered shall amount to Five Pounds Sterling or upwards, by Action, Bill, Complaint, or Information, within Six Months after such Offence is committed, before Two or more Justices of the Peace of the County of *Ayr*, or any other Judge competent for civil Actions within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the said Justices of the Peace, or other Magistrate aforesaid, shall, and they are hereby impowered and required to proceed to the Trial of such Offences in a summary Way; and upon Conviction of the Offender or Offenders by their own Confession, or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgments, and Decrees, as to them shall seem most agreeable to the true Intent and Meaning of this Act; and that in

Default

Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit herein before enacted, which ſhall be awarded and ordered by the ſaid Magiſtrates, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed ſhall and may be ſent by them to the Priſon or Houſe of Correction neareſt to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept to hard Labour for ſuch Time not exceeding Six Months, as ſuch Magiſtrate or Magiſtrates ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors, as aforeſaid, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Other Fines, &c. how to be recovered.

XXVI. And be it further enacted by the Authority aforeſaid, That every other Penalty, Fine, and Forfeiture impoſed, and which ſhall be incurred by Virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, ſhall and may be ſued for, and recovered by the ſaid Truſtees, or any Collector appointed by them, before the Provoſt, or One of the Bailies, of the Borough of *Ayr*, or any One Juſtice of Peace within whoſe Juriſdiction the Offender or Offenders before mentioned ſhall be apprehended or reſide for the Time, by Action, Bill, Complaint, or Information, made in that Behalf, within Six Months after ſuch Offence ſhall have been committed; and that the ſaid Provoſt, Bailie, or Juſtice of Peace aforeſaid, ſhall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of ſuch Offences ſummarily; and upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give ſuch Orders, Judgments, and Decrees, as to him or them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and in Default of Payment of the ſeveral Fines, Forfeitures, and others laſt-mentioned, ſo to be awarded by the ſaid Provoſt, Bailie, or Juſtice of the Peace, the Perſon which ſhall be convicted as aforeſaid ſhall and may be ſent by the ſaid Provoſt, Bailie, or Juſtice of the Peace, to the neareſt Priſon or Houſe of Correction, for ſuch Time as the ſaid Judges ſhall direct, not exceeding Three Months; and that the ſaid pecuniary Penalties, not exceeding Five Pounds Sterling, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied, One Half thereof to the Uſe of the Informer, and the other Half to the repairing and maintaining of the ſaid Harbour of *Ayr*.

Penalties may be mitigated.

XXVII. Provided always, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, Provoſt, Bailie, and other Judges aforeſaid, or any of them, by whom ſuch Judgment, Sentence, or Determination, ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen, any of the Penalties or Forfeitures aforeſaid, as he or they, in his or their Diſcretion, ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively, for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

Truſtees impowered to open Stone Quaries, and dig for Sand, &c. in Waſte Grounds;

XXVIII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away, from ſuch Quarries and Pits, any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Waſte or Common Grounds lying within Two Miles of the ſaid Harbour of *Ayr*, for carrying on, executing, and repairing, the ſeveral Docks, Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour, or authoriſed to be built, by virtue of this Act, without paying any Thing for ſuch Waſte and Common Ground, opened and uſed as aforeſaid, the ſaid Truſtees being obliged, at their own Expence and Charge, to fill up and level all ſuch Holes and Pits which ſhall be made in ſuch Common or Waſte Ground, by quarrying, digging, and carrying away Stone, Sand, Gravel, Clay, and other Materials aforeſaid, as ſoon as they ſhall have no further or immediate Uſe for the ſame: And that in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials, from the Waſte or Common Ground, and that ſufficient Materials for the Purpoſes aforeſaid cannot eaſily be got from the ſame, that then it ſhall and may be lawful to and in the Option of the ſaid Truſtees, their Deputies, Agents, Officers, or Servants, to open Quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons, within Two Miles of the ſaid Harbour of *Ayr*, (not being Ground on which ſtands any Houſes, Garden, Orchard, Planted Walk or Walks, or Avenue to a Houſe) where ſuch Materials are or may be found, and, from Time to Time, to cauſe the ſame to be carried off, or ſo much thereof as the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair, the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Surface of the ſaid Grounds, and for the Value of the ſaid Stones, Sand, Gravel, Clay, and other Materials, which ſhall be ſo carried out of the ſaid Grounds, to the Proprietors, Life-renters, Tackſmen, and other Parties intereſted in ſuch Grounds to which ſuch Damage ſhall be done or occaſioned, or Materials taken away in Manner aforeſaid.

and, for want of ſufficient Materials in Commons, private Grounds may be uſed,

making Satisfaction to Owners.

Roads may be made to the Harbour through common or private, Grounds, &c.

XXIX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain, Roads from the ſaid Waſte and Common Ground, or other Grounds aforeſaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, from the ſaid Pits and Quarries ſo to be opened as aforeſaid, directly to the Harbour of *Ayr*, and to make the ſame through any Grounds belonging to any Perſon or Perſons whatſoever, (not being the Grounds on which ſtands any Houſe, or any Garden, Orchard, Walk or Walks planted, or Avenue to any houſe) the ſaid Truſtees making

reaſonable Satisfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs, to the Proprietor, Life-renter, Tackſman, and other Parties concerned and intereſted in ſuch Grounds to which Damage ſhall be done or occaſioned as aforeſaid.

Perſons wilfully deſtroying any of the Works to be adjudged guilty of Felony, and may be tranſported.

XXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on Fire, any of the Docks, Locks, Jettees, Piers, Quays, Breaſts, Gates, Bridges, Landmarks, or Buoys, or any Lights or Light-houſes, or other Works, conſtructed or to be conſtructed, in or belonging to the ſaid Harbour of *Ayr*, or ſhall maliciouſly, wilfully, or wantonly, extinguiſh or put out any of the Fires or Lights uſed in the ſaid Light-houſes, and others aforeſaid; every ſuch Perſon or Perſons ſo offending ſhall be adjudged guilty of Felony, and the Court and Courts by and before whom ſuch Perſon or Perſons ſhall be indicted and tried, ſhall and have hereby Power and Authority to tranſport ſuch Felon or Felons, for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Truſtees, at a General Meeting, may make Bye-laws, &c.

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, at any Time or Times hereafter, in General Meetings aſſembled, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better deepening, clearing, cleanſing, and keeping in Repair the ſaid Harbour of *Ayr*, and for the better regulating, governing, and managing, the Docks, Piers, Quays, Jettees, and every other the Works erected, and to be erected, made or ſet up, in the Harbour aforeſaid, and for the better executing the other Purpoſes of this Act; and alſo, from Time to Time, as Occaſion may require; to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem moſt fitting and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance, or other Breach, of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according to the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied; and the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up at the moſt conſpicuous Place of the Cuſtom-houſe of *Ayr*, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Perſons lending Money for the Purpoſes of the Act, intitled to a Share in the Management, &c.

'XXXII. And whereas it is reaſonable that the Perſon or Bodies Politick or Corporate, from whom 'Money ſhall be borrowed for the Purpoſes of carrying this preſent Act into Execution, ſhould have 'a Share in the Execution of the ſame, and in the Management and Superintendence of the ſaid Har'bour of *Ayr*, and of the Docks, Piers, Quays, or other Works already conſtructed, or to be conſtruc'ted, within the ſame, ſo lo long as the ſaid Perſons, Bodies Politick or Corporate, ſhall continue Cre'ditors upon the Rates and Duties by this Act granted;' be it further enacted by the Authority aforeſaid, That, upon the Firſt *Wedneſday* of *June*, in the Year One thouſand ſeven hundred and ſeventy-two, and upon the Firſt *Wedneſday* of *June* in every following Year, there ſhall be held, within the ordinary Court-houſe of the Burgh of *Ayr*, an annual Meeting of all ſuch Perſons and Bodies Politick and Corporate who ſhall have contributed and lent, or ſhall have entered into Engagements to contribute and lend any Sum or Sums of Money (not under One hundred Pounds Sterling lawful Money of *Great Britain* for every ſuch Perſon or Body Politick or Corporate reſpectively, for carrying the Purpoſes of this preſent Act into Execution, upon the Credit and Security of the Rates and Duties by the ſame Act granted;) and that the Perſons, at ſuch annual Meetings aſſembled, (poſſeſſed reſpectively at the Time of the Qualification aforeſaid) ſhall then and there have Power, and are hereby impowered, authoriſed, and required, to elect and chuſe, out of their own Number, Eight Perſons to be Truſtees for carrying the Purpoſes of this preſent Act into Execution, jointly and equally with the Provoſt, Two Bailies, and Dean of Guild, of the Borough of *Ayr*, the Firſt Bailie of the Borough of Barony of *Newtown upon Ayr*, the Sheriff-depute of the County of *Ayr*, and the Convener of the Trades of *Ayr*, as before mentioned; and that every Perſon, or Body Politick or Corporate, poſſeſſed at the Time of the Qualification aforeſaid, ſhall have and give a ſingle Vote or Voice for every Sum of One hundred Pounds Sterling by him, her, or them, ſo contributed, or engaged to be contributed; and that any Perſon, properly authoriſed by Bodies Politick or Corporate, poſſeſſed of the aforeſaid Qualification, ſhall have and give the Votes and Voices of ſuch Bodies Politick and Corporate; and that the ſaid Election ſhall be made by Ballot, and by Plurality of Votes, among the Perſons preſent ſo balloting; and that the Eight Perſons ſo choſen, at every ſuch annual Meeting, ſhall be, and continue from thenceforth, and until the Firſt *Wedneſday* of *June* immediately following, Truſtees (jointly and equally with the other Perſons before named) for carrying this preſent Act into Execution.

and may chuſe Truſtees.

Time and Place of the General Meetings.

XXXIII. And be it alſo enacted by the Authority aforeſaid, That there ſhall be held Four General Meetings of the ſaid Truſtees, within the ſaid ordinary Court-houſe of the Borough of *Ayr*, upon every Firſt *Wedneſday* of *June*, Firſt *Wedneſday* of *September*, Firſt *Wedneſday* of *December*, and Firſt *Wedneſday* of *March*, during the Currency of this preſent Act; and that the Firſt of the ſaid General Meetings ſhall be held upon the Firſt *Wedneſday* of *June*, One thouſand ſeven hundred and ſeventy-two; and that the ſaid Truſtees ſhall have Power, and are hereby impowered, to adjourn to ſuch other Times and Places as to them, or to the Majority of them, at ſuch quarterly Meeting aſſembled, ſhall ſeem meet and expedient; and in all ſuch Meetings the Provoſt or ſenior Magiſtrate of the Borough of *Ayr*, preſent for the Time, ſhall preſide; and, beſide his Vote in common with the other Truſtees, ſhall, in Caſes of Equality, have a caſting or deciſive Voice.

Duties may be leſſened.

XXXIV. And be it enacted by the Authority aforeſaid, That the ſaid Truſtees, in General Meetings aſſembled, may, and they are hereby impowered, with Conſent of the Lenders of Money aforeſaid,

to

to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the ſaid Rates and Duties will permit.

Commencement and Continuance of the Act.

XXXV. And be it further enacted by the Authority aforeſaid, That this Act, and all the Powers and Authorities of the ſame, and the Rates and Duties thereby granted, ſhall commence and take place from and after the Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-two, and ſhall continue from thenceforth for the Term of Twenty-one Years, and until the End of the then next enſuing Seſſions of Parliament.

It may be pleaded in Actions brought.

XXXVI. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Truſtees, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Suit or Action, may produce this Act, and plead that the ſaid Things were done in Purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, that then the Defendants ſhall be abſolved from every ſuch Suit, Action or Actions, and ſhall have Double Coſts and Expences in the Defence thereof awarded to them, from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriffs, &c. to aſſiſt in the Execution of the Act.

XXXVII. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed, in all the Courts of Law and Equity, as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XXIII.

An Act for the Relief of Inſolvent Debtors; and for indemnifying the Marſhal of the *King's Bench* Priſon from Proſecutions at Law, for certain Eſcapes from the ſaid Priſon.

Preamble.

'WHEREAS many Perſons, by Loſſes, and other Misfortunes, are rendered incapable of paying their whole Debts; and though they are willing to make the utmoſt Satisfaction they can, and many of them are able to ſerve His Majeſty by Sea or Land, yet are detained in Priſon by their Creditors, or have been forced to go into Foreign Parts out of this Realm: And whereas ſuch unhappy Debtors have always been deemed the proper Objects of publick Compaſſion; and, by ſeveral Acts of Parliament, have been diſcharged on the Conditions in ſuch Acts mentioned: For the Relief therefore of Inſolvent Priſoners and Fugitives, who ſhall comply with the Terms contained in this Act, to be reſpectively obſerved by them, and faithfully diſcover, upon Oath, and deliver up and aſſign, all their Effects and Eſtates whatſoever for the Benefit of their Creditors; and to prevent, as far as poſſible, the many Frauds and Abuſes which, in a great Meaſure, have obſtructed the good Ends of ſuch Acts;' be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, all and every Gaoler, or Keeper of any Priſon, in any County, Riding, Diviſion, City, Town, Place, or Liberty, within this Kingdom, ſhall, is, and are hereby required to make a true, exact, and perfect Liſt, alphabetically, of the Name or Names of all and every Perſon or Perſons who, upon the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, was or were, or at any Time ſince have been, and at the Time of making out every ſuch Liſt ſhall be, really an actual Priſoner or Priſoners, in the Cuſtody of any Gaoler or Gaolers, or Keeper of any Priſon reſpectively, upon any Proceſs whatſoever, for or by reaſon of any Debt, Damage, Coſts, Sum or Sums of Money, Contempt, or otherwiſe, and an Account of the Time when ſuch Priſoner or Priſoners was or were reſpectively charged in Cuſtody, or received in Priſon, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Proſecution ſuch Priſoner or Priſoners is or are detained; and ſhall deliver the ſame to the Juſtices of the Peace, at their Firſt or Second General or General Quarter Seſſions of the Peace, to be held after the paſſing of this Act, or at ſome Adjournment thereof, for ſuch County, Riding, Diviſion, City, Town, Place, or Liberty reſpectively.

Alphabetical Liſts to be made out of Priſoners in Cuſtody for Debt on Jan. 1, 1772, or ſince that Date; Firſt Day of Jan. 1772, with the Time when charged, and at whoſe Suit: The ſame to be delivered in to the Quarter Seſſions.

The Warden of the Fleet, and Marſhal of the King's Bench Priſon, to take the following Oath on delivering in their Liſts.

II. And be it further enacted, That the Warden of His Majeſty's Priſon of the *Fleet* and Marſhal of the *King's Bench* Priſon, ſhall ſeverally, on the delivering in of any ſuch Liſt of Priſoners in their reſpective Cuſtody, take an Oath in the open Court of ſuch General or General Quarter-ſeſſion of the Peace, or at ſome Adjournment thereof, to the Effect following; (that is to ſay)

"I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, profeſs, and declare, That all and every Perſon and Perſons, whoſe Name or Names is or are inſerted and contained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was and were, to the beſt of my Knowledge and Belief, upon the Firſt day of *January*, One thouſand ſeven hundred and ſeventy-two, really and truly Priſoners, in actual Cuſtody, in the Priſon or Gaol of [*inſert the Name of the Priſon*] at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; and alſo, that all and every Perſon and Perſons, whoſe Name or Names is or are inſerted or contained in the Second Part of the ſaid Liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, been committed or ſurrendered to the ſaid Gaol or Priſon of [*inſert the Name of the Gaol or Priſon*] at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; except ſuch Per-

" ſon or Perſons who is or are in ſuch Liſt particularly mentioned and deſcribed to have died, been diſ-
" charged, or removed to ſome other Priſon, by Proceſs of Law, ſince the ſaid Firſt Day of *January*,
" One thouſand ſeven hundred and ſeventy-two; and alſo except ſuch Perſon or Perſons who is or are
" in ſuch Liſt particularly mentioned and deſcribed to have been permitted to have gone out of the ſaid
" Priſon, by Day Rules of the Court of [*Common Pleas, or King's Bench, as the Caſe ſhall be*] ſince the
" ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, to tranſact their Affairs;
" and alſo except ſuch Perſon or Perſons who is or are therein alſo particularly mentioned and de-
" ſcribed to have, upon the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two,
" or ſince, been in the Rules of the ſaid Priſon [*of the Fleet, or King's Bench, as the Caſe ſhall be*] by
" Leave of the [*Warden, or Marſhal of the ſaid Priſon, as the Caſe ſhall be*] and have, to the beſt of my
" Knowledge and Belief, really and truly, ever ſince, continued and remained in actual Cuſtody in the
" ſaid Priſon [*of the Fleet, or King's Bench, as the Caſe ſhall be*] or the Liberties thereof, at the Suit or
" Suits of the ſeveral Perſons in the ſaid Liſt reſpectively mentioned [*and if any Priſoners have,
" ſince the ſaid Firſt Day of* January, *One thouſand ſeven hundred and ſeventy-two, eſcaped out of either
" of the ſaid Priſons then inſert*] except [*inſert the Name or Names of the Priſoner or Priſoners who have
" eſcaped*] who, without my Knowledge, Privity, or Conſent, hath or have eſcaped out of the ſaid
" Priſon of and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt, of all
" ſuch Perſons who were really and truly Priſoners in actual Cuſtody in the ſaid Gaol or Priſon
" of on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-
" two, and who, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two,
" have been committed to, and really have been, and now is or are Priſoner or Priſoners in actual
" Cuſtody in the ſaid Gaol or Priſon of or the Liberties thereof; and
" that none of ſuch Priſoners, to my Knowledge, or with my Privity, have, voluntarily, or with
" Deſign, or in Expectation to take any Benefit from or under any Act of Parliament to be made
" for Relief of Inſolvent Debtors, ſurrendered themſelves, or been committed to the ſaid Priſon, or
" got their Names entered as Priſoners in the Books of the ſaid Priſon; or ſince the ſame Firſt Day
" of *January*, One thouſand ſeven hundred and ſeventy-two, to my Knowledge, or with my Privity,
" have reſided out of the ſaid Priſon of or the Rules thereof [*but if any have ſo
" done, add*, except *naming ſuch by Name*]

Other Gaolers, on delivering in their Liſts, to take the following Oath.

And that every other Gaoler and Keeper of any other Priſon or Priſons in any County, City, Town, Riding, Diviſion, Place or Liberty, ſhall ſeverally, on the delivering in of any ſuch Liſt reſpectively, take an Oath in the open Court of the General or General Quarter-ſeſſions of the County, City, Town, Diviſion, Liberty, or Place, for which he or ſhe ſhall deliver in any ſuch Liſt, and ſwear to the Effect following; (that is to ſay)

" I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, profeſs,
" and declare, That all and every Perſon and Perſons, whoſe Name or Names are inſerted or con-
" tained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was and were, to the
" beſt of my Knowledge and Belief, upon the Firſt Day of *January*, One thouſand ſeven hundred and
" ſeventy-two, really and truly Priſoners in actual Cuſtody, in the Priſon or Gaol of
" at the Suit or Suits of the ſeveral Perſons therein reſpectively mentioned; and alſo that all and every
" Perſon and Perſons, whoſe Name or Names is or are inſerted or contained in the Second Part of the
" ſaid Liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid Firſt Day of *Ja-
" nuary*, One thouſand ſeven hundred and ſeventy-two, been committed or ſurrendered to the ſaid
" Gaol or Priſon of (*if any ſuch Priſoner or Priſoners hath or have, ſince
" the ſaid Firſt Day of* January, *One thouſand ſeven hundred and ſeventy-two, been committed or ſurrendered
" to ſuch Gaol or Priſon*) at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively
" mentioned; except [*if any Exception is neceſſary*] ſuch Perſons as are therein particularly mentioned and
" deſcribed to have died, been diſcharged, or removed to ſome other Priſon by Proceſs of Law, or to
" have eſcaped out of ſuch Priſon, without my Privity, Knowledge, or Conſent, ſince the ſaid Firſt
" Day of *January*, One thouſand ſeven hundred and ſeventy-two; and that all and every of them,
" whoſe Name and Names is and are contained in the Firſt Part of the ſaid Liſt, (except as be-
" fore excepted) to the beſt of my Knowledge and Belief, have really and truly continued in actual
" Cuſtody, in the ſaid Gaol or Priſon of ever ſince the ſaid Firſt Day of *January*,
" One thouſand ſeven hundred and ſeventy-two; and that the ſaid Liſt is a true, exact, perfect, and juſt
" Liſt, of all ſuch Perſons as were really and truly Priſoners in actual Cuſtody, in the ſaid Gaol or
" Priſon of on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and
" ſeventy-two, and who, ſince the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſe-
" venty-two, have been really and truly committed, or ſurrendered to the ſaid Gaol or Priſon of
" (*except as before excepted*) to the beſt of my Knowledge and Belief; and that
" none of ſuch Priſoners, to my Knowledge, or with my Privity, have voluntarily, or with Deſign,
" or in Expectation to take any Benefit from or under any Act of Parliament to be made for Relief of
" Inſolvent Debtors, ſurrendered, or been committed to the ſaid Priſon of or got
" his, her, or their Name or Names entered as Priſoner or Priſoners in the Books of the ſaid Priſon,
" or, ſince the Commitment, have, to my Knowledge, or with my Privity, reſided out of the ſaid
" Priſon of [*if any have ſo done, then add* except *inſerting their
" Names*]

Which

Which said respective Oaths the said Justices, at the First or Second General or Quarter-session aforesaid, or at some Adjournment thereof, within their respective Jurisdictions, are hereby impowered and required to administer to open Court; and the Words of the said Oath herein before directed to be taken by the said Warden and Marshal respectively, shall be entered or written at the End or Bottom of the List which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open Court; and the Words of the Oath to be taken by every other Gaoler or Keeper respectively shall be entered or written at the End or Bottom of the List which shall be delivered by them respectively, and shall be subscribed and sworn to by them respectively in open Court: And every such List which shall be so delivered in, subscribed, and sworn to, in pursuance of this Act, shall be kept by the Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace of every such County, Riding, Division, City, Town, Place, or Liberty respectively, in which any such List as aforesaid shall be sworn to, for the better Satisfaction of the said Justices, and Information of all or any Prisoner or Prisoners therein named; and so as the same may, from Time to Time, be seen and examined by any Creditor or Creditors of Prisoner or Prisoners, without Fee or Reward.

The Oath to be administered by the Justices in Court, and entered and subscribed at the Bottom of each List.

List to be kept by the Clerk of the Peace.

III. And be it further enacted by the Authority aforesaid, That all and every Gaoler and Gaolers, and Keeper of any Gaol or Prison, is and are hereby required, Ten Days at least before the First or Second General or Quarter Session of the Peace shall be held after the passing of this Act, for the County, Riding, Division, City, Town, Place, or Liberty, in which any Gaol or Prison shall be, or to which the same belong, to fix up, in some conspicuous Place or Places in every such Prison, and at the most frequented and usual Gate, Door, or Entrance, into every such Prison, Three or more true Copies of the List or Lists proposed or intended to be delivered in by any such Gaoler or Keeper at the said General or Quarter Sessions, or at some Adjournment thereof.

Copies of the Lists to be delivered in to be fixed up in the Prisons, and on the Gates thereof.

IV. And be it further enacted, That all and every Person and Persons whose Name or Names shall be inserted in any such List to be delivered in as aforesaid, who, upon the First Day of *January*, One thousand seven hundred and seventy-two, were really and truly Prisoners in the actual Custody of any Gaoler or Gaolers, or Keeper of any Prison respectively of this Kingdom, and did not come into or get his, her, or their Names entered in the Book of any Gaol or Prison as a Prisoner or Prisoners there, with a View or Design to take the Benefit of some Act for Relief of Insolvent Debtors, and who shall take the Oath herein-after mentioned, and shall perform on his or her Part what is required to be done by him or her by this Act, shall be for ever released and discharged from his or her Imprisonment, in such Manner as hereafter is provided.

Persons inserted in the Lists being Prisoners, without a fraudulent intention, on Jan. 1, 1772, conforming to the Regulations of this Act, shall be discharged.

V. Provided always, and be it enacted by the Authority aforesaid, That any Prisoner or Prisoners who shall be in actual Custody at the Time of passing this Act, and was or were, on or before the First Day of *January*, One thousand seven hundered and seventy-two, arrested, and in actual Custody of an Officer, for any Sum or Sums of Money by virtue of any Writ or Process issuing out of any Court of Record, and held to the Bail thereon, and did, on or before the Twelfth Day of *February*, One seven hundred and seventy-two, render him, her, or themselves, or was or were surrendered in Discharge of his, her, or their Bail, and thereupon committed to Prison, and has or have continued therein until the passing of this Act, by virtue of such Commitment; every such Prisoner or Prisoners shall, upon due Proof of the Premises upon Oath, be discharged from such Debt or Demand, in like Manner as if such Prisoner or Prisoners had been actually in Prison upon the said First Day of *January*, One thousand seven hundred and seventy-two, and continued therein as aforesaid; subject nevertheless to the same Restrictions and Provisions, and a Compliance with the like Terms, Conditions, and Qualifications, herein before imposed upon Prisoners actually in Custody upon the said First Day of *January*, One thousand seven hundred and seventy-two; and also subject to the same Terms and Provisions relating to the Estate and Effects of every such Prisoner as aforesaid.

Prisoners in Custody at the Time of passing this Act, who were arrested for Debt on or before Jan. 1, 1772, and held to Bail, and rendered themselves on or before Feb. 12, 1772, on conforming to the Regulations of this Act, shall be discharged.

VI. And be it further enacted, That it shall be lawful for any Justice or Justices of any County, Riding, Division, City, Town, Place, or Liberty, within this Kingdom, upon the Petition of any such Prisoner or Prisoner to any Justice or Justices of the Peace within his or their respective Jurisdictions, upon every such Prisoner or Prisoners so petitioning, and, at the Time of his or her so petitioning, leaving with the Justice or Justices of the Peace, who shall be so petitioned, a true Copy of the Schedule, containing his or her intended Discovery of his or her Real and Personal Estate, to be sworn to at the First or Second General or Quarter-session next ensuing after every such Petition, or some Adjournment thereof, by Warrant under his Hand and Seal, or their Hands and Seals, to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any such Prison within the Jurisdiction of any such Justice or Justices, to bring before the Justices at the First or Second next General or General Quarter-session of the Peace, or any Adjournment thereof to be held, as the Case shall happen to be, next after the Expiration of Ten Days from the Date of such Warrant, for such respective County, Riding, Division, City, Town, Place, or Liberty, the Body of any Person being in the said Prison as aforesaid, with the Warrant or Warrants of his or her Detainer, together with a Copy or Copies of the Cause or Causes which he, she, or they, is or are charged with in any such Gaol or Prison as aforesaid, at the Time aforesaid; which Warrant of every such Justice or Justices every such Sheriff and Sheriffs, Gaoler, or Keeper, is and are hereby commanded to obey.

Justices, upon the Petition of the Prisoner, and his delivering a Schedule of his Estate, are to issue their Warrant for bringing the Prisoner to the Quarter-sessions, &c. with the Warrant of Detainer and Copy of the Writ, &c. Gaoler, &c. to obey such Warrant.

VII. And be it also enacted, That the Copy of every Schedule which shall be left with any such Justice of Justices, shall, within Ten Days after the same shall be so left, be transmitted by the Justice or Justices, with whom the same shall be so left, to the Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace for the County, Riding, Division, City, Town, Place, or Liberty,

Schedule of the Prisoner's Estate to be transmitted to the Clerk of the Peace,

in

for Inſpection of the Creditors.

in which the ſame ſhall have been ſo left, there to remain and be inſpected, from Time to Time, as Occaſion ſhall require, by any Creditor of any ſuch Priſoner who ſhall deſire to inſpect the ſame.

Juſtices refuſing or omitting for Ten Days to tranſmit a Copy of the Schedule to the Clerk of the Peace, ſhall forfeit 10 l.

VIII. And be it alſo enacted, That every ſuch Juſtice or Juſtices who ſhall refuſe or omit, within the Space of Ten Days, to tranſmit the Copy of the Schedule ſo left with him as aforeſaid, to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which the ſame ſhall have been ſo left, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; which ſhall and may be ſued for and recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, together with Coſts of Suit, in the Name of any Perſon who ſhall proſecute for the ſame; and One Moiety of which Money forfeited ſhall, when recovered, go to the Party who proſecutes for the ſame, and the other Moiety thereof to the Poor of the Pariſh in which the Offence ſhall be committed.

Priſoners intending to petition for their Diſcharge, are to give previous Notice thereof Thrice in the Gazette, and other News-papers:

Contents of the Notice.

IX. And be it further enacted, That all and every Priſoner and Priſoners, who ſhall intend to petition to be diſcharged under this Act, as aforeſaid, ſhall firſt cauſe publick Notice to be inſerted in Three ſeveral *London Gazettes*, previous to ſuch General or Quarter-ſeſſion, and the adjournment thereof, at which the ſaid Priſoner or Priſoners ſhall apply to be diſcharged from any Gaol in *London*, or within the Weekly Bills of Mortality; and if ſuch Priſoner ſhall be in Cuſtody in any Gaol out of *London*, or the Weekly Bills of Mortality, then alſo in ſome News-paper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in the Gaol whereof he or ſhe ſhall be ſo in Cuſtody; containing the Name, Trade, and Occupation, and Two laſt Places of Abode, if ſo many, of every ſuch Priſoner and Priſoners, and the Priſon wherein he, ſhe, or they, is or are confined, and of his, her, or their Intention to take the Benefit of this Act, and mentioning ſuch Notice in each *Gazette* or News-paper, to be the Firſt, Second, or Third Notice, according to the Time of publiſhing each of ſuch Notices; and for the inſerting of each of which ſaid ſeveral Notices in the ſaid *Gazette*, or in any other News-paper, there ſhall be paid, each Time, by every ſuch Priſoner, Two-pence, and no more: The Firſt of which ſaid Notices ſhall be ſo inſerted in the ſaid *Gazette*, or in the ſaid other News-papers, as the Caſe may require, Thirty Days at leaſt, and the laſt of the ſaid Notices Ten Days at leaſt, before any ſuch Firſt or Second General or Quarter Seſſion, and Adjournment thereof, ſhall be held as aforeſaid; ſo that as well all the Creditors who have not charged the ſaid Priſoner or Priſoners in Cuſtody, as thoſe Creditors who have charged ſuch Priſoner or Priſoners in the Execution, or on meſne Proceſs, or otherwiſe, may have ſufficient notice thereof.

2 d. each Time, and no more, to be paid for inſerting ſuch Notices.

Firſt Notice to be inſerted 30 Days, and the laſt 10 Days, before the Quarter-ſeſſions, &c.

Priſoner being brought into Court, due Publication of the Notices required being proved, &c.

X. And be it further enacted, That every ſuch Priſoner as aforeſaid, who, in purſuance of any ſuch Warrant as aforeſaid, ſhall be brought to any General or General Quarter Seſſions, or any Adjournment thereof, ſhall, in caſe it ſhall it ſhall be proved upon Oath, or by producing the ſaid Three *Gazettes* and News-papers before mentioned to the ſaid Juſtices at any ſuch Seſſion, or the Adjournment thereof, that ſuch Notices were ſo inſerted in the *London Gazette*, and other News-papers, where required, in Manner as herein before is directed, and that the Perſon or Perſons ſo petitioning was or were actually a Priſoner or Priſoners on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, or ſince, in the Gaol or Priſon in which his, her, or their Name or Names is or are ſpecified in the Liſt of Priſoners there delivered in at any ſuch Firſt or Second Seſſion, or any Adjournment thereof as aforeſaid, in purſuance of this Act, ſhall in open Court at the ſaid General or Quarter-ſeſſions, or any Adjournment thereof, ſubſcribe and deliver in a true Schedule or Account of all his or her Real Eſtate, either in Poſſeſſion, Reverſion, Remainder, or Expectancy; and alſo of the Whole of his or her Perſonal Eſtate which he or ſhe, or any Perſon or Perſons in Truſt for him or her, or for his or her Uſe, Benefit, or Advantage, is or are ſeiſed of, intereſted in, or intitled to, with the Names of his or her ſeveral Debtors, and where they reſpectively live, or may be met with; and the ſeveral Sums of Money from them reſpectively owing, and how the ſame reſpectively became due, and are ſecured; and if by Mortgage, Specialty, Contract, Note, or other Writing, then the Name and Names and Places of Abode of the ſeveral Witneſſes who can prove ſuch Debts or Contracts (if there be any ſuch), and ſhall alſo make Oath and ſwear to the Effect following; that is to ſay)

is to deliver in a Schedule of his Eſtate, Debts, and Creditors,

Priſoner's Oath on delivering in the ſaid Schedule.

"I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, I was a Priſoner, or elſe, [*as the Caſe may be*] that ſince the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, I have ſurrendered, or have been committed to the Priſon of in Diſcharge of my Bail, or for want of Bail, [*as the Caſe ſhall be*] and that I was actually arreſted, and in Cuſtody of an Officer before the ſaid Firſt day of *January*, One thouſand ſeven hundred and ſeventy-two, in the Action or Suit, Actions or Suits, in which I ſurrendered, or was committed, as aforeſaid, to the ſaid Gaol or Priſon of and that I have, ever ſince my ſaid Surrender or Commitment, continued a Priſoner within the Priſon of in the actual Cuſtody of the Gaoler or Keeper of the ſaid Priſon of or within the Liberties thereof at the Suit of , and without any Fraud or Colluſion whatſoever; and that the Schedule now delivered by me, and ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Goods, Effects, and Eſtates, Real and Perſonal, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, which I, or any Perſon in Truſt for me, or for my Benefit or Advantage, am ſeiſed or poſſeſſed of, intereſted in, or intitled to; and of all Debts as are to me owing, or to any Perſon or

" Perſons

" Perſons in Truſt for me; and of all the Securities and Contracts whereby any Money now is, or will " or may hereafter become payable, or any Benefit or Advantage may accrue to me, or to my Uſe, or " to any Perſon or Perſons in Truſt for me; and the Names and Places of Abode of the ſeveral Per- " ſons from whom ſuch Debts are due and owing; and of the Witneſſes that can prove ſuch Debts " or Contracts, [*if any ſuch there be*]; and that neither I, nor any other Perſon or Perſons in Truſt for " me, or for my Uſe, have any Lands, Money, Stock, or any Eſtate Real or Perſonal, in Poſſeſſion, " Reverſion, or Remainder or Expectancy, other than what are in the ſaid Schedule contained; except " Wearing Apparel, and Bedding for myſelf and Family, Working Tools, and neceſſary Implements " for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Twenty Pounds; " and that I have not, nor any Body for me hath, directly or indirectly, ſold, leſſened, or otherwiſe con- " veyed, diſpoſed of in Truſt, or concealed, all or any Part of my Lands, Money, Goods, Chattels, " Stock, Debts, Securities, Contracts, or Eſtate Real or Perſonal, whereby to ſecure the ſame, or to " receive or expect any Profit or Advantage thereof, or with Intent to defraud or deceive any Creditor " or Creditors, to whom I am or was indebted in anywiſe however.

" *So help me GOD.*"

Schedule and Oath to be ſubſcribed in the Court; and lodged with the Clerk of the Peace, for the Examination of the Creditors.

And the ſaid Schedule and Oath ſhall be by every ſuch Priſoner ſubſcribed in the Preſence of the Juſtices in openSeſſion of the Peace as hereby is directed, and ſhall be kept by, and remain with, the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, City, Liberty, Diviſion, Town, or Place, where the ſame ſhall be ſubſcribed and taken, for the better Information of all the Creditors of ſuch Priſoner who ſhall deſire, or may have Occaſion, to reſort thereto; and every ſuch Creditor ſhall be at Liberty, at ſeaſonable Times in the Day-time, to peruſe and examine the ſame.

Court, if required by the Creditor, may adminiſter an Oath to the Gaoler, or any other Perſon, touching any of the Matters preſcribed to be ſworn to. The Priſoner's Oath not being diſproved, the Court is to diſcharge him; upon paying a Fee of 1 s. to the Gaoler. Gaoler indemnified for the Eſcape.

XI. And be it further enacted, That the Juſtices within their reſpective Juriſdictions, at any ſuch General or General Quarter Seſſion, or Adjournment thereof, at the Requeſt of any Creditor or Creditors of any ſuch Priſoner, are hereby authoriſed to cauſe the Deputy Warden and Marſhal of the *Fleet* and *King's Bench* Priſon, and any other under Officer, Tipſtaff, and Turnkey of any Gaol or Priſon, and any other Perſon, to come before them, and to examine them reſpectively on Oath, touching any of the Matters contained in any of the Oaths preſcribed by this Act to be taken, and the Truth thereof; and if the Oath which ſhall have been taken in open Court by any ſuch Priſoner or Priſoners ſhall not be diſproved by good Teſtimony of any credible Perſon or Perſons on Oath, and ſuch Juſtices, or the major Part of them, preſent at any ſuch General or Quarter Seſſion, ſhall be ſatisfied with the Truth of the Oath taken by any ſuch reſpective Priſoner, then ſuch Juſtices ſhall, in ſuch Seſſion, or ſome Adjournment thereof, command the ſaid Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of ſuch Priſon or Priſons, forthwith to ſet at Liberty ſuch Priſoner or Priſoners, without having or taking any Fee or Reward, other than One Shilling for his or their Attendance with ſuch Priſoner or Priſoners at ſuch General or Quarter Seſſion, or any Adjournment thereof, in order for his, her, or their Diſcharge, and which every ſuch Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of ſuch Priſon or Priſons, is and are hereby authoriſed to receive and take for every ſuch Order: And every ſuch Order ſhall be a ſufficient Diſcharge to the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of ſuch Priſon or Priſons, and ſhall indemnify him or them againſt any Eſcape or Eſcapes, or Action or Actions whatſoever for Eſcape, which ſhall or may be brought, commenced, or proſecuted againſt him or them.

Eſtate and Effects of the Priſoner, upon his Diſcharge, to veſt in the Clerk of the Peace, who is to make over the ſame to the Aſſignees named by the Court,

XII. And be it further enacted by the Authority aforeſaid, That all the Eſtate, Right, Title, Intereſt, and Truſt, of ſuch Priſoner, of, in, and unto, all the Real Eſtate, as well Freehold and Copy as Cuſtomaryhold, and to all the Perſonal Eſtate, Debts, and Effects of every ſuch Priſoner, ſhall, immediately after the Diſcharge of any ſuch Priſoner, be, and the ſame is hereby veſted in the Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace, of and for the County, Riding, City, Town Corporate, Diviſion, Liberty, or Place, where any ſuch Priſoner ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Priſoner's Eſtate and Effects, veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, as aforeſaid, to ſuch Creditor or Creditors of the ſaid Priſoner, as the Juſtices at any General or General Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order or direct, (which Aſſignment and Conveyance ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever, without being wrote on Parchment or Paper ſtampt) and to veſt the Eſtates thereby aſſigned and conveyed, in the Party or Parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Eſtate and Intereſt the Priſoner had therein; and for the preparing, ingroſſing, and executing, of which Aſſignment and Conveyance, no Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, ſhall take any greater Fee than Two Shillings; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Priſoner to whom the ſame ſhall be made, and the reſt of the Creditors of ſuch Priſoner, in Reſpect or in Proportion to their reſpective Debts: And every Perſon or Perſons to whom any ſuch Aſſignment and Conveyance as aforeſaid ſhall be made, is and are hereby fully impowered to ſue, from Time to Time, as there may be Occaſion, in his, her, or their own Name or Names, for the Recovery and Attaining any Eſtate or Effects of any ſuch Priſoner, and alſo to execute any Truſt or Power veſted in, or created for, the Uſe or Benefit of any ſuch Priſoner; but in Truſt, for the Benefit of him or themſelves,

for which he is to be paid 2 s. and no more.

Aſſignees impowered to ſue, and execute any Truſt or Power in the Priſoner's Behalf;

and give Discharges.

and the reſt of the Creditors of every ſuch Priſoner; and to give Diſcharge and Diſcharges to any Debtor or Debors of any ſuch Priſoner, as ſhall be requiſite: And every Aſſignee and Aſſignees ſhall, with all convenient Speed after his or their accepting any ſuch Aſſignment or Conveyance, uſe his and their beſt Endeavours to receive and get in the Eſtate and Effects of every ſuch Priſoner; and ſhall, with all convenient Speed, make Sale of all the Eſtates of ſuch Priſoner veſted in ſuch Aſſignee or Aſſignees; and if any ſuch Priſoner ſhall be intereſted in, or intitled to, any Real Eſtate, either in Poſſeſſion, Reverſion, or Expectancy, the ſame, within the Space of Two Months after every ſuch Aſſignment and Conveyance, ſhall be ſold by publick Auction in ſuch Manner, and at ſuch Place, as the major Part of the Creditors of any ſuch Priſoner who ſhall aſſemble together on any Notice in Writing publiſhed in the *London Gazette*, or in ſome Daily Paper, if the Priſoner before his going to Goal reſided in *London*, or in the Weekly Bills of Mortality, and if elſewhere, then in ſome News-paper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in which ſuch Priſoner dwelt before he or ſhe was committed to Gaol, Thirty Days before any ſuch Sale ſhall be made, ſhall, under his Hand, or their Hands, agree on: And every ſuch Aſſignee and Aſſignees, at the End of Three Months at fartheſt from the Time of his accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a juſt and fair Dividend of all ſuch Priſoner's Eſtates and Effects which ſhall have been then got in amongſt his or her Creditors, in Proportion and in Regard to each Creditor's reſpective Debts; but before any ſuch Dividend ſhall be made, ſuch Aſſignee or Aſſignees ſhall make up an Account of ſuch Priſoner's Eſtate; and make Oath in Writing before One or more Juſtice or Juſtices of the Peace of the County, Riding, Diviſion, Town, Liberty, or Place, in which any ſuch Priſoner ſhall have been diſcharged, that every ſuch Account contains a juſt and fair Account of the Eſtate and Effects of every ſuch Priſoner got in by or for ſuch Aſſignee or Aſſignees, and of all Payments made in reſpect thereof, and that all Payments in every ſuch Account charged, were truly and *bona fide* made and paid; and Notice of the making of every ſuch Dividend ſhall be publiſhed in like Manner as a Meeting of Creditors is herein before directed to be publiſhed, Thirty Days at leaſt before the ſame ſhall be made; and no Creditor ſhall be allowed to receive any Share of ſuch Dividend, until he ſhall have made out the Juſtneſs and Identity of his reſpective Debt by Oath, or due Proof in Writing, before ſome ſuch Juſtice or Juſtices: And if any Creditor of ſuch Priſoner ſhall be diſſatisfied with the Reality of Fairneſs of any Debt claimed by any other Creditor, then the ſame, at the Requeſt of any ſuch Creditor or Creditors ſo diſſatisfied, ſhall be examined into by the Juſtices of the County, Riding, Diviſion, City, Liberty, or Place, in which ſuch Priſoner ſhall have been diſcharged, at their next General or General Quarter Seſſion, and what they ſhall there determine in the Premiſes, ſhall be concluſive to all Parties: And if, after Payment of all ſuch Priſoner's Creditors, there ſhall any of his Eſtate and Effects remain after Payment of all reaſonable Charges, the ſame ſhall be paid to ſuch Priſoner, his Executors or Adminiſtrators.

They are to get in, with all Speed, the Eſtate and Effects of the Priſoner, and make Sale, within Two Months, of Priſoner's Real Eſtate, in Manner agreed upon at a Meeting of the Creditors ſummoned for that Purpoſe; and make a Dividend within Three Months; firſt making up their Accounts, and verifying the ſame upon Oath.

30 Days Notice to be given of making any Dividends; and none to receive any Share thereof but ſuch as ſhall prove their Debts.

Debts entered, to be examined into and determined by the Court.

Surplus of the Priſoner's Eſtate, after ſatisfying all Claims thereon to go to the Priſoner.

No Suit in Equity to be commenced, but by Conſent of the Majority in Value of the Creditors.

XIII. Provided further, and be it alſo enacted, That no Suit in Equity ſhall be commenced by any Aſſignee or Aſſignees of any ſuch Priſoner's Eſtate and Effects, without the Conſent of the major Part in Value of the Creditors of ſuch Priſoner, who ſhall meet together purſuant to a Notice to be given in the *London Gazette* for that Purpoſe.

Clerk of the Peace to exhibit to the Creditor, or his Attorney, upon Payment of 1 s. the Schedule of the Priſoner's Eſtate and Effects.

Atteſted Copy thereof to be granted, which ſhall be Evidence in all Courts.

Clerk of the Peace refuſing to produce ſuch Schedule or to deliver a Copy thereof, or taking exorbitant Fees for the ſame,

XIV. And be it further enacted by the Authority aforeſaid, That the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of every reſpective County, City, and County Town, and County Riding, Diviſion, Cinque Port, Liberty, and Place, with whom any Schedule of the Eſtates of any Inſolvent Debtor or Debtors, Fugitive or Fugitives, ſhall be left, and his Succeſſors, Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace as aforeſaid, ſhall, on the reaſonable Requeſt of any Creditor or Creditors of ſuch Inſolvent Debtor or Debtors, Fugitive or Fugitives, or his or their Attorney, produce and ſhew to ſuch Creditor or Creditors, or his or their Attorney, in the Day-time, the Schedule of the Eſtates of any ſuch Inſolvent Debtor or Debtors, Fugitive or Fugitives, which ſhall be left with any ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or his Predeceſſor in that Office; the Perſon ſo requiring to ſee and peruſe any ſuch Schedule paying or rendering to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody any ſuch Schedule ſhall be, or his Deputy, the ſum of One Shilling for his Trouble in ſearching for, and looking out, ſuch Schedule, and attending whilſt the ſame ſhall be peruſed by the Party or Parties requiring to have the ſame looked out, and to peruſe the ſame: And that a true Copy of every ſuch Schedule, ſigned by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody the ſame ſhall be, or his Deputy, purporting the ſame to be a true Copy of ſuch Schedule, without being wrote on Stampt Paper, and for which Copy no more ſhall be paid than Sixpence by the Sheet, each Sheet to contain Seventy-two Words, and ſo in proportion for a leſs Number of Words in any Sheet, ſhall, at all Times, be admitted in all Courts whatſoever as legal Evidence of the ſame: And if any Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, ſhall, on reaſonable Requeſt as aforeſaid, neglect or refuſe to produce to any ſuch Creditor or Creditors as aforeſaid, or his or their Attorney, any ſuch Schedule as aforeſaid, and to permit the ſame to be inſpected as aforeſaid, in the Day-time, on ſuch Payment or Tender as aforeſaid being made to him; or ſhall aſk or take more than after the Rate of Sixpence by the Sheet, each Sheet to contain

Seventy-two Words, and so in proportion for less than Seventy-two Words in a Sheet; or shall refuse to make and deliver a Copy of any such Schedule, on being requested as aforesaid so to make the same, and having the Money tendered to him for Payment of such Copy, after the Rate aforesaid; shall, for every such Offence, forfeit and pay the Sum of Ten Pounds; which shall and may be sued for and recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, together with Treble Costs of Suit, in the Name of any Person who shall prosecute for the same: And One Moiety of which Money forfeited shall, when recovered, go to the Party who prosecutes for the same, and the other Moiety thereof to the Poor of the Parish in which the Offence shall be committed.

forfeits 10 l. and Treble Costs; One Moiety to the Prosecutor, and the other to the Poor of the Parish.

XV. Provided always, and be it enacted, That before such Time as any Assignee or Assignees, as aforesaid, shall enter on, or take any Profit from any Copyhold or Customary Estate as aforesaid, he or they shall agree and compound with the Lord or Lords of the Manor or Manors of whom the same shall be holden, for the Payment of such Fine or Income as upon any Surrender and Admission thereto, hath heretofore been most usually accustomed to be paid; and that upon every such Agreement or Composition, the said Lord or Lords for the Time being, at the next Court, or some subsequent Court, which shall be holden for the said Manor or Manors, after such Agreement made, shall admit such Assignee or Assignees, Tenant to such Copyhold or Customary Premises, according to the Custom of the said Manor or Manors of which the same shall be holden, for and during such Estate and Interest as the Prisoner had therein at the Time of his or her being discharged as aforesaid, reserving the Rents, Duties, Heriots, Customs, and Services payable and to be rendered in respect of the said Copyhold or Customary Premises.

Assignees of Copyhold and Customary Estates to compound with the Lord of the Manor, and to be admitted Tenants thereupon.

XVI. Provided also, That nothing herein contained shall extend to prejudice or affect any Estate, or Interest, or Right whatsoever, of any other Person or Persons, other than the said Prisoner or Fugitive which may be expectant upon, or subject unto, the Estate or Interest of the said Prisoner or Fugitive hereby vested in the said Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace; but that the Estate, Interest, and Right whatsoever, of every other Person and Persons, shall remain, continue, and be saved to them, in the same Manner, as if this Act had not been made.

The Prisoner's Right and Interest, &c. only to be affected by this Act.

XVII. Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to hinder or prevent, any Mortgage or Mortgages upon the Estate of such Prisoner or Prisoners, or any Part thereof, to take Place upon the Lands, Tenements, or Hereditaments, comprised in such Mortgage or Mortgages respectively; nor to prevent any Statute-staple, Statute-merchant, Recognizance, or Judgment, acknowledged by, or obtained against, any such Prisoner or Prisoners, to take Place upon the Lands, Tenements, or real Estate of such Prisoner or Prisoners; and also where any Inquisition shall have been taken upon any such Statute or Recognizance, or any Writ or Execution shall have been taken out and delivered to the Sheriff or proper Officer, upon any such Judgment, before such Discharge shall be given in open Session to any such Person as aforesaid, the personal Estate of every such Prisoner respectively shall be subject thereto, in the First Place, for so much as shall remain due upon such Mortgage, Statute, Recognizance, or Judgment respectively, in like Manner as such Mortgagees and Creditors, by Statute, Recognizance, or Judgment, would have been preferred to other Creditors of an inferior Nature, against the real or personal Estate of such Prisoner and Prisoners respectively, if this Act had not been made; any Thing herein before contained to the Contrary thereof in anywise notwithstanding.

All Mortgages, Statutes, Recognizances, and Judgments, are to take Place, preferable to Claims of an inferior Nature.

'XVIII. And whereas many Persons who may be intitled to, and claim the Benefit of this Act, 'are seized and possessed of Lands, Tenements, and Hereditaments, to hold to such Prisoners for the 'Term of their natural Lives, with Power of granting Leases, and taking Fines, reserving small 'Rents on such Estates, for One, Two, or Three Lives, in Possession or Reversion, or for some 'Number of Years determinable upon Lives; which said Powers ought to be executed for the Be'nefit of the Creditors of such Prisoners;' be it therefore enacted by the Authority aforesaid, That in every such Case, all and every the Powers of leasing such Lands, Tenements, and Hereditaments, which are or shall be vested in any such Prisoner or Prisoners as aforesaid, shall be, and are hereby vested in the Assignee or Assignees of the real and personal Estate of such Prisoner, by virtue of this Act, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoners as aforesaid.

Power in the Prisoner of leasing Lands, &c. to vest in the Assignees.

'XIX. And whereas in some Gaols or Prisons in this Kingdom, the Office of Gaoler or Keeper is 'held in Fee for Life, or otherwise, by Persons who never act as Gaolers or Keepers themselves, or 'know any thing of the Prisoners therein, but depute or employ some Person or Persons under them as 'Gaolers or Keepers of such Gaols or Prisons;' be it therefore enacted, That in every such Case, the Person who shall have been actually employed and acted as deputed Gaoler or keeper of any such Gaol or Prison, at the Time of the delivering in the Lists, hereby directed to be delivered in, of Prisoners in any such Gaol or Prison, at any General or Quarter Session of the Peace, or some Adjournment thereof, and not the principal Gaoler or Keeper (unless where such principal Gaoler or Keeper shall act as a Gaoler or Keeper himself) shall take the Oath herein-before appointed to be taken by the Gaoler or Keeper of every such Gaol or Prison.

The acting Gaoler at the Time of delivering the Lists, only liable to be sworn.

XX. And be it further enacted by the Authority aforesaid, That the Justices, at any General or Quarter Session of the Peace, or Adjournment thereof, to which any Prisoner shall be brought in pursuance of this Act, shall, if required by any Creditor or Creditors of any such Prisoner or Prisoners, who shall oppose his or her Discharge, administer, and give to the Gaoler, or the Person who acts as Gaoler or Keeper of any such Prison, at the Time of bringing up any such Prisoner, order to be discharged under this Act, an Oath to the following Effect, (that is to say):

Court if required by a Creditor, opposing the Prisoner's Discharge, is to administer the following Oath to the Gaoler.

" I

The Oath.

" I *A. B.* do ſwear, That was really and truly a Priſoner in my Cuſtody, in the Priſon of to the beſt of my Knowledge and Belief, at or upon the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; and that the Copy or Copies of the Cauſe or Cauſes of his or her Commitment or Detainer, now by me brought with the Body of the ſaid and produced to this Court, is or are a true Copy or Copies of the Cauſe or Cauſes of ſuch Detainer or Commitment, without any Fraud or Deceit by me, or any other Perſon whatſoever, to the beſt of my Knowledge and Belief.

" *So help me GOD.*"

If ſuch Perſon ſhall not have been the Gaoler on Jan. 1, 1772, &c. then the following Oath is to be adminiſtred to him.

And if any Perſon who was Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, or ſince, ſhall not happen to be the Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, at the Time any ſuch Liſt as aforeſaid is hereby required to be delivered in, then the Juſtices at any ſuch Seſſion, or at any Adjournment thereof, may and are hereby required to adminiſter and give the reſpective Perſon or Perſons who ſhall be Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, and deliver in any ſuch Liſt as aforeſaid, at any ſuch General or Quarter Seſſion, or any Adjournment thereof, an Oath, touching the Commitments, or Books of Commitment, of any ſuch Priſon, to the Effect following, (that is to ſay)

The Oath.

" I *A. B.* do ſwear, That I have examined the Commitments, or Books kept of or concerning the Commitment, of Priſoners to the Priſon of in the [*County, Riding, Diviſion, City, Town, Place, or Liberty of as the Caſe ſhall be*;] and that I do verily believe that the ſaid Commitments, or Books of Commitment, are really true, and not fictitious, nor calculated for this Purpoſe; and by them it doth appear, that was on the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, really and truly a Priſoner in the actual Cuſtody of the then Gaoler or Keeper, or deputed Gaoler or Keeper, of the ſaid Priſon, without Fraud or Deceit by me, or any other Perſon or Perſons, to my Knowledge and Belief.

" *So help me GOD.*"

Court if required by a Creditor, may ſummon the Perſon who acted as Gaoler on Jan. 1, 1772, or ſince,

and examine him touching the Commitment and Continuance in Cuſtody of the Priſoner.

Gaoler diſobeying the Warrant, or Order of the Court, &c. forfeits 100 l. with Treble Coſts.

' XXI. And, in order to diſcover any fraudulent Entries or Commitments of Priſoners in any Gaol Books,' be it further enacted by the Authority aforeſaid, That the Juſtices at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, are hereby authoriſed, at the Requeſt of any Creditor or Creditors of any Priſoner, to convene before them, at ſome certain Time to be appointed by them, any Perſon or Perſons who was or were Gaoler or Keeper, or reputed Gaoler or Keeper, of any Gaol or Priſon within their reſpective Juriſdictions, on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, or at any Time ſince; and to examine every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper on Oath, touching the Commitment and Continuance in Cuſtody of any ſuch Priſoner, as the Juſtices, at any ſuch General or Quarter Seſſion, or Adjournment thereof, ſhall think fit: And if any Sheriff, Gaoler or Keeper, or reputed Gaoler or Keeper, ſhall neglect or refuſe to bring before ſuch Juſtices at any Seſſion of the Peace, or Adjournment thereof, any Priſoner, as ſhall be directed and required by Warrant of any Juſtice or Juſtices as aforeſaid, or to attend on being ſummoned for that Purpoſe; or if any Gaoler or Keeper attending, ſhall refuſe to make Anſwer and Diſcovery in the Premiſes, as ſhall be reaſonably required at ſuch General or Quarter Seſſion, or any Adjournment thereof; he, ſhe, or they, ſo offending in the Premiſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds; to be recovered by and in the Name, and for the Uſe, of the Party injured, by Action of Debt to be brought in his or her Name, in any of His Majeſty's Courts of Record at *Weſtminſter*, together with Treble Coſts of Suit.

Debtors who were beyond the Seas on Jan. 1, 1772, ſurrendering themſelves, may take the Benefit of this Act,

' XXII. And whereas great Number of Workmen, ſkilful in the ſeveral Trades and Manufactures of this Kingdom, and alſo many able Seamen and Mariners, finding themſelves unable to ſatisfy the Whole of their reſpective Debts, and dreading the Miſeries of a Gaol, have choſe to leave their Employments and Native Country, and have entered themſelves in Foreign Service: And whereas their Continuance abroad muſt be of great Prejudice to the Trade of this Kingdom; in order therefore to induce and enable ſuch Perſons to return,' be it enacted by the Authority aforeſaid, That all and every Debtor and Debtors, who was or were actually beyond the Seas in Foreign Parts on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, and did not go into ſuch Foreign Parts with the View or Intent to gain or have the Benefit of an Inſolvent Debtor's Act, who ſhall return and ſurrender himſelf or themſelves within Fourteen Days next immediately after his or their landing in *England*, unto the Gaoler or Gaolers, Keeper or Keepers, of the Priſons of the *King's Bench*, *Marſhalſea*, or *Fleet*, or to the Gaoler or Keeper, or deputed Gaoler or Keeper, of the Priſon or Priſons of ſuch County, City, Town, Riding, Diviſion, Liberty, or Place, where ſuch Debtor or Debtors laſt dwelt for the Space of Six Months, (which ſaid Gaoler or Gaolers, Keeper or Keepers, is and are hereby required and impowered to receive and detain ſuch Debtor or Debtors ſurrendering as aforeſaid, in order to their Diſcharge as herein-after mentioned) and who, from and immediately after ſuch Surrender, do continue in actual Cuſtody of ſuch Gaoler and Gaolers, Keeper or Keepers, until the Time of his Diſcharge, ſhall be deemed a Priſoner or Priſoners within, and be, to all Intents and Purpoſes, intitled to the Benefit of this Act; and ſhall, upon due Proof of the ſaid Premiſes, by the Oath

of such Debtor or Debtors (not disproved by any credible Witness) be discharged in the same Manner as if he, she, or they, had been actually in Prison on the said First Day of *January*, One thousand seven hundred and seventy-two, and continued therein as aforesaid; subject nevertheless to the same Restrictions and Provisions, and a Compliance with the like Terms, Conditions, and Qualifications, herein before imposed upon the said Prisoners actually in Custody upon the said First Day of *January*, One thousand seven hundred and seventy-two, and also subject to the Terms and Provisions relating to the Estate and Effects of such Prisoner as aforesaid; excepting only such Particulars thereof as require the Name of a Prisoner to be inserted in the Gaoler's or Keeper's List as aforesaid, or relate to the Oaths of such Gaoler or Keeper herein before appointed to be taken, which Particulars cannot possibly be applied to the Case of Persons surrendering themselves as aforesaid; and also except the said Oath herein before appointed to be taken by Prisoners in Custody upon the said First Day of *January*, One thousand seven hundred and seventy-two; instead whereof, the said Person or Persons so surrendering, shall take an Oath in open Court at some General or Quarter Session of the Peace, or some Adjournment thereof, of the County, City, Town, Riding, Division, Place, or Liberty, in the Prison of which any such Fugitive or Debtor shall be held, after the Surrender of any such Fugitive or Debtor, to the Effect following; which the said Justices, authorised to put this Act in Execution, are hereby required and impowered to administer in such Manner as the Oaths herein-before mentioned are to be administred.

upon the same Terms as other Prisoners;

excepting such Particulars wherein the Cases of both differ.

Fugitive's Oath.

"I *A. B.* upon my corporal Oath, in the Presence of Almighty God, solemnly swear, protest, and declare, That I was actually, on the First Day of *January*, One thousand seven hundred and seventy-two, beyond the Seas in Foreign Parts, *videlicet*, at and that I did, within Fourteen Days next immediately after my landing surrender myself to the Custody of the Keeper of [*as the Case may be*] and that I have ever since such my Surrender, continued a Prisoner in his Custody; and that the Schedule now delivered, and by me subscribed, doth contain, to the best of my Knowledge, Remembrance, and Belief, a full, just, true, and perfect Account and Discovery of all the Real Estate, Goods, Effects, and other Personal Estate, in anywise belonging to me; and also of all such Debts as are to me owing, or to any Person or Persons in Trust for me; and of all the Securities and Contracts whereby any Money now is, or will, or may hereafter, become payable, or whereby or wherefrom any Benefit or Advantage may accrue to me, or to my Use, or to any other Person or Persons in Trust for me; and the Names and Places of Abode of the several Persons from whom such Debts are due and owing; and of the Witnesses that can prove such Debts or Contracts [*if any such there be*]; and that neither I, nor any Person or Persons in Trust for me, is or are seised of any Real Estate in Possession, Reversion, or Remainder, or Expectancy, or of any Personal Estate of any Kind whatsoever, other than what are in the said Schedule contained; except my Wearing Apparel, and Bedding for myself and Family, my Working Tools, and necessary Implements for my Occupation and calling, not exceeding, in the Whole, the Value of Twenty Pounds; and that I have not, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in Trust, or concealed, all or any Part of my Real Estate, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or other Personal Estate whatsoever, whereby to secure the same, so as to receive or expect any Profit or Advantage therefrom to myself or Family, or with any View, Intent, or Design, to defraud or deceive any Creditor or Creditors, to whom I am indebted in anywise howsoever, or prevent their recovering or attaining their respective Debts.

"*So help me GOD.*"

Gaoler and Printer of the Gazette, or other Newspaper, not complying with the Regulations in this Act, forfeit 100l. to the Prisoners with Treble Costs of Suit.

XXIII. And be it further enacted by the Authority aforesaid, That if any Gaoler or Keeper of any Prison, or his Deputy or Deputies, shall, without just Cause, to be approved of by the Justices at some General or Quarter Session of the Peace, or Adjournment thereof, within their respective Jurisdictions, refuse or delay to bring any such Prisoner or Prisoners as aforesaid to any such General or Quarter Session, or some Adjournment thereof, in order to his or her Discharge, or shall neglect, refuse, or designedly omit to insert, in any such List, the Name or Names of any such Prisoner or Prisoners who was or were actually in Custody in his or their respective Gaol or Prison on the said First Day of *January*, One thousand seven hundred and seventy-two, or since; or shall neglect or refuse to make out, fix up, or deliver, such Lists as aforesaid; or if any such Gaoler or Keeper, or deputed Gaoler or Keeper, shall neglect or refuse to take any of the said Oaths before mentioned, and hereby required to be taken by him; or shall, upon any Account or Pretence whatsoever, take or receive more than the said Sum of One Shilling herein before allowed for his or her Attendance in order to be discharged of such Prisoner or Prisoners as aforesaid; or shall detain any such Prisoner after he or she shall be discharged as aforesaid; or if the Printer of the *London Gazette*, or other News-paper as aforesaid, shall wilfully refuse or neglect to insert therein the Name, Trade, Occupation, and last Place of Abode, of such Prisoner, on reasonable Request to him made for that Purpose, and Tender of the Money hereby directed to be paid; or shall take or receive any Fee or Gratuity more than Two-pence as aforesaid for doing thereof; every such Gaoler and Keeper of such Prison or Prisons, his Deputy or Deputies, and every such Printer as aforesaid, shall respectively forfeit and pay to each Prisoner, in any such Case injured, the Sum of One hundred Pounds; which shall and may be recovered, with Treble Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Record

at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Gaoler convicted of Perjury, forfeits 500 l. with Full Coſts of Suit, &c.

XXIV. And be it further enacted by the Authority aforeſaid, That if any ſuch Gaoler or Gaolers, or Keeper or Keepers, or any deputed Gaoler or Keeper, of any Priſon, ſhall, in taking of the aforementioned Oaths, forſwear or perjure himſelf, and ſhall thereof be lawfully convicted, ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, of ſuch Priſon or Priſons, (over and above ſuch Penalties as may be inflicted on Perſons convicted of Perjury) ſhall, upon every ſuch Conviction, forfeit and pay the Sum of Five hundred Pounds; to be recovered, with Full Coſts, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed, by and in the Name of ſuch Perſon or Perſons, his or their Executors and Adminiſtrators, to whom any Aſſignment or Conveyance, in purſuance of this Act, ſhall be made, of the Eſtate and Effects of ſuch Priſoner or Priſoners; and if no ſuch Aſſignee or Aſſignees ſhall be living, then, in the Name or Names of any other Creditor or Creditors who ſhall ſue for the ſaid Penalties; to be applied, One Moiety to the Informer or Informers, and the other Moiety towards Satisfaction of the Debts of ſuch his Creditor or Creditors.

One Moiety to go to the Informer, and the other towards ſatisfying the Debts of the Creditors.

Clerk of the Peace refuſing the Priſoner a Copy of his Diſcharge; or taking exorbitant Fees for the ſame; or for aſſigning over the Priſoner's Eſtate and Effects; forfeit 20 l. to the Priſoner.

XXV. And be it further enacted, That if any Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, ſhall delay or refuſe to give every or any ſuch Priſoner ſo diſcharged as aforeſaid, within Fourteen Days after his or her Diſcharge, a Copy of the Order of his or her Diſcharge, on the Payment of Two Shillings and Sixpence; or ſhall take more than the ſaid Sum of Two Shillings and Sixpence for ſuch Copy; or ſhall take more than Two Shillings for an Aſſignment or Conveyance of ſuch Priſoner's Eſtate or Effects; every ſuch Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, who ſhall ſo offend, and who ſhall be convicted at any ſuch General or Quarter Seſſion of the Peace, or any Adjournment thereof, of any ſuch Offence, ſhall, for every ſuch Offence, forfeit and pay to every ſuch Priſoner the Sum of Twenty Pounds, as the Juſtices of the Peace, at any ſuch General or Quarter Seſſion of the Peace, or Adjournment thereof, ſhall order; and who are hereby impowered to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods of any ſuch Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, ſo offending.

Priſoner convicted of Perjury to ſuffer as a Felon.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Priſoner as aforeſaid, or any other Perſon or Perſons, who ſhall take the Benefit of this Act, ſhall forſwear or perjure himſelf, herſelf, or themſelves, in any Oath to be taken under this Act, and ſhall be lawfully convicted thereof, he, ſhe, or they, ſo offending, ſhall be adjudged a Felon, and ſuffer as ſuch, without Benefit of Clergy.

Perſons diſcharged by this Act, not liable to Arreſt for Debts, &c. contracted before Jan. 1, 1772:

XXVII. And be it further enacted by the Authority aforeſaid, That no Perſon to be diſcharged by this Act ſhall, at any Time hereafter, be impriſoned by reaſon of any Judgment or Decree obtained for Payment of Money only, or for any Debts, Damages, Contempts, Coſts, Sum or Sums of Money contracted, incurred, occaſioned, owing, or growing due, before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; but that upon every Arreſt upon every Judgment or ſuch Decree, or for ſuch Debts, Damages, Contempts, Coſts, Sum and Sums of Money, it ſhall and may be lawful for any Judge of the Court where the Proceſs iſſued, upon ſhewing the Copy of the Order of ſuch Priſoner's Diſcharge or Diſcharges, to releaſe and diſcharge out of Cuſtody ſuch Priſoner or Priſoners as aforeſaid; and every ſuch Judge is hereby impowered ſo to do on ſuch Priſoner's cauſing a Common Appearance to be entered for him in every ſuch Action and Suit.

Put no Priſoner to be diſcharged of Debts ſubſequent to Jan. 1, 1772.

'XXVIII. And whereas, under former Acts of this Kind, Doubts have ariſen whatſoever was to be 'done with ſuch Priſoners who applied at any Seſſion to be diſcharged, who owed and ſtood charged 'with Debts, as well previous as ſubſequent to the Day limited by the reſpective Acts; to remedy 'which,' be it therefore enacted by the Authority aforeſaid, That no Priſoner or Priſoners ſhall be diſcharged of any Debts ſubſequent to the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two; and if it ſhall appear to the Juſtices in any Seſſion or Adjournment, that any Priſoner or Priſoners then applying to them to be diſcharged, ſhall ſtand charged as well with Debts previous to as ſubſequent to the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, that in ſuch Caſes it ſhall and may be lawful to and for the Juſtices to diſcharge him or her of all Debts previous to the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, and to remand him or her back to the Cuſtody of the Keeper of the Priſon from whence he or ſhe was brought, for all Debts with which he or ſhe ſtands charged with in his Cuſtody, ſubſequent to the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two.

Juſtices, Sheriffs, and Gaolers, may plead this Act to any Action of Eſcape, or Suit brought againſt them and recover Treble Coſts.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Action of Eſcape, or any Suit or Action, be brought againſt any Juſtice or Juſtices of the Peace, Sheriff, Gaoler, or Keeper of any Priſon, for performing their Office, in purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgment upon Demurrer, the Defendant ſhall have Treble Coſts.

Perſons diſcharged may plead generally, &c. to all Actions brought againſt them before Jan. 1, 1772, &c.

XXX. And be it further enacted by the Authority aforeſaid, That if any *Scire Facias*, or Action of Debt, or upon Judgment, ſhall be brought againſt any Priſoner, his or her Heirs, Executors, or Adminiſtrators, upon any Judgment obtained againſt any ſuch Priſoner, or on any Statute or Recognizance acknowledged by him or her, before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, with reſpect to Priſoners in actual Cuſtody, or with reſpect to Debtors beyond the Seas, as aforeſaid, upon the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, it ſhall be lawful for any ſuch Priſoner, his or her Heirs, Executors, or Adminiſtrators, to plead generally that

ſuch

ſuch Priſoner was actually a Priſoner in ſuch Priſon at ſuch a Perſon's Suit, or was or were beyond the Seas in Foreign Parts on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, and was or were duly diſcharged according to this Act, at the General or Quarter Seſſion, or Adjournment thereof, held at ſuch Time and Place for ſuch County, Riding, Diviſion, Liberty, City, Town, or Place, (as his, her, or their Caſe is) without pleading any Matter ſpecially; and in caſe any other Suit or Action ſhall be commenced againſt him, her, or them, for any other Debt, Sum or Sums of Money, due before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-two, to plead in Diſcharge of his or her Perſon from Execution (over and above ſuch Matters as aforeſaid) that ſuch Debt or Sum of Money (as the Caſe ſhall happen) was contracted or due on or before the ſaid Firſt Day of *January* One thouſand ſeven hundred and ſeventy-two, without pleading any other Matter ſpecially; whereto the Plaintiffs ſhall or may reply generally, and deny the Matters pleaded as aforeſaid, or reply any other Matter or Thing which may ſhew the ſaid Defendant not to be intitled to the Benefit of this Act, or not duly diſcharged according to it, in the ſame Manner as the Plaintiff might have replied, in caſe the Defendant had pleaded this Act, and his Diſcharge by virtue of this Act, ſpecially; and if the Plaintiff be nonſuited, diſcontinue his Action, or Verdict paſs againſt him, or Judgment on Demurrer, the Defendant to have Treble Coſts.

and in other Suits, may plead in Diſcharge of their Perſons from Execution.

Plaintiff may reply generally, &c. but if non-ſuited, is to pay Treble Coſts.

XXXI. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon againſt whom a Commiſſion of Bankruptcy hath been awarded and iſſued out, and the Production whereof ſhall be deemed ſufficient Evidence to any Court of Quarter-ſeſſion, or Adjournment, and who hath not already obtained his Certificate and Diſcharge of his Debts, in purſuance of and in ſuch Manner as is directed by ſome or One of the Acts of Parliament now in Force relating to or concerning Bankrupts, or ſhall not obtain ſuch Certificate and Diſcharge before ſuch Time as he ſhall be brought before the Juſtices of the Peace at their General or Quarter Seſſion, or ſome Adjournment thereof, held as aforeſaid, in order to be diſcharged in purſuance of this Act, ſhall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Meaning thereof.

Bankrupts not obtaining their Certificates in due Time, excluded from the Benefit of this Act.

XXXII. Provided alſo, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to releaſe or diſcharge any Attorney at Law, or Solicitor, or any other Perſon or Perſons acting, or pretending to act, as ſuch, with regard to any Debt with which he or they ſhall ſtand charged, for any Money, or other Effects, recovered and received by him or them, for the Uſe of any Perſon or Perſons, Bodies Corporate or Politick, and by any Attorney, Solicitor, or other Perſon or Perſons acting as ſuch, embezzled, concealed, or converted, to his or their own Uſe; or to releaſe or diſcharge any Servant or Agent, or any Perſon or Perſons employed or intruſted as ſuch, with regard to any Debt or Demand with which he, ſhe, or they, ſhall ſtand charged, for and on account of any Money, Goods, or other Effects, received or poſſeſſed by him, her, or them, for the Uſe, and on Account of his, her, or their Maſter or Maſters, or Employers, and by ſuch Servant or Agent embezzled, concealed, or converted to his, her, or their own Uſe; any Thing herein contained to the Contrary thereof in anywiſe notwithſtanding.

Attornies embezzling, &c. Clients Money or Effects, excluded the Benefit of this Act.

XXXIII. And be it further enacted by the Authority aforeſaid, That every Gaoler or Keeper of any Priſon ſhall, and is hereby required to ſuffer, in the Day-time, any Perſon or Perſons deſiring the ſame, to ſee and ſpeak, in the Lodge, or ſome convenient Room of the ſaid Priſon, with any Priſoner or Priſoners, whoſe Names are inſerted in the afore-mentioned Liſt or Liſts, or *London Gazette*, or other News-paper, or any of them, or any Perſons ſurrendering themſelves purſuant to this Act; and alſo ſee, in the true and genuine Books of the ſaid Priſon, the Entries made of the Name or Names of ſuch Priſoner or Priſoners, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Suits he, ſhe, or they are detained: And if any ſuch Gaoler or Keeper ſhall neglect or refuſe to comply with what is here above required, every ſuch Gaoler or Keeper, who ſhall ſo offend in the Premiſes, ſhall forfeit and pay to the Perſon ſo refuſed and aggrieved the Sum of Forty Pounds; to be recovered, with Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts at *Weſtminſter*, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed, by and in the Name or Names of the Perſon or Perſons ſo refuſed and aggrieved.

Gaoler, to permit the ſpeaking in private to Priſoners, whoſe Names are inſerted in the Gazette, &c. and the examining the original Book of Entries, &c. on Penalty of 40 l. with Coſts of Suit.

XXXIV. Provided always, and be it enacted, That notwithſtanding the Perſon of any Priſoner or Priſoners, Fugitive or Fugitives, ſhall be diſcharged under this Act, the future Eſtates and Effects of every ſuch Priſoner and Fugitive ſhall remain and be liable to his, her, and their reſpective Creditors as before the making of this Act, (his, her, or their neceſſary Wearing Apparel, and Bedding for his, her, or their Families, and Working Tools and Implements neceſſary for his, her, or their Trade or Occupation, not exceeding the Value of Twenty Pounds in the Whole, only excepted), and any Creditor or Creditors of any ſuch Priſoner or Priſoners, Fugitive or Fugitives, may, at any Time hereafter, ſue out Execution, Extents, or other Proceſs, on any Judgment at the Time of ſuch Diſcharge recovered, or Statute Staple, or Recognizance acknowledged by, or Sentence or Decree obtained againſt, any ſuch Priſoner or Fugitive, but not againſt his, her, or their Perſon, or his, her, or their reſpective Wearing Apparel, Bedding, Working Tools, and Implements, as aforeſaid.

Priſoner's future Eſtate and Effects, notwithſtanding his perſonal Diſcharge, liable to Creditors; Wearing Apparel, Bedding, and Working Tools, &c. not exceeding 20 l. Value, excepted.

XXXV. And be it alſo enacted, That any Creditor or Creditors of any Priſoner or Priſoners, Fugitive or Fugitives, who ſhall be diſcharged under this Act, may, at any Time after any ſuch Diſcharge, commence and proſecute any Action or Suit againſt any ſuch Priſoner or Fugitive, his, her, or their reſpective Heirs, Executors, or Adminiſtrators, for the Recovery of any Sum or Sums of Money which ſhall be due from any ſuch Priſoner or Priſoners, Fugitive or Fugitives, at the Time of his or her ſaid Diſcharge, but ſhall not hold the Perſon of any ſuch Priſoner or Fugitive to Special Bail; nor ſhall take the Perſon, neceſſary Wearing Apparel, Bedding, Tools, or Implements, as aforeſaid, of any ſuch Priſoner or Fugitive

Creditor may ſue for the Recovery of Debt due at the Time of the Priſoner's Diſcharge, but not hold the Priſoner to Special Bail, nor take his Perſon, Wearing Apparel, Bedding, or Tools, in Judgment;

Fugitive in Execution, or any Judgment, Sentence, or Decree, which shall hereafter be recovered or obtained against any such Prisoner or Fugitive: And in any Action or Suit, which shall be hereafter commenced against any such Prisoner or Fugitive, his or her Heirs, Executors, or Administrators, no Benefit or Advantage shall be had or taken, for that the Cause of Action did not accrue within Three Years next before the commencing of any such Action or Suit; nor shall any Statute of Limitation be pleadable, or be allowed to be pleaded in Bar of or in any such Action or Suit, which shall be hereafter commenced by any such Creditor or Creditors against any such Prisoner or Prisoners, unless such Cause of Action or Suit did not accrue within Three Years next before any such Prisoner or Fugitive shall be discharged under this Act; and in any such Case, the same may be pleaded by any such Prisoner, his or her Heirs, Executors, or Administrators.

and no Advantage is to be taken of the Cause of Action not accruing within 3 Years, nor of the Statute of Limitation. Exception.

XXXVI. Provided always, and be it likewise enacted, That by the Discharge of any Prisoner or Fugitive by Force of this Act, no other Person or Persons who was or were Partner or Partners in Trade with any such Prisoner or Fugitive, at the Time of his or her Discharge under this Act, or then stood bound, engaged with, or liable to, the Payment of any Debt with any such Prisoner or Fugitive, or engaged in any Contract together with any such Prisoner or Fugitive, shall be discharged from any such Debt or Demand; but every such other Person and Persons shall severally stand and be chargeable with, and liable to pay, such Debt and Debts, and to perform such Contracts in like Manner as if any such Prisoner or Fugitive had never been discharged from the same.

Discharge of Prisoner no Acquital to the Copartner or Sureties.

XXXVII. And be it further enacted, That if any Gaoler or Keeper, or reputed Gaoler or Keeper, of any Prison or Prisons, shall make, or cause to be made, any false Entry or Entries in any Book or Books belonging to any Prison or Gaol under his Care, or of which he is or was Gaoler, or shall prepare or keep, or cause to be prepared or kept, any false Book or Books, in order for any false or untrue Entry or Entries to be made therein; or shall insert in any List to be delivered in as aforesaid, the Name or Names of any Person or Persons who was not a Prisoner or Prisoners in actual Custody in any such Gaol or Prison upon the said First Day of *January*, One thousand seven hundred and seventy-two, or shall not have ever since remained in such actual Custody; except as in the Oath of any such Gaoler or Keeper, or deputed Gaoler or Keeper, shall be excepted; every such Gaoler or Keeper, or deputed Gaoler or Keeper, shall over and above the Penalties which he shall be liable to for every such Fraud, forfeit and pay the Sum of Five hundred Pounds; to be recovered, with Treble Costs of Suit, by and in the Name, and for the Use, of any Person or Persons who shall be prejudiced by any Entry, or such false Entries; which Penalties shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Gaoler making false Entries in the Prison Book or Lists, forfeit 500 l. with Treble Costs,

over and above all other Penalties for such Fraud.

XXXVIII. And be it further enacted, That if any Prisoner, being thereunto required by any Creditor, shall refuse to discover and declare the Trade or Occupation and Habitation or last Place of Abode, of the Person or Persons at whose Suit he or she is detained or charged in Custody; or being called for and desired, by any Creditor or Creditors, to come to the Lodge of the Prison in which any such Prisoner shall be confined, without some reasonable Cause being made appear to the Contrary; every such Prisoner, upon Proof being made thereof before the Justices at any General or Quarter Session of the Peace, or any Adjournment thereof, to be held as aforesaid, shall not have or receive any Benefit or Discharge by or under this Act; any Thing herein contained to the Contrary thereof in anywise notwithstanding.

Prisoner refusing to declare the Abode, &c. of the Person at whose Suit he is detained, or to come to the Creditor in the Lodge; is excluded the Benefit of this Act.

'XXXIX. And whereas there is but One Common or County Gaol for each of the respective 'Counties of *York*, *Lincoln*, *Lancaster*, and *Durham*, which said Counties are each of them divided into 'several Ridings or Divisions, all which have several Commissions of the Peace; and if the Gaolers 'of those Gaols be obliged to carry the Debtors, Prisoners, therein, to the Quarter-session of each 'Riding or Division, the same will be a very great Charge, not only to such Gaolers, but also to the 'Prisoners in those large Counties;' be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for Two or more Justices of the Peace for each of the Ridings and Divisions in the respective Counties, at the Common or County Gaol thereof respectively, or at some convenient Place near thereto, and they are hereby required to assemble and meet, and to hold Session there, by Adjournment from their respective Quarter-session, from Time to Time, for the Discharge of the respective Prisoners therein, according to the Powers, Limitations, and Directions of this Act.

Justices may assemble at any convenient Place near to either of thy County Gaols, and hold Session there for Discharge of Prisoners.

'XL. And whereas the next General Quarter-session of the Peace for the County of *Surry*, which 'will happen after the passing of this Act, will be in the County, and upwards of Twenty Miles from 'any of the said Prisons;' be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for such Justices as shall be assembled at the General Quarter-session of the Peace to be holden for the County of *Surry*, next after the passing of this Act, and they are hereby required forthwith to adjourn the said Session to the Town-hall in the Borough of *Southwark*, for the Purpose of administering the Oaths required to be taken and subscribed by this Act by the several Gaolers within the said County wherein any Prisoner or Prisoners are confined, and to the discharging such respective Prisoner or Prisoners confined therein, according to the Powers limited, and Directions of this Act.

Justices for the County of Surry may assemble at the Town-hall of Southwark for administering Oaths, &c.

XLI. And be it further enacted by the Authority aforesaid, That all Debtors, and others, who were in Prison on or before the said First Day of *January*, One thousand seven hundred and seventy-two, or since, in any of the Gaols of this Kingdom, and now remain there for not paying their Fees, Rents, or any other Demands due, or claimed as due, to the Keeper or Gaoler of any Prison respectively, or to any

Those who are Prisoners for their Fees, or other Demands of the Gaoler

any other Officer of any such Prison, and upon no other Account, shall be discharged therefrom, he, she, or they, taking the Oath by this Act required to be taken by Prisoners.

Gaoler or Officer to be discharged.

XLII. Provided always, That this Act shall not extend to discharge any Person out of Prison, seeking his or her Discharge under this Act, with respect to any Debt with which he or she shall stand charged at the Suit of the Crown, or shall be indebted to any Body Politick or Corporate, or to any One Person, in any Sum exceeding the Sum of One thousand Pounds, besides Interest and Costs, and whose Discharge shall be in Court opposed by the Crown, Body Politick or Corporate, or One Person, and whose Debts exceeds the Sum of One thousand Pounds, and not otherwise, unless the Crown, such Body Politick or Corporate, or Creditor, shall consent thereto: and if any such Body Politick or Corporate, Creditor or Creditors, to whom a Sum exceeding One thousand Pounds shall be owing, shall oppose the Discharge of such Prisoner, and shall insist that such Prisoner be continued in Gaol, that then, and in such Case, such Body Politick or Corporate, or Creditor or Creditors, opposing the said Prisoner's Discharge as aforesaid, shall, at his, her, or their proper Costs and Charges, allow and pay, in the Whole, such a weekly Maintenance to the said Prisoner, not exceeding Three Shillings and Sixpence *per* Week, in such Manner as the said Justices in their General or Quarter Session, or some Adjournment thereof, shall order; and, upon Non-payment of the same for the Space of Six Weeks, the said Prisoner, upon Application to the said Justices in their General or Quarter Session held as aforesaid, shall be discharged pursuant to the Intent and Meaning of this Act.

Debtors to the Crown, and Prisoners who owe above 1000 l. to One Person, unless the Creditors consent, are excluded the Benefit of this Act.

Creditor opposing Prisoner's Discharge, to allow him 3 s. 6 d. per Week.

On Non-payment, Prisoner to be discharged.

'XLIII. And whereas, under former Acts, Creditors have been put to great Expences and Trouble 'in attending every Session and Adjournment, during the whole Continuance of the Act, to oppose 'the Discharge of Prisoners clearly excluded from any Benefit under the said respective Acts, but who, 'after having been before One Session heard and refused a Discharge, to harrass their Creditors, con-'stantly gave fresh Notices for each subsequent Session and Adjournment, of their intended Applica-'tion to be discharged; to remedy which,' be it further enacted by the Authority aforesaid, That, in all Cases whatever, the Determination of the Justices in Session shall be final to all Intents and Purposes, unless the Prisoner shall, during the Continuance of this Act, get rid of the Objection or Objections for which they refused his Discharge: And, in which Case, it shall and may be lawful to and for the Justices, at any subsequent Session, upon Application from the Prisoner, upon due Proof on Oath made to them by Two or more credible Witnesses (and which Oath they are hereby impowered to administer) of each Objection or Objections being removed, and on Proof of Notice served, at least Ten Days previous to such Application, on the Creditor or Creditors who before opposed his Discharge, and of Notice likewise inserted in the *Gazette*, in Manner before directed by this Act, to order such Prisoner to be brought before them; and if they shall then be of Opinion the said Prisoner is intitled to the Benefit of this Act, to order him to be discharged, he taking the Oath, and, in all other Respects, conforming to the Directions of this Act.

Determination of the Justices to be final;

unless the Prisoner get rid of the Objection for which they refused his Discharge; the Justices, on Proof by Two Witnesses of Objection being removed, &c. may discharge such Prisoner.

XLIV. Provided also, That every Person and Persons intitled, or to be intitled, to the Benefit of this Act, shall obtain their respective Discharges on or before the First Day of *August*, One thousand seven hundred and seventy-four, or shall be excluded from all Benefit of this Act.

Discharges to be obtained by August 1, 1774.

'XLV. And whereas it may happen that several Persons who may claim and be intitled to the Be-'nefit of this Act, are seised of an Estate Tail, in some Freehold or Copyhold Lands, Tenements, or 'Hereditaments; which Entail, with the Remainders thereupon expectant, they have by Law Power 'to defeat and bar, either by levying a Fine or Fines, suffering a Common Recovery or Common Re-'coveries, or by Surrender or Surrenders thereof, whereby such Person or Persons said Freehold or 'Copyhold Lands, Tenements, or Hereditaments, would be liable to the Payment of their Debts, and 'be delivered up, according to the Terms of this Act, for the Benefit of their Creditors;' be it therefore enacted by the Authority aforesaid, That, in every such Case, such Person or Persons so seised as aforesaid, and who shall be intitled to, and claim the Benefit of this Act, shall, to all Intents and Purposes whatsoever in Law, be deemed and taken, and is and are hereby declared to be seised of such Lands, Tenements, and Hereditaments, in Fee; provided the same shall be delivered up to the Creditor or Creditors of every such Prisoner, in the same Manner as if such Person or Persons had actually levied a Fine, suffered a Common Recovery or Recoveries, or made a Surrender or Surrenders thereof, and thereby had become seised in Fee; any Law, or Construction of Law, to the Contrary thereof in anywise notwithstanding.

Persons seised of an Estate Tail, claiming the Benefit of this Act, are to deliver up the same to the Creditors.

'XLVI. And whereas many Prisoners who may be intitled to, and claim the Benefit of this Act, 'have been great Dealers, or otherwise engaged in large Transactions, whereby they may be intitled to 'sundry and great Debts and Demands of various and intricate Natures, and they may be intitled to 'Equities of Redemption of Estates, subject and liable to Mortgages, Judgments, or other Incum-'brances, or to Reversions, Remainders, or other contingent Estates in Lands, Tenements, or Here-'ditaments, or to other Trusts or Interests in Estates, both Real and Personal, which may not be suf-'ficiently described or discovered in the Schedule, or Inventory, before directed to be delivered in, upon 'Oath, by the Prisoner to be discharged as aforesaid, or which may want his Aid or Assistance to ad-'just, make out, recover, or manage, for the Benefit of the Creditors;' be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Assignees of the Estate and Effects of such Prisoner or Prisoners who shall obtain his, her, or their Discharge, in pursuance of this Act, or any other Person or Persons duly authorised by them for that Purpose, from Time to Time, to apply to any Two or more of the Justices of the Peace for the County, Riding, Division, City, Town, Place, or Liberty, where such Prisoner or Prisoners shall be then residing, thereby desiring that such Prisoner or Prisoners may be further examined as to any Matters or Things relating to his, her,

Assignees may apply for further Examination of Prisoner, touching the Discovery of his Effects, &c.

or

and Juſtices may ſend for and examine the Priſoners accordingly.

Priſoners refuſing to appear, or to anſwer upon Oath, may be committed.

or their Eſtate or Effects; whereupon ſuch Juſtices ſhall ſend for, or call before them, ſuch Priſoner or Priſoners by ſuch Warrant, Summons, Ways, or Means, as they ſhall think fit; and, upon ſuch Priſoner's appearing, he ſhall examine him, her, or them, as well upon Oath as otherwiſe, as to ſuch Matters and Things as ſuch Aſſignee ſhall deſire, relating to the Eſtate and Effects of ſuch Priſoner or Priſoners; and if any Priſoner or Priſoners (on Payment or Tender of Payment of ſuch reaſonable Charges as ſuch Juſtices ſhall judge ſufficient) ſhall neglect or refuſe to come and appear, not having a lawful Excuſe, to be made known to ſuch Juſtices, and by them allowed, or, being come before them, ſhall refuſe to be ſworn, or to anſwer to all ſuch Queſtions as by ſuch Juſtices ſhall be put to him, her, or them, relating to the Diſcovery of his, her, or their Eſtate or Effects ſo veſted, or intended to be veſted, in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or in ſuch Aſſignees as aforeſaid, that then it ſhall and may be lawful to and for ſuch Juſtices, by Warrant under their Hands and Seals, to apprehend ſuch Priſoner or Priſoners ſo offending as aforeſaid, and him, her, or them, to commit to the County Gaol, there to remain without Bail or Mainprize, until ſuch Time as he, ſhe, or they, ſhall ſubmit him, her, or themſelves, to ſuch Juſtices, and anſwer upon Oath to all ſuch lawful Queſtions as ſhall by ſuch Juſtices be put to him, her, or them, for the Purpoſes aforeſaid.

20 l. per Cent. allowed on diſcovering within 12 Months any Part of the Priſoner's Eſtate not returned in the Schedule.

XLVII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Perſon and Perſons who ſhall, within Twelve Months after the Diſcharge of ſuch Priſoner or Priſoners, voluntarily come in and make a Diſcovery of any Part of ſuch Debtor or Debtors Real or Perſonal Eſtate as ſhall not be compriſed in ſuch Schedule as aforeſaid, before any Juſtices aforeſaid, ſhall be allowed after the Rate of Twenty Pounds *per Centum*, out of the Net Produce of ſuch Debtor or Debtors Eſtate which ſhall be recovered on ſuch Diſcovery, and which ſhall be paid to ſuch Perſon or Perſons ſo diſcovering the ſame, by the Aſſignee or Aſſignees of ſuch Priſoner's Eſtate and Effects.

Diſcharge obtained fraudulently, void.

XLVIII. Provided always, and be it enacted, That notwithſtanding the Diſcharge of any Priſoner or Priſoners by virtue of this Act, if it ſhall hereafter appear the ſame was obtained fraudulently, or that any Part of the Oath taken by any ſuch Priſoner was not true; then, and in every ſuch Caſe, every ſuch Diſcharge ſhall be void and of none Effect.

Perſons concealing any Eſtate or Effects of the Priſoner, forfeit 100 l. and Double Value, with Treble Coſts of Suit.

'XLIX. And, for the better Diſcovery of the Eſtate and Effects of any Priſoner who ſhall be diſcharged by virtue of this Act,' be it enacted by the Authority aforeſaid, That any Perſon or Perſons who ſhall have accepted of any Truſt or Truſts, and ſhall wilfully conceal or protect any Eſtate, Real or Perſonal, of any ſuch Priſoner from his Creditors, and ſhall not, within Thirty Days after any Aſſignee or Aſſignees ſhall in purſuance of this Act, be choſe of any ſuch Priſoner's Eſtate, diſcover and diſcloſe to ſuch Aſſignee or Aſſignees ſuch Truſt and Eſtate in Writing, and deliver up or make over the ſame to ſuch Aſſignee or Aſſignees, he, ſhe, or they, ſo offending, ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds, and alſo Double the Value of the Eſtate, either Real or Perſonal, ſo concealed, to and for the Uſe of the Creditors of any ſuch Priſoner; to be recovered by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name or Names of the Aſſignee or Aſſignees of ſuch Priſoner's Eſtate, together with Treble Coſts of Suit.

Aſſignees, with Conſent of the Majority in Value of the Creditors, may compound for Debts due to the Priſoner's Eſtate;

L. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful, at all Times hereafter, for any Aſſignee or Aſſignees of the Eſtate or Effects of any Priſoner or Priſoners, who ſhall be choſe in purſuance of this Act, by and with the Conſent of the major Part in Value of ſuch Priſoner or Priſoners Creditors, who ſhall be preſent at a Meeting to be had on Twenty-one Days publick Notice being previouſly given for the Purpoſe hereafter mentioned in the *London Gazette*, if the Priſoner was in Cuſtody in *London* or within the Weekly Bills of Mortality, and if not, then alſo in ſome News-paper which ſhall be publiſhed in the County, City, or Place, in or near which any ſuch Perſon ſhall have been in Gaol, to make Compoſition with any Perſon or Perſons, Debtors or Accountants to ſuch Priſoner or Priſoners, where the ſame ſhall appear neceſſary or reaſonable; and to take ſuch reaſonable Part of any ſuch Debt as can, upon ſuch Compoſition, be gotten, in full Diſcharge of ſuch Debts and Accounts; and alſo to ſubmit any Difference or Diſpute between ſuch Aſſignee or Aſſignees, and any Perſon or Perſons, for or on Account, or by Reaſon or Means of any Matter, Cauſe, or Thing, relating to ſuch Priſoner or Priſoners Eſtate or Effects, or to any Debt or Debts due, or claimed to be due to or from ſuch Priſoner or Priſoners, to the final End and Determination of Arbitrators to be choſen by the ſaid Aſſignee or Aſſignees, and the major Part in Value of ſuch Creditors, and the Party or Parties with whom they ſhall have no Difference, and to perform the Award of ſuch Arbitrators, or of any Umpire to be choſen by them; or otherwiſe to ſettle and agree the Matters in Difference and Diſpute between them, in ſuch Manner as the ſaid Aſſignee or Aſſignees, with ſuch Conſent as aforeſaid, ſhall think fit, and can agree, and the ſame ſhall be binding to all the Creditors of ſuch Priſoner or Priſoners; and every ſuch Aſſignee or Aſſignees is and are hereby indemnified for what they ſhall fairly do in the Premiſes, in purſuance of this Act.

and may ſubmit any Diſpute relating thereto to Arbitration;

or otherwiſe may ſettle and agree the ſame as they ſhall think fit.

Aſſignees may be mentioned againſt, for Inſufficiency, Fraud, Miſmanagement, or other Miſbehaviour;

'LI. And, to the Intent and Purpoſe that the Eſtate and Effects of ſuch Priſoner or Priſoners as ſhall 'be diſcharged by virtue of this Act, may be duly and faithfully applied for the Benefit of his, her, or 'their real Creditors,' be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Courts at *Weſtminſter*, and the Courts of Great Seſſion in *Wales*, and the Principality of *Cheſter*, and the Counties Palatine of *Lancaſter* and *Durham*, reſpectively, from whence any Proceſs iſſued upon which any ſuch Priſoner or Priſoners was or were committed, or where the Proceſs iſſued out of any other Court, to and for the Judges of the Court of *King's Bench*, *Common Pleas*, and *Exchequer*, or of *Great Seſſions* aforeſaid, within their reſpective Juriſdictons, or any One of them, from Time

Time to Time, upon the Petition of any such Prisoner, or the Creditor or Creditors of such Prisoner or Prisoners, complaining of any Insufficiency, Fraud, Mismanagement, or other Misbehaviour of any Assignee or Assignees of the Estate or Effects of any such Prisoner or Prisoners, to summon all Parties concerned, and, upon hearing the Parties concerned therein, to make and give such Orders and Directions therein, either for the Removal or Displacing such Assignee or Assignees, and the Appointing any new Assignee or Assignees, in the Place or Stead of such Assignee or Assignees so to be removed or displaced, or for the prudent, just, or equitable Management or Distribution of the Estate and Effects of any such Prisoner for the Benefit of the respective Creditors, as the said Courts or Judges respectively shall think fit; and in case of the Removal or Displacing of any Assignee or Assignees, and the Appointing of any new Assignee or Assignees, the Estate or Effects of such Prisoner or Prisoners shall, from thenceforth, be divested out of the Assignee or Assignees so removed or displaced, and be vested in, and delivered over to, such new Assignee or Assignees, in the same Manner, and for the same Intents and Purposes, as the same were before vested in the Assignee or Assignees first chose as aforesaid; any Thing in this Act contained to the Contrary notwithstanding.

the Court thereupon is to summon the Parties, and make such Orders therein as they shall think fit.

LII. Provided always, and be it enacted by the Authority aforesaid, That in all Cases where mutual Credit hath been given between any Prisoner or Prisoners who shall be discharged in pursuance of this Act, and any other Person or Persons, or Body Politick or Corporate, before the Delivery of such Schedule or Inventory of the Estate and Effects of such Prisoner or Prisoners, upon Oath, as aforesaid, the respective Assignee and Assignees of such Prisoner or Prisoners is and are hereby authorised and required, on his and their Parts, to state and allow an Account between them and the other Party or Parties concerned; and nothing more shall be deemed to be vested in such Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace, or such Assignee or Assignees under such Clerk of the Peace, Town Clerk, or other Officer, acting as Clerk of the Peace, as the Estate or Effects of such Prisoner or Prisoners, than what shall appear to be justly due to him, her, or them respectively, as and for the Balance of such Account when truly stated.

Where mutual Credit has been given, the Balance to be stated and allowed.

'LIII. And whereas many Persons are often committed on Attachments, for not paying Money 'awarded to be paid under Submissions to Arbitration by Rules of Court, or under Submissions to Ar- 'bitration Bonds, and which Submissions have been made Rules of the Court, in pursuance of an Act 'passed in the Ninth and Tenth Years of the Reign of *William* the Third, for determining Differences 'by Arbitration; and likewise for not paying of Costs duly and regularly taxed and allowed by the 'proper Officer, after proper Demands made for that Purpose; and also upon any Writ of *Excommu-* '*nicato Capiendo*, or other Process for, or grounded on, the Non-payment of Costs or Expences in any 'Cause or Proceeding in any Ecclesiastical Court;' it is hereby declared and enacted, That all such Persons are and shall be intitled to the Benefit of this Act, on and subject to the same Terms and Conditions as are herein expressed and declared with respect to Prisoners for Debt only.

Prisoners, for not paying Money awarded under Submissions to Arbitration; for not paying Costs; and upon Writ of Excommunicato Capiendo, &c. are intitled to the Benefit of this Act.

'LIV. And whereas great Numbers of poor People have been, and are now, imprisoned for Debt 'upon Processes issuing out of Courts of Conscience;' it is hereby enacted and declared, That all such Prisoners shall be intitled to have the Benefit of this Act, and be discharged under the same, provided he, she, or they, conform to the Directions herein before prescribed, touching other Prisoners who shall be discharged by virtue of this Act.

Those who are Prisoners upon Process out of Courts of Conscience, to have the Benefit of this Act.

LV. And be it further enacted by the Authority aforesaid, That in all Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a *Quaker* shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful and false Affirming, shall incur and suffer such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful and corrupt Perjury.

Quaker's Affirmation to be taken in lieu of an Oath.

LVI. Provided always, and be it further enacted by the Authority aforesaid, That no Person who took the Benefit of an Act passed in the Ninth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for the Relief of Insolvent Debtors*, shall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Intent and Meaning thereof, so as to be discharged under the same; any Thing herein before contained to the Contrary notwithstanding.

Persons who took the Benefit of the Act of 9 Geo. III. excluded.

LVII. Provided also, and it is hereby enacted, That nothing in this Act contained shall extend to that Part of *Great Britain* called *Scotland*.

This Act not to extend to Scotland.

'LVIII. And whereas the Prisoners confined in the Prison of the *King's Bench* have lately unwar- 'rantably, and without Colour of Law, conceived that Imprisonment for Debt at the Suit of a Sub- 'ject was contrary to Law, and have therefore formed many dangerous Schemes to set themselves at 'Liberty, and on the Nineteenth Day of *November*, One thousand seven hundred and seventy, the 'Prisoners confined in the said Prison, to the Number of Sixty and upwards, did combine, con- 'spire, confederate, and agree together, by Force and Violence, to break the said Prison and escape 'thereout, and to enable them so to do, did clandestinely procure divers Weapons to be conveyed into 'the said Prison, and did on the said Day suddenly and with Violence knock down the Turnkeys, 'and overpower them, and seize the Keys, and set open the Doors of the said Prisons, and divers 'Prisoners escaped charged with Debts to a large Amount; and although the Marshal or Keeper of the 'said Prison used all possible Diligence to retake them, yet *John M'Culloch*, One of the said Prisoners 'escaped, and cannot be retaken, and on the Thirteenth Day of *May*, One thousand seven hundred 'and seventy-one, a great many other Prisoners, to the Number of One hundred did wickedly, and 'unknown

The Marshal or Keeper indemnified

'unknown to the said Marshal, conspire together by Force and Violence again to break the said 'Prison, and to escape thereout, and in order to effect the same, did clandestinely procure to be 'brought into the said Prison a great Number of Fire Arms and other destructive Weapons, and the 'said Prisoners in the Night of the said Thirteenth Day of *May*, with the said Fire Arms and de-'structive Weapons, did suddenly and riotously break through Part of the Wall of the said Prison, 'and many Prisoners escaped thereout charged with Debts to a large Amount, notwithstanding the 'Marshal and his Keepers, with all the Assistance he could raise, resisted the said Escape at the 'Hazard of their Lives, but were overpowered by the Multitude, and irresistible Force of the said 'Prisoners; andnotwithstanding the most immediate and fresh Pursuit was made, and every Effort used 'to retake the said Prisoners, yet *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac de* '*Rovery*, Four of the said Prisoners, made their Escape, and cannot be heard of or retaken, and 'many of the Plaintiffs, at whose Suit the said Prisoners were detained, have brought Actions against 'the Marshal or Keeper of the said Prison, charging him with negligent Escapes of the said 'Prisoners, with a View and Design to recover of him the full Debt or Debts, with which such 'Prisoner or Prisoners stood charged, though they well know the said Escapes happened from the un-'lawful Conspiracy of the said Prisoners, and from the irresistible Violences aforesaid: And whereas 'it would tend to the Ruin of the Marshal or Keeper of the said Prison, and also to encourage the 'most dangerous and illegal Conspiracies, if Plaintiffs were permitted to sue for and recover the 'Sums with which such Prisoners stood charged, as in Cases of voluntary, wilful, and negligent 'Escapes;' be it therefore enacted by the Authority aforesaid, That the Marshal or Keeper of the said Prison shall be, and he is hereby indemnified, freed, and discharged of, and from and against the Escape of the said *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac de Rovery*, and of, from, and against, all Action and Actions which now are, or shall or may be commenced or prosecuted against him, for or by reason or means of the said Escape of the said *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac de Rovery*, out of his Custody on the said Nineteenth Day of *November*, One thousand seven hundred and seventy, or the said Thirteenth Day of *May*, One thousand seven hundred and seventy-one, or in the Night-time of those respective Days; and, at the Trial of any such Action or Actions, it shall and may be lawful to and for the said Marshal of the said Prison to plead the General Issue, or such other Pleas as he by Law is intitled to do, and to give this Act in Evidence, and thereupon the Plaintiff or Plaintiffs, in such Action, shall be nonsuited; or in case of a Demurrer in any Action already brought, or hereafter to be brought, against the said Marshal or Keeper, for or by reason of the said Escapes of the said *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac de Rovery*, Judgment shall be given for the Defendant: Saving nevertheless, to each and every the Creditors of the said *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac de Rovery*, all the Remedies against them the said *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac de Rovery*, and his and their respective Lands and Tenements, Goods, Chattels, and Effects, as he, she, or they, would have been intitled unto, in case the said *John M'Cullock*, *Daniel Quarrington*, *Daniel Scott*, *John Henry Manrer*, and *Isaac De Rovery*, had not escaped.

from the Escape of Prisoners, and all Actions commenced relative thereto.

CAP. XXIV.

An Act for the better securing and preserving His Majesty's Dock Yards, Magazines, Ships, Ammunition, and Stores.

Preamble.

'WHEREAS the Safety and Preservation of His Majesty's Ships of War, Arsenals, Magazines, 'Dock Yards, Rope Yards, Victualling Offices, Military, Naval, and Victualling Stores, and 'the Places where such Stores are kept or deposited, either within this Realm or in any of the Islands, 'Countries, Forts, or Places thereunto belonging, is of great Importance to the Welfare and Security 'of the Kingdom; may it please Your most Excellent Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, either within this Realm, or in any of the Islands, Countries, Forts, or Places thereunto belonging, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on fire, or burning, or otherwise destroying of any of His Majesty's Ships or Vessels of War, whether the said Ships or Vessels of War be on float or building, or begun to be built, in any of His Majesty's Dock Yards, or building or repairing by Contract in any private Yards, for the Use of His Majesty, or any of His Majesty's Arsenals, Magazines, Dock Yards, Rope Yards, Victualling Offices, or any of the Buildings erected therein, or belonging thereto; or any Timber or Materials there placed, for building, repairing, or fitting out of Ships or Vessels; or any of His Majesty's Military, Naval, or Victualling Stores, or other Ammunition of War, or any Place or Places, where any such Military, Naval, or Victualling Stores, or other Ammunition of War is, are, or shall be kept, placed, or deposited; that then the Person or Persons guilty of any such Offence, being thereof convicted in due form of Law, shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

Persons who shall wilfully set on fire, burn, or destroy Ships of War, or aid or assist in so doing, in any of His Majesty's Dock Yards, Arsenals, Magazines, &c. or any Buildings, Timber, or Materials, there placed; or any Military, Naval, or Victualling Stores, &c. being thereof convicted in due Form of Law, shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

II. And

II. And be it further enacted by the Authority aforesaid, That any Person who shall commit any of the Offences before mentioned, in any Place out of this Realm, may be indicted and tried for the same, either in any Shire or County within this Realm, in like Manner and Form, as if such Offence had been committed within the said Shire or County, or in such Island, Country, or Place, where such Offence shall have been actually commited, as His Majesty, His Heirs, or Successors, may deem most expedient for bringing such Offender to Justice; any Law, Usage, or Custom notwithstanding.

Person offending out of this Realm, may be tried in any Shire, &c. within the realm.

CAP. XXV.

An Act for the more effectual vesting in the Royal Hospital at *Greenwich* the forfeited and unclaimed Shares of Naval Officers, Seamen, and Marines, in Prizes taken from the Enemy; and for other Purposes therein mentioned.

Preamble.

'WHEREAS, previous to, and during the Course of, the late Wars against *France* and *Spain*, divers Ships and Vessels were taken from the Enemy by several of His Majesty's Ships of War, and Fort *Lewis* at *Senegal*, the Island of *Goree*, the Islands of *Martinico*, *Guadalope*, and several other of the *Leeward* Islands, the Towns of *Pondicherry* and *Karrical*, and divers other Settlements on the Coast of *Coromandel*, the Fortresses of *Chandenagore*, *Budgia Tanna*, and *Hughley*, in or near the Province of *Bengal*, and the Fortress of *Geriah*, the Town of *Havanna*, and sundry Ships of War in the Harbour thereof, the City, Town, and Fort of *Manilla*, and divers other Forts, Settlements, and Places of or belonging to or under the Dominion of the Crowns of *France* and *Spain*, or their Allies, were reduced and taken by the conjunct Force of His Majesty's Navy and Army; and large Quantities of Money, Goods, Wares, and Merchandises, were taken and seized, as Booty or Plunder, by such conjunct Force; and divers Sums of Money were paid, or given or agreed to be paid, by way of Ransom, to the Officers, Soldiers, and Sailors, who had conjunctively taken and seized sundry Goods, Wares, and Merchandises, as Booty or Plunder; and also for the Ransom of sundry Forts, Places, Settlements, and Islands, so reduced and taken by such conjunct Force as aforesaid; and also divers Sums of Money were given by certain foreign Princes, in Alliance with the Crown of *Great Britain*, and of the trading Companies thereunto belonging, and subject, by way of Donation to, and to be distributed among, such Officers, Soldiers, and Sailors, as had assisted such foreign Princes, in Recompence for their good Service and Assistance: And whereas certain Acts were made in the Twenty-ninth and Thirty-third Years of the Reign of His late Majesty, and in the Second Year of the Reign of His present Majesty, for the Encouragement of Seamen, and the more speedy and effectually manning His Majesty's Navy; and for the more effectual securing the Payment of such Prize and Bounty Money as were thereby appropriated to the Use of *Greenwich* Hospital: And whereas Doubts have arisen whether the Ships and Vessels so taken, previous to the Commencement of the late War, and the Booty or Plunder so taken on Shore by such conjunct Force, and the said Ships so taken in the Harbour of *Havanna*, and such Ransom, and also such Donations as aforesaid, can be considered as subject to such Distribution as in the said Acts are mentioned; and whether such Shares thereof, as have been forfeited and unclaimed by the Officers and Seamen serving on board His Majesty's Navy, do belong to the Royal Hospital for Seamen at *Greenwich*, in the County of *Kent*; and whether such Shares ought to be paid by the several Agents, or other Persons in whose Hands the said forfeited and unclaimed Shares do now remain to the Treasurer of the said Hospital, for the Use thereof: For Remedy whereof, and to obviate all Doubts and Difficulties which have arisen, or may arise, concerning the said forfeited and unclaimed Shares, may it please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the Authority of the same, That all and every Sum and Sums of Money, arising by Sale of any Ship or Vessel taken from the Enemy, previous to the Commencement of the late War, and now remaining unpaid to the Captors thereof, and all and every the Booty Money, Goods, Wares, and Merchandises, which were so taken by such conjunct Force, on Shore, and the Money paid, or agreed to be paid, for the Ransom of any Ship, Town, Fort, Place, Settlement, or Island, so reduced and taken by such conjunct Force, or of the Goods, Wares, and Merchandises found therein; and all and every Ship and Ships taken by, or surrendered by virtue of any Capitulation, or otherwise, to such conjunct Force, and also all such Monies as have been given by way of Donation as aforesaid, shall be deemed and taken to be included in the said Acts, and to be subject to such and the same Mode of Distribution, Management, and Application, as any other Ships, Vessels, Goods, and Merchandises, were, pursuant to the said Acts, liable to, or ought to be subject, but not so as to impeach, affect, or disturb any Mode of Distribution, which may have been already adopted, or any Payments which have been actually and *bona fide* made agreeable thereto.

Acts 29, and 33 Geo. II. and Act 2 Geo. III.

All Sums arising by Sale of Ships, &c. taken previous to the Commencement of the late War, mentioned therein, are hereby deemed to be included in the said Acts; and are subject to the same Mode of Distribution and Application.

II. Provided always nevertheless, That nothing herein contained shall extend, or be construed to extend, so as to make it necessary to have any Capture on Shore, condemned as lawful Prize in any Court of Admiralty, or to give any Court of Admiralty any greater or other Power or Jurisdiction, than what such Court would be intitled to, in case this Act had not been made.

Court of Admiralty to have no additional Jurisdiction by this Act.

III. And be it further enacted by the Authority aforesaid, That all and every Person and Persons, Agent and Agents, (who, at the Time of passing this Act, shall be residing in *Great Britain*) nominated and appointed for the Receipt and Distribution of the Booty and Plunder, found in the Fortress of

All Agents residing in Britain, appointed for Receipt and Distribution of Booty, &c.

of *Geriah*, or of the Money arising by the Sale of any Ship, Veſſel, Goods, and Merchandiſe, taken from the Enemy during the late Wars with *France* and *Spain*, or of the Booty and Plunder found in any Town, Fort, Place, or Settlement, reduced and taken, during ſuch Wars as aforeſaid, or of the Ranſom of any Ship, Town, Fort, Place, Settlement, or Iſland, or of any Goods, Wares, and Merchandiſes, reduced and taken as aforeſaid, or of any ſuch Donation as aforeſaid, or on any Bounty Bill, or Bounty Bills, given or granted for the taking, burning, ſinking, or deſtroying any of the Enemies Ships of War, or Privateers, during ſuch Wars as aforeſaid, their Executors or Adminiſtrators, and all and every Perſon and Perſons acting as ſuch Agent or Agents, and reſiding in *Great Britain* as aforeſaid, their Executors or Adminiſtrators, ſhall, on or before the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three, account for, and pay to the Treaſurer of the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, or to his ſufficient Deputy or Agent, for the Uſe of the ſaid Hoſpital, all and every Sum and Sums of Money, as ſhall be then remaining in their Hands, on account of ſuch Shares of the Money ariſing as aforeſaid, as would have belonged to ſuch Officers and Men of His Majeſty's Navy and Marines, who had forfeited the ſame, by deſerting from His Majeſty's Service, in caſe they had not ſo deſerted, and alſo ſuch Shares thereof as were forfeited by the ſeveral Naval Officers, Seamen, and Marines intitled thereto, on Occaſion of their not claiming the ſame, within Three Years from the reſpective Times appointed for the Payment of the ſaid Shares, by the publick Notifications given of the Times of ſuch Payment, purſuant to the ſaid Acts of Parliament.

or of the Ranſom of Ships, Forts, &c.

ſhall, before March 25, 1773, pay to the Treaſurer of the Royal Hoſpital at Greenwich, all Sums then remaining in their Hands, on account the Shares of Officers, &c. who have deſerted;

and all forfeited Shares, not claimed within Three Years from the reſpective Times appointed for the Payments.

Naval Officers, &c. prevented from claiming within the limited Time, giving ſufficient Proof to the Board of Directors of their Inability, to have their Shares refunded by the Treaſurer.

'IV. And whereas it hath frequently happened that divers Naval Officers, Seamen, and Marines, 'have been prevented, by Abſence, or other inevitable Accidents, from claiming their Shares of Prize 'and Bounty Money, within Three Years after publick Notifications have been given of the Time ap- 'pointed for Payment thereof;' be it enacted by the Authority aforeſaid, That if any Naval Officer, Seaman, or Marine, his Executors or Adminiſtrators, ſhall, after his Share of Prize or Bounty Money has been paid to the Treaſurer of the ſaid Hoſpital, or his Deputy, for the Uſe thereof, by virtue of this Act, give ſufficient Proof to the Board of Directors of the ſaid Hoſpital of his Inability of claiming his Share of Prize and Bounty Money in due Time, it ſhall and may be lawful to and for the ſaid Board of Directors, and they are hereby impowered to order the Treaſurer of the ſaid Hoſpital to refund and pay to ſuch Naval Officer, Seaman, or Marine, his Executors or Adminiſtrators, ſuch his Share of Prize or Bounty Money, ſo received by the ſaid Treaſurer; and that the Treaſurer of the ſaid Hoſpital ſhall be allowed ſuch Payment, on paſſing his Account before the Auditor of the ſaid Hoſpital.

Forfeitures and unclaimed Shares, to be recovered by Bill or Information.

V. And be it further enacted by the Authority aforeſaid, That all and every the forfeited and unclaimed Shares of Prizes, and other Benefits accruing to the ſaid Hoſpital, by virtue of this or any former Act, ſhall and may be recovered by any Action, Bill, Plaint, Suit, or Information, to be brought in the Name of the Maſter, or Governor, and Treaſurer of the ſaid Hoſpital, for the Time being.

After March 25, 1773, Suits brought in Behalf of the Hoſpital againſt Agents,

'VI. And whereas many Agents appointed for the Receipt and Diſtribution of Prize Money, and 'Money ariſing on Bounty Bills, have been induced to delay the Payment of forfeited and unclaimed 'Shares, due to the ſaid Royal Hoſpital, by virtue of the ſaid Acts, and to carry on long and expenſive 'Litigations with the Governor and Treaſurer of the ſaid Hoſpital, in conſideration that the Intereſt of 'the Money due to the ſaid Hoſpital, for ſuch forfeited and unclaimed Shares, does ſometimes far ex- 'ceed, or may be at leaſt equivalent to the Coſts of the ſaid Agents, attending ſuch Litigations; for 'Remedy whereof,' be it further enacted by the Authority aforeſaid, That if any Suit ſhall, after the ſaid Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three, be brought in any of His Majeſty's Courts of Law or Equity, by or on the Behalf of the ſaid Hoſpital, againſt any Agent or Agents nominated and appointed for the Purpoſes aforeſaid, or either of them, or againſt any Perſon or Perſons acting as ſuch Agent or Agents, (who at the Time of paſſing this Act ſhall be reſiding in *Great Britain*), their Executors or Adminiſtrators, for an Account of, or to compel Payment of any ſuch Shares as aforeſaid; ſuch Agent or Agents, or Perſon or Perſons acting as ſuch, their Executors or Adminiſtrators, ſhall pay to the Treaſurer of the ſaid Royal Hoſpital, or to his ſufficient Deputy, for the Uſe thereof, Intereſt at the Rate of Five Pounds *per Centum per Annum*, for ſuch Sums of Money as ſhall, in the Event of the ſaid Suit, appear to be remaining in the Hands of ſuch Agent or Perſon reſpectively, on account of ſuch forfeited and unclaimed Shares as aforeſaid, together with the Amount of ſuch forfeited and unclaimed Shares; ſuch Intereſt to be computed from the End of Three Years next after the Time appointed by ſuch Notifications as ſhall have been given purſuant to the ſaid Acts for the Payment of ſuch Shares as aforeſaid.

5 l. per Cent. Intereſt for Monies in their Hands, to be paid by ſaid Agents.

Agents, before Dec. 31, 1773, to pay to the Treaſurer of the Hoſpital, all Sums remaining in their Hands on account of ſuch Shares;

VII. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, Agent and Agents, (who at the Time of paſſing this Act ſhall be reſiding in Parts beyond the Seas), nominated and appointed for the Receipt and Diſtribution of the Money ariſing by the Sale of any Ship, Veſſel, Goods, and Merchandiſe, taken from the Enemy during the late Wars with *France* and *Spain*, or of the Booty and Plunder found in any Town, Fort, Place, or Settlement, reduced and taken during ſuch Wars as aforeſaid, or of the Ranſom of any Ship, Town, Fort, Place, Settlement, or Iſland, or of any Goods, Wares, and Merchandiſes, reduced and taken as aforeſaid, or on any Bounty Bill, or Bounty Bills, given or granted for the taking, burning, ſinking, or deſtroying, any of the Enemies Ships of War or Privateers, during ſuch Wars as aforeſaid, their Executors or Adminiſtrators, and all and every Perſon and Perſons acting as ſuch Agent or Agents, and reſiding in Parts beyond the Seas as aforeſaid, their Executors or Adminiſtrators, other than and except ſuch

Agents or Perſons as are or ſhall be reſiding in *Eaſt India*; ſhall, on or before the Thirty-firſt Day of *December*, One thouſand ſeven hundred and ſeventy-three, account for and pay to the Treaſurer of the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, or to his ſufficient Deputy, Attorney, or Agent, for the Uſe of the ſaid Hoſpital, all and every Sum and Sums of Money as ſhall be then remaining in their Hands, on account of ſuch Shares of the Money ariſing as aforeſaid, as would have belonged to ſuch Officers and Men of His Majeſty's Navy and Marines, who had forfeited the ſame by deſerting from His Majeſty's Service, in caſe they had not ſo deſerted, and alſo ſuch Shares thereof as were forfeited by the ſeveral Naval Officers, Seamen, and Mariners, intitled thereto, on Occaſion of their not claiming the ſame within Three Years from the reſpective Times appointed for the Payment of the ſaid Shares, by the publick Notifications given of ſuch Payment, purſuant to the ſaid Acts; and that ſuch Agents or Perſons as are or ſhall be reſiding in *Eaſt India* ſhall account for, and pay to the Treaſurer of the ſaid Hoſpital, or to his ſufficient Deputy, Attorney, or Agent, for the Uſe thereof, ſuch Shares as aforeſaid, on or before the Twenty-fourth Day of *June*, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-four: And that if any Suit ſhall, after the ſaid Thirty-firſt Day of *December*, One thouſand ſeven hundred and ſeventy-three, be brought in any of His Majeſty's Courts of Law or Equity by or on Behalf of the ſaid Hoſpital, againſt any Agent or Agents nominated and appointed for the Purpoſes aforeſaid, or either of them, or againſt any Perſon or Perſons acting as ſuch Agent or Agents, (who at the Time of paſſing this Act ſhall be reſiding in Parts beyond the Seas), their Executors or Adminiſtrators, other than and except ſuch as are or ſhall be reſiding in *Eaſt India*, for an Account of, or to compel Payment of any ſuch Shares as aforeſaid; ſuch Agent or Agents, Perſon or Perſons, acting as ſuch, their Executors or Adminiſtrators, ſhall pay to the Treaſurer of the ſaid Royal Hoſpital, or to his ſufficient Deputy, Attorney, or Agent, for the Uſe thereof, Intereſt at the Rate of Five Pounds *per Centum per Annum*, for ſuch Sum of Money as ſhall, in the Event of the ſaid Suit, appear to be remaining in the Hands of ſuch Agent or Perſon reſpectively, on account of ſuch forfeited and unclaimed Shares as aforeſaid, together with the Amount of ſuch forfeited and unclaimed Shares; ſuch Intereſt to be computed from the End of Three Years next after the Time appointed by ſuch Notifications, as have been given purſuant to the ſaid Acts, for the Payment of ſuch Shares as aforeſaid.

and if any Suit ſhall be brought againſt any Agent, &c. except ſuch as are in East India, to compel Payment of Shares, ſuch Agent ſhall pay 5 l. per Cent. together with the Amount of unclaimed Shares: Intereſt to be computed after 3 Years Notification.

VIII. Provided alſo, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to vacate any Agreement entered into between the Commanders of His Majeſty's Sea and Land Forces conjunctively employed in the Expedition againſt *Manilla*, or any other Place, during the late Wars with *France* and *Spain*.

No Agreement to be vacated between the Commanders of Sea and Land Forces.

IX. And be it further enacted by the Authority aforeſaid, That all ſuch Sum and Sums of Money as by virtue of ſuch Agreements became due to His Majeſty's Land Forces, and are now remaining unclaimed in the Hands of any Agent or Agents, ſhall be forthwith paid to the Commiſſioners appointed by an Act made in the Fifth Year of His preſent Majeſty, intituled, *An Act to oblige Agents for Prize Money to account for ſuch Sums of Money as remain in their Hands unclaimed, the Property of any of His Majeſty's Land Forces, and for the Application thereof*; to be applied by the ſaid Commiſſioners according to the Directions of the ſaid Act.

All Money due to Land Forces now unclaimed, in the Hands of any Agent, to be forthwith paid to the Commiſſioners appointed by ſaid Act directs.

Act 5 Geo. III. to be applied as the

X. And be it further enacted and declared, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP. XXVI.

An Act for Imbanking, Draining, and Preſerving, certain Fen Lands and Low Grounds in the Pariſh of *Ramſey*, in the County of *Huntingdon*; and in the Pariſhes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, within the *Iſle of Ely*, in the County of *Cambridge*; and for Amending the Road from a certain Bridge in the Pariſh of *Chatteris* aforeſaid, called *Carter's Bridge*, by a Drain called *Vermuyden*'s, or *The Forty Feet Drain*, to a Bridge called *The Forty Feet Bridge*, in the ſaid Pariſh of *Ramſey*.

Preamble.

'WHEREAS the Bank of the Drain called *Vermuyden's*, or *The Forty Feet Drain*, from a certain Bridge in the Pariſh of *Chatteris*, within the *Iſle of Ely*, in the County of *Cambridge*, called *Carter's Bridge*, to a certain Bridge called *The Forty Feet Bridge*, on the North Side thereof; and the Bank on the Weſt Side of Lands called *Thiſtle Green*, to *Broadall's*, otherwiſe *Broadwell's Old Bank*, on the Eaſt Side of *Ramſey Meer*, in the Pariſh of *Ramſey*, in the County of *Huntingdon*, and the Bank of the *Great Hilks*, in *Ramſey* aforeſaid; and the Banks of the River *Nene*, on the South and South Eaſt Sides thereof, from *Ramſey Meer* aforeſaid, along the ſaid River to *Benwick*; and from thence to a certain Houſe called *Cepalder Houſe*; and from thence by or along the ſaid River to a certain Place in the Pariſh of *Doddington*, within the *Iſle of Ely*, in the County of *Cambridge*, called *Flood's Ferry*, by *Ranſon Moore*; and from thence by *Borough Moore* to *Borough Moore Common*; are in ſo ruinous a State that they cannot be any longer preſerved or kept in Repair, whereby the Lands lying adjoining to the ſaid Banks are, through the Inſufficiency of the ſame, overflowed with Water, to the great Prejudice of the Owners and Occupiers thereof: And whereas the ſaid Lands, ſo over-

'flowed

'flowed by such Insufficiency of the Banks, contain in the Whole Eight thousand six hundred Acres, 'or thereabouts, and are abutted and bounded as follows; that is to say, On the South, by the said 'Drain called *Vermuyden's Drain*, otherwise *The Forty Feet Drain*, from *Carter's Bridge* aforesaid, to 'the said Bridge called *The Forty Feet Bridge*, in the said Parish of *Ramsey*; and from thence, on the 'West Side of *Thistle Green* aforesaid, to *Broadall's Bank* aforesaid; and from thence, along the said Old 'Bank on the East Side of *Ramsey Meer*, in the said Parish of *Ramsey*, to the West Side of Lands 'called *The Great Hilks*; and from thence along the said *Great Hilks*, on the North and West Sides 'thereof, to the River *Nene*; and from thence, along the East Side of the said River *Nene*, by and 'through the said Hamlet of *Benwick*, to a certain House called *Copalder House*; and from thence, along 'the said River *Nene*, to *Flood's Ferry*; and from thence, along the said River, through Lands called '*Little Bradney Moore* and *Borough Moore*, to the North East Side of Lands of Mr. *John Household*, next 'a certain Place called *Borough Moore Common*; and from thence, along the said Lands of the said *John* 'Household, next *Borough Moore Common* aforesaid, but excluding the said Common, to a certain Drove 'or Bank in *March* called *Ranson Moore Black Bank*, and along the said Bank to the Hard Lands of 'Borough Moore Common; and from thence, on the East Side of Lands of *John Waddington* Esquire, next 'Linwood Farm, excluding the said Farm, to a certain Drain called *Middle Drain*; and from thence, 'along and across the said Drain, to *Sedge Fen Drove*; and by and along the said Drove, towards the 'South East, to the North East Corner of Lands of *Walden Orme*, *Humphry Sturt*, Esquires, and others; 'and along the East End of the said Lands, and the East End of Lands of the said *John Waddington* and 'of *Elizabeth Johnson*, to the West End of an old Partition Dyke running across a certain Dole of the 'said *Elizabeth Johnson*, lying next *Wimblington Green*; and then along the said Partition Ditch to the 'East Side of the said Dole; and then Southward, along the East Side of the said Dole, and the East 'Side of a certain Dole of *John Waddington* Esquire, next *Wimblington Green* aforesaid; and across a 'Ditch at the South-east Corner thereof, to the Hard Lands of the *Park Leys*; and along the Skirts of the 'said Hard Land of *Park Leys* aforesaid, and the Skirts of the Hard Lands of *Appleborough*, and other 'Hard Lands of *Doddington*, to *Copalder Drove* aforesaid, excluding the said Hard Lands; and from 'thence, by and along the said Hard Lands of *Doddington* aforesaid, but on the West Side thereof, to 'the Turnpike Road at *Doddington Causeway*; and by and along the said Turnpike Road to *Carter's* 'Bridge aforesaid: And whereas the said Fen Lands and Low Grounds so described as aforesaid, by 'reason of the low Situation thereof, and the Decay of the said Banks, cannot be sufficiently drained 'by the Means now used for draining the same without the Aid and Assistance of Parliament; may it 'therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Fen Lands and low Grounds so abuttaled, bounded, and described as aforesaid, shall be and are hereby made Two separate Districts, with respect to the repairing and keeping in repair the said Banks of the said River *Nene*, and the said *Forty Feet Drain*, otherwise *Vermuyden's Drain*, and the several other outward Banks herein before particularly abuttaled, bounded, and described; That is to say, that so much of the said Fen Lands and Low Grounds as lie on the South Side of *Copalder Drove* aforesaid, shall be and be called *The Upper District* or *Division*; and that the Remainder of the said Lands and Grounds lying on the North Side of the said Drove, shall be and be called *The Lower District* or *Division*; and that the said several Fen Lands and low Grounds so abuttaled and described as aforesaid, shall be and are hereby divided into Five Districts, with respect to the draining the same; and that the Lands and Grounds, containing Five hundred and thirty Acres, or thereabouts, being Part and Parcel of the Lands and Grounds herein before described, and called by the several Names of *The Great Hilks*, *Broadall's*, otherwise *Broadwell's Broadall's Holt*, otherwise *Broadwell's Holt*, and *The Pollin's*, and abutted and abounded as follows; that is to say, From the West Corner of Lands of *William Fellowes*, Esquire, in *Broadall's*, otherwise *Broadwell's* aforesaid, in the said Parish of *Ramsey*, called *Betty's Nose*, next the said *Forty Feet Bank*; by and along the said Bank to the Highlands near the said *Forty Feet Bridge*; and from thence, on the West Side of Lands called *Thistle Green* to *Broadall's*, otherwise *Broadwell's Old Bank*; and from thence along the said *Old Bank*, on the East Side of *Ramsey Meer* to the *Great Hilks*, and along the said *Great Hilks*, on the South West Side thereof, to the said River *Nene*, including the said *Hilks*; and along the said Bank of the said River *Nene*, to a certain Stile in the said Lands, called *The Pollins*, on the East Side thereof, next Lands of the said *William Fellows*; and along the said Lands called *The Pollins*, on the East Side thereof, to the North End of a Drove called *The Four Hundred Acre Drove*, including the Outring Ditch, which parts *The Four Hundred Acre Farm*, *Pollins*, and *Broadalls*; and along the said Drove to the North Corner of Lands of *Thomas Searle*; and from thence Eastward along the said Lands, but on the North Side thereof, to the West Corner of *Benwick Turff Fen*, and from thence, along a certain Droveway called *The Turff Fen Drove*, leading to *Ramsey* aforesaid; and from thence, along the said Drove, towards the South West to Lands of *Francis Ibberson*, in *Broadwell's Holt*; and from thence, by the Division Ditch of the said Lands of the said *Francis Ibberson*, and the said Lands called *Betty's Nose*, to the *Forty Feet Drain* aforesaid; and that the said last-mentioned Lands, so described as aforesaid, shall be called and taken as and for the First District or Divison: And that the Lands and Grounds, containing by Estimation Four hundred and forty Acres, or thereabouts, lying in the Hamlet of *Benwick* aforesaid, being other Part and Parcel of the Lands and Grounds within the said upper District, and abuttaled and bounded as follows; that is to say, from a certain Stile called *The Chapel Stile*, in the Hamlet of *Benwick* aforesaid, next the said River *Nene*, on the South Side thereof; and from thence, along the said River, to a certain old Drain, Sewer, or Dike, called

The whole Fen Lands described make Two separate Districts for imbanking the River Nene;

and the said Fen Lands, so described, are divided into Five Districts for draining.

First District for draining.

Second District.

called the *The Smee Dike*, on the West Side thereof, to a certain old Drain or Sewer called *The West Water*; and from the said old Sewer or Drain called *The West Water*, on the South Side of Lands of the said *Francis Ibberson*, some Time since the Estate of *Thomas Weddington*, Esquire, deceased, and along the said Lands to the South Side of Lands of *John Burgess* the elder, Gentleman; and along the same Lands, on the South Side thereof, to the South Side of Lands of *John Gascoyne* and *John Byfield*; and along the same Lands, to the South Side of Lands of *David Burgess*, Gentleman; and along the same Lands, on the South Side thereof, to Lands of Mr. *John Cooper*; and along the same Lands, on the Southward Side thereof to the Lands called *Benwick Turff Fen*; and along the said *Turff Fen*, on the South Side thereof, and including the same, to the West Side of Lands of *Thomas Langman*; and from thence, along the same Lands, on the West Side of the said Lands of the said *Thomas Langman*, to the North Side thereof; and from thence to the North Side of the said *Benwick Turff Fen*; and along the same, on the North, to the North Side of the Lands of the said *John Cooper*; and along the said Lands of the said *John Cooper*, to Lands of the said *John Burgess*; and along the same Lands, by the Outring Ditch, dividing Lands of the said *John Burgess* and *David Burgess*, to the *Chapel Stile* of *Benwick* aforesaid; and that the last-mentioned Land shall be called *The Second District* or *Division*: And Third District. that the Lands and Grounds, containing, by Estimation, Seven hundred and seventy Acres, or thereabouts, lying and being in *Dykeamoore*, in *Doddington*, and *Benwick* aforesaid, and being other Part and Parcel of the said Lands and Grounds within the said upper District, and abuttaled and bounded as follows; that is to say, from the East Side of Lands of Master *Thomas Burgess*, along the said River *Nene*, to the West Side of Lands of Master *William Langman*, at a certain Drove called *Copalder Drove*; and by or along the said Lands of the said *William Langman*, *Isaac Garner's* Heirs, *John Abbot*, the said *William Langman*, and *John Waddington*, Esquire, next *Copalder Drove*, aforesaid, but on the South Side of the said Drove; and along the said Lands of the said *John Waddington*, on the East, to the East End of Lands of the said *William Langman*; and along the same Lands, on the East Side thereof, to the East Side of other Lands of the said *John Waddington*; and along the said Lands, to the East Side of Lands of *Richard Brooks*; and along the same Lands, on the East Side thereof, across *Dykeamore Drove*, to the East Side of Lands called *Boot's Piece*; and along the said Piece of Land called *Boot's Piece*, on the East Side thereof, to the South East Corner of the said Lands; and from thence along the Ditch, on the South Side of *Boot's Piece* aforesaid, to the North East Corner of Lands of *Walden Orme* and *Humphry Sturt*, Esquires, and others; and from thence, along the East Side of the said Lands, to the said *Forty Feet Bank*; and along the said *Forty Feet Bank*, Westward, to the West End of Lands late of *Fleming* Esquire, in the Occupation of *Richard Lovell*; and from thence, along the said Lands, by a Ditch dividing the same from the Lands of the said *Francis Ibberson*, called *Morris's Farm*, to the said *Old Sewer* called *The West Water*, and along the said *West Water*, by Lands formerly of *Jarman*, but now of *William Hutchinson*, to the said *Smee Dike*; and from thence along the said *Smee Dike* to Lands of *John Garner*, in Right of his Wife, late *Gardine's*; and from thence along the said Lands, but on the North Side thereof, to the West Side of Lands of *James Loomes*; and from thence along the said Lands of the said *James Loomes*, but on the West Side thereof, to the West Side of Lands of the said *William Langman*; and along the said Lands of the said *William Langman*, but on the West Side thereof, to the said River *Nene*; and that the said last-mentioned Lands do and shall be called *The Third District* or *Division*: And that the Lands and Grounds, containing One thousand and Eighty Fourth District. Acres, or thereabouts, lying and being in *Doddington* and *Chatteris* aforesaid, being other Part or Parcel of the said Lands and Grounds within the said Upper District, and abuttaled and bounded as follows; that is to say, From the East End of the said Lands of the said *John Waddington*, Esquire, at *Copalder Drove* aforesaid, along Lands late of Sir *Thomas Peyton* Baronet, deceased, but now of *Henry Peyton*, Esquire, by the said Drove, to the East End of Lands of the said *John Waddington*, Esquire, and *Thomas Thompson*, on the North Side thereof, to *Doddington Hards*, including the Low Lands of the said *Thomas Thompson*, and along the said Hard Lands towards the South, but on the West Side thereof, to the Turnpike Road; and from thence by or along the said Turnpike Road to *Carter's Bridge* aforesaid, at the *Forty Feet Drain* aforesaid; and from the said Bridge along the said Drain, called *Vermuyden's Drain*, otherwise *The Forty Feet Drain*, towards the West, to the East End of Lands of the said *Walden Orme*, and others; and from thence along Lands of the said *Henry Peyton*, *Walden Orme*, *Humphry Sturt*, and *Felton Harvey*, and *John Waddington*, to the Ditch dividing the said Lands of the said *John Waddington*, from *Boot's Piece* aforesaid, and along the said Lands of the said *John Waddington*, to the said Drove called *Dykeamoore's Drove*; and from thence along other Lands of the said *Walden Orme*, and others, lying next the last-mentioned District, to Lands of Doctor *Gordon*, and along the same Lands to Lands of *Thomas Burgess* the younger; and from thence to the West Side of other Lands of the said Doctor *Gordon*; and from thence along the said Lands to other Lands of the said *John Waddington*; and from thence along Lands to the West Side of Lands of *Edward Ingle*; and from thence along the said Lands to the West Side of Lands of the said *Henry Peyton*; and from thence along the said Lands to the West Side of Lands of the said *Walden Orme*, and others; and from thence along the said Lands to the West Side of Lands of the said *Henry Peyton*, and along the said Lands next the last-mentioned Boundary of the said Third District or Division, to *Copalder Drove* aforesaid; and that the said last-mentioned Lands shall be called *The Fourth District or Division*: And that Fifth District. the Lands and Grounds, containing by Estimation Four thousand one hundred and eighty Acres, or thereabouts, lying and being in *Ranson Moore*, *Little Bradley Moore*, *Borough Moore*, *Benwick Lott*, *Benwick Broadentlap*, *Bedlam Coneywood Fen*, and the *Doles*, being other Part or Parcel of the said Lands

and

and Grounds herein-before abuttaled, bounded, and described, and abuttaled and bounded as follows; that is to say, From *Copalder Drove*, at *Copalder Houſe* aforeſaid, along the ſaid River *Nene*, through *Ranſon Moore* aforeſaid, to *Flood's Ferry*; and from thence along the ſaid River *Nene*, through *Little Bradney Moore* aforeſaid, to Lands of *John Houſehold* called *Borough Moore* aforeſaid, at *Ranſon Moore Black Bank*, and along the ſaid Drove or Bank to the Hard Lands of *Borough Moore Common* aforeſaid; and from thence along the Eaſt Side of Lands of the ſaid *John Waddington* Eſquire next *Linwood Farm*, but excluding the ſaid Farm, to a certain Drain called *The Middle Drain*; and from thence along and acroſs the ſaid Drain to *Sedge Fen Drove*, and by and along the ſaid Drove towards the South-eaſt to the North-eaſt Corner of Lands of the ſaid *Walden Orme*, *Humphry Sturt*, Eſquires, and others, and along the Eaſt End of the ſaid Lands, and the Eaſt End of Lands of the ſaid *John Waddington* and of *Elizabeth Johnſon*, to the Weſt End of an old Partition Dyke running acroſs a certain Dole of the ſaid *Elizabeth Johnſon*, lying next *Wimblington Green*, and then along the ſaid Partition Dyke to the Eaſt Side of the ſaid Dole, and then Southward along the Eaſt Side of the ſaid Dole, and the Eaſt Side of a certain Dole of *John Waddington* Eſquire, next *Wimblington Green* aforeſaid, and acroſs a Ditch at the South Eaſt Corner thereof, to the Hard Lands of the *Park Leys*, and along the Skirts of the ſaid Hard Lands of *Park Leys* aforeſaid, and the Skirts of the ſaid Hard Lands of *Appleborough*, and other Hard Lands of *Doddington*, to *Copalder Drove* aforeſaid, including the ſaid Hard Lands, but excluding ſuch Parts of the Lands as are or ſhall be taken or deemed to be High Lands, or not liable to be overflowed, and along the ſaid Drove Weſtward to the ſaid River *Nene* at *Copalder Houſe* aforeſaid; and that the ſaid laſt-mentioned Lands ſhall be called *The Fifth Diſtrict* or *Diviſion*; and that the Waters of the ſaid Diſtricts, and every of them, ſhall be conveyed from and out of the ſaid Diſtricts reſpectively into the ſaid River *Nene*, and the ſaid *Forty Feet Drain*, and in no other Manner whatſoever.

Commiſſioners appointed for General Diſtrict for imbanking.

II. And it is hereby further enacted by the Authority aforeſaid, That the ſeveral Perſons herein-after mentioned ſhall be, and hereby are conſtituted and appointed General Commiſſioners for the executing and effecting the Powers, Authorities, and Purpoſes of this preſent Act within the ſaid Upper Diſtrict, ſo far as the ſame relates to the Imbanking the ſaid River *Nene* and *Forty Feet Drain*, and for the erecting and building Toll-houſes and Turnpikes on the ſaid *Forty Feet Bank*, and receiving and collecting Tolls of Paſſengers going thereon; that is to ſay, The Lord or Lords, Lady or Ladies of the Manor of *Ramſey*, the Lord or Lords, Lady or Ladies of the Manor of *Doddington*, and, in their Abſence, his, her, or their reſpective Agents or Stewards, the Rector of *Doddington* for the Time being, and each and every Owner for the Time being of Ten Acres of Land ſubject to be taxed by virtue of this Act, and lying within the Limits of the ſaid Upper Diſtrict, ſhall be, and are hereby appointed Commiſſioners for putting this Act, and ſhall and may put this Act, and all the Powers and Authorities herein-after contained, in Execution within the ſaid Diſtrict, with reſpect to the Imbanking the ſaid River *Nene* and the *Forty Feet Drain*, and erecting and building Toll-houſes and Turnpikes on the ſaid *Forty Feet Bank*, and receiving and collecting Tolls of Paſſengers going thereon, notwithſtanding their being intereſted therein.

Owners of 100 Acres of Land in the General Diſtrict may appoint a Commiſſioner.

III. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon who is the real Owner of One hundred Acres of Land lying within the ſaid Upper Diſtrict, and paying Taxes thereto, and every ſuch reſpective Owner is hereby authoriſed and impowered to appoint, by Writing under his or her Hand and Seal, from Time to Time, and for ſuch Time as he or ſhe ſhall think proper, One Commiſſioner for every One hundred Acres of ſuch taxable Lands lying within the Limits of the ſaid Diſtrict, ſuch Deputy or Deputies to be the real Owner or Owners of Six Acres of taxable Lands, or to be poſſeſſed of a Perſonal Eſtate of the Value of Fifty Pounds, and not acting as a Commiſſioner in his own Right, except Lords and Ladies of Manors, over and above the Commiſſioners herein-before appointed for the putting this Act, and all the Powers and Authorities herein after contained, in Execution, with reſpect to the Imbanking the ſaid River *Nene* and *Forty Feet Drain*, and the erecting and building Toll-houſes and Turnpikes on the ſaid *Forty Feet Bank*, and receiving and collecting Tolls of Paſſengers going thereon, notwithſtanding their being intereſted therein.

Commiſſioners.

'IV. And, in order that a ſufficient Number of Commiſſioners may be appointed for carrying this Act 'into Execution for the ſaid Five Diſtricts or Diviſions, with reſpect to the draining the ſame,' be it enacted by the Authority aforeſaid, That each and every Owner for the Time being reſpectively of Six Acres of Land in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Firſt Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Firſt Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Firſt Diſtrict; and that each and every Owner for the Time being reſpectively of Six Acres of Land in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Second Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Second Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Second Diſtrict; and that each and every Owner for the Time being reſpectively, of Ten Acres of Land in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Third Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the ſaid Third Diſtrict or Diviſion, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with reſpect to the ſaid Third Diſtrict; and that each and every Owner for the Time being reſpectively, of Ten Acres in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the ſaid Fourth Diſtrict or Diviſion, ſhall be, and are hereby appointed Commiſſioners for the

Owner of Six Acres of Land to be a Commiſſioner for Firſt Diſtrict.

Owner of Six Acres of Land to be a Commiſſioner for Second Diſtrict.

Owner of Ten Acres of Land to be a Commiſſioner for the Third Diſtrict.

Owner of Ten Acres to be a Commiſſioner for the Fourth Diſtrict.

the said Fourth District or Division, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with respect to the said Fourth District; and that the said several Persons herein-after mentioned shall be, and are hereby appointed Commissioners for executing and effecting all the Powers, Authorities, and Purposes of this Act, relating both to the imbanking and draining, with respect to that Part or Parcel of the said Lands and Grounds called the said Lower District; and that each and every Owner for the Time being respectively, of Twenty Acres in their own Right, subject to be taxed by virtue of this Act, and lying respectively within the said Lower or Fifth District or Division, shall be, and are hereby appointed Commissioners for the said Lower or Fifth District or Division, for putting this Act, and all the Powers and Authorities herein-after contained, into Execution, with respect to the said Lower or Fifth District.

Owner of Twenty Acres to be a Commissioner for the Fifth District.

V. Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for any Person who is the real Owner of Fifty Acres or more of taxable Land lying within the said Four Upper Districts, and every such respective Owner is hereby authorised and impowered to appoint, by Writing under his or her Hand, from Time to Time, and for such Time or Times as he or she shall think proper, One Commissioner for every such Fifty Acres of taxable Lands lying within each of the said Four Upper Districts respectively, over and above the Commissioners herein-before appointed for the putting this Act, and all the Powers and Authorities herein contained, into Execution, such Deputy to be the real Owner of Two Acres of taxable Lands in some One of the said Four Upper Districts or Divisions, or possessed of a personal Estate of the Value of Fifty Pounds; and such Commissioner so nominated and appointed by such Owner or Owners of such Fifty Acres respectively as aforesaid, shall be a Commissioner to all Intents and Purposes for carrying this Act into Execution, so far as the same relates to the Drainage of the said Four Upper Districts respectively.

Owner of Fifty Acres of taxable Lands to appoint a Commissioner for Fifty Acres.

VI. And be it enacted by the Authority aforesaid, That it shall and may be lawful for any Person who is the real Owner of Fifty Acres or more of taxable Lands, lying within the said Lower or Fifth District or Division, and every such respective Owner is hereby authorised and impowered to appoint, in Manner aforesaid, One Commissioner for every Fifty Acres of taxable Lands lying within the said Lower or Fifth District, over and above the Commissioners herein-before appointed for putting this Act, and all the Powers and Authorities hereby given, into Execution, with respect to the said Lower or Fifth District, and such Commissioner so to be nominated and appointed by such Owner or Owners of such Fifty Acres respectively as aforesaid, shall be a Commissioner to all Intents and Purposes for carrying this Act into Execution, so far as the same relates to the imbanking and draining the said Lower or Fifth District.

Owners of Fifty Acres in Lower or Fifth District to appoint a Commissioner for imbanking and draining.

VII. And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said Lower or Fifth District, or any Five or more of them, assembled at any of their Meetings as aforesaid, and they are hereby impowered to divide the same into Three or more Sub-divisions, for the more easy draining the same, and for that Purpose to make Dams, Banks, and other Works, and make and erect such Engines, or other Devices, for the Benefit of such Sub-divisions as they shall think proper; but no such Division shall take Place until the Engine, or other Device, shall be erected and made, which is intended to drain the Sub-division or District in which the Whole or Part of *Coneywood Fen* will be included; and that all and every Person or Persons cutting or destroying any of the said Works so intended to be made in the said Sub-divisions, or any of them, shall be subject and liable to the like Pains and Penalties as if they had cut or destroyed any of the publick Banks, Cuts, or Works, herein-before mentioned; any Thing herein contained to the Contrary notwithstanding.

Power of Commissioners of the Fifth District to make Subdivisions.

'VIII. And, for the effectual raising and levying Money for the general imbanking the said River '*Nene* and *Forty Feet Drain*, and preserving the Lands and Grounds comprised in the said Upper and 'Lower District from being drowned or overflowed with Water by the Insufficiency of the said Banks, 'or any of them, or any Breach hereafter to be made therein,' it is hereby further enacted by the Authority aforesaid, That the Commissioners hereby nominated and appointed for the imbanking of the said River and Drain, and such other Commissioners as shall hereafter succeed them, or be nominated or appointed, elected or chosen, in their or any of their Steads, by virtue of the Power and Authority hereby given for that Purpose, or any Nine or more of them, shall meet Twice in every Year alternately, at *Ramsey*, and at *Doddington*, or in the Precincts thereof; *(Videlicet)* The First Meeting of the said Commissioners to be held at *Ramsey* aforesaid, within Twenty-one Days after the passing of this Act, and every Half-yearly Meeting to be held on the Ninth Day of *July*, and the First Day of *October*, in each Year, except when the said Days shall happen on a *Sunday*, in which Case the said Half-yearly Meetings shall be held on the Day following in each and every Year, or at such other Times and Places near the Limits aforesaid as the said Commissioners, or any Five of them, shall see Cause, or think convenient, pursuant to Notice in Writing for that Purpose, signed by any Five or more of them, and to be affixed upon the Outside of the Church or Chapel Doors of *Ramsey*, *Doddington*, and *Benwick* aforesaid, Ten Days at the least before any such Meeting, except those appointed to be held on the said Ninth Day of *July* and the First Day of *October*; and may, from Time to Time, adjourn themselves, and meet again pursuant to such Adjournments, as often as they shall think proper, and then and there, from Time to Time, shall assess, rate, tax, and charge all and every the respective Owner and Owners, Occupier or Occupiers, of all and singular the Lands and Grounds, being private Property, situate and being within the said several Districts or Divisions, and other the Lands and Grounds situate and being within the said Upper District or Boundary, and not included in the said several Districts or Divisions, or either of them, except the said Farm and Lands of the said *John Household*, lying in *Borough Moore* aforesaid,

Commissioners to meet Twice in every Year.

ſaid, and ſuch Parts of the ſaid Lower or Fifth Diſtrict as ſhall be deemed High Lands, and the Commons or Turf Fens included in the ſaid Second and Fourth Diſtricts, which are not intended to be charged with the Rate or Tax of One Shilling *per* Acre hereafter mentioned, by and with equal and proportionable yearly Rates, Taxes, or Sums of Money, at the Diſcretion of the ſaid Commiſſioners, or the major Part of them that ſhall be preſent at any ſuch yearly General Meeting; ſo that the ſaid Rates or Taxes do not exceed, in any One Year, except in the Firſt Year after the paſſing of this Act, One Shilling for every Acre of the Lands and Grounds compriſed within the ſaid Upper Diſtrict, (except as is before excepted); and ſo that no Part of the ſaid Lands and Grounds be at any Time charged by virtue of this Act with any greater or leſſer Rate or Tax than the Reſt of the ſaid Lands are or ſhall be charged with; which ſaid Rates, Taxes, and Sums of Money ſo to be taxed and aſſeſſed as aforeſaid, ſhall be paid Half-yearly by the reſpective Owner or Owners, Occupier or Occupiers of the ſaid Low Lands and Fen Grounds, at the Place of Abode of ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them who ſhall be preſent at any ſuch General Meeting, ſhall order, direct, or appoint, to collect and receive the ſame; the Firſt Payment thereof to be made on the Ninth Day of *June* after the paſſing of this Act, and every other Half-yearly Payment to be made on the Ninth Day of *September*, and the Ninth Day of *March*, in each and every Year; and which ſaid Rates and Taxes ſhall be ſubject to and chargeable with ſuch Sum and Sums of Money as ſhall be advanced, borrowed, raiſed, and received on the Credit thereof, in Manner herein-after mentioned.

Commiſſioners of the Lower Diſtrict to lay a Tax of 1 s per Acre for Imbanking.

'IX. And, for the effectual raiſing and levying Money for the Imbanking the ſaid River *Nene* againſt 'the ſaid Lower or Fifth Diſtrict, from *Copalder Houſe* aforeſaid, through *Ranſon Moore* to *Flood's* 'Ferry, and from thence through *Little Bradney Moore* to the ſaid Lands of *John Houſehold*, called 'Borough Moore, aforeſaid,' be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Lower or fifth Diſtrict, or the major Part of them aſſembled at ſuch yearly General Meeting as aforeſaid, Once in every Year, at the Times aforeſaid, to aſſeſs, rate, tax, and charge all and every the reſpective Owner and Owners, Occupier and Occupiers, of all and ſingular the Lands and Grounds ſituate or being within the ſaid Lower or Fifth Diſtrict, and not included in the ſaid other Diſtricts or Diviſions, (except the ſaid Farm and Lands of the ſaid *John Houſehold*, and except ſuch Lands as ſhall be deemed High Lands), by and with equal and proportionable Acre-rates, Taxes, or Sums of Money, at the Diſcretion of the ſaid Commiſſioners of the ſaid Lower or Fifth Diſtrict, or the major Part of them that ſhall be preſent at any ſuch yearly General Meeting, ſo that the ſaid Rates and Taxes do not exceed in any One Year (except in the Firſt Year after the paſſing of this Act) One Shilling for every Acre of the Lands and Grounds compriſed within the ſaid Lower or Fifth Diſtrict, (except as before excepted), and ſo that no Part of the ſaid Lands and Grounds within the ſaid Lower or Fifth Diſtrict (except as before excepted) be at any Time charged by virtue of this Act, with any greater or leſſer Rate or Tax than the reſt of the ſaid Lands in the ſaid Lower or Fifth Diſtrict are or ſhall be charged with; which ſaid Rate, Tax, or Sum of Money ſo to be taxed and aſſeſſed by virtue of this Act as aforeſaid, upon the ſaid Lower or Fifth Diſtrict, ſhall be paid and payable at the ſeveral Days and Times, and in Manner herein-before directed, for Payment of the ſaid Rates or Taxes rated and charged upon the ſaid Upper Diſtrict; and which ſaid Rates and Taxes ſo charged upon the ſaid Lower or Fifth Diſtrict ſhall be ſubject to and chargeable with ſuch Sum and Sums of Money as ſhall be advanced, borrowed, raiſed, and received on the Credit thereof, in Manner herein after mentioned.

Quantity of Lands to be given in by Owners.

X. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them preſent at any Meeting, to order a Survey to be made of the Quantity of Acres contained in the Lands and Grounds liable to be taxed by virtue of this Act, by ſuch Perſon or Perſons as they ſhall think proper; (ſuch Perſon or Perſons ſhall and may, and they are hereby authoriſed and impowered to enter into and upon any of the Lands ſo liable to be taxed for the Purpoſe of ſuch Survey); and ſuch Survey, when ſo made, ſhall be delivered in to the Commiſſioners, or any Five or more of them, at ſome One of their Meetings, and ſhall be verified upon the Oath of the Perſon or Perſons ſo making the ſame; which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter; and ſuch Survey ſo to be given in as aforeſaid, and made by Order of the ſaid Commiſſioners, ſhall be ſufficient Authority for the ſaid Commiſſioners to collect the ſaid Rates and Taxes by, and ſhall be binding to the ſeveral Perſons charged with the Payment thereof for their ſeveral Lands ſo charged with ſuch Payment; and ſuch Survey being ſigned by the Perſon or Perſons ſo making the ſame, and alſo by any Seven or more of the Commiſſioners preſent at any Meeting, ſhall be allowed as Evidence in all Courts whatever.

Allowing a Re-ſurvey of Land.

XI. Provided always, and be it enacted, That in caſe any Owner or Proprietor of the ſaid Fen Lands or Low Grounds, ſhall think himſelf aggrieved by ſuch Survey, that it ſhall be lawful for ſuch Owner or Proprietor to have his ſaid Lands and Grounds re-ſurveyed by ſuch Surveyor as he or they ſhall think proper; and in caſe, by ſuch new Survey, it ſhall appear that ſuch Owner or Proprietor ſhall be overcharged by ſuch former Survey, or pay for a greater or leſs Number of Acres, Roods, and Perches, than the real Quantity of his ſaid Lands or Grounds, that ſuch Owner or Proprietor ſhall, upon ſuch Re-ſurvey, to be delivered to the ſaid Commiſſioners on the Oath of ſuch Surveyor (which Oath the ſaid Commiſſioners, or any Two of them, are hereby impowered to adminiſter), be abated in proportion to ſuch Overcharge; but if it ſhall appear on ſuch Survey that ſuch Owner or Proprietor ſhall not be overcharged to ſuch Rates or Aſſeſſments, then that Owner or Proprietor ſo applying ſhall be at the Charge of making ſuch Survey; but in caſe by ſuch Re-ſurvey that ſuch Owner or Proprietor ſhall be overcharged, then that the Expences of ſuch

Re-ſurvey ſhall be borne and paid by the ſaid Commiſſioners out of the Rates and Taxes of ſuch Diſtrict where ſuch Re-ſurvey ſhall be taken as aforeſaid.

How the Money rated and aſſeſſed, &c. is to be applied.

XII. And it is hereby further enacted and declared by the Authority aforeſaid, That the ſaid Tax and Sum of One Shilling an Acre ſo to be aſſeſſed, rated, raiſed, and received, as aforeſaid, and alſo all Sums of Money to be borrowed and received on the Credit thereof, in Manner herein before-mentioned, ſhall, from Time to Time, be applied and diſpoſed of by the Commiſſioners for putting this Act into Execution, or the major Part of them, who ſhall be preſent at any General Meeting, in Manner following; that is to ſay, In the Firſt Place, in paying and defraying the Charges and Expences of this Act, and of taking the ſaid Survey, according to an equal and proportionable Acre Rate or Tax of the ſeveral Lands contained in the ſaid Upper and Lower Diſtricts; and, in the next Place, for and towards the repairing, heightening, and ſtrengthening the ſaid Banks of the ſaid River *Nene* and *Forty Feet Drain*, and ſuch other general Banks included in the ſaid general Works, from the Tenth Day of *October* laſt paſt to the Commencement of this Act; and after Payment thereof for and towards the ſupporting, repairing, heightening, ſtrengthening, amending, and maintaining the ſaid Banks of the ſaid River *Nene* and *The Forty Feet Drain*, in ſuch good and ſubſtantial Manner as ſhall be ſufficient to prevent the Waters in the ſaid River or Drain from running over the ſame, and in making up and repairing any Breach or Breaches which ſhall at any Time or Times after the paſſing of this Act happen therein, or in any other Part or Parts thereof.

Monies ariſing in the Upper and Lower Diſtrict how to be applied.

XIII. Provided always, That the Monies ariſing by virtue of this Act, in the ſaid Upper Diſtricts, ſhall be applied for and towards the Repairs of ſuch Part of the Bank of the ſaid River *Nene* and *Forty Feet Drain* as lies between *Carter's Bridge* and *Copalder Houſe* aforeſaid, from the ſaid Tenth Day of *October* laſt paſt, and the Monies ariſing in the ſaid Lower or Fifth Diſtrict, from the Commencement of this Act, for and towards the Repairs of ſuch Part of the Bank of the ſaid River *Nene* as lies between the ſaid *Copalder Houſe* and the ſaid Lands of the ſaid *John Houſehold* in *Borough Moore* aforeſaid.

General Commiſſioners may borrow 4000l. for impanking.

XIV. And, in order that the ſaid Banks may be properly repaired, ſtrengthened, and heightened, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid General Commiſſioners of the Upper Diſtrict, or any Nine or more of them, to borrow, take up, and receive, any Sum or Sums of Money, not exceeding the Sum of Four thouſand Pounds, upon the Credit of the ſaid Tax, Rate, or Aſſeſſment of One Shilling *per* Acre, to be raiſed within the ſaid Four Firſt Diſtricts, and upon the Lands of the ſaid *William Fellowes*, *Francis Ibberſon*, *David Burgeſs*, and *Thomas Burgeſs*; and that it ſhall and may be lawful to and for the Commiſſioners of the ſaid Lower or Fifth Diſtrict, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money, not exceeding the Sum of Four thouſand Pounds, upon the Credit of the ſaid Tax, Rate, or Aſſeſſment of One Shilling *per* Acre to be raiſed within the ſaid Lower or Fifth Diſtrict, and by Writing under the Hands and Seals of any Seven or more of them, to mortgage, charge, aſſign, and convey or incumber the ſaid Tax or Rate of One Shilling *per* Acre ſo to be aſſeſſed and levied upon the ſaid Fen Lands and Low Grounds in the ſaid Lower or Upper Diſtricts reſpectively, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption as ſhall be agreed upon; and that ſuch Money ſhall be ſeparately and diſtinctly borrowed for the Uſe and Purpoſe of ſupporting, heightening, and ſtrengthening the ſaid Banks within the ſaid Upper and Lower Diſtricts reſpectively, as before mentioned, and for no other Purpoſe whatſoever.

Tax of 1 s. per Acre not to be leſſened ſo long as any Money is due thereon.

XV. Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Tax ſhall not, during the Time any Principal or Intereſt Money ſhall be due and owing on the ſeveral Securities thereof, be leſs in any One Year than the ſaid Sum of One Shilling *per* Acre.

Securities aſſignable, and to be entered in a Book for that Purpoſe.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Mortgages and Securities ſo to be made by the ſaid Commiſſioners of the ſaid Rate and Tax of One Shilling *per* Acre, ariſing as aforeſaid, ſhall and may be aſſignable and transferrable by Indorſement on the original Grant or Securities thereof, to any Perſon or Perſons whomſoever; and the Perſon or Perſons, to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the Time that the ſame is entered in a Book to be kept for that Purpoſe for the ſaid Upper and Lower Diſtricts reſpectively, be well and ſufficiently intitled to ſuch Mortgage Monies and Intereſt, and all the Monies due and to grow due thereon; which Enteries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may, in like Manner, by Indorſement or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages and Securities, ſo aſſigned as aforeſaid, and ſo *toties quoties*, as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Tax of 1 s. per Acre chargeable with Payment of the Principal-money, and veſted in Creditors.

XVII. Provided always, and it is hereby enacted, That the ſaid Tax or Aſſeſſment of One Shilling *per* Acre to be raiſed by virtue of this Act, on the Lands and Grounds herein-before mentioned, ſhall be charged with the Payment of the Principal-money ſo to be borrowed by the ſaid Commiſſioners as aforeſaid; and the Intereſt of ſuch Money, from Time to Time, ſhall veſt in the Creditors of the ſaid Two Diſtricts reſpectively, upon Default of Payment of ſuch Principal-money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of aſſeſſing, raiſing, and recovering

covering the several Taxes and Assessments payable by the several Owners and Occupiers of Lands and Grounds on which the same are chargeable by virtue of this Act, for or in respect of such Principal-money and Interest, in case of Default of Payment thereof, as the said respective Commissioners, and their Collectors or Receivers, could have had in case such Principal-money and Interest had been regularly and fully satisfied and paid.

No Money to be borrowed but at a Meeting, and with Consent of the Commissioners.

XVIII. Provided always, That no Sum or Sums of Money whatsoever shall be borrowed and taken up at Interest upon the said Rate or Tax of One Shilling *per* Acre, charged upon the said Lands and Grounds by virtue of this Act with the Payment thereof, by the said Commissioners at any such Meeting as aforesaid, unless Nine Commissioners at least in their own Right, and Deputies, for the said Upper District, and Seven Commissioners at least for the said Lower or Fifth District, including Deputies, shall be then and there present, and consenting and agreeing thereto.

Tax of 1s. to be raised from Persons rated, and refusing to pay,

XIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons, rated, taxed, or assessed, as aforesaid, with the Payment of the said Rate or Tax of One Shilling *per* Acre, shall refuse or neglect to pay the said Tax or Assessment charged upon him, her, or them respectively, for or on account of their several Lands and Grounds lying within the Limits aforesaid, upon a Day to be appointed by the said Commissioners, or any Five or more of them, within their respective Districts, for such Payment, publick Notice of such Day of Payment Twenty-one Days before such Day of Payment being first given in *The Cambridge Chronicle* and *Journal* for that Purpose, so long as the same shall continue to be published, or any other Weekly Paper circulated in the said *Isle of Ely* and County of *Huntingdon*, and also affixed upon the several Church or Chapel Doors of *Ramsey*, *Doddington*, and *Benwick* aforesaid, respectively; which Notice, so to be given in such Paper, and affixed upon such Church or Chapel Door as aforesaid, shall be deemed and taken as publick Notice, as if Demand thereof had been actually made by the said Receiver or Collector of the Person or Persons by whom such Rate or Tax is to be paid as aforesaid, and it shall and may be lawful for the Collector or Receiver of such Rate or Tax to be appointed by the said Commissioners, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners appointed by this Act, for the supporting, maintaining, and repairing, the Banks of the said River *Nene* and *Forty Feet Drain*, which Warrant or Precept such Commissioners, or any Three or more of them respectively, are hereby impowered and required, from Time to Time, to make, as Occasion shall require, to enter into and upon the said Fen Lands and Low Grounds within the said Upper and Lower Districts so rated, assessed, and taxed, with the said Rate, Tax, or Sum of One Shilling *per* Acre as aforesaid, in Possession of such Person or Persons as shall so make Default in Payment as aforesaid, and all Messuages, Tenements, or Buildings, thereupon standing or belonging thereunto, with their and every of their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them payable for such Rate or Tax of One Shilling *per* Acre, and the Arrears thereof, by Distress and Sale of the Goods and Chattels which shall be found on the Premises so charged with any such Rate or Tax, or the Arrears thereof as aforesaid; and in case no sufficient Distress can be found on the Premises, it shall and may be lawful for such Collector or Collectors, Receiver and Receivers, or other Person or Persons, by virtue of such Warrant or Precept as aforesaid, to levy the said Taxes, and all Arrears for the same, by Distress of the Goods and Chattels of the Person and Persons so making Default in Payment as aforesaid, which shall be found in any other Place within the Kingdom of *Great Britain*, and the Goods and Chattels, so distrained to impound on the Premises, or to take, lead, drive, carry, impound, and keep in any Place, for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving at such Messuages, Tenements, Grounds, and Premises, Notice in Writing of the Cause of such Distress, and the Place where such Goods and Chattels shall be so impounded; and if the Owner or Owners of the Goods and Chattels so distrained shall not pay the Sum or Sums of Money so rated, taxed, or assessed and the Arrears thereof as aforesaid, together with all Costs and Charges attending such Distress, or replevy the said Goods and Chattels so distrained, with sufficient Security to be given to the Sheriff of the County where such Distress shall be so taken, or Chief Bailiff of the *Isle of Ely*, (if taken within the said *Isle of Ely*), according to the Laws now in being for Distresses in case of Non-payment of Rent, within Five Days next after such Distress made, and Notice thereof given as aforesaid, the Person or Persons so distraining may, with the Sheriff or Under Sheriff of the County, Chief Bailiff of the *Isle of Ely*, Constable, or Headborough of the Parish or Place where such Distress shall be made, (who are hereby required to assist therein), cause the Goods and Chattels so distrained to be appraised by Two or more indifferent Persons to be sworn by such Sheriff, under Sheriff, Chief Bailiff, Constable, or Headborough, (who are hereby impowered to administer such Oath) to appraise the same according to the best of their Judgment; and, after such Appraisement, it shall and may be lawful for such Collector or Collectors, Receiver or Receivers, or other Person or Persons so making such Distress, to sell the Goods and Chattels so distrained for the best Price that can be got for the same, for and towards Satisfaction for the Monies for which such Distress shall be so taken, and the Charges of taking, keeping, appraising, and selling the Goods and Chattels so distrained, leaving the overplus (if any be) in the Hands of such Sheriff, Under Sheriff, Chief Bailiff, Constable, or Headborough, for the Owner's Use; and the Tenant and Tenants of all and singular the said Fen Lands and Low Grounds, which shall be rated and assessed by virtue of this Act, is and are hereby required and authorised to pay such Taxes or Assessments, and deduct the same out of his, her, and their Rent; and every Tenant, paying such Tax or Assessment, shall be acquitted and discharged for so much Money as such Assessment shall amount unto, as if the same had been actually paid to the Person or Persons intitled to the Rent of such Fen Lands and Low Grounds; except where there is a Lease for Three or more Years to come from the Commencement of this Act, in which Case the

to be levied by Distress and Sale,

with the Charges of appraising, &c.

Proportion

Proportion of the Tax or Aſſeſſment which the Tenant ought to bear and pay, in conſideration of the Benefit he or ſhe receives by ſuch Leaſe, ſhall be adjudged and awarded by the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held for the ſaid General Diſtrict, by virtue of this Act.

Commiſſioners to ſet Turnpikes on the Forty Feet Bridge.

'XX. And whereas the ſaid Bank of the ſaid *Forty Feet Drain* is a common Road from the ſaid '*Forty Feet Bridge* aforeſaid to *Carter's Bridge* aforeſaid, and the repairing and making the ſame a good 'and ſubſtantial Road will be to the Advantage of the Publick, as well as the Owners and Occupiers 'of the Lands and Grounds herein-before mentioned and deſcribed, and adjoining thereupon: 'And whereas the Expence of making the ſame a good and ſubſtantial Road will amount to a large 'Sum of Money;' be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Upper and Lower Diſtricts, or the major Part of them, aſſembled at any Meeting to be held purſuant to this Act, to cauſe to be erected all ſuch Gates, Turnpikes, and Fences, in, upon, or acroſs the ſaid Bank leading from *Carter's Bridge* aforeſaid to the *Forty Feet Bridge* aforeſaid, or acroſs any Drove leading into the ſame, or any of them, and all ſuch Fences on the Sides thereof, and all ſuch Toll-houſes thereupon near to the ſaid Gates or Turnpikes, and from Time to Time to remove or alter the ſame, or every or any of them, as they the ſaid Commiſſioners, or the major Part of them, ſo aſſembled as aforeſaid, ſhall think proper; and that the Tolls following ſhall be paid at each of the ſaid Turnpikes to ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them ſo aſſembled as aforeſaid, ſhall, in ſuch Manner as is hereafter mentioned, appoint to receive the ſame, before any Horſe, Cattle, Beaſt, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Caravan, Hearſe, or Litter drawn by Six or more Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Two Shillings:

For every Coach, Berlin, Chariot, Laudau, Calaſh, Chaiſe, Caravan, Hearſe, or Litter, drawn by Four or Five Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Caravan, Hearſe, or Litter, drawn by Two or Three Horſes, Mares, Geldings, Mules, or other Beaſts of Draught, the Sum of Nine-pence:

For every Calaſh, Chair, or Chaiſe, drawn by One Horſe, Mare, Gelding, Mule, or other Beaſt of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or Carriage, drawn by Six Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of Two Shillings:

For every Waggon, Wain, or Cart, drawn by Four or Five Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Nine-pence:

For every Waggon, Wain, Cart, or other Carriage, drawn by Three Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart, or Carriage, drawn by Two Horſes, Mares, Oxen, or other Beaſts of Draught, the Sum of Sixpence: And for every Waggon, Wain, Cart, or other Carriage, drawn by One Horſe, Mare, Ox, or other Beaſts of Draught, the Sum of Four-pence:

For every Horſe, Mare, Gelding, Aſs, or Mule, loaded or unloaded, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling *per* Score, and ſo in proportion for any greater or leſs Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Four-pence *per* Score, and ſo in proportion for any greater or leſs Number.

Tolls veſted in Commiſſioners;

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, and as a Toll; and all the ſaid Tolls ſhall be, and they are hereby, veſted in the ſaid Commiſſioners and their Succeſſors, and ſhall be applied in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall after Demand made thereof, neglect or refuſe to pay the ſame, it ſhall and may be lawful to and for the Perſon and Perſons appointed as aforeſaid to collect ſuch Tolls to ſeize and diſtrain any Horſe and Horſes, or other Cattle, upon which ſuch Tolls are by this Act impoſed, or any of the Goods and Chattels of ſuch Perſon and Perſons ſo refuſing or neglecting to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Cattle and Goods ſo ſeized and diſtrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, and alſo of ſuch Sale, ſhall be deducted.

who may diſtrain in caſe of Non-payment.

Tolls to be paid only Once a Day.

XXI. Provided alſo, and be it enacted by the Authority aforeſaid, That no Perſon or Perſons who ſhall have paid the Toll hereby granted for the paſſing with any Horſe, Cattle, Beaſt, or Carriage, between *Carter's Bridge* aforeſaid and the ſaid *Forty Feet Bridge*, at One Gate or Turnpike ſet up by virtue of this Act between the ſaid Places, ſhall be ſubject or liable to pay any farther or other Toll the ſame Day at any other Gate or Turnpike ſet up between the ſaid Places for paſſing with the ſame

Horſe, Cattle, Beaſt, and Carriage, but ſhall be permitted to paſs Toll-free through ſuch other Gate or Turnpike-gates, or Turnpikes, upon producing a Note or Ticket of his, her, or their having paid the Toll at any One of the ſaid Gates or Turnpikes, which ſaid Note or Ticket the Collectors are hereby required to give *gratis*; nor ſhall any Perſons, who have paid the Toll hereby granted for the paſſing with any Horſe, Cattle, Beaſt, or Carriage, through any Gate or Turnpike ſet up by virtue of this Act, be ſubject or liable to pay the ſame Day at the ſame Gate or Turnpike for the paſſing with the ſame Horſe, Cattle, Beaſt, or Carriage, but ſhall be permitted to paſs Toll-free through ſuch Gate or Turnpike, at which he, ſhe, or they ſhall have ſo paid, upon producing a like Note or Ticket to be in like Manner given for that Purpoſe, of his, her, or their having paid that Day at ſuch Gate or Turnpike; every ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night.

Fences to be ſet up on Side of Road or Gate for Occupiers of Land, and a Key to be given, at the Expence of Commiſſioners.

XXII. Provided alſo and be it enacted, That if the ſaid Commiſſioners, or their Succeſſors, ſhall at any Time or Times ſet up or place any Rails or Fences acroſs any Lands or Droves leading into the ſaid Roads, where no Toll-houſe ſhall be erected, then they the ſaid Commiſſioners, or their Succeſſors, ſhall ſet a Gate in ſuch Fences, and find and provide *gratis* for every Occupier of Lands, who from the Situation of his or her Land ſhall have Occaſion to paſs through the ſaid Fences, One or more Key or Keys to open the Lock or Locks on ſuch Gate or Gates, ſo that ſuch Occupier or Occupiers ſhall and may have a Paſſage for himſelf or herſelf, his, her, or their Servants, Cattle, and Carriages, to and from his or her Land; and that if ſuch Occupiers ſhall loſe ſuch Key, then he or ſhe ſo loſing the ſame ſhall provide another at his or her own Expence.

Perſons permitting private Paſſage to evade Tolls forfeit 40 s.

XXIII. Provided, that if any ſuch Occupier of Land, his or her Servant or Servants, ſhall wilfully leave any ſuch Gate or Gates open, or permit any Perſon or Perſons, not intitled to ſuch Paſſage, to paſs through ſuch Gate or Gates to evade the Payment of the Tolls to be collected by virtue of this Act, then every ſuch Perſon ſhall, for every ſuch offence, forfeit the Sum of Forty Shillings; to be recovered and applied as the other Penalties and Forfeitures are herein-after directed to be recovered and applied.

Gates, Fences, and Toll-houſes, veſted in Commiſſioners.

XXIV. And be it further enacted by the Authority aforeſaid, That the Property of all the Turnpikes, Fences, and Toll-houſes to be erected by virtue of this Act, and of the Materials for building the ſame, and all Materials actually got for repairing the ſaid Roads, ſhall be, and are hereby veſted in the ſaid Commiſſioners, and their Succeſſors; and that they, or any Five or more of them, are hereby impowered to commence or proſecute any Action or Actions in the Name or Names of any One or more of them, or of their Treaſurer or Clerk, or to prefer any Indictment or Indictments againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof.

Power to leaſe Tolls for Three Years, on 28 Days Notice.

XXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners; and their Succeſſors, and the major Part of them, aſſembled at any of the ſaid General Half-yearly Meetings, upon Twenty-eight Days Notice in Writing being affixed upon the ſeveral Turnpikes upon the ſaid Road, and on the Church Doors of *Ramſey* and *Doddington* aforeſaid, to demiſe and leaſe the Tolls ariſing by virtue of this Act, or any of them, unto any Perſon or Perſons, from Year to Year, or for any Term of Years, not exceeding Three Years, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons as they the ſaid Commiſſioners, or Succeſſors, or the major Part of them, aſſembled at ſuch General Meeting as aforeſaid, ſhall direct or appoint.

Application of Tolls.

XXVI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, and their Succeſſors, and the major Part of them, ſo aſſembled as aforeſaid, ſhall, from Time to Time, apply the Monies ariſing from the ſaid Tolls in erecting and repairing Turnpikes and Toll-houſes, and in repairing, widening, altering, and keeping in Repair the ſaid Roads leading from *Carter's Bridge* aforeſaid, along the ſaid *Forty Feet Bank*, to the ſaid *Forty Feet Bridge*, and for no other Purpoſe whatſoever.

Qualification of Commiſſioners of Road and Tolls:

XXVII. Provided always, and be it enacted by the Authority aforeſaid, That the ſeveral Perſon and Perſons herein before nominated and appointed Commiſſioners for the imbanking the River *Nene* and *Forty Feet Drain*, ſhall be and hereby are appointed Commiſſioners for putting this Act into Execution with reſpect to the ſaid Road and Tolls to be collected thereon; and that no Perſon ſhall be capable of acting as a Commiſſioner for the ſaid Road, and Tolls to be collected thereon, unleſs he ſhall have or be ſeiſed in his own Right, and be in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of the ſame Quantity of Land which intitle him to act as a Commiſſioner under this Act, relating to the imbanking and draining the Lands and Tenements therein compriſed.

They may lower Tolls with Conſent of Creditors on 28 Days Notice.

XXVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, at any Meeting or Meetings to be held for that Purpoſe, with the Conſent of the Mortgagee or Mortgagees of the ſaid Tolls, to leſſen or vary all or any of the Tolls by this Act granted, for ſuch Time and Times as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think proper; and may afterwards, if there ſhall be Occaſion, advance or raiſe the ſame again, ſo as the ſame do not exceed the Tolls by this Act granted; and ſuch Tolls, ſo leſſened or altered, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; but no Meeting ſhall be held for the leſſening the ſaid Tolls, unleſs Twenty-eight Days previous Notice at the leaſt be given thereof in Writing, to be affixed upon all the Gates and Turnpikes to be erected by virtue of this Act, and upon the Church Doors of *Ramſey* and *Doddington* aforeſaid.

Perſons evading Payment of Tolls, to forfeit 40 s.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through any Gate, Land, Paſſage, or private Way, adjoining to or lying near any Turnpike to be by virtue of this Act erected, through which

ſuch

ſuch Perſon or Perſons ſhall have no Right to paſs; or if any Occupier of any Land, Gate, Paſſage, or private Way, which ſhall adjoin or lie near to any ſuch Turnpike, ſhall knowingly or willingly permit or ſuffer any ſuch Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage, to paſs through the ſame, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or ſhall forge or counterfeit any Ticket directed to be given by the Collector of the ſaid Tolls, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or ſhall forcibly paſs through or over any of the ſaid Turnpikes, to be ſet up by virtue of this Act, with any Horſe or other Beaſt, without Payment of Toll, or ſhall take off, or cauſe to be taken off, from any Carriage, any Horſe or other Beaſt, with an Intent to avoid any of the ſaid Tolls, or any Part thereof; or ſhall leave upon or near to any of the ſaid Roads any Horſe, Cattle, Beaſt, or Carriage, with ſuch Intent as aforeſaid; every Perſon ſo offending ſhall, for every Offence, forfeit and pay the Sum of Forty Shillings; One Moiety thereof to the Informer or Informers, and the other Moiety thereof to ſuch Perſon or Perſons, and for ſuch Purpoſes, as the other Penalties and Forfeitures are herein directed to be paid and applied.

Exemptions from Tolls.

XXX. And be it further enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken of any Perſon or Perſons whatſoever for any Horſe, Cattle, Beaſt, or Carriage, employed in repairing the ſaid Roads, or any of them, or any other Road in the Pariſhes, Hamlets, or Places, in or through which the ſaid Roads, or any of them, ſhall paſs; or in the Conveyance of any Dung, Soil, or Compoſt of any Kind, for the manuring of any Land in the ſaid Pariſhes, Hamlets, or Places; or in the ploughing, ſowing, tilling, or cultivating, of any Land therein; or for any Horſe, Cattle, Beaſt, or Carriage, employed in the Conveyance of any Hay, Straw, or Corn in the Straw, not ſold or intended for Sale, but only to be ſtacked or laid up in the ſaid Pariſhes, Hamlets, or Places; or for any Turff or Turves not intended for Sale, but to be laid up and burnt in any of the ſaid Hamlets, Pariſhes, or Places; or in the Conveyance of any Hemp, Flax, or Cole-ſeed, intended to be ſtacked or laid therein from the Lands where ſuch Hemp, Flax, or Cole-ſeed, ſhall be growing, to the Place where it ſhall be wetted, watered, or ſpread, and from thence to the Place where the ſame is intended to be ſo ſtacked or laid up; or of any Perſon or Perſons reſiding in ſuch Hamlets or Places, for any Horſe, Beaſt, or Cattle, employed in the Carriage of any Lime, Dung, Soil, or Compoſt of any Kind, for the manuring of any Land in any of the adjoining Hamlets, Pariſhes, or Places; or in the ploughing, ſowing, tilling, or cultivating, of any Land in any of the ſaid adjoining Pariſhes, Hamlets, or Places; or in the drawing of any Plough, Harrow, or Implement of Huſbandry, for the repairing thereof; or of the Owners or Occupiers of any of the ſaid Hamlets, Pariſhes or Places, in or through which the ſaid Road ſhall paſs, or their Servants going to or from their ſaid reſpective Lands on the Buſineſs only of looking after ſuch Lands, or the Stock and Crop upon the ſame; or for any Cattle or Carriages employed by the Corporation of *Bedford Level*, or the Commiſſioners of the River *Nene*, their Officers or Agents, for the Purpoſes of carrying Materials for the making, repairing, or amending, any Works which ſhall by them, or either of them, be deemed neceſſary for the draining the great Level of the Fens, or the Preſervation of the Navigation through the ſame; or of any Perſon or Perſons reſiding in the ſaid Pariſhes, Hamlets, or Places going to or from their parochial Church, Chapel, or other Place of religious Worſhip; or for any Poſt-horſe carrying or drawing the publick Mail or Packet; or for any Horſe, Cattle, or Sheep, going to or from Water or Paſture; or any Cows going to or from Milking in any of the ſaid Pariſhes, Hamlets, or Places; or for any Sheep going to or from any Place uſed for the waſhing or clipping of Sheep near the ſaid Road; or for the Horſes of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed for the Conveyance of Vagrants legally paſſed from one Place to another; or for any Coach, Berlin, Calaſh, Chaiſe, Chair, or any Paſſengers on Horſeback, going to and from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Cambridge* and *Huntingdon*: And if any Perſon ſhall claim or take the Benefit of the ſaid Exemptions, not being intitled to the ſame, every ſuch Perſon ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings; One Moiety thereof to the Informer or Informers, and the other Moiety ſhall be applied in the ſame Manner as the other Forfeitures are by this Act intended to be applied.

Penalty on claiming Exemptions if not intitled.

Commiſſioners may borrow Money on Credit of the Tolls,

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners and their Succeſſors, or any Nine or more of them, to borrow and take up at Intereſt, on the Credit of the Tolls to be collected by virtue of this Act, any ſuch Sum or Sums of Money as they the ſaid Commiſſioners ſhall think proper, not exceeding the Sum of One thouſand five hundred Pounds, to be applied by the ſaid Commiſſioners towards making, repairing, and keeping in Repair, the ſaid Road from *Carter's Bridge* to the ſaid *Forty Feet Bridge*; and that it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, by Writing or Writings under their Hands and Seals, to mortgage and aſſign over the ſaid Tolls, or any Part or Parts thereof, the Coſts and Charges of mortgaging and aſſigning the ſame to be paid out of ſuch Tolls, to any Perſon or Perſons, for any Term of Years during the Continuance of this Act, as a Security for any Sum of Money which ſhall be ſo borrowed, with Intereſt for the ſame; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners and their Succeſſors; but that no Money ſhall be borrowed upon the Credit of the ſaid Tolls at any Meeting after the ſaid Firſt Meeting, until Twenty-eight Days Notice of ſuch Meeting, and the Purpoſe for which it is to be held, ſhall be given by the Clerk to the ſaid Commiſſioners, and affixed on all the Gates and Turnpikes erected by virtue of this Act, and on the Church Doors of *Doddington* and *Ramſey* aforeſaid; and that it ſhall and may be lawful

and aſſign over ſaid Tolls for Payment.

Aſſignments to be entered in a Book.

lawful for all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, from Time to Time, and at all Times, by any Writing or Writings under his, her, or their, Hand and Seal or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, to aſſign and transfer his, her, or their Right to the Principal Money and Intereſt thereby ſecured to any Perſon or Perſons whomſoever; and that ſuch Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer within Three Calendar Months after Date thereof, who ſhall cauſe an Entry or Memorial to be made, containing the Date of ſuch Aſſignments or Transfers, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books, to be kept for entering the ſaid original Mortgages and Aſſignments; for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and that after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and every Aſſignee or Aſſignees ſhall and may, in like Manner, from Time to Time, aſſign and transfer the ſame; and that no Perſon or Perſons who ſhall have made any ſuch Aſſignment or Transfer, ſhall, after the making thereof, releaſe, diſcharge, or make void the ſame, or any Money thereon due; and that all and every Perſon and Perſons to whom ſuch Mortgage or Aſſignment ſhall be made as aforeſaid ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Tolls in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money.

Truſtees may lend Money on Security of the Tolls.

XXXII. And be it further enacted by the Authority aforeſaid, That all and every Commiſſioner and Commiſſioners appointed by this Act, or which ſhall be hereafter appointed by any Power or Authority hereby given, ſhall, and lawfully may, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners, Truſtee or Truſtees, lend any Sum or Sums of Money on the Security of the ſaid Tolls, or on the Aſſignment of any of the Taxes rated or aſſeſſed by virtue of this Act, in ſuch Manner as any other Perſon or Perſons may, can, or ſhall do, by means or virtue hereof; and that ſuch Commiſſioner or Commiſſioners, Truſtee or Truſtees, ſo advancing or lending ſuch Sum or Sums of Money, ſhall and lawfully may accept and take a Mortgage or Mortgages, Aſſignment or Aſſignments, of the ſaid Tolls, Rates, and Taxes, from the ſaid Commiſſioners, or any Five or more of them, as a Security or Securities for the ſaid Sum or Sums of Money ſo to be by him or them advanced and lent; which Mortgage or Mortgages, Aſſignment or Aſſignments, being ſo executed by the ſaid Commiſſioners, or any Five or more of them, ſhall be effectual and binding to all Intents and Purpoſes whatſoever; and that the Commiſſioner or Commiſſioners, ſo advancing or lending ſuch Sum or Sums of Money, and accepting and taking ſuch Security or Securities, ſhall, by means and virtue thereof, have and exerciſe ſuch and the like Powers and Remedies for recovering and receiving the ſaid Sum or Sums of Money, and the Intereſt thereof, as any other Mortgagee or Mortgagees of the ſaid Tolls, Rates, or Taxes can, may, or ſhall, have and take by means and virtue of this Act.

Preference to Perſons offering to lower Intereſt.

XXXIII. And be it enacted, That if any Perſon or Perſons ſhall give Notice to the ſaid Commiſſioners, or any Five or more of them, aſſembled at any of their Meetings as aforeſaid, that they are willing to advance any Sum or Sums of Money on the Credit of the ſaid Taxes or Tolls, at any leſs Intereſt than the ſaid Commiſſioners ſhall pay for the Monies borrowed by them, the ſaid Commiſſioners reſpectively are hereby required to accept the ſame, and apply the ſame to the Payment of ſuch Part of the Monies as they ſhall have borrowed on the Credit of the ſaid Taxes or Tolls, as they ſhall think proper; any Thing to the Contrary notwithſtanding.

Continuance of this Act.

XXXIV. And be it further enacted, That ſo much of this Act as relates to repairing and widening the ſaid Bank, ſo as to make the ſame a Turnpike Road, ſhall commence and have Continuance from the Day of the paſſing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Commiſſioners for the Drainage, to meet Twice in every Year.

XXXV. And be it further enacted by the Authority aforeſaid, That the Commiſſioners hereby nominated and appointed for the Drainage of the ſaid Five Diſtricts or Diviſions reſpectively, or their Succeſſors, or any Five or more of them, ſhall meet Twice in every Year in Manner following; *to wit*, For the Firſt Diſtrict at the Town of *Ramſey* aforeſaid, and for every other Diſtrict at the Town of *Doddington*, or in the Precincts thereof, or at ſome Place adjoining to the ſaid Diſtricts; the Firſt Meeting of the ſaid Commiſſioners for the ſaid Firſt Diſtrict to be held at the *George Inn* in *Ramſey* aforeſaid; for the ſaid Second Diſtrict at the *Blue Bell* in *Benwick* aforeſaid; and for the Third and Fourth Diſtricts, at the *Three Tuns* in *Doddington* aforeſaid; and for the ſaid Lower or Fifth Diſtrict, at the *White Hart* in *March* aforeſaid, within Twenty-one Days after the paſſing of this Act; and every Half-yearly Meeting for the ſaid Firſt Diſtrict at *Ramſey* aforeſaid, or in the Precincts thereof, to be held on the Eleventh Day of *July*, and the Second Day of *October*, (except when the ſaid Days ſhall happen on a *Sunday*), in which Caſe the ſaid Meeting ſhall be held the Day following; for the ſaid Second Diſtrict, on the Third *Monday* in *May*, and the Third *Monday* in *November*, and for the ſaid Third and Fourth Diſtricts on the Third *Tueſday* in *May*, and the Third *Tueſday* in *November*; and for the ſaid Lower or Fifth Diſtrict, on the Third *Wedneſday* in *May*, and the Third *Wedneſday* in *November* in each Year, or at ſuch other Time or Times, within or near the Place or Places within the ſeveral Pariſhes or Hamlets in which the ſaid Five Diſtricts reſpectively lie, as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall ſee Cauſe, or think convenient, purſuant to Notice in Writing for that Purpoſe, ſigned by any Three or more of them, and to be affixed upon the Outſide of the Church or Chapel Doors of *Ramſey*, *Doddington*, and *Benwick* aforeſaid, Ten Days at the leaſt before any ſuch Meeting, except thoſe appointed to be held for the ſaid General Half-yearly Meetings, and may, from Time to Time,

Time, adjourn themſelves, and meet again purſuant to ſuch Adjournments, as often as they ſhall think proper.

Commiſſioners may aſſeſs 3s. per Acre for Firſt Diſtrict;

XXXVI. And it is hereby further enacted by the Authority aforeſaid, That over and above the ſaid Rate and Tax of One Shilling *per* Acre herein before authoriſed and directed to be raiſed, levied, and received for the general Imbanking the ſaid River *Nene* and *Forty Feet Drain*, and ſuch other General Works as are herein-before directed, it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners of each of the ſaid Diſtricts or Diviſions reſpectively, or for any Five or more of them, who ſhall be preſent at ſuch reſpective Firſt or any other yearly General Meeting as aforeſaid, for each reſpective Diſtrict, then and there, from Time to Time to aſſeſs, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers of all and ſingular the Lands and Grounds ſituate and lying within their ſeveral Diſtricts or Diviſions reſpectively, except the ſeveral Lands and Grounds, lying within the ſaid Five Diſtricts or Diviſions, and herein-after exempted and diſcharged from the Payment of any Rate, Tax, or Sum of Money to be laid, rated, or taxed by virtue of this Act, by and with a proportionable yearly Rate, Tax, or Sum of Money, at the Diſcretion of the ſeveral and reſpective Commiſſioners for the Time being, of and for the ſaid Five Diſtricts or Diviſions reſpectively, or the major Part of them that ſhall be preſent at any ſuch yearly General Meeting as aforeſaid, ſo that ſuch Rate, Tax, or Sum of Money do not exceed in any One Year the Sum of Three Shillings for every Acre of Land or Ground within the ſaid Firſt Diſtrict or Diviſion, and ſo in proportion for any greater or leſs Quantity; and for every Acre of Land or Ground in any One Year in the ſaid Second Diſtrict or Diviſion, the like Sum of Three Shillings *per* Acre, and ſo in proportion for any greater or leſs Quantity; and for every Acre of Land or Ground in any One Year in the ſaid Third Diſtrict or Diviſion, the Sum of Two Shillings and Sixpence *per* Acre, and ſo in proportion for any greater or leſs Quantity than an Acre; and for every Acre of Land or Ground in any One Year in the ſaid Fourth Diſtrict or Diviſion, the like Sum of Two Shillings *per* Acre, and ſo in proportion for any greater or leſs Quantity than an Acre; and for every Acre of Land or Ground in any One Year in the ſaid Lower or Fifth Diſtrict or Diviſion the like Sum of Two Shillings *per* Acre, and ſo in proportion for any greater or leſs Quantity than an Acre: Which ſaid yearly Rates or Taxes ſo to be ſeverally and reſpectively taxed and aſſeſſed by the ſeveral and reſpective Commiſſioners of the ſaid Five Diſtricts or Diviſions reſpectively as aforeſaid, ſhall be paid by the Owners and Occupiers of the Lands or Grounds compriſed in the ſaid Diſtricts or Diviſions reſpectively, to ſuch Perſon or Perſons, at ſuch Time or Times, and in ſuch Manner and Proportion as the reſpective Commiſſioners for the Time being of the ſaid Five Diſtricts or Diviſions reſpectively, or the major Part of them that ſhall be preſent at any ſuch Meeting as aforeſaid, ſhall, from Time to Time, ſeverally order, direct, and appoint the ſame; and ſhall, together with the ſeveral Sums of Money herein-after directed to be borrowed by the ſaid Commiſſioners on the Credit of the ſaid Rates and Taxes, to be applied and diſpoſed of by the ſaid Commiſſioners, for the ſaid Five Diſtricts or Diviſions, in and about the particular Works, Banks, Drains, Mills, Engines, Headings, Dams, and other Matters and Things neceſſary for draining each of the ſaid Five Diſtricts or Diviſions reſpectively, and to or for no other Uſe or Purpoſe whatſoever; provided that the Rates and Taxes of each of the ſaid Diſtricts, and the Money to be borrowed on the Credit thereof, may be applied by the ſaid Commiſſioners for the particular Works of each of the ſaid Diſtricts ſeparately, and not for the joint Works of the ſaid Five Diſtricts.

3 s. per Acre for Second Diſtrict;

2 s. 6 d. per Acre for Third Diſtrict;

2 s. per Acre for Fourth Diſtrict;

2 s. per Acre for the Fifth Diſtrict.

Tenants of Part of the Fifth Diſtrict ſhall pay the Taxes during the Continuance of their Leaſes.

XXXVII. And be it enacted, That all the Rates, Taxes, and Aſſeſſments laid, rated, and taxed by virtue of this Act, upon the ſeveral and reſpective Lands of the Reverend *John Gordon*, D. D. Miſtreſs *Cole*, and Miſtreſs *Williams*, lying and being in *Ranſon Moore*, *Dykeamoore*, and *Bezleings* reſpectively, being Part and Parcel of the ſaid Lower or Fifth Diſtrict, ſhall be paid by the Tenant or Tenants thereof, his, her, or their Executors or Adminiſtrators, during the Reſidue of the ſeveral and reſpective Terms, for which the ſame are granted upon Leaſe, and not by the ſaid *John Gordon*, Miſtreſs *Cole*, and Miſtreſs *Williams*, their Heirs, Executors, or Adminiſtrators; any Thing herein contained to the Contrary notwithſtanding.

No Dams, &c. ſhall be cut or opened before Aug. 1. after paſſing this Act.

XXXVIII. And be it further enacted, That no Dam or Stoppage already made for the Benefit of draining the ſeveral Lands and Grounds within the Limits aforeſaid, by the Mills or Engines now erected thereon, for draining the ſame, ſhall be cut or opened by the Commiſſioners appointed for putting this Act into Execution with reſpect to the Drainage thereof, or any other Perſon or Perſons whomſoever, before the Firſt Day of *Auguſt* next, after the paſſing of this Act; any Thing herein contained to the Contrary notwithſtanding.

Lands exempt from draining Tax.

XXXIX. Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge the Lands of *William Fellowes*, Eſquire, lying next the River *Nene*, and called *The Four Hundred-Acre Farm*, or the ſaid Farm of the ſaid *William Fellowes*, Eſquire, lying next the ſaid *Forty Feet Drain*, called *Betty's Noſe*, or the Lands of the ſaid *David Burgeſs*, Gentleman, lying in *Benwick* aforeſaid, next the ſaid River *Nene*, and called by the Name of *Chappel Farm*, or the Lands of Maſter *Thomas Burgeſs*, lying next the ſaid River *Nene*, or the Lands of the ſaid *Francis Ibberſon*, lying next the ſaid *Forty Feet Drain*, called by the Names of *Carter's Farm*, *Morris's Farm*, and *Benwick Meer*, and the *Brow* or *Weſt Water*, and which ſaid ſeveral Lands are not deſcribed, or intended to be deſcribed, or taken as Part of any of the ſaid Five Diſtricts or Diviſions, or to be charged or chargeable with the Payment of any Rate or Tax laid, or to be laid, by virtue of this Act, except the ſaid Rate or Tax of One Shilling *per* Acre herein before laid, rated, and taxed, for the Support of the ſaid Banks of the ſaid River *Nene* and *Forty Feet Drain*.

Slamps exempted from Payment of Taxes.

XL. Provided nevertheleſs, and be it enacted, That nothing in this Act contained, ſhall extend or be conſtrued to extend to charge the Lands within the Limits aforeſaid, or any of them, which lie within Sixty Feet of the ſaid River *Nene* and *Forty Feet Drain*, with the Payment of any Rates or Taxes charged by virtue of this Act; and that a Soak Dyke, not exceeding Three Feet wide, and Two Feet deep, (except by, next, and through the Yards in the ſaid Hamlet of *Benwick*, or where any Farm-houſes, Barns, Yards, or Droveways, do lie contiguous to, or adjoining upon the ſaid Rivers), ſhall be cut or made by the ſaid Commiſſioners through the ſaid Sixty-ſix Feet of Land ſo exempted, and a Soak Bank laid thereon for the preſerving and keeping the Soak of the ſaid Rivers from the ſaid Fen Lands and Low Grounds, but that the ſaid Lands ſo laid out for a Slamp to receive the ſaid Soak, ſhall always be exempt from the Payment of any Taxes, Rates, or Aſſeſſments, charged, or to be charged, by virtue of this Act; any Thing herein contained to the Contrary notwithſtanding.

Survey of General Diſtrict to be ſurveyed for ſeparate Diſtricts.

XLI. Provided always, and be it hereby enacted and declared by the Authority aforeſaid, That the Survey of the ſaid Lands and Grounds herein-before directed by this Act to be delivered in to the ſaid General Commiſſioners or their Officers, for charging and aſſeſſing the ſaid Lands and Grounds, with the Payment of the ſaid Rate or Tax of One Shilling for every Acre thereof, for repairing the Banks of the ſaid River *Nene* and *Forty Feet Drain*, ſhall be a ſufficient Authority for the Commiſſioners of the ſaid Five Diſtricts reſpectively, to rate, tax, and charge the Lands and Grounds in each of the ſaid Five Diſtricts reſpectively, without any freſh Survey to be taken of the ſame, or any Part thereof.

Expences of draining the Second and Fourth Diſtrict, how to be paid.

XLII. And be it further enacted, That it ſhall and may be lawful for the Commiſſioners of the ſaid Second and Fourth Diſtricts reſpectively, or any Five or more of them, at their Firſt Meeting, or any future Meeting appointed to be held after the paſſing of this Act, to incloſe, or cauſe to be incloſed, One Sixth Part of the ſaid Commons in the Second and Fourth Diſtricts reſpectively, to defray the Charge and Expence of draining the ſame jointly with the ſaid Second or Fourth Diſtricts, and alſo the Charges of making ſuch Incloſure private Property; and that the ſaid Commiſſioners of the ſaid Second and Fourth Diſtricts reſpectively, or any Five or more of them, ſhall and may, from Time to Time, ſo long as it ſhall be neceſſary for the Purpoſes aforeſaid, grant a Leaſe or Leaſes of the Land and Ground ſo to be incloſed in each Common reſpectively, unto any Perſon or Perſons at or for the beſt yearly Rent they can get for the ſame, for any Term not exceeding Twenty-one Years; and that the Money ariſing from the Lands ſo to be incloſed out of the ſaid Commons by the Commiſſioners for the ſaid Second and Fourth Diſtricts reſpectively, by virtue and in purſuance of this Act, ſhall be applied towards defraying the Charges of the interior Works of each of the ſaid Diſtricts reſpectively; and after the ſaid Incloſure ſhall be made as aforeſaid, in caſe the Tenant or Tenants of ſuch incloſed Lands ſhall neglect or refuſe to pay the ſeveral Rents reſerved in and by the ſaid Leaſes at the ſeveral Times mentioned therein, for the Payment thereof, it ſhall and may be lawful for the ſaid Commiſſioners reſpectively, and they are hereby impowered to recover ſuch Rent and Arrears thereof by Diſtreſs and Sale in ſuch and the ſame Manner as other Landlords are by Law impowered to do: And in caſe ſuch Tenant or Tenants at the Expiration of ſuch Leaſes ſhall refuſe to give up the Poſſeſſion of ſuch Lands ſo to be incloſed as aforeſaid to the ſaid Commiſſioners reſpectively, or their Succeſſors; then and in ſuch Caſe the ſaid Commiſſioners are hereby impowered to take the ſame Methods for recovering ſuch Poſſeſſions, by Ejectment, or otherwiſe, as any other Landlord is intitled to by the Laws of this Realm.

Proviſo.

XLIII. Provided always, That the Lands and Grounds ſo to be incloſed as aforeſaid ſhall not be ſubject to the Payment of any Tithes, Taxes, Parochial or other Rates, during the Time the ſame ſhall remain incloſed.

Commiſſioners in ſupporting and widening the General Diſtricts,

XLIV. And it is hereby further enacted by the Authority aforeſaid, That it it ſhall and may be lawful to and for the reſpective Commiſſioners appointed by virtue of this Act, or the major Part of them, who ſhall be preſent at their reſpective Meetings from Time to Time, to heighten, widen, ſtrengthen, make, maintain, and ſupport, or cauſe to be heightened, widened, ſtrengthened, made, maintained, and ſupported, the South and South-eaſt Bank of the ſaid River *Nene*, and the North Bank of the ſaid *Forty Feet Drain*, and the Weſt Bank of the ſaid Upper or Firſt Diſtrict from the ſaid *Forty Feet Drain*, by the ſaid *Ramſey Mere*, to the ſaid River *Nene*, of ſuch Height, Width, Strength, and Dimenſions, as they, or the major Part of them, ſhall think proper, for the preventing the Waters thereof from running over the ſame, or making any Breach therein, or to repair and make up any Breach that may happen by reaſon or means of ſuch Water; and that it ſhall and may be lawful to and for the reſpective Commiſſioners of each of the ſaid Five Diſtricts or Diviſions, or the major Part of them for the Time being, who ſhall be preſent at ſuch Meeting, from Time to Time, to cleanſe, widen, make, cut, build, erect, purchaſe, and ſupport, all ſuch Banks, Bridges, Headings, Cuts, Drains, Dams, Outlets, Mills, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within their ſeveral and reſpective Diſtricts or Diviſions, for draining their reſpective Lands and Grounds, and conveying the Waters thereof into the ſaid River *Nene*, and the *Forty Feet Drain* aforeſaid, in order that the ſame may be more eaſily conveyed to Sea, as the ſaid Commiſſioners reſpectively, or the major Part of them, preſent at their reſpective Meetings for the Time being, ſhall think neceſſary or proper, paying ſuch reaſonable Satisfaction to the Perſon or Perſons who have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Bridge, Heading, Tunnel, or Outlet, ſhall be made, or whereupon any ſuch Engines or Mills ſhall be erected, for the Damages he, ſhe, or they, ſhall thereby ſuſtain, as ſhall be agreed upon between the ſaid Commiſſioners reſpectively, or the major Part of them preſent

Shall make Satisfaction to the Owners of Soil.

ent at their respective Meetings, for the Time being, and the Person or Persons having such Right as aforesaid; and if the said respective Commissioners for the said Upper or Lower Districts, or the major Part of them present at their respective Meetings for the Time being, and such Person or Persons having Right as aforesaid, cannot agree concerning the Amount of such Damages, then the same shall be assessed and adjudged by the Justices of the Peace at the Quarter-sessions to be holden for the *Isle of Ely*, if such Difference or Dispute shall happen within the said Isle, or in the County of *Huntingdon*, if such Dispute shall happen in the said County, not interested in the Premises, who are hereby authorised, impowered, and required, to examine into, hear, and determine the same; and the Determination which shall be so made by the said Justices, in their said Quarter-sessions as aforesaid, shall be final and conclusive to all Parties, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Waters not to be conveyed to the Sea, other than into the River Nene and Forty Feet Drain.

XLV. Provided nevertheless and be it enacted by the Authority aforesaid, That the Commissioners of the said respective Districts, and each of them, shall have no Power or Authority whatsoever, by virtue of this Act, to convey the Waters of each of the said Districts in any other Manner to Sea than by or by Means of the several Engines erected, or to be erected, within each of the said several Districts next the said River *Nene* or *Forty Feet Drain*, as the same shall happen according to the Situation thereof; and that they shall not, by virtue of any Power under this present Act, convey the Waters of each District into the said Rivers by any other Means whatsoever than by virtue of the Engines erected in each of the said Districts for draining the same, nor shall, on any Pretence whatsoever, cut or destroy any of the outward Banks of any of the said Districts.

Commissioners may distress for Taxes.

XLVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons, so taxed, rated, or assessed as aforesaid, shall refuse or neglect to pay the Tax or Assessment charged upon him or them respectively, for or on account of their several Lands lying within the said Districts, upon a Day to be appointed by the said Commissioners respectively, or any Five or more of them, for such Payment, publick Notice of such Day of Payment, Twenty-one Days before the Day of such Payment being first given in *The Cambridge Chronicle* and *Journal* for that Purpose, so long as the same shall continue to be published, or any other Weekly Paper circulated in the said *Isle of Ely*, and County of *Huntingdon*, and also affixed upon the Church or Chapel Doors of *Ramsey*, *Benwick*, *Doddington*, and *March* aforesaid; which Notice, so to be given in such Paper, and affixed upon such Church or Chapel Doors as aforesaid, shall be deemed and taken as publick Notice of the said Day of Payment, as if Demand thereof had been actually made by the said Receiver or Collector of the Person or Persons by whom such Rates or Taxes are to be paid as aforesaid; and it shall and may be lawful for the respective Collector or Collectors, Receiver and Receivers, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners for the said Five Districts respectively, (which Warrant or Precept such Commissioners, or any Three or more of them respectively, are hereby impowered and required from Time to Time to make, as Occasion shall require) to enter into and upon the said Fen Lands and Low Grounds within the said Five Districts, or either of them, so rated, assessed, and taxed as aforesaid, in Possession of such Person or Persons as shall so make Default in Payment as aforesaid, and all Messuages, Tenements, or Buildings thereupon, standing or belonging thereto, with their and every of their Appurtenances; and to levy the Sum or Sums of Money by him, her, or them payable for such Rate or Tax, and the Arrears thereof, by Distress and Sale of the Goods and Chattels then and there found, in such and the same Manner as the said Commissioners are hereby authorised and impowered to distrain for and recover the said Rate or Tax of One Shilling *per* Acre.

Land-owners to pay a Penalty of 2 d. in 1 s. for Non-payment of Taxes.

XLVII. And be it enacted by the Authority aforesaid, That if any Person or Persons shall refuse or neglect to pay, or cause to be paid, to the Collector or Collectors for the Time being, to be appointed in pursuance of this Act, the Sum or Sums of Money which he, she, or they, shall be respectively charged with, for the Space of Two Calendar Months after a personal Demand made by such Collector or Collectors; every such Person shall forfeit and pay the Sum of Two-pence for every Shilling which shall be so in Arrear and unpaid; to be levied by Distress and Sale of his, her, and their Goods and Chattels, in such Manner as the aforesaid Rates and Taxes are herein directed to be levied; and the Money so forfeited and levied shall be applied towards the Works of such District where the same shall be forfeited.

Soak Banks to be joined.

XLVIII. Provided nevertheless, and be it enacted by the Authority aforesaid, That the Commissioners of the said respective Districts shall, and they are hereby impowered and required, at the joint Expence of each of the said Districts, to join the Soak Banks, and other Banks already made between the said District, in One Bank, to prevent the Soak Waters running or expanding themselves between the said Five Districts respectively.

Commissioners may borrow Money on separate Districts.

XLIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the said Four Upper Districts respectively, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they shall think proper, upon the Credit of the Taxes and Assessments in each respective District, Five of whom to be Real Commissioners for the said First and Fourth Districts, and Three for the said Second, Third, and Lower or Fifth District, and Deputies for the District for which the said Money shall be so borrowed, and, by Writing, under the Hands of any Seven or more of them, to mortgage, charge, assign, and convey or incumber the Taxes or Assessments so to be assessed and levied within each respective District, with and for the Re-payment of the Sums so borrowed, with such Interest, at such Times, and with such Provisoes and Conditions of Redemption as shall be agreed upon; and such Monies shall be separately and distinctly

tinctly borrowed for the Uſe of each Diſtrict, and ſhall be particularly ſet forth in every ſuch Aſſignment for which of the ſaid Diſtricts ſuch Monies are ſo reſpectively borrowed.

Sums to be borrowed, at One Time, on each Diſtrict.

L. Provided always, and be it enacted by the Authority aforeſaid, That no more than the Sum of One thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within the ſaid Firſt Diſtrict; and that no more than the Sum of Eight hundred Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Second Diſtrict; and that no more than the Sum of One thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Third Diſtrict; and that no more than the Sum of One thouſand two hundred Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Fourth Diſtrict; and that no more than the Sum of Two thouſand Pounds ſhall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Aſſeſſments ariſing within or in relation to the ſaid Fifth Diſtrict; and that the Taxes on the ſaid Five Diſtricts or Diviſions reſpectively ſhall not, during the Time any Principal or Intereſt Monies ſhall be due on the ſeveral Securities thereof, be leſs in any One Year than the Sum of Three Shillings, Two Shillings and Sixpence, and Two Shillings, *per* Acre, for each of the ſaid Diſtricts reſpectively, in which ſuch Principal-money or Intereſt ſhall be owing.

Securities aſſignable.

LI. And be it further enacted by the Authority aforeſaid, That ſuch Mortgages and Securities ſo to be made by the ſaid ſeveral and reſpective Commiſſioners of the ſaid ſeveral and reſpective Rates and Taxes ariſing within the ſaid reſpective Diſtricts, ſhall and may be aſſignable or transferrable by Indorſement on the original Grant thereof made, or otherwiſe, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the Time the ſame is entered in a Book to be kept for that Purpoſe, be well and ſufficiently intitled to ſuch Mortgage-monies and Intereſt, and all the Monies due and to grow due thereof; which Entries are hereby required to be made on Requeſt, on producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee and Aſſignees, ſhall and may, in like Manner, by Indorſement, or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo *toties quoties*, as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Money borrowed chargeable on Taxes, and veſted in Creditors.

LII. Provided always, and be it enacted, That all and every of the Taxes or Aſſeſſments raiſed within each reſpective Diſtrict, by virtue of this Act, ſhall be charged and chargeable with the Payment of the Principal-money ſo to be borrowed by the ſaid Commiſſioners reſpectively, and the Intereſt of ſuch Money, from Time to Time, ſhall veſt in the Creditors of the ſaid Diſtrict, for which the ſame ſhall be ſo borrowed, upon Default of Payment of ſuch Principal-money and Intereſt, until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Power, Rights, Privileges, of aſſeſſing, raiſing, and recovering, the ſeveral Taxes and Aſſeſſments payable by the ſeveral Owners and Occupiers of Lands and Grounds within the ſaid Five Diſtricts reſpectively, for or in reſpect of ſuch Principal-money and Intereſt, in caſe of Default of Payment thereof, as the ſaid reſpective Commiſſioners, and their Collectors and Receivers, would have had in caſe ſuch Principal-money and Intereſt had been regularly and fully ſatisfied and paid.

Commiſſioners or Land-owners impowered to drain any Ditches or Drains dividing Diſtricts or Lands.

LIII. And be it further enacted by the Authority aforeſaid, That in caſe there ſhall be any Drains or Ditches within the Limits aforeſaid, dividing the ſaid Five Diſtricts or Diviſions reſpectively from each other, or dividing the ſaid reſpective Diſtricts or Diviſions from the other Lands not included therein, and no Proviſion is by this Act made for draining the ſame, it ſhall and may be lawful for the Commiſſioners of the ſaid Five Diſtricts reſpectively, or any Five or more of them, or for the Owners of the Lands lying contiguous to ſuch Diſtricts, and adjoining to ſuch Ditches or Drains, at their reſpective Coſts and Charges, to drain ſuch Ditches or Drains by the Engines erected for draining the ſaid Five Diſtricts reſpectively, and the ſaid Lands not included in ſuch Diſtricts, in caſe they, or either of them, ſhall think proper; any Thing herein contained to the Contrary notwithſtanding.

Cutting into Firing, how to be prevented.

'LIV. And whereas the Proprietors of the ſeveral Lands and Grounds frequently cut up the ſame 'into Firing, and ſell the ſame, whereby the Value thereof is ſo much leſſened, that the Rates and 'Taxes charged thereon cannot be levied and raiſed, whereby the Security of the ſaid Taxes become 'of leſs Value to the ſeveral Perſon or Perſons advancing Money thereon;' be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, being Owner or Proprietor of any of the Lands or Grounds contained in the ſaid General Diſtrict, or in the ſaid Five Diſtricts reſpectively, or any of them, ſhall, from and after the paſſing of this Act, dig or cut up any of the ſaid Lands or Grounds into Firing for Sale, ſuch Owner or Owners of ſuch Land ſhall, within One Calendar Month after the ſame ſhall have been ſo dug or cut up into Firing as aforeſaid, pay to the ſaid Commiſſioners reſpectively, after the Rate of Thirty Years Purchaſe of the ſaid Rates or Taxes ſo charged upon the ſaid Lands and Grounds which ſhall be ſo dug up as aforeſaid; and in caſe the ſaid Owners or Proprietors ſhall neglect or refuſe to pay the ſame within One Calendar Month after the ſame ſhall have been ſo dug up for the Purpoſe aforeſaid, that it ſhall and may be lawful for the ſaid Commiſſioners reſpectively, or the major Part of them, aſſembled at a Meeting to be called for that Purpoſe, to order and direct the Collector or Collectors, Receiver or Receivers, of the ſaid Diſtrict, to recover the ſame by Diſtreſs and Sale of the Firing ſo cut, in ſuch and the ſame Manner as the ſaid Rates and Taxes are hereby recoverable; and the ſaid Sum or Sums of Money, ſo to be paid or recovered as aforeſaid, ſhall, and hereby are veſted in the

the ſaid Commiſſioners, and to be placed out by them and their Succeſſors in their Names, or in the Names of any Five of them, at Intereſt, as a Security for the Money ſo borrowed on the Aſſignment of the ſaid Taxes, and the Intereſt thereof, to be yearly paid and applied by the ſaid Commiſſioners reſpectively, in the Firſt Place, for and towards the Intereſts of the Monies ſo due on the Credit of the ſaid Taxes; and after Payment thereof for the neceſſary Works of the ſaid Five Diſtricts reſpectively for which the ſame ſhall be ſo received.

Commiſſioners to appoint Officers.

LV. And be it enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at any of the Meetings to be held in purſuance of this Act, ſhall have full Power and Authority to appoint One Clerk, and One or more Treaſurer or Treaſurers, Receiver or Receivers, for each of the ſaid reſpective Diſtricts or Diviſions, and alſo One or more Toll-keeper or Toll-keepers for the ſaid Road, or ſuch other proper Officer or Officers as they the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think fit, for the taking Care of all ſuch Banks, Roads, and Works, and for collecting the ſaid Tolls, and the Rates or Aſſeſſments which ſhall be laid, rated, or aſſeſſed on the Lands and Grounds lying within the ſaid reſpective Diſtricts, or either of them; and to allow and appoint to be paid to ſuch Officers, out of ſuch Tolls, Rates, or Aſſeſſments reſpectively, ſuch yearly, or other Wages or Salaries, for their Trouble and Pains, as they the ſaid reſpective Commiſſioners, or any Five or more of them, preſent at ſuch Meetings, ſhall think reaſonable; which ſaid Clerk, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, Toll-keeper or Toll keepers, and other Officer or Officers, ſo to be appointed, may be removed at the Will and Pleaſure of the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe, of which Five Days Notice ſhall be given in Writing, to be affixed on the Church or Chapel Door of *Ramſey*, *Doddington*, and *March*, aforeſaid reſpectively, and upon the ſaid Turnpike-gates, and other or others to appoint in his or their Stead, as Occaſion ſhall require; and ſuch reſpective Treaſurer or Treaſurers, Toll-keepers, Collectors, or Receivers, ſhall, before they act in the Execution of their reſpective Offices, give ſuch Security for the due Execution thereof, and for performing the ſeveral Truſts to them committed, as the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at any Meeting for each reſpective Diſtrict for that Purpoſe ſhall think fit.

Officers to account yearly.

LVI. And be it further enacted by the Authority aforeſaid, That Once in every Year, (that is to ſay) At the Yearly General Meeting to be held for the ſaid General Diſtrict and at the Yearly General Meeting to be held for the ſaid Five Diſtricts reſpectively, or on any ſubſequent Day to which the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall adjourn, Inſpection ſhall be had by the ſaid reſpective Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act, and in relation to the ſaid General Diſtrict, or the ſaid Five Diſtricts reſpectively for the Year then laſt paſt; and all Accounts relating to the ſaid reſpective Diſtricts ſhall be at ſuch Meeting made up and ſettled by the ſeveral Commiſſioners appointed for each of the ſaid Diſtricts, or any Five or more of them then aſſembled; at which Time the ſeveral Treaſurers, Collectors, or Receivers, of the ſaid Taxes or Aſſeſſments, in each of the ſaid Diſtricts, are hereby required to attend with proper Books of Accounts of their Receipts and Diſburſements, and all Vouchers for the ſame; and on conſidering and examining the ſaid Accounts and all other Accounts of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act, within or in relation to the ſaid General Diſtrict and Road, or to the ſaid Five Diſtricts reſpectively upon Oath, (if the ſame ſhall be required) by any Five or more of the ſaid Commiſſioners for each of the ſaid Five Diſtricts reſpectively, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter) the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs under their Hands the ſaid Account or Accounts, or ſuch Part or Parts thereof as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed as aforeſaid, ſhall be fairly entered in Two diſtinct or ſeparate Books to be kept for that Purpoſe for each of the ſaid Diſtricts, One of which Books to be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons, for each of the ſaid Diſtricts, as the ſaid Commiſſioners for ſuch Diſtrict, or any Five or more of them, ſhall appoint; and the other of the ſaid Books ſhall be depoſited in ſuch Place in the ſaid Town of *Ramſey*, Hamlet of *Benwick*, Towns of *Doddington*, and *March*, as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall direct and appoint at any Meeting to be held for each of the ſaid Diſtricts reſpectively, in a ſtrong Box to be provided by the ſaid Commiſſioners reſpectively for that Purpoſe; and the Books ſo depoſited ſhall and may be inſpected and peruſed, at all reaſonable Times, by or at the Requeſt of any Perſon or Perſons rated or taxed in purſuance of this Act, on paying Sixpence for peruſing the ſame.

which the Commiſſioners are to paſs.

Accounts to be entered.

Officers to account upon Oath.

LVII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers ſo appointed for each reſpective Diſtrict as aforeſaid, ſhall upon Oath, when thereunto required by the ſaid reſpective Commiſſioners, or any Five or more of them, (which Oath the ſaid reſpective Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter) give in to the ſaid reſpective Commiſſioners, or any Five or more of them, a true, exact, and perfect Account in Writing, under their reſpective Hands, with proper Vouchers, of all Monies which he or they, and every or any of them, ſhall to ſuch Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Office; and in caſe the Monies ſo received ſhall remain in his or their, or any of their Hands, the ſame ſhall be paid to the reſpective Commiſſioners for the reſpective Diſtricts, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands reſpectively authoriſe and impower to receive

ceive the ſame; and in caſe any ſuch Clerk, Collector, Receiver, Toll-keeper, or other Officer, ſhall not given in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings, in his Cuſtody relating to the Execution of this Act, that then any One or more Juſtice or Juſtices of the Peace for the *Iſle of Ely*, or County of *Huntingdon*, ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid in a ſummary Way, as well as by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Collector, Receiver, Toll-keeper, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the Common Gaol of the ſaid *Iſle of Ely*, or County of *Huntingdon*, there to remain without Bail or Mainprize until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or until he ſhall have compounded and agreed with the reſpective Commiſſioners for each reſpective Diſtrict, or any Five or more of them, and have paid ſuch Compoſition-money; which Compoſition the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Materials for Roads and Banks may be carried away by the Commiſſioners.

LVIII. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Officer or Officers appointed by the ſaid Commiſſioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing the ſaid Turnpike Road from *Carter's Bridge* aforeſaid, to the ſaid *Forty Feet Bridge*, in, upon, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place in, adjoining to, or lying near, the ſaid Road and Bank leading from *Carter's Bridge* aforeſaid to the ſaid *Forty Feet Bridge*, without paying any Thing for the ſame, they the ſaid Surveyors, or other Officers, filling up or ſloping down the Pits and Holes made by digging ſuch Earth or Materials with all convenient Speed; and, in the mean Time, making a ſufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence ſuch Materials ſhall be taken: And if a Quantity of Materials ſufficient for that Purpoſe cannot be found in or upon any ſuch River, Brook, Waſte, or Common, then, by Order of the ſaid Commiſſioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Quantity of Materials proper and ſufficient for that Purpoſe, in, upon, out of, or from, any of the Lands or Grounds of any Perſon where the ſame may be had or found, to be uſed towards repairing the ſaid Turnpike Road from *Carter's Bridge* aforeſaid to the ſaid *Forty Feet Bridge*, ſuch Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to any Houſe, they the ſaid Surveyors, or other Officers, paying, or tendering a reaſonable Compenſation to the reſpective Owners or Occupiers of ſuch Lands or Grounds for ſuch Materials, and for the Damage done by carrying the ſame over their Grounds: And in caſe of any Difference between the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Officers, and any of the ſaid Owners or Occupiers, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, not intereſted in the Premiſes, ſhall and may, on Ten Days Notice thereof in Writing to be given by any ſuch Surveyor to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor or other Officer, to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine, the Matters of the ſaid Damages; and that the Determination of ſuch Juſtice ſhall be final to the ſaid Parties, without any Appeal therefrom.

Orders and Proceedings of Commiſſioners to be entered in Books.

LIX. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any Meeting to be held for the General Diſtrict, or for each of the ſaid Diſtricts, or for the ſaid Turnpike Road reſpectively, ſhall be entered in diſtinct Books to be provided and kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by Five or more of the ſaid Commiſſioners ſo aſſembled at ſuch Meetings; and, being ſo ſigned, ſhall be deemed and taken to be Originals; and all ſuch Books, and alſo the Books hereby directed to be kept for regiſtering the Securities, Aſſignments, and Transfers, ſhall and may be read in Evidence on all Trials at Law of any Suits or Actions touching any Thing done in relation to or in purſuance of this Act.

Orders not to be reverſed.

LX. Provided always, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or any of them reſpectively, at any of their Meetings for each reſpective Diſtrict, except the Fifth Diſtrict, by virtue of this Act, ſhall be altered, reverſed, annulled, or made void at any ſubſequent Meeting, unleſs Nine or more Commiſſioners be preſent, and Five or more of the ſaid Commiſſioners be real Owners of Lands, and Deputies in the ſaid Diſtrict, and conſenting thereto, nor unleſs Ten Days Notice in Writing of ſuch Meeting be affixed on the Doors of the Pariſh-churches or Chapels of *Ramſey*, *Doddington*, and *March* aforeſaid, in which ſaid Notice the Intent and Deſign of ſuch Meeting ſhall be declared; and that every Order for executing the Powers of this Act ſhall be made at a Meeting of the ſaid reſpective Commiſſioners, to be held in ſuch Manner as is herein-before authoriſed and appointed, and not otherwiſe; except only as to the granting Precepts or Warrants for levying Taxes, which ſhall and may be granted and ſigned by ſuch reſpective Commiſſioners, for the reſpective Diſtricts, in Manner herein-before directed, whenever the ſame ſhall be neceſſary and required.

Perſons wilfully deſtroying Works, on Conviction, ſhall be deemed guilty of Felony.

LXI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, deſtroy, or adviſe, counſel, or hire any Perſon to burn, cut, break down, or otherwiſe deſtroy any Bank, Mill, Engine, Flood-gate, or Sluice, Toll-houſe, or Gate already erected, ſupported, maintained, or uſed, or hereafter to be made or erected,

ſupported, maintained, or uſed within the Limits aforeſaid, for the Purpoſes of draining and preſerving the Fens and Low Grounds within the ſame, every Perſon or Perſons ſo offending, and being thereof convicted, ſhall be guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall, and hereby have Power and Authority to tranſport ſuch Felon for Seven Years, in ſuch Manner as other Felons are directed to be tranſported by the Laws of this Realm.

Perſons cutting Works, to forfeit 20l. on Conviction.

LXII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly ſtop, dam up, break down, demoliſh, damage, or deſtroy, or cauſe, procure, or hire any Perſon to dam up, break down, demoliſh, damage, or deſtroy any River, Drain, or Watercourſe, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, ſupported, maintained, or uſed for anſwering the Purpoſes of draining and preſerving the Fen Lands and Low Grounds within the Limits aforeſaid, every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes before One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, not intereſted therein, every ſuch Perſon or Perſons ſo convicted as aforeſaid, ſhall forfeit and pay for every ſuch Offence, any Sum nor exceeding Twenty Pounds, nor leſs than Two Pounds; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, and to be applied and diſpoſed of in the Improvement of Works of the Diſtrict where ſuch Offence ſhall be ſo committed, and not elſewhere; and for Want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed by ſuch Juſtice or Juſtices to the common Gaol of the County or Place where ſuch Offence ſhall be committed, to hard Labour, for the Space of One Month, without Bail or Mainprize, or until ſuch Penalty ſhall be paid.

Perſons occaſioning Obſtructions in Drains and Fiſhery, to forfeit not exceeding 5l.

'LXIII. And whereas it frequently happens that the Paſſage of the Waters through the Mill 'Drains to the ſeveral Mills or Engines for the draining of Fen Lands is obſtructed by looſe and diſ-'orderly Perſons ſetting Fiſhing Nets, and laying other Obſtructions in the ſaid Drains,' be it therefore enacted, by the Authority aforeſaid, That if any Perſon or Perſons, ſhall, from and after the paſſing of this Act, wilfully ſet any Nets or other Engines for the taking or catching of Fiſh, or throw any Earth or other Obſtructions in any of the Mill Drains already made, or hereafter to be made, in any of the ſaid Five Diſtricts reſpectively, by virtue of this Act, every Perſon or Perſons ſo offending, and being thereof convicted by any One or more Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely*, and County of *Huntingdon*, not intereſted in the Premiſes, who is and are hereby required to hear and determine the ſame on the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of any One or more of the Juſtices before whom ſuch Conviction ſhall be made; One Moiety thereof to be applied and laid out in the carrying on the Works and Improvements of the ſaid Diſtricts where ſuch Offence ſhall be committed, and the other Moiety thereof to the Informer or Informers; and for Want of ſuch ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by the ſaid Juſtice or Juſtices, be committed to the common Gaol of the ſaid *Iſle of Ely* and County of *Huntingdon* reſpectively, for any Time not exceeding One Calendar Month; and that it ſhall and may be lawful for the ſaid Commiſſioners, or their Collector or Surveyor, to ſeize and take away any ſuch Nets or other Engines ſo ſet, and ſell and diſpoſe thereof, and apply the Money ariſing therefrom towards the neceſſary Works of ſuch Diſtrict where the ſame ſhall be ſet as aforeſaid.

Commiſſioners to make allowance for catching Moles and Vermin.

LXIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered, out of the Monies ariſing in or upon the ſaid Five Diſtricts reſpectively, to make ſuch Allowances for the catching and deſtroying Moles, or other Vermin, in the Banks and Lands belonging to and within the Limits aforeſaid, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

Penalty on Perſons allowing Hogs to wander on the Banks.

'LXV. And whereas the Banks of the ſaid River and Drain have of late Years been much damaged 'by Perſons ſuffering their Hogs and Swine to go thereon,' be it enacted by the Authority aforeſaid, That if any Swine or Hogs ſhall, from and after the paſſing of this Act be found upon the ſaid Banks, or any of them, other than and except ſuch Banks as are private Property, or Part of the Farm Yards belonging thereto, that the Owner or Owners of ſuch Swine or Hogs ſhall forfeit and pay to the ſaid Collector or Receiver ſo to be appointed by the ſaid Commiſſioners the Sum of Two Shillings for every ſuch Swine or Hog that ſhall be found on the ſaid Banks; ſuch Penalty to be applied for and towards the Repairs of the Banks where ſuch Swine or Hogs ſhall be reſpectively found; and that ſuch Penalty of Two Shillings ſhall, upon Proof of the Fact upon the Oath of One Witneſs, before any One or more Juſtices of the Peace for the ſaid *Iſle of Ely*, or County of *Huntingdon*, or by Confeſſion of the Owner or Owners of ſuch Swine or Hogs, be levied by Diſtreſs and Sale of the Goods and Chattels of the Owner or Owners of ſuch Swine or Hogs reſpectively, by a Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authoriſed and required to grant, and to adminiſter ſuch Oath as aforeſaid), the Overplus remaining after ſuch Penalty recovered, and the Charges of ſuch Diſtreſs and Sale, to be returned to the Owner or Owners of ſuch Goods and Chattels.

Burning the Banks, how to be prevented.

'LXVI. And whereas it frequently happens, by the Negligence or Careleſſneſs of Servants, or other 'Perſons employed in burning Fen Lands, in order to their being converted into Tillage, that the 'Banks lying contiguous to ſuch Lands are burnt and damaged by the Fire being ſuffered to remain too

'long

'long on such lands, and thereby extending to such Banks;' be it therefore enacted by the Authority aforesaid, That if any Person or Persons who shall be employed in burning any of the Lands and Grounds lying within the Limits aforesaid, shall, by Carlessness or Negligence, set Fire to, or burn, or cause to be fired or burned any of the Banks lying near or adjoining to any of the said Fen Lands or Grounds, so as such Banks be by Means of such Fire destroyed or damaged, such Person or Persons, being thereof convicted by the Oath of One or more credible Witness or Witnesses, or by Confession, before any One or more Justice or Justices of the Peace for the said *Isle of Ely*, or County of *Huntingdon*, not interested, within the Limits aforesaid, (which Oath such Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence) shall give such Recompence and Satisfaction to the said Commissioners for the Damage done to the said Banks as such Justice or Justices shall think reasonable; such Damages and Recompence to be paid by such Offender or Offenders, within such Time as by such Justice or Justices shall be ordered and appointed, into the Hands of the Receiver or Receivers for the Time being appointed by virtue of this Act, to be applied by him for and towards the repairing and amending such Banks; and in case of Non-payment thereof, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the said Justice or Justices before whom such Conviction shall be made; and for Want of sufficient Distress such Offender or Offenders shall by such Justice or Justices be committed to the common Gaol for the said Isle or County, for such Time or Times as such Justice or Justices shall order and direct, not exceeding Three Calendar Months, or until such Damage or Recompence shall be paid.

Persons erecting any Horse Mill, &c. to forfeit 50 l.

LXVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall erect, set up, use, or work any Horse Mill, Gig, Engine, or other Device whatsoever, for Draining or discharging Water from any Land in the said Districts through or upon the Lands of any other Person or Persons, or in any other Manner than directly and immediately from the Lands of the respective Owner of such Mill, Gig, Engine, or other Device, other than into the said River *Nene* and *Forty Feet Drain*, every Person so discharging the said Water other than as aforesaid shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, One Moiety thereof to be paid to the Person suing for the same, and the other Moiety to be paid to the Receiver or Collector for the Time being within the Limits aforesaid, and to be applied for the Purposes of draining, imbanking, and improving the said Fen Lands and Low Grounds; and the Owner of such Mill, Gig, Engine, or other Device, shall also make full Compensation and Satisfaction to all and every Person and Persons who shall be injured thereby, for the Damages such Person and Persons shall thereby sustain; and such Penalty, Compensation, and Satisfaction, to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

No Hods to be cut within Sixty-six Feet of Banks, under Forfeiture of 5 l.

LXVIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall cut or dig any Turves, Hods, or Sesses, in the said Fen Lands and Low Grounds, within the Distance of Sixty-six Feet from any Bank which may be made by virtue of this Act, every Person so offending shall forfeit and pay the Sum of Five Pounds for every Rood of such Turves, Hods, or Sesses so cut and dug; and if any Person or Persons shall make, or cause to be made, or cut any Watering-places, or any Place of Access for Cattle to drink, in the said River *Nene* or *Forty Feet Drain*, within Twenty Feet of the Seat of the said Banks, or in any Mill Drain within any of the said Fen Lands or Low Grounds hereby intended to be drained and preserved, every Person so offending shall forfeit for every such Offence the Sum of Five Pounds: And if any Person or Persons who shall make, or cause to be made, any Soak Dyke or Ditch, or Soak Gripple, in and upon any of the said Fen Lands and Low Grounds, within the Distance of Thirty Feet from any Bank now made or hereafter to be made, within the Limits aforesaid, every Person so offending shall forfeit, for every such Offence, the Sum of Fourpence for every Foot in Length of such Soak Dyke or Gripple, and after the same Rate for every Month such Soak Dyke or Gripple shall remain unfilled, after Notice given by the Clerk or Agent to the said Commissioners to such Person or Persons who shall have dug, or caused to be digged, the same; and the said Commissioners, or any Five or more of them, shall have full Power, at any Times, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of such Lands wherein such Soak Dyke or Gripple shall be made, to fill up and level the same; all which Forfeitures shall, upon Conviction of the Offender or Offenders before any one or more Justice or Justices of the Peace for the said *Isle of Ely*, and County of *Huntingdon*, not interested in the Premises, upon the Oath of One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence) be immediately paid into the Hands of the Treasurer of the said District, to be applied for carrying on the Works thereof; and in case of Non-payment thereof, such Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices of the Peace before whom such Conviction shall be made; and for want of sufficient Distress such Offender shall by such Justice or Justices be committed to the House of Correction for the said *Isle of Ely*, or County of *Huntingdon*, there to be kept to hard Labour for such Time as the said Justice or Justices shall order and direct, not exceeding Three Calendar Months.

Penalties for making Soak Banks, &c.

to be levied by Distress.

No Houses to be built on Banks near Mills.

LXIX. Provided always, and be it enacted, That from and after the passing of this Act no Houses or Buildings, or any other Obstruction whatsoever, shall be erected, or Trees or Holts planted, either within the said Districts or any of them, or on the Outside thereof, near or opposite to any Mill or

Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds within the Limits aforesaid, than Fifty Poles (being the Pole of Eighteen Feet); and if any Person or Persons shall build or erect any House, Barn, or other Building; or shall plant any Tree or Holt; place, lay, or put, any other Obstruction within any less Distance than Fifty Poles, every such Person shall forfeit and pay, for every such House or Building, the Sum of One hundred Pounds; to be recovered in like Manner as the Penalties herein before mentioned for erecting Horse Mills, Gigs, Engines or other Devices for throwing of Water; and for every Tree the Sum of One Shilling; and Five Pounds for every Holt, or other Obstruction so planted; which said Penalties of One Shilling, and Five Pounds, for the Offences aforesaid, are to be levied and paid in like Manner as the Penalties inflicted for cutting Hods or Turves within Ninety Feet of the said Banks; and the said Commissioners, or any Five or more of them, are hereby impowered at any of their Meetings by an Order under the Hands and Seals of any Five or more of them, to direct their Agents or Servants to take down such Buildings so erected, and pull up and remove such Trees, Holts, and other Obstructions so placed contrary to this Act.

Trees growing near Banks to be pulled down.

LXX. Provided always, and be it enacted, That if any Trees or Holts are now growing within the Distance of Fifty Poles from any Mill or Engine already built, or hereafter to be built within the Limits aforesaid, it shall and may be lawful for the said Commissioners for the said Five Districts respectively, or any Five of them, by like Order under their Hands and Seals, to order the same to be pulled down, as if the same had been planted since the passing of this Act, making such Satisfaction to the Owners of such Trees and Holts as shall be agreed upon between such Owner and the said Commissioners, or any Five or more of them; or, in case any Difference or Dispute shall arise between the said Commissioners and such Owner touching such Satisfaction, and the same cannot be settled between them, then such Satisfaction and Recompence shall be finally determined in such and the same Manner as is herein-before mentioned and prescribed for ascertaining the Recompence to be made for Damage, by making and erecting any Works in pursuance of this Act.

Owner or Occupier to cleanse Dykes, &c.

LXXI. And be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any Land lying within the Limits aforesaid, through which any Drove-way, Dyke, Outring Dyke, or Division Dyke, leading to any of the Mill Drains within the said Districts respectively doth or shall pass, shall neglect or refuse sufficiently to road, scour, cleanse, open, or repair any such Dyke, or to make the same of the Depth of Four Feet, and the Width of Nine Feet at the least, after Fourteen Days Notice in Writing to him, her, or them given, from Time to Time, by the Collector or Collectors, Receiver or Receivers, of the said District for that Purpose, that then it shall be lawful, from Time to Time, for such Collector or Collectors, Receiver or Receivers, to cause such Dykes to be roaded, scoured, cleansed, opened, repaired, and deepened, in a sufficient Manner, and made of the Width aforesaid, at the proper Costs, Charges, and Expences, of such Owners or Occupiers; and that, wherever a Road or Way shall have been made over or across any such Dyke, without a sufficient Tunnel lying therein, to cause such Ways or Roads to be taken up, and such Dyke to be made of a proper Width and Depth, for conveying the Waters through the same to the several Mills or Engines erected, or to be erected, for draining the said Fen Lands and Low Grounds, and, by a Warrant or Precept under the Hands of Three or more of the said Commissioners, to levy all such Charges and Expences as shall be occasioned by the deepening and widening the said Dykes, or taking up the said Roads, on the Owner or Owners, Occupier or Occupiers, of the Lands through which the said Dykes shall pass, or to which they shall be contiguous, and who shall make, or cause to be made, such Road as aforesaid.

Mills to be insured.

LXXII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall cause all and every the Engines and Mills which shall be erected and employed by virtue of this Act to be insured against Fire in some of the publick Insurance Offices, and, from Time to Time, to pay the Expence attending such Insurances out of the Money arising by virtue of this Act.

Persons breaking down Bridges or Rails, to forfeit 5 l.

LXXIII. And be it further enacted, That if any Person or Persons, other than those employed by the said Commissioners, or their Surveyors, for that Purpose, shall break down, pull up, injure, or take away any Bridge, Arch, Post, or Rail erected, or which shall be erected, on any Part of the said Roads; or shall take, carry away, or destroy any Ballast, Gravel, or other Materials laid, or which shall be laid, on any Part of the said Roads or Banks for the Repairs thereof; or shall take or carry away any of the Drift-sand from the said Roads without Leave in Writing under the Hands of the said Commissioners, or any Five or more of them, specifying the Quantity to be taken, and the Time for taking the same; or if any Person whatsoever shall take away any Materials that shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River, or Brook, for the repairing the said Roads or Banks; or shall get or take away any Materials out of any Pit which shall have been made for the Purpose of getting such Materials for repairing the said Roads or Banks; every Person so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the County, Liberty, or Place, where the same shall happen, upon the Oath or Oaths of One or more credible Witness or Witnesses, or by his or her own Confession, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Encroachments in Roads, how to be prevented.

'LXXIV. And, for the better preventing Encroachments and Annoyances in and upon the said 'Roads,' be it further enacted, That if any Owner or Occupier of any Lands, Tenements, or other Premises, near to the said Roads, shall refuse or neglect, by the Space of Ten Days after Notice in Writing given to him or her, or left at his or her usual Place of Abode, under the Hand of the Surveyor

veyor or Surveyors appointed by the ſaid Commiſſioners, to trim up, lop, cut down, or root up and remove any Trees or Buſhes, or other Annoyances ſtanding, growing, and being in or upon the ſaid Roads, or in or upon the Hedges or Banks adjacent thereto; or to ſcour or cleanſe any Ditch, Drain, or Watercourſe, contiguous to, or leading out of or from the ſaid Roads; or to make, build, or erect, acroſs ſuch Ditch, Drain, or Watercourſe, an Arch or Arches, ſufficient for the free Courſe of the Water under his or her Gateway or Paſſage leading from the ſaid Roads into any Field, Ground, or other Premiſſes; or to pull down or take away any Encroachment; or if any Perſon ſhall ſuffer his or her Sink or Drain to run into the ſaid Roads; or ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth or Annoyance into or upon the ſaid Roads, or into or in any of the Ditches, Drains, or Watercourſes thereto belonging, it ſhall be lawful for ſuch Surveyor or Surveyors, and for any Perſon by him or them employed, to trim up, lop, cut down, or root up and remove any ſuch Tree or Buſhes; and to ſcour and cleanſe any ſuch Ditch, Drain, or Watercourſe; and to make, build, or erect, ſuch Arch or Arches as aforeſaid, and effectually to turn, prevent, or ſtop up, ſuch Sink or Drain in running into any Part of the ſaid Roads, and to abate or pull down and take away any ſuch Encroachment, and to remove ſuch Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth or Annoyance from the ſaid Roads, or from the Ditches, Drains, or Watercourſes belonging thereto; and in any of the ſaid Caſes, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, to levy the Charges thereof, (the ſame being firſt ſettled and aſcertained by ſuch Juſtice) by Diſtreſs and Sale of the Goods and Chattels of ſuch reſpective Owner, Occupiers, or other Perſon, rendering upon Demand, to the Perſon whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Overplus, (if any be) after deducting the Charges of ſuch Diſtreſs and Sale; and every Perſon who ſhall permit or ſuffer his or her Sink or Drain to run into the ſaid Roads, or any Part thereof, or who, after the Abatement or Removal of an Incroachment or Annoyance by him or her made, cauſed, or permitted, ſhall again offend in like Manner, and ſhall be convicted upon the Oath of One or more credible Witneſs or Witneſſes, or by his or their own Confeſſion, ſhall forfeit and pay the Sum of Forty Shillings over and above the Charges of removing every ſuch Incroachment or Annoyance, to be ſettled and aſcertained as aforeſaid.

Commiſſioners Power to contract with Workmen.

LXXV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authoriſe and appoint, may, and they are hereby impowered, to contract and agree with any ſuch Perſon or Perſons for any certain Sum or Sums of Money for the Repairs of any particular Proportion or Proportions of the ſaid Roads, or for the building or repairing of any Bridge or Bridges, or for any other neceſſary Work to be performed in purſuance of this Act; and that all ſuch Contracts and Agreements in Writing ſhall be valid, and that Actions may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

No Damage to be done to Dwelling-houſes in turning Roads.

LXXVI. And be it further enacted, That, in widening, turning, or diverting, any Part or Parts of the ſaid Roads, nothing ſhall be done which ſhall or may in anywiſe injure or damage any Dwelling-houſe, Out-houſe, or other Building, or any Garden, Orchard, Yard, Court, Park, Paddock, Nurſery Ground, planted Walk, or Avenue to any Houſe; any Thing herein contained to the Contrary notwithſtanding.

Roads to be meaſured, and Mile-ſtones erected.

LXXVII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be, from Time to Time, ſet up on the Sides thereof, with Inſcriptions denoting the Number of Miles and Diſtances of Places; and if any Perſon ſhall wilfully or deſignedly break, pull down, dig up, injure, or deſtroy, any ſuch Stones or Poſts, or ſhall eraſe, obliterate, or deface, any of the Inſcriptions made thereon, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

No Timber to be dragged upon the Road.

LXXVIII. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, along any Part of the ſaid Roads, any Tree or Piece of Timber, otherwiſe than upon or by Wheel Carriages, or hale or draw, or cauſe to be haled or drawn, any Plough upon or acroſs any Part of the ſaid Roads, whereby the ſame ſhall be prejudiced; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Juſtices to adminiſter Oath.

LXXIX. And be it further enacted, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon for his or their more certain Information in the Matters then depending; and that any Juſtice of the Peace may act as ſuch in the Execution of this Act, notwithſtanding his being a Commiſſioner, except in Caſes wherein he ſhall be perſonally intereſted.

Convictions not to be removed by Certiorari.

LXXX. And be it futher enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant or Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtrained be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any ſubſequent Irregularity in the Proceedings of the Perſon or Perſons making ſuch Diſtreſs; but the Perſon or Perſons, aggrieved by ſuch Irregularities, ſhall and may recover full Satisfaction for the ſpecial Damages in an Action upon the ſame.

LXXXI.

LXXXI. Provided always, That where the Plaintiff or Plaintiffs ſhall recover in any ſuch Action, he, ſhe, or they ſhall be paid his, her, or their full Coſts of Suit, and have the like Remedies for recovering the ſame, as for the Recovering Coſts in any other Caſe by Law. Proviſo.

LXXXII. Provided alſo, That no Plaintiff ſhall recover in any Action for an Irregularity as aforeſaid, if Tender of good and ſufficient Amends ſhall have been made by or on Behalf of the Defendant or Defendants before ſuch Action brought; nor if ſuch Tender of Amends ſhall be made at any Time after the Action brought, and between Trial thereof, together with Coſts of Suit, to the Time of ſuch laſt-mentioned Tender; but on Proof made of ſuch Tender on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall ſuffer Judgment as in Caſes of Nonſuit, with Double Coſts; to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any other Caſe by Law. Double Coſts in Caſes of Nonſuit.

LXXXIII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, (inſtead of levying the Penalties by this Act particularly impoſed, and proceeding againſt the Offender or Offenders in the ſummary Manner herein-before provided), may, at their Election, proſer and proſecute with Effect a Bill or Bills of Indictment againſt ſuch Offender or Offenders, or may bring an Action or Actions in the Names of any Two or more of them, or in the Name of their Treaſurer or Clerk. Actions may be brought.

LXXXIV. And be it further enacted, That no Order, Nomination, Appointment, Mortgage, Aſſignment, or other Security for the borrowing of Money, Contract, Agreement, Information, Conviction, Judgment, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before any of them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, nor any Tranſfer of any Mortgage, Security, nor any Bond taken from any Officer, or his Sureties, in purſuance of this Act, for the due Execution of his Office, nor any other Writing whatſoever, concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty. Writings [illegible] witho[illegible]

LXXXV. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid *William Fellowes*, *David Burgeſs*, *Thomas Burgeſs*, *John Houſehold*, and *Francis Ibberſon*, their Heirs and Aſſigns, Owners and Proprietors of the ſaid Lands and Grounds not included in any of the ſaid Five Diſtricts or Diviſions, and herein before exempted from Payment of any Tax, Sum or Sums of Money, by this Act rated or aſſeſſed thereon, with reſpect to the Drainage thereof, or any future Owner or Proprietor, Owners or Proprietors thereof, his, her, or their Heirs, or his, her, or their Tenant or Tenants, ſhall at any Time or Times from and after the paſſing of this Act, neglect or refuſe to make and erect proper Headings in their ſaid Lands or Grounds lying contiguous to or adjoining upon the ſaid River *Nene*, or adjoining to the ſaid Diſtricts reſpectively, to prevent the Waters of the ſaid ſeveral Lands from running into the ſaid ſeveral Diſtricts or Diviſions, or any of them reſpectively; that it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Five Diſtricts or Diviſions, or the major Part of them aſſembled at a Meeting to be held for that Purpoſe, Three Days Notice of ſuch Meeting to be given to ſuch Owner or Owners of the ſaid Lands and Grounds, to order and direct their Surveyor, or any other Officer of any of the ſaid Five Diſtricts or Diviſions reſpectively, to give Notice in Writing, under his Hand, to the Owner of ſuch Land, to make ſuch Headings in or upon his or her ſaid Lands or Grounds in Manner aforeſaid; and in caſe the Owner or Proprietor of ſuch Lands or Grounds, or his or her Tenant or Tenants reſpectively, ſhall neglect or refuſe to make ſuch Headings for One Day after ſuch Notice, then, and as often as ſuch Caſe ſhall ſo happen, it ſhall be lawful for the Commiſſioners of the ſaid Diſtrict or Diviſion lying contiguous to or adjoining upon the ſaid Lands or Grounds ſo refuſing to make ſuch Heading, or any Three or more of them, to order and direct their Officers, with ſuch Workmen as they ſhall think proper, to enter into and upon ſuch Lands and Grounds, and to make and repair ſuch Headings as aforeſaid; and that it ſhall be lawful for ſuch Workmen, ſo employed by the ſaid Commiſſioners as aforeſaid, to take Earth out of the ſaid Lands or Grounds for the making ſuch Headings as aforeſaid; and the Expences neceſſarily incurred in raiſing and repairing ſuch Headings in Manner aforeſaid ſhall be reimburſed by the ſaid Owner or Owners, or the Occupier or Occupiers of ſuch Lands and Grounds where ſuch Headings ſhall be made: And in caſe of Non-payment, that it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners of ſuch Diſtricts lying contiguous to ſuch Lands and Grounds where ſuch Headings ſhall be made, by Warrant under their reſpective Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier or Occupiers, Owner or Owners of ſuch Lands and Grounds as aforeſaid, the Charges of making, raiſing, and repairing ſuch Headings, rendering the Overplus (if any ſuch there be) after paying ſuch Diſburſements, and the Charges and Expences of levying the ſame, to ſuch Owner or Owners, Occupier or Occupiers as aforeſaid; and if the Tenant or Tenants of ſuch Lands or Grounds ſhall, upon ſuch Notice as aforeſaid, raiſe or repair any ſuch Headings at his, her, or their own Expence, or ſhall pay the Expences of raiſing, making, and repairing ſuch Headings as aforeſaid, by the Direction of ſuch Commiſſioners reſpectively, or in caſe ſuch Expences ſhall be levied on him, her, or them, the ſame ſhall be deducted by ſuch Tenant or Tenants out of his, her, or their Rent, and ſhall be allowed by ſuch Owner or Owners of Land contiguous to ſuch Diſtrict where ſuch Headings ſhall be made (unleſs an Agreement ſhall be made to the Contrary between ſuch Owner or Owners and their Tenant or Tenants) in ſuch Manner as the Taxes paid by the Tenant are by this Act to be deducted and allowed; and if any Diſpute ſhall ariſe between any ſuch Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, and the ſaid Commiſſioners, touching the Amount of the Perſons not included in Diſtricts to make and ſupport Banks.

Expences which ſhall have neceſſarily incurred in raiſing and repairing the ſaid Headings, ſuch Diſputes, and all Matters relating thereto, ſhall be finally determined and ſettled by the Juſtices of the Peace at the next General Quarter Seſſions for the Peace where the Matter of Diſpute ſhall happen, who are not intereſted in the Premiſes, without any farther or other Appeal whatſoever.

Commiſſioners of private Diſtricts and Land-owners to repair the Banks of the Nene and Forty Feet Drain, if neglected by the General Commiſſioners.

LXXXVI. And be it enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Upper Diſtrict herein before appointed by this Act for the making and ſupporting the Banks of the ſaid River *Nene* and *Forty Feet Drain*, or the Officers appointed by them for that Purpoſe, ſhall at any Time or Times, after the paſſing of this Act, neglect or refuſe to heighten or repair the Banks of the ſaid River and Drain, whereby a Breach or Breaches ſhall happen therein, or in any Part thereof, next to the ſaid Four Diſtricts or Diviſions, Part of the ſaid Upper Diſtrict, or any of them, or next to the Lands of any of the Owners and Proprietors within the Limits aforeſaid, not included in the ſaid Four Diſtricts, it ſhall and may be lawful for the Commiſſioners of the ſaid Four Upper Diſtricts or Diviſions, and the Commiſſioners of the ſaid Lower or Fifth Diſtrict reſpectively, or any Five or more of them, or for the Owner or Proprietor of ſuch Lands not included in the ſaid Four Diſtricts lying contiguous to ſuch Bank where ſuch Breach ſhall happen, or for any Perſon or Perſons appointed by them, or either of them reſpectively, to heighten and repair ſuch Bank or make up ſuch Breach, in the beſt Manner they can; and that the Treaſurer or Receivers of the ſaid Commiſſioners of the ſaid Upper Diſtricts ſhall, and he and they is and are hereby required to pay the full Charges and Expences thereof to ſuch Perſon or Perſons on his or their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made from the ſaid Treaſurer or Receivers; and in caſe of Non-payment thereof by ſuch Treaſurer or Receivers within the Time above limited for ſuch Payment as aforeſaid, that then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands or Grounds lying adjoining upon the Banks where ſuch Breach or Breaches ſhall happen; and that it ſhall be lawful for ſuch Occupier or Occupiers to deduct the Sum or Sums of Money by him or them ſo paid, out of the Taxes due, and to grow due, to the ſaid Commiſſioners for the ſaid Lands and Grounds where ſuch Diſtreſs or Diſtreſſes ſhall be ſo made; any Thing to the Contrary notwithſtanding.

Commiſſioners impowered to repair the Bank of the River Nene, in caſe of Neglect.

LXXXVII. And be it enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Lower or Fifth Diſtrict, herein before appointed by this Act, for the making and ſupporting the Banks of the ſaid River *Nene*, from *Copalder Houſe* aforeſaid, to the ſaid Farm of the ſaid *John Houſehold*, at *Borough Moore* aforeſaid, or the Officers appointed by them for that Purpoſe, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to heighten or repair the Bank of the ſaid River *Nene*, within the ſaid Lower or Fifth Diſtrict, whereby a Breach or Breaches ſhall happen therein, or in any Part thereof, next to the ſaid Lower Diſtrict, it ſhall and may be lawful for the Commiſſioners of the ſaid Upper Diſtrict, and for the Commiſſioners of the ſaid Four Upper Diviſions within the ſaid Upper Diſtrict reſpectively, or any Five or more of them, or for the Owners or Proprietors of the ſaid Lands in the ſaid Upper Diſtrict, not included in the ſaid Four Upper Diviſions, or for any Perſon or Perſons appointed by them, or either of them reſpectively, to heighten and repair ſuch Bank of the ſaid River *Nene* in the ſaid Lower Diſtrict, or make up any Breach or Breaches therein, in the beſt Manner they can; and that the Treaſurer or Receiver of the ſaid Commiſſioners for the ſaid Lower Diſtrict ſhall, and he is hereby required to pay the full Charges and Expences thereof to ſuch Perſon or Perſons, on his or their poducing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made from the the ſaid Treaſurer; and in caſe of Non-payment thereof by ſuch Treaſurer within the Time above limited for ſuch Payment as aforeſaid, that then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands and Grounds lying adjoining upon the Banks where ſuch Breach or Breaches ſhall happen; and that it ſhall and may be lawful for ſuch Occupier or Occupiers to deduct the Sum or Sums of Money by him or them ſo paid, out of the Taxes due and to grow due, to the ſaid Commiſſioners for the ſaid Lands and Grounds where ſuch Diſtreſs or Diſtreſſes ſhall be ſo made; any thing to the Contrary notwithſtanding.

Commiſſioners of the Five Diſtricts to make Headings againſt the Nene.

LXXXVIII. And be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Five Diſtricts reſpectively, or their Officer or Officers, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to make and erect proper Headings or Stoppages at the End of the Ditches in the ſaid Diſtricts reſpectively, lying contiguous to, or adjoining upon the ſaid River *Nene*, or next to the Lands of the ſaid *William Fellowes*, *Francis Ibberſon*, *David Burgeſs*, *Thomas Burgeſs*, and *John Houſehold*, to prevent the Soak Waters from running into the ſaid Lands reſpectively, that it ſhall and may be lawful for the ſaid *William Fellowes*, *Francis Ibberſon*, *David Burgeſs*, *Thomas Burgeſs*, and *John Houſehold*, and their Heirs, or any future Owner or Owners of the ſaid Lands, and they are hereby authoriſed and impowered, to make and erect ſuch proper Headings within ſuch Diſtricts reſpectively; and that the Treaſurer or Receiver of ſuch of the ſaid Five Diſtricts reſpectively ſhall pay the full Charges and Expences thereof to the Perſon or Perſons ſo making and erecting ſuch proper Headings as aforeſaid, on his and their producing proper Vouchers for the Money laid out and expended therein.

'LXXXIX. And whereas in case any Breach or Breaches should by any Accident happen in the Banks 'of the said River *Nene*, and *Forty Feet Drain*, the Lands lying contiguous thereto will be overflown with 'Water, to the great Prejudice and Disadvantage of the Owners thereof: And whereas the Waters of 'each of the said Five Districts respectively, and the Lands of the said *William Fellowes*, *Francis Ibberson*, '*David Burgess*, *Thomas Burgess*, and *John Household*, are herein before particularly directed to be thrown 'by the Mills or Engines erected, or to be erected thereon, into the said River *Nene* and *Forty Feet Drain*, 'and in no other Manner whatsoever;' be it further enacted by the Authority aforesaid, That in case any such Breach or Breaches shall happen in the said Banks of the said River *Nene* or *Forty Feet Drain*, or any Part thereof, it shall and may be lawful for the said Commissioners, or any Five or more of them, for any of the said Five Districts respectively, at a Meeting to be held for that Purpose, to order and direct the Mill or Engines erected in any of the said Districts for the better draining the same, to be used and employed as well for draining the Lands so overflowed by such Breach or Breaches as aforesaid, as the District where such Engine shall stand, the Person or Persons for whose Use such Engine shall be so employed, paying to such Commissioners such Sum and Sums of Money as shall be agreed upon between them, and the Person or Persons for whose Use such Engine or Engines shall be so employed.

Breaches in the Banks of the River Nene, &c. Engines to be employed in draining the Lands overflowed.

'XC. And whereas the Lands of the said *John Household*, lying in *Borough Moore* aforesaid, within 'the said Limits, are not subject or liable to the Payment of any Taxes hereby charged by this Act, 'but particularly exempted therefrom: And whereas the said Lands are bounded by the Bank of the 'said River *Nene*, and the said Bank maintained, repaired, and supported, by the said *John Household*; 'and in case the said *John Household*, His Heirs or Assigns, or any future Owner or Owners of the 'said Lands, shall, at any Time or Times hereafter, neglect or refuse to repair, heighten, and main-'tain the said Bank, and the Waters of the said River *Nene* should overflow the same, or a Breach or 'Breaches should happen therein, not only the said Lands of the said *John Household*, but the Lands 'contained in the said Five Districts, or great Part thereof, would be overflown and covered with 'Water, in order that the said Bank may be maintained and supported by the said *John Household*, 'his Heirs or Assigns, or any other future Owner or Owners thereof;' be it enacted by the Authority aforesaid, That in case the said *John Household*, his Heirs or Assigns, Owner or Owners of the said Lands, or any future Owner or Owners thereof, his, her, or their Heirs or Assigns, or his, her, or their Tenant or Tenants, shall, at any Time or Time or Times, from and after the passing of this Act, neglect or refuse to keep and maintain the said Bank of the said River *Nene*, next to his said Lands, of a sufficient Height and Strength, to prevent the Waters of the said River from running over or breaking through the said Bank, and the Waters thereof shall at any Time or Times hereafter run over or break through the same, it shall and may be lawful for the said Commissioners of the said Five Districts or Divisions, or any Five or more of them, by Writing under their Hands and Seals, to authorise and impower the Surveyor, or other Officer for any of the said Five Districts or Divisions respectively, to give Notice to the said *John Household*, his Heirs or Assigns, and such future Owner or Owners of the said Lands, his, her, or their Heirs or Assigns, or his, her, or their Tenant or Tenants, that the said Bank is in Danger of being broke; and in case the said *John Household*, his Heirs or Assigns, or any future Owner or Owners of the said Lands, his, her, or their Heirs or Assigns, Tenant or Tenants, shall neglect or refuse upon such Notice, to employ proper Persons to prevent the Waters of the said River from running over or breaking through the said Bank; or if an actual Breach or Breaches shall, before such Notice, be made therein, neglect or refuse to stop and make up the same, it shall and may be lawful for such Officer or Officers so authorised as aforesaid, together with such Workmen as he shall think proper to employ, to enter into and upon the said Lands and Grounds of the said *John Household*, and to make good and repair the said Bank, and also to stop such Breaches: And in order to enable them so to do, it shall and may be lawful to and for such Workmen, so employed as aforesaid, to dig and take Earth out of the said Lands or Grounds for the raising and strengthening the said Bank, and stopping such Breaches as aforesaid; and the Expences necessarily incurred therein shall be reimbursed by the said *John Household*, his Heirs or Assigns, or any future Owner or Owners, his, her, or their Heirs or Assigns, Tenant or Tenants: And in case of Nonpayment thereof, it shall and may be lawful for any Five or more of the said Commissioners, by Warrant under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of such Occupier or Occupiers, Owner or Owners, of such Lands and Grounds as aforesaid, the Charges of raising and repairing the said Bank, and of stopping and making up such Breaches, rendering the Overplus (if any) to such Owner or Owners, Occupier or Occupiers, as aforesaid: And if the Tenant or Tenants of such Lands and Grounds shall, upon such Notice as aforesaid, raise and strengthen the said Bank, or stop and make up the said Breaches therein, at his her, or their Own Expence, or shall pay the Charges thereof, if done by Order of the said Commissioners, or in case such Charges and Expences shall be levied on him, her, or them, by Distress and Sale of his, her, and their Goods and Chattels as aforesaid, it shall and may be lawful for such Tenant or Tenants to deduct the same out of his or her Rent, and the Owner or Owners of such Lands and Grounds is and are hereby required to allow such Deduction, unless an Agreement shall be made to the Contrary between such Owner or Owners and his or their Tenant or Tenants, in such and the same Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed; and if any Dispute shall arise, touching the Amount of the Expences which shall have been incurred in raising and strengthening the said Bank, or in stopping and making up the said Breaches, such Disputes, and all Matters relating thereto, shall be finally settled and determined by the Justices of the Peace at the First or Second General Quarter Sessions for the said *Isle of Ely*, who are not interested in the Premises, without any further or other Appeal whatsoever.

Commissioners to repair the Banks of the River Nene in Mr. Household's Farm, if neglected.

XCI.

Mr. John Household to make and repair Two Headings against the Fifth District next Borough Moore Common, and the River Nene;

XCI. And be it enacted by the Authority aforesaid, That the said *John Household*, his Heirs and Assigns, Owner or Owners of the said Farm and Lands, lying in *Borough Moore* aforesaid, and all and every future Owner or Owners thereof, shall, at all Times after the passing of this Act, at his and their own proper Costs and Charges, make and erect, or cause to be made and erected, and at all Times to support and maintain, Two good and substantial Dams or Headings in his said Farm next to the said Lower or Fifth District; One of such Dams or Headings to be made across the End of his outside Ditch, next *Borough Moore Common* aforesaid, and the other of the said Dams or Headings to be made across the End of the Ditch in the said Farm next the said River *Nene*, to prevent the Waters of the said River from doing any Damage to the said Lower or Fifth District; and in case the said *John Household*, his Heirs or Assigns, or any future Owner or Owners of the said Farm, or the Tenant or Tenants thereof, shall neglect or refuse to make and erect, and at all Times hereafter to support and maintain the same, it shall and may be lawful for the said Commissioners of the said Lower or Fifth District, or any Five or more of them, and they are hereby impowered to order and direct their Officer or Officers, together with such Workmen as he or they shall think proper, to enter into and upon the said Farm and Lands of the said *John Household*, and to make up and repair the same; and that the said Commissioners shall have and are hereby invested with the same Powers and Authorities, to recover the Charges and Expences thereby incurred as are herein-before vested in the said Commissioners of the said Upper and Lower, or Fifth District, for recovering the Charges and Expences of repairing, stopping, and making up any Breach or Breaches in the Banks of the said River *Nene*, next the Lands of the said *John Household*; any Thing herein contained to the Contrary notwithstanding.

and in case of Neglect, Commissioners impowered to repair the same.

Experienced Engineers to estimate the Value of any Imbankment to be made 23 Years hence.

XCII. And be it further enacted, That in case the present Owner, or any future Owner or Owners of *Ramsey Meere* and *Hemmings*, shall, within Twenty-three Years after the passing of this Act, make a sufficient Bank against the River *Nene*, so as effectually to prevent the Water of the said River from overflowing the said *Ramsey Meer* and *Hemmings* (which Imbankment may be of Benefit to the Upper District) for imbanking, then, and in that Case, such Benefit shall be estimated and valued by Two able and experienced Engineers or Surveyors not interested, to be chosen, One by the Owner or Owners of the said *Ramsey Meer* and *Hemmings* for the Time being, and the other by the major Part of the general Commissioners of the said Upper District, assembled at One of their half-yearly Meetings in pursuance of this Act, the Owner or Owners of the said *Meer* and *Hemmings*, or his or their Agents, not to have a Voice in the Choice of such Engineer or Surveyor, so to be chosen on the Behalf of the said District, which Engineer or Surveyor the said general Commissioners are hereby authorised and required to nominate at their next half-yearly Meeting, after Notice shall have been given to the said Commissioners of the said Upper District, or any Five or more of them, at a Meeting, by the Owner or Owners of the said *Ramsey Meer* and *Hemmings* for the Time being, that such Bank has been fully completed for the Space of Three Winters; and the said Engineers or Surveyors shall, and they are hereby authorised and required, within Three Calendar Months after such half-yearly Meeting, as well by viewing and examining the said Bank as by other Means that may appear necessary in that Behalf, and after taking into their Consideration every Circumstance and Consequence between the Owner of the said *Meer* and *Hemmings*, and the said Upper District, to estimate and value if any, or what annual Benefit and Advantage will accrue to the said Bank of the said Upper District, by reason of keeping in Repair such Bank so made by such Owner or Owners of *Ramsey Meer* and *Hemmings*, against the said River *Nene*; and such Estimate or Valuation shall be delivered into the said Commissioners at their next half-yearly Meeting after the same shall have been settled and adjusted by the said Engineers or Surveyors, and shall be signed by, and verified upon the Oath of the said Engineers or Surveyors, which Oath any One of the said Commissioners is hereby impowered and required to administer, and shall be entered in the Books of the said General Commissioners of the said Upper District; and the Sum or annual Benefit, if any, which shall be so estimated by the said Engineers or Surveyors, shall yearly and every Year, so long and for such Time as such Imbankment of *Ramsey Meer* and *Hemmings* shall continue to be in perfect and complete Repair, so as to prevent the Waters of the said River *Nene* from overflowing the said *Ramsey Meer* and *Hemmings*, be paid by the said General Commissioners of the said Upper District, to the Owner or Owners of the said *Ramsey Meer* and *Hemmings* for the Time being, or his or their Order, out of the Monies to be raised by virtue of this Act, for the Purpose of supporting the Banks of the said River *Nene* and *Forty Feet Feet Drain*, by even half-yearly Payments; the First Payment thereof to commence and take Effect from that Day Twelvemonth previous to such Notice, and the next Payment thereof to be made to such Owner or Owners of *Ramsey Meer* and *Hemmings* aforesaid, on the next of the said half-yearly Days of Payment after such Estimate and Valuation shall have been delivered in to the said General Commissioners of the said Upper District, at One of their said Half-yearly Meetings: And in case any of the said Half-yearly Payments shall be behind-hand and unpaid, upon any of the said half-yearly Days of Payment, or within One Month after Demand thereof having first been made by the Owner or Owners of the said *Ramsey Meer* and *Hemmings* for the Time being, or his or their Agent, of the Treasurer of the said General Commissioners of the said Upper District; then, and in that Case, the said Owner or Owners of *Ramsey Meer* and *Hemmings* may bring, or cause to be brought, any Action against the said Treasurer on Nonpayment of the Money then due, and shall and may recover the same, with Double Costs of Suit.

Annual Benefit by the Imbankment of Ramsey Meer, and the Diminution of the Soak Water, to be paid to Owners.

XCIII. And be it further enacted, That the said Engineers or Surveyors shall and may, and they are hereby authorised and required to estimate and value at the same Time when they make the Estimate and Valuation herein before directed, if any, and what annual Benefit will accrue to the Lands lying within the said First Division in the said Upper District, by such Imbankment of the said *Ramsey Meer* and *Hemmings*, on account and by means of the Diminution of the Soak Water which now flows on

the Lands within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict from the ſaid *Ramſey Meer* and *Hemmings*; and ſuch Eſtimate and Valuation ſhall, within Three Calendar Months after the ſame ſhall have been made, be delivered in by the ſaid Engineers or Surveyors to the Commiſſioners of the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, at ſome One of their Meetings, and ſhall be ſigned by and verified upon the Oath of the ſaid Engineers or Surveyors, and ſhall be entered in the Books of the Commiſſioners of the ſaid Firſt Diviſion in the ſaid Upper Diſtrict; and the Sum or annual Benefit, if any, which ſhall be ſo eſtimated to accrue to the Lands lying within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict ſhall, ſo long as the ſaid Imbankment of *Ramſey Meer* and *Hemmings* ſhall continue in perfect and complete Repair as before mentioned, be paid to the Owner or Owners of the ſaid *Ramſey Meer* and *Hemmings* for the Time being, or his or their Order, out of the Monies to be raiſed by virtue of this Act within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, by even Half-yearly Payments; the Firſt Payment thereof to commence and take Effect from that Day Twelvemonth previous to ſuch Notice, and the next Payment thereof to be made on the next Half-yearly Day of Payment after ſuch Eſtimate and Valuation ſhall have been delivered in to the Commiſſioners of the ſaid Firſt Diviſion in the ſaid Upper Diſtrict: And that in caſe of Non-payment thereof on the ſaid Half-yearly Days of Payment, or within Thirty Days after Demand having firſt been made by the ſaid Owner or Owners of *Ramſey Meer* and *Hemmings* aforeſaid for the Time being, or his or their Agent, or the Receiver or Collector of the Rates and Taxes within the ſaid Firſt Diviſion in the ſaid Upper Diſtrict, then the ſaid Owner or Owners of *Ramſey Meer* and *Hemmings* ſhall have the like Action, and ſhall recover the Sums due, with like Coſts, againſt ſuch Receiver or Collector, as he or they have or may recover by virtue of this Act againſt the Treaſurer of the ſaid General Commiſſioners, in Default of any Payment to be made to the ſaid Owner or Owners of *Ramſey Meer* and *Hemmings* by ſuch Treaſurer, in purſuance of this Act.

Annual Benefit to The Four hundred Acre Farm by the Diminution of the Soak Waters, to be paid to Owners.

XCIV. And be it further enacted, That the ſaid Engineers or Surveyors ſhall alſo eſtimate and value, if any, and what annual Benefit will accrue to the Lands called *The Four hundred Acre Farm*, in the ſaid Pariſh of *Ramſey*, by the Diminution of the Soak Waters as aforeſaid, and ſuch Eſtimate or Valuation ſhall be delivered in to the ſaid General Commiſſioners, at One of their Half-yearly Meetings as aforeſaid, and ſhall be ſigned by and verified upon the Oath of the ſaid Engineers or Surveyors, and entered in the Books of the ſaid General Commiſſioners; and the Sum or annual Benefit, if any, which ſhall be ſo eſtimated to accrue to ſuch Lands by ſuch Diminution of the Soak Water, ſhall be paid to and recovered by the Owner or Owners of the ſaid *Ramſey Meer* and *Hemmings* from the Owner or Owners of ſuch Lands for the Time being, in ſuch and the ſame Manner, and by the ſame Ways and Means, as any Sum is directed to be paid to, and recovered by the ſaid Owner or Owners of *Ramſey Meer* and *Hemmings* from the Treaſurer of the ſaid General Commiſſioners, or from the Receiver or Collector of the ſaid Firſt Diſtrict.

Engineers and Surveyors diſagreeing concerning Ramſey Meer, &c. Juſtices to determine.

XCV. And be it enacted, That in caſe the ſaid Two Engineers or Surveyors, ſo to choſen as aforeſaid, ſhall not agree in ſuch Eſtimates and Valuations, then, and in ſuch Caſe, the Opinions of the ſaid Two Engineers or Surveyors reſpectively, touching the Matters in queſtion, ſhall be fairly and ſeparately drawn up and ſtated by them reſpectively, in Writing under their Hands, and ſhall be referred to the Juſtices of the Peace for the County of *Cambridge*, aſſembled at the next General Quarter Seſſions of the Peace to be held at *Cambridge*, within Six Calendar Months after the ſame ſhall be ſo referred, to judge of and determine the ſame; and the Determination of ſuch Juſtices ſo aſſembled as aforeſaid ſhall be final and concluſive to all Parties, without any further or other Appeal: And that it ſhall and may be lawful for ſuch Juſtices ſo aſſembled as aforeſaid, and they are hereby impowered and required to examine the ſaid Engineers and Surveyors, or either of them, upon Oath, concerning their ſaid Opinions; and that ſuch Determination and Order of the ſaid Juſtices concerning the Premiſes ſhall be entered amongſt the Records of the ſaid Court, and a Copy thereof, ſigned by the Clerk of the Peace of the ſaid County, ſhall be Evidence in all Courts of Law.

Saving Clauſe to the Corporation of Bedford Level.

XCVI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any Five of them, to have, uſe, or exerciſe any Power or Authority over, or to intermeddle with any of the Sewers, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling the Draining of the Fens, called* Bedford Level, or by virtue of any other Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, or Conſervators; but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, made in the ſaid Fifteenth Year of the ſaid King *Charles* the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made; ſave and except the repairing and keeping in Repair the ſaid Banks of the ſaid River *Nene* and *The Forty Feet Drain*.

Saving Clauſe to Commiſſioners of Nene.

XCVII. Provided alſo, and be it enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the Commiſſioners appointed in and by an Act of Parliament, paſſed

in

in the Twenty-ſeventh Year of his late Majeſty King *George* the Second, intituled, *An Act for preſerving and improving the Navigation from* Salter's Load Sluice, *in the County of* Norfolk, *to* Standground Sluice, *in the County of* Huntingdon; *and from* Flood's Ferry, *in the ſaid* Iſle of Ely, *in the County of* Cambridge, *to* Ramſey High Load, *in the ſaid County of* Huntingdon; *and alſo the Navigation from* Old Bedford Sluice, *in the ſaid County of* Norfolk, *to the River* Nene, *in the Pariſh of* Ramſey, *in the ſaid County of* Huntingdon; but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, paſſed in the ſaid Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, now are veſted in the ſaid Commiſſioners thereby appointed, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Commiſſioners, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Limitation of Actions.

XCVIII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the particular County or Liberty where ſuch Offence ſhall be ſuppoſed to have been done, and not elſewhere; and

General Iſſue.

the Defendant or Defendants, in ſuch Actions or Suits, ſhall and may plead the General Iſſue; and, if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alledged to have been done was done in Purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, Liberty, or Place, than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer, or otherwiſe; then, and in any of

Treble Coſts.

the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they ſhall have like Remedy as where Coſts by Law are awarded.

Publick Act.

XCIX. And be it further enacted and declared, by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, or other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXVII.

An Act to amend, and render more effectual, an Act made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands, in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge, ſo far as the ſame relates to the ſeveral Fen and Field Lands lying in the Third, Fourth, and Fifth Diſtricts, deſcribed in the ſaid Act.

Preamble. Act 22 Geo. II.

'WHEREAS by an Act made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands, in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge, the Commiſſioners therein named, or to be nominated and appointed in Manner therein mentioned, were authoriſed and impowered to aſſeſs, tax, and charge, all and ſingular the Fens and Low Grounds lying within the Third, Fourth, and Fifth Diſtricts, or Diviſions, (Part of the Five Diſtricts or Diviſions into which the Fens and Low Grounds in the Bounds and Precincts of *Whittleſey*, were by the ſaid Act divided) with an equal and proportionable Rate or Tax not exceeding Two Shillings and Sixpence an Acre in the Firſt Year after the Commencement of the ſaid Act, and One Shilling and Sixpence an Acre in any other ſucceeding Year, to be applied and diſpoſed of in making Cuts, Drains, and other Works, for the effecting the draining and improving the ſaid Fen Lands and Low Grounds within the ſaid reſpective Diſtricts or Diviſions, as in the ſaid Act deſcribed, and for the other Purpoſes therein mentioned: And whereas the ſaid Rates and Taxes have accordingly been applied by the Commiſſioners acting for the ſaid Three reſpective Diſtricts or Diviſions, in purſuance of the Directions given by the ſaid Act, for and towards the erecting of proper Water Engines, and making Banks, Drains, and other Works, neceſſary for the proper draining the ſaid Three reſpective Diſtricts or Diviſions, and in maintaining and keeping the ſame in Repair: And whereas the ſaid Rate and Tax of One Shilling and Sixpence an Acre, charged upon the ſaid Lands and Grounds, in the ſaid Three ſeveral Diſtricts or Diviſions, by virtue of the ſaid Act, has not for many Years paſt, by reaſon of the Wetneſs of the Seaſons, been near ſufficient to defray the yearly Expences of the Banks, Mills, Drains, and other Works, in the ſaid Three Diſtricts reſpectively, or to defray the conſiderable Debts which the ſaid reſpective Commiſſioners have been under a Neceſſity to contract, in order to preſerve the ſaid Three Diſtricts from being drowned and overflown with Water: And whereas the Maintenance of the ſaid Works is abſolutely neceſſary to the preſerving and well draining of the ſeveral and reſpective Lands lying within the ſaid Three Diſtricts reſpectively, and the Proprietors and Owners of the ſaid Lands are willing and

deſirous

'desirous that a further Rate or Tax should be laid upon their said Lands lying within the said Three 'several Districts and Divisions respectively, in order to raise Money to answer the Purposes afore-'said: And whereas such Rate or Tax cannot be laid, nor the said Lands effectually drained and pre-'served, without the Aid and Authority of Parliament; may it therefore please Your Majesty that it 'may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Lands and Grounds situate and being in *Whittlesey* aforesaid, within the said Three Districts or Divisions respectively, and every of them, (except as in the said Act is excepted) shall yearly and every Year be, and the same are hereby rated, charged, and assessed, in Manner following; that is to say, All the said Lands and Grounds in *Whittlesey* aforesaid, lying within the said Third District or Division, except such Parts thereof as are in and by the said former Act excepted, with an equal annual Rate or Tax, not exceeding in any One Year the Sum of Three Shillings and Sixpence for every Acre of the said Lands and Grounds, over and above the said Rate or Tax of One Shilling and Sixpence an Acre charged thereon by the said former Act; and all the said Lands and Grounds in *Whittlesey* aforesaid lying within the said Fourth District or Division, except such Parts thereof as are in and by the said former Act excepted, with an equal annual Rate or Tax, not exceeding in any One Year the Sum of Three Shillings for every Acre of the said Lands and Grounds, over and above the said Rate or Tax of One Shilling and Sixpence an Acre charged thereon by the said former Act; and all the said Lands and Grounds in *Whittlesey* aforesaid lying within the said Fifth District or Division, (except such Parts thereof as are in and by the said former Act excepted), with an equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the said Lands and Grounds, over and above the said Rate or Tax of One Shilling and Sixpence an Acre charged thereon by the said former Act.

The Lands in Third, Fourth, and Fifth Districts to pay a Rate of 3 s. 6 d. 3 s. and 1 s. 6 d. per Acre, besides the Rate of 1 s. 6 d. charged by Act 22 Geo. II. to pay Debts.

II. And be it further enacted, That the said several Rates or Taxes hereby charged on the said Three respective Districts shall be laid for the Space of Seven Years, from the Time of the passing of this Act, by the said Commissioners of the said Three Districts respectively, and their Successors, or any Five or more of them, on the *Wednesday* after *Trinity Sunday* for the said Third District or Division, on the *Thursday* after *Trinity Sunday* for the said Fourth District or Division, and on the *Friday* after *Trinity Sunday* for the said Fifth District or Division, if a Meeting can be had of the said Commissioners for each of the said Districts respectively on the said respective Days; but if not, on any future Day to be appointed by the said Commissioners respectively, or any One of them, for that Purpose, of which Meeting Seven Days Notice shall be given; and that such Rates or Taxes, then laid, shall be paid by Two equal Half-yearly Payments, on the Eleventh Day of *November* and the Twenty-fifth Day of *March* in every Year after the passing of this Act, during the Term aforesaid; the First Payment thereof to be made on the Eleventh Day of *November* next after the passing of this Act to the Treasurer or Receiver of each of the said Districts or Divisions to be appointed by the said Commissioners respectively, in manner herein after-mentioned.

Rates to be laid by the Commissioners for Seven Years.

III. And be it further enacted, That from and after the said Term of Seven Years, it shall and may be lawful for the Commissioners of the said Third District or Division, and their Successors, or any Five or more of them, over and above the said Rate or Tax of One Shilling and Sixpence an Acre charged upon the Lands and Grounds lying in the said Third District or Division by the said former Act, Once in every Year, on the Days and Times, and in Manner aforesaid, to assess, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers of all and every the said Lands and Grounds lying within the said Third District or Division, except as aforesaid, with a further equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the Lands and Grounds lying within the said Third District or Division; and also that it shall and may be lawful to and for the said Commissioners for the Time being, of the said Fourth District or Division, or any Five or more of them, upon the Days and Times aforesaid, to assess, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and every the said Lands and Grounds lying within the said Fourth District or Division, except as aforesaid, with a further equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the Lands and Grounds lying within the said Fourth District or Division; and also that it shall and may be lawful to and for the said Commissioners for the Time being of the said Fifth District or Division, or any Five or more of them, upon the Days and Times aforesaid, to assess, tax, and charge all and every the Owner and Owners, Occupier and Occupiers of all and every the said Lands and Grounds lying within the said Fifth District or Division, except as aforesaid, with a further equal annual Rate, or Tax, not exceeding in any One Year the Sum of One Shilling for every Acre of the Lands and Grounds lying within the said Fifth District or Division; which said additional Rates and Taxes so to be severally and respectively taxed or assessed by the several and respective Commissioners of the said Three Districts or Divisions respectively as aforesaid, shall be paid by the Owners or Occupiers of the Lands or Grounds comprised in the said Three Districts respectively, to such Person or Persons, at such Time or Times, and in such Manner and Proportion as the respective Commissioners for the Time being of the said Three Districts respectively, or any Five or more of them, present at any such annual Meeting as aforesaid, shall from Time to Time severally and respectively order and direct; and shall be applied and disposed of at the Discretion of the several Commissioners for each of the said Three Districts respectively, or any Five or more of them, for the Time being, present at their respective Meetings, in or about the particular Works, Banks, Drains, Mills,

How the Rates of the Third, Fourth and Fifth Districts are to be levied after the Expiration of Seven Years.

Application of Rates after Seven Years.

Mills, Engines, and other Matters and Things neceſſary for draining each of the ſaid Three Diſtricts or Diviſions reſpectively, in ſuch and the ſame Manner as the ſaid Rate or Tax of One Shilling and Sixpence an Acre charged on the ſaid Three Diſtricts or Diviſions reſpectively by the ſaid former Act is directed to be applied, and to and for no other Uſe or Purpoſe whatſoever.

Quantities of Lands hereby taxed to be aſcertained in purſuance of Act 22 Geo. II.

IV. And be it enacted, That the Quantities of the Lands and Grounds hereby rated, charged, and aſſeſſed ſhall be taken according to the reſpective Quantities thereof aſcertained in purſuance of the ſaid former Act, and that the reſpective Owners or Occupiers of the ſaid Lands and Grounds ſhall pay the ſeveral Rates and Taxes hereby rated and aſſeſſed, according to the ſame Number of Acres, Roods, and Perches, as they are now rated and taxed at under the ſaid former Act, unleſs it ſhall appear to the Commiſſioners of the ſaid Three Diſtricts or Diviſions reſpectively, at any of their reſpective Meetings, upon Oath, that ſuch Perſon or Perſons do not pay Rates and Taxes for the Number of Statute Acres, Roods, and Perches, Ditches or Fences included, for which they are rated; which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter; in which Caſe, it ſhall and may be lawful for the ſaid Commiſſioners reſpectively, or any Five or more of them, at any of their Meetings, and they are hereby impowered, to order and direct ſuch Lands to be ſurveyed or meaſured by an able and experienced Surveyor, whoſe Survey, delivered in to the ſaid Commiſſioners reſpectively, or any Five or more of them, at any of their Meetings, on the Oath of ſuch Surveyor (ſuch Oath to be adminiſtered by any One of the ſaid Commiſſioners as aforeſaid), ſhall be final and concluſive to all Parties, and ſhall be made at the Coſts and Charges of the Perſon or Perſons applying for the ſame; and the ſaid Commiſſioners reſpectively are hereby impowered and required to rate ſuch Lands according to ſuch Survey.

Application of Tax for Seven Years.

V. And be it further enacted, That the Rates and Taxes hereby charged upon the Lands and Grounds within the ſaid Three Diſtricts or Diviſions, for and during the ſaid Term of Seven Years, ſhall be veſted in and applied and diſpoſed of by the ſaid Commiſſioners for the ſaid reſpective Diſtricts or Diviſions, and their Succeſſors, in the Firſt Place, for and towards the paying and defraying the Charges of this Act, according to an equal and proportionable Acre Rate or Tax of all the Lands within the ſaid Three Diſtricts or Diviſions; and after Payment thereof, in the next Place, for and towards the paying and diſcharging ſuch Debts as ſhall have been incurred and contracted by the ſaid Commiſſioners reſpectively, in and for repairing the ſeveral Works of the reſpective Diſtricts or Diviſions, and in and for repairing or rebuilding any of the Mills, Banks, Headings, Trays, Drains, Tunnels, or other Works within the ſaid Diſtricts or Diviſions reſpectively, or in and for the Purchaſe of any Piece or Pieces of Lands, in order that proper Drains, Slamps, and Soak Banks might be made, cut, and laid out through the ſame, for conveying the Waters of each Diſtrict the eaſier and quicker to the reſpective Engines for draining the ſame; and after diſcharging ſuch Debts as aforeſaid, then for and towards the ſeveral Purpoſes of this Act, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Commiſſioners appointed by the former to execute this Act.

VI. And be it further enacted, That the Commiſſioners contained and appointed for the ſaid Three Diſtricts or Diviſions reſpectively, by the ſaid former Act, or elected or choſen in purſuance thereof, and their Succeſſors, ſhall be and are hereby appointed Commiſſioners for carrying into Execution this preſent Act, and all the Powers and Authorities hereby given; and that it ſhall and may be lawful for the ſaid Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, or any Five or more of them, to meet at the ſeveral Times and Places mentioned in the ſaid former Act, as well to put into Execution the ſeveral Powers and Authorities of this Act as of the ſaid former Act, ſo far as the ſame relate to the ſaid Three Diſtricts or Diviſions, and, from Time to Time, to adjourn ſuch Meetings, and meet again at ſuch other Times and Places as they ſhall think proper; and in caſe of the Death, Diſqualification, or Reſignation of any of the ſaid Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, the Vacancy or Vacancies occaſioned thereby ſhall at all Times after the paſſing of this Act, be filled up by the major Part of the Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, at a Meeting to be held for that Purpoſe, in ſuch and the ſame Manner as by the ſaid former Act is directed, out of the Perſons qualified by the ſaid former Act, to ſit, vote, and act as Commiſſioners under the ſaid Act; and that ſuch Perſon or Perſons ſo to be choſen and elected Commiſſioners as aforeſaid, ſhall and may, after he or they ſhall be ſo choſen and elected a Commiſſioner or Commiſſioners as aforeſaid, ſit, vote, and act as a Commiſſioner or Commiſſioners for the Diſtrict or Diſtricts, Diviſion or Diviſions, for which he or they ſhall be ſo elected and choſen, and ſhall be, and is and are hereby declared to be a Commiſſioner or Commiſſioners for putting this Act, and the ſaid former Act, in Execution, as far as the ſame relates to the ſaid Three Diſtricts or Diviſions, and ſhall be veſted with the ſame Powers and Authorities as the Commiſſioners appointed by the ſaid former Act for the ſaid Three Diſtricts or Diviſions are veſted with; any Thing to the Contrary notwithſtanding.

The Owner of Beale's Farm ſhall be a Commiſſioner.

VII. And be it further enacted, That from and after the paſſing of this Act, the Owner or Proprietor for the Time being of certain Lands lying within *Wype Doles*, in the ſaid Third and Fourth Diſtricts, called or known by the Name of, and belonging to a certain Farm called *Beale's Farm*, ſhall be added to and joined with the other Commiſſioners acting by virtue of the ſaid former and this preſent Act, for the ſaid Third and Fourth Diſtricts, and ſhall and may act as a Commiſſioner for the ſaid Third and Fourth Diſtricts, and ſhall have the ſame and like Powers for executing the ſaid former and this preſent Act, ſo far as the ſame relates to the ſaid Third and Fourth Diſtricts, as the other Commiſſioners acting by virtue of the ſaid former and this preſent Act are veſted with, in relation to the ſaid Third and Fourth Diſtricts: Provided nevertheleſs, That if the ſaid Lands ſhall at any Time

Time become the Property of more than One Owner or Proprietor; then, and in that Case, the Right hereby given to the sole Owner or Proprietor of the said Lands to act as a Commissioner for the said Third and Fourth Districts shall for ever after cease and determine; any Thing herein contained to the Contrary notwithstanding.

Drains may be made through Wype Doles, paying 30 Years Purchase for Land on gross Rental.

'VIII. And in order that the said respective Commissioners, or any Five or more of them, may be 'the better enabled to purchase such Lands for the said Purpose of draining,' be it further enacted by the Authority aforesaid, That in case the said respective Commissioners, and their Successors, or any Five or more of them, shall, at any Time or Times after the passing of this Act, think it necessary or convenient to make any Drains through any of the Lands called *The Near Doles* and *Far Doles* in *Wype*, in the Third and Fourth Districts, in order that the Waters of such Districts may be conveyed with more Ease and Velocity to the several Mills erected in such respective District for the draining the same, that then, and in that Case, it shall and may be lawful for the Commissioners of such District, and their Successors, or any Five or more of them, assembled at any Meeting to be held for such District, to make and cut, or order to be made and cut, such Drain or Drains in such respective District, in such Manner as they shall think proper, paying to the Owner of the Soil through which such Drain or Drains shall be so cut, as aforesaid, at a Rate not exceeding the Rate of Thirty Years Purchase upon the gross reserved Rent of such Land where the same shall be so cut as aforesaid, and making proper Bridges over the same in such Places as shall be thought most proper for the Passage of Cattle, Carts, or Carriages, and for ever after repairing, maintaining, and supporting the same at the sole Costs and Charges of the said respective Commissioners, and their Successors; and the said Drain or Drains, when cut as aforesaid, shall be, and hereby is and are vested in the said respective Commissioners, and their Successors, for the Benefit of such District where the same shall be so cut or made.

No Person to destroy Drains.

IX. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall dam up, fill in, or otherwise destroy the said Drain or Drains, or molest the said Commissioners, or their Successors, and their Workmen or Labourers, in the cutting or doing thereof, that they shall be subject and liable to the same Pains, Penalties, and Punishments, as are inflicted on Persons destroying Drains or other Works of the said Commissioners in and by the said former Act.

Taxes may be levied by Distress and Sale.

'X. And, to the End that the said Rates and Taxes hereby charged and assessed may be, from Time 'to Time, the more easily collected and received,' be it further enacted by the Authority aforesaid, That upon Default made by any Person or Persons so assessed, taxed, and charged as aforesaid, in his, her, or their respective Payments, to be limited and appointed as aforesaid, by the Space of Seven Days next after the respective Times limited for the Payment thereof, and upon Demand made by the respective Collector or Collectors, Receiver or Receivers, or by any other Person or Persons for that Purpose appointed, by Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners of the said respective Districts as aforesaid, either left at the Dwelling-house or Houses of such Owner or Owners of such Fen Lands or Low Grounds, or at or upon the Fen Grounds and Premises so respectively rated and assessed as aforesaid, it shall and may be lawful to and for such respective Collector or Collectors, Receiver or Receivers, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the respective Commissioners of such respective Districts or Divisions as aforesaid, (which said Warrant or Precept such Commissioners, or any Three or more of them, are hereby impowered, from Time to Time, to make, as Occasion shall require), to levy the Sum or Sums so assessed, taxed, and charged, and all the Arrears thereof, by Distress and Sale of the Goods and Chattels of such Person and Persons so refusing and neglecting to pay the same, wherever such Goods and Chattels shall be found, or to distrain upon the said Grounds and Premises so charged with any such Sum or Sums of Money, and the Hay, Corn, and other Goods and Chattels then and there found, and the Distress so taken to take, lead, drive, carry away, and impound; and impounded, to detain and keep for the Space of Three Days, at the Costs and Charges of the Owner, Notice being left in Writing, upon the Premises from which such Distress shall be so taken, where such Goods and Chattels shall be so detained and kept; and if the said Owners do not pay the Sum or Sums of Money so assessed, taxed, and charged, together with the Arrears thereof, within the said Space of Three Days, then the said Distress shall be appraised by Two or more of the Inhabitants of the Parish or Place where the same shall be so taken, or by Two other sufficient Persons, and shall be sold by the said respective Collector or Collectors, Receiver or Receivers, for Payment of the said Money; and the Overplus coming by such Sale, (if any) over and above the Sum or Sums so assessed, taxed, and charged, and Charges of taking and keeping such Distress, shall be immediately returned to the Owners thereof, or left in the Hands of the Constable for the Use of such Owners: And that the several and respective Tenant and Tenants of all and singular the said Fen Lands and Low Grounds within the said Three Districts which shall be assessed, taxed, and charged, by virtue of this Act, shall, and they are hereby required and authorised to pay such Sum and Sums of Money as shall be so assessed, taxed, and charged, upon such Fen Lands and Low Grounds, and to deduct out of his, her, or their Rent, so much of the said Rate, or Tax, as the said Fen Lands or Low Grounds, or the Tenant or Tenants, in respect thereof, shall be assessed, taxed, and charged with; and the Landlords, both mediate and immediate according to their respective Interests are hereby required to allow such Deduction, and Payment, upon Receipt of the Residue of their Rents; and that every Tenant, paying such Rate or Tax, shall be acquitted and discharged for so much Money as the said Rate or Tax shall amount unto as if the same had been actually paid to such Person or Persons unto whom his or her Rent should have been due and payable, except where there are Leases for Three Years, or more; in which Case One Moiety, or Half Part of such Rates or Taxes, shall be borne and paid by

Tenants to pay, and deduct Charges out of Rent.

the Landlord or Landlords, and the other Moiety or Half Part thereof by the Tenant or Tenants of such Lands and Tenements so in Lease for Three Years or more, as aforesaid.

If Lands unoccupied, and no Distress to be taken, Collectors, &c. may distrain when occupied.

XI. Provided always, That in case any of the said Fen Lands and Low Grounds shall at any Time be unoccupied, and no Distress can be found, by reason whereof the Sums of Money so assessed, taxed, and charged thereon cannot be raised; then, and in such Case, the Rate or Tax, and the Arrears thereof, shall remain a Charge upon the said Lands and Grounds until the same shall be occupied; and when and as soon as the same shall be so occupied, it shall and may be lawful for such respective Collector and Collectors, Receiver and Receivers, for the Time being, or for any other Person or Persons, by virtue of such Warrant or Precept as aforesaid, to enter and distrain upon the said Fen Lands and Low Grounds when there shall be any Distress thereon to be found, in whatever Possession such Fen Lands and Low Grounds shall happen to come or be; and the Distress and Distresses then and there found, to sell, if not redeemed within Five Days by Payment of such Rates and Taxes, and Charges of such Distress and Sale, rendering the Overplus to the Owner or Owners of such Distress in Manner as aforesaid.

Commissioners may borrow Money.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the said Three Districts respectively, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they shall think proper upon the Credit of the several Rates and Taxes by this Act charged upon the Lands and Grounds in the said respective Districts, and by Writing, without Stamp, under the Hands and Seals of any Seven or more of the said Commissioners, to mortgage, charge, assign, and convey, or incumber the Rates and Taxes within each respective District, with and for the Repayment of the Sums so borrowed, with such Interest, at such Times, and with such Provisoes and Conditions of Redemption, as shall be agreed upon; and such Monies shall be separately and distinctly borrowed for the Use of each District; and it shall be particularly set forth in every such Assignment for which of the said Districts such Monies are so respectively borrowed.

What Sums of Money shall be borrowed.

XIII. Provided always, and be it enacted, That no more than the Sum of One thousand Pounds shall be borrowed or owing, at any One Time, on the Credit or Security of the said Rate or Tax of One Shilling and Sixpence an Acre charged by this Act upon the said Third District; and that no more than the Sum of One thousand five hundred Pounds shall be borrowed or owing, at any One Time, on the Credit or Security of the said Rate or Tax of One Shilling and Sixpence an Acre charged by virtue of this Act upon the said Fourth District; and that no more than the Sum of One thousand five hundred Pounds shall be borrowed or owing, at any One Time, on the Credit or Security of the said Rate or Tax of One Shilling an Acre charged by this Act upon the said Fifth District; and that the several and respective Rates and Taxes in the said Three Districts or Divisions respectively shall not, during the Time any Principal-monies or Interest shall be due on the several Securities thereof, be less in any One Year than the several Sums charged upon each of the said Districts respectively, in which such Principal or Interest shall be owing.

Assignments to be transferrable.

XIV. And be it further enacted, That the said Mortgages and Securities so to be made by the said several and respective Commissioners of the said several and respective Rates and Taxes arising within the said respective Districts, shall and may be assignable or transferrable by Indorsement on the original Grant, or Security thereof made, or otherwise, without Stamp, to any Person or Persons whomsoever; and the Person or Persons, to whom such Assignment or Transfer shall be made, shall and may, from and after the Time that the same is entered in a Book to be kept for that Purpose, be well and sufficiently intitled to such Mortgage Monies, and Interest, and all the Monies due, and to grow due thereon; which Entries are hereby required to be made on Request, and producing such Assignment, and paying Two Shillings and Sixpence for every such Entry; and such Assignee and Assignees, shall and may, in like Manner, by Indorsement, or otherwise, without Stamps, assign and make over such Mortgage or Mortgages, and Securities, so assigned as aforesaid, and so *toties quoties*, as Occasion may require, every such Assignment or Transfer being entered in such Book as aforesaid.

Taxes chargeable with Money borrowed.

XV. Provided always, and be it enacted, That all and every the Rates and Taxes raised within each respective District, by virtue of this Act, shall be chargeable with the Payment of the Principal-money so to be borrowed by the said Commissioners respectively, and the Interest of such Money, from Time to Time, and shall vest in the Creditors of the said District, for which the same shall be so borrowed, upon Default of Payment of such Principal Money and Interest, until the same, and every Part thereof, shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges, of assessing, raising, and recovering the several Rates and Taxes payable by the several Owners and Occupiers of Lands and Grounds within the said Three Districts respectively, for or in respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said respective Commissioners, and their Respective Collectors and Receivers, could have, in case such Principal-money and Interest had been regularly and fully paid and satisfied.

Commissioners to elect a Receiver for each District;

XVI. And be it further enacted, That it shall and may be lawful for the said Commissioners of each of the said Districts or Divisions respectively, and they, or any Five or more of them, are hereby required, yearly and every Year, to elect, from Time to Time, a Person residing in the Township of *Whittlesey* aforesaid to be their Receiver of the Rates and Taxes assessed by this Act for the Year ensuing; and they are hereby impowered to pay and allow unto such Receiver, out of the Money arising by this Act, such Sum and Sums of Money, by way of Salary, or otherwise, as a Recompence for such Receiver's Trouble and Expences, as they, or any Five or more of them, shall see proper.

XVII.

XVII. And be it further enacted, That the said respective Commissioners of each of the said Districts, or any Five or more of them, are hereby required and authorised to take such Security from the said Receiver or Receivers respectively, for the due Execution of his and their Office, and also for his and their yearly, or oftener, passing his and their Accounts for all Monies received and disbursed out of the several Rates and Taxes, as to them shall seem meet. and to take Security from them.

XVIII. And be it further enacted by the Authority aforesaid, That Once in every Year, (that is to say) At the Yearly General Meeting to be held for the said Districts respectively, or on any subsequent Day to which the said respective Commissioners, or any Five or more of them, shall adjourn, Inspection shall be had by the said respective Commissioners, or any Five or more of them, of the Receipts and Disbursements of such Monies as shall have been raised and received by virtue of the said former of this Act, in and relating to the said Three Districts respectively, for the Year then last past; and all Accounts relating to the said respective Districts shall be at such Meeting made up and settled by the several Commissioners appointed for each of the said Districts, or any Five or more of them then assembled; at which Time the several Treasurers, Collectors, or Receivers, of the said Rates and Taxes, are hereby required to attend with proper Books of Accounts of their Receipts and Disbursements, and all Vouchers for the same; and on considering and examining the said Accounts, and all other Accounts of the Receipts and Disbursements of the Money raised and received by virtue of the said former or this Act, within or in relation to the said Three Districts respectively, upon Oath, if the same shall be required by any Five or more of the Commissioners for each of the said Three Districts respectively, (which Oath any One of the said Commissioners is hereby impowered to administer) the said Commissioners, or any Five or more of them, are hereby impowered to allow and pass under their Hands, the said Account or Accounts, or such Part or Parts thereof as they shall think just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so passed and allowed as aforesaid, shall be fairly entered in Two distinct or separate Books, to be kept for that Purpose for each of the said Districts; One of which Books shall be kept by the Treasurer or Treasurers, or such other Person or Persons as the said Commissioners for such District, or any Five or more of them, shall appoint, and the other of the said Books shall be deposited in the Town Chest of *Whittlesey* aforesaid; and may be inspected and perused, at all reasonable Times, by or at the Request of any Person or Persons rated or taxed in pursuance of this Act, on paying Sixpence for perusing the same: And in case there shall appear to be in the Hands of such Treasurer, Receiver, or other Officer, on the passing of such Accounts, any Sum or Sums of Money due to the said Commissioners on the Balance of the said Accounts, that then such Treasurer or Treasurers, Receiver or Receivers, or other Officer or Officers, shall pay over the same to the said Commissioners respectively, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them shall, by any Writing or Writings under their Hands respectively, authorise or impower to receive the same; and in case such Treasurer, Receiver, or other Officer, shall not give in and make such Account and Payment as aforesaid, or shall refuse so to do, and to deliver up all Books, Papers, and Writings, in his Custody, relating to the Execution of the said former or this Act, within the said Three Districts, that then any One or more Justice or Justices of the Peace for the said *Isle of Ely* shall and may make Inquiry of and concerning such Default as aforesaid in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses, upon Oath, (which Oath the said Justice or Justices is and are hereby required and impowered to administer without Fee or Reward); and if any such Treasurer, Collector, Receiver, or other Officer, shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall, upon such Conviction, commit the Party to the Common Gaol for the said *Isle of Ely*, there to remain without Bail or Mainprize until he shall have made a perfect Account and Payment as aforesaid, and delivered up all such Books, Papers, and Writings, in his Custody, or until he shall have compounded and agreed with the respective Commissioners for each respective District, or any Five or more of them, and have paid such Composition-money; which Composition the said respective Commissioners, or any Five or more of them, are hereby authorised and impowered to make. Officers to account yearly, which the Commissioners are to pass. Accounts to be entered.

XIX. Provided always, and be it enacted, That all Orders and Proceedings of the said Commissioners, at any Meeting to be held for each of the said Districts, respectively, shall be entered in distinct Books, to be provided and kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by Five or more of the said Commissioners so assembled at such Meeting for such respective District, and, being so signed, shall be deemed and taken to be Original Orders; and all such Books, and also the Books hereby directed to be kept for registering the Securities, Assignments, and Transfers, shall and may be read in Evidence on all Trials at Law of any Suits or Actions touching any Thing done in relation to or in pursuance of this Act, or of the said former Act. Orders and Proceedings of Commissioners to be entered in Books.

XX. And be it enacted, That no Order which shall be made by the said Commissioners of the said Three Districts or Divisions respectively, or any Five or more of them, assembled at any of their Meetings to be held by virtue of this Act, or the said former Act, shall be altered, reversed, annulled, or made void at any subsequent Meeting, unless Notice in Writing, signed by three of the said Commissioners, be delivered to the said Commissioners for the District or Division for which such Meeting is intended to be held, or affixed on the Outside of the Door of the Parish Church of *Whittlesey Saint Mary*, Seven Days before such subsequent Meeting, setting forth the Intent and Meaning of such Meeting; at which Meeting no less Number than Seven Commissioners for the said Third District or Division shall be present, and Five of such Commissioners shall be assenting to the Reversal of such Order; and for each of the other Two Districts or Divisons Nine of the said Commissioners shall be present at such Meeting, and Seven of such Commissioners shall be assenting to the Reversal of such former Order. Orders not to be reversed.

XXI.

To prevent the erecting of Horſe Mills, &c.

XXI. And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, after the paſſing of this Act, ſet up, uſe, erect, or work any Horſe Mill, Gig, Engine, or other Device whatſoever, for Draining or diſcharging Water from any Land in the ſaid Three Diſtricts or Diviſions reſpectively, through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, into a certain Drain called *Whittleſey Dyke*, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall or will ſue for the ſame; and the Owner of ſuch Mill, Gig, or other Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damages ſuch Perſon or Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty of cutting Turves, &c. is 5 l.

'XXII. And whereas the Owners and Proprietors of Lands within the ſaid Three Diſtricts or Diviſions reſpectively frequently cut and dig up the ſame for Firing, near the Banks of the Rivers 'running through the ſame, by which Means the Waters of the ſaid Rivers ſoak through the ſaid 'Banks, to the great Prejudice of the Lands ſo intended to be drained; in order therefore to prevent 'the ſame for the future,' be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, cut or dig any Turves, Hods, or Seſſes, within the ſaid Three Diſtricts or Diviſions reſpectively, within the Diſtance of Sixty Feet from any Bank which now is, or hereafter may be made by virtue of this Act, or the ſaid former Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rood of ſuch Turves, Hods, or Seſſes, ſo cut or digged as aforeſaid; and if any Perſon or Perſons ſhall make, or cauſe to be made, any Soak Dike, Ditch, or Soak Gripple, in or upon any of the ſaid Fen Lands or Low Grounds, within the ſaid Three Diſtricts or Diviſions reſpectively, within the Diſtance of Ninety Feet from the Banks of the ſaid River called *Whittleſey Dyke*, or *Old Bevil's River*, and Thirty Feet from any other Bank now made, or hereafter to be made, within the ſaid Three Diſtricts or Diviſions reſpectively, every ſuch Perſon ſo offending, ſhall forfeit and pay for every ſuch Offence Four-pence, for every Foot in Length of ſuch Soak Dike, or Soak Gripple, and the Like Sum for every Month for which the ſame ſhall be continued; and the ſaid Commiſſioners for the ſaid Three Diſtricts or Diviſions reſpectively, or any Five or more of them, are hereby authoriſed and impowered, at the Coſt and Charges of the Owner or Owners, or Occupier or Occupiers, of ſuch Lands wherein ſuch Soak Dike or Soak Gripple ſhall be made, to fill up and level the ſame; which ſaid reſpective Forfeitures ſhall, upon Conviction of the Offender or Offenders, before any One or more Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely*, not intereſted in the Premiſes, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby required and impowered to adminiſter) be immediately paid into the Hands of the Treaſurer of the Diſtrict or Diviſion where ſuch Offence ſhall be committed, to be applied for the Improvement of the Works of ſuch Diſtrict or Diviſion; and in caſe of Non-payment thereof, ſuch reſpective Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made, and for Want of ſuch ſufficient Diſtreſs, ſuch Offender or Offenders ſhall by ſuch Juſtice or Juſtices be committed to the Houſe of Correction for the ſaid *Iſle of Ely*, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months, or until ſuch Forfeiture or Forfeitures ſhall be paid.

and for cutting Soak Dikes, &c. 4 d. for every Foot,

Engines and Mills may be inſured.

XXIII. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners for the ſaid Diſtricts reſpectively, or any Five or more of them, ſhall cauſe all and every the Engines and Mills already erected upon the ſaid Three Diſtricts, or any of them, by virtue of the ſaid former Act, or which ſhall be erected and employed by virtue of this Act, to be inſured againſt Fire in ſome of the publick Inſurance Offices, and, from Time to Time, to pay the Expence attending ſuch Inſurance, out of the Money ariſing from the ſaid former or this Act.

For catching Moles and Vermin.

XXIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies ariſing in or upon the ſaid Diſtricts reſpectively, to make ſuch Allowances for catching or deſtroying Moles or other Vermin in the Banks and Lands belonging to, or in the ſaid Diſtricts reſpectively, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

To prevent Buildings or Holts being built or planted within 40 Poles of a Mill.

XXV. Provided always, and be it enacted, That from and after the paſſing of this Act, no Houſes or Buildings ſhall be erected in any of the ſaid Diſtricts, without the Conſent in Writing of Two-thirds of the Commiſſioners acting for each of the ſaid Diſtricts or Diviſions, and aſſembled at a Meeting for that Purpoſe, or any other Obſtruction whatſoever laid or placed, (except Stacks of Corn or Hay in Yards already laid out for that Purpoſe) or Trees or Holts planted in the ſaid Diſtricts, or on the Outſide thereof, or any of them, within Forty Poles (being the Pole of Eighteen Feet) of any Mill or Engine already built, erected or employed, or hereafter to be built, erected or employed for draining the Fen Lands and Low Grounds within the ſaid ſeveral Diſtricts; and if any Perſon or Perſons ſhall build or erect any Houſe, Barn, or other Building, or ſhall plant any Tree or Holt, or place, lay, or put any other Obſtruction within any leſs Diſtance than Forty Poles of any ſuch Mill or Engine, (except with ſuch Permiſſion from the ſaid Commiſſioners as before mentioned) every ſuch Perſon ſhall forfeit and pay, for every ſuch Houſe and Building, the Sum of One hundred Pounds, to any Perſon who ſhall ſue for the ſame; One Moiety thereof to be paid

paid to the Perſon ſo ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being for ſuch reſpective Diſtrict, as the Caſe ſhall be; ſuch Penalty, Compenſation, and Satisfaction, to be recovered, together with Double Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed; and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obſtruction ſo planted or laid as aforeſaid; which ſaid Penalties of One Shilling, and Five Pounds, ſhall and may be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, in ſuch Diſtrict where the ſaid Offence ſhall be committed, by Warrant under the Hand and Seal of any Juſtice of the Peace of the *Iſle of Ely*; which Warrant ſuch Juſtice is hereby impowered to iſſue; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to order their Agents or Servants to take down ſuch Buildings ſo erected, and to pull up and remove ſuch Trees, Holts, and other Obſtructions ſo placed contrary to this Act.

Trees and Holts may be removed.

XXVI. Provided always, and it is hereby enacted, That if any Trees or Holts are now growing within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter to be built within the ſaid Three Diſtricts, it ſhall and may be lawful for the ſaid Commiſſioners, or any Three or more of them, by like Order under their Hands and Seals, to order the ſame to be taken up or pulled down, as if the ſame had been planted ſince the paſſing of this Act, making ſuch Satisfaction out of the Monies ariſing by virtue of this Act, within ſuch reſpective Diſtrict, to the Owners of ſuch Trees or Holts, as ſhall be agreed upon betwixt ſuch Owners and the ſaid Commiſſioners, and in caſe any Difference or Diſpute ſhall ariſe betwixt the ſaid Commiſſioners and ſuch Owner touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Satisfaction and Recompence ſhall be finally ſettled and determined by Two Juſtices of the Peace for the ſaid *Iſle of Ely*, not intereſted in the Premiſes, whoſe Determination ſhall be final to all Parties.

Houſes burnt or blown down may be rebuilt.

XXVII. Provided nevertheleſs, That in caſe any Houſe or Building now erected and ſtanding in the ſaid Diſtricts ſhall happen to be burnt down, or blown down by Wind or Tempeſt, or deſtroyed by any other inevitable Accident, that it ſhall and may be lawful for the Owner or Proprietor thereof to rebuild the ſame upon the ſame Scite or Spot of Ground on which the ſaid Houſe or Building ſtood before it was burnt or blown down, and to build at the Back of ſuch Building, any other Building, Shed, or Lean-to, ſo as the ſame be built and erected in ſuch Manner as not to obſtruct or hinder the working of any Mill or Engine already erected, or hereafter to be erected by the Authority of this Act; any Thing herein before contained to the Contrary thereof notwithſtanding.

Diſtreſs not to be deemed unlawful for Want of Form.

XXVIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Limitation of Actions.

XXIX. Provided always, and be it enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, or in Execution of the Powers and Authorities thereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Twelve Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the County of *Cambridge*, or in the *Iſle of Ely*, or One of them, and not elſewhere; and the Defendant or Defendants, in ſuch Actions or Suits, ſhall and may plead the General Iſſue, Not guilty, and if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting under and by Authority of Commiſſioners of Sewers are enabled to do, and give this Act and the Special Matter in Evidence, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, and that the ſame was done in Purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Juriſdiction, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his or their Suit or Suits; or if any Judgment ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then, or in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Double Coſts; for which he, ſhe, or they, ſhall have like Remedy as where Coſts by Law are awarded.

General Iſſue.

Double Coſts.

This Act not to alter the former Act.

XXX. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, alter, or take away, any of the Clauſes, Powers, and Authorities given by the ſaid former Act, to the Commiſſioners acting by virtue and in purſuance thereof; but that every Clauſe, Power, and Authority, therein contained, ſhall remain and be in the ſame Force and Effect, as if this Act had never been made; any Thing herein contained to the Contrary notwithſtanding: But that all the Clauſes, Powers, and Authorities, given by the ſaid former Act, ſhall, ſo far as the ſame relate to the ſaid Three Diſtricts or Diviſions, extend and be conſtrued to extend to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act.

XXXI.

Rights of the Corporation and others saved to themselves.

XXXI. Provided always, and be it enacted, That all ſuch lawful Rights, Powers, Juriſdictions, and Authorities, ſhall be ſaved and reſerved unto the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, and their Succeſſors, and to all and every other Perſon and Perſons, his, her, and their Heirs, Executors, and Adminiſtrators, now veſted in, and enjoyed by them, as are not hereby taken away, altered or repealed.

Publick Act.

XXXII. And be it farther enacted and declared, That this act ſhall be deemed and allowed in all Courts within this Kingdom, and upon all Occaſions whatſoever, to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Courts, Judges, and other Perſons, without ſpecially pleading the ſame.

CAP. XXVIII.

An Act to enlarge the Cœmetery or Churchyard, of the Pariſh of *Watford*, in the County of *Hertford*, and to make an additional Building to the preſent Workhouſe, for the Reception of the Poor of the ſaid Pariſh; and for other Purpoſes therein mentioned.

Preamble.

'WHEREAS the Church-yard of the Pariſh of *Watford*, in the County of *Hertford*, is of very little Extent, and for a long Time paſt has been, and continues to be, too ſmall for the convenient and decent Interment of the Dead: And whereas the ſaid Pariſh of *Watford* is a large extenſive Pariſh, and the Inhabitants thereof are become very numerous, and by the great Increaſe of the Poor of the ſaid Pariſh of *Watford*, the preſent Workhouſe belonging thereto is become inſufficient to contain them, whereby an additional Building to the preſent Workhouſe is now very much wanted, for the better Reception and Employment of the ſaid Poor: And whereas by an ancient Deed of Feoffment, bearing Date on or about the Twenty-firſt Day of *February*, in the Year of our Lord One thouſand five hundred and eighty, perfected by Livery of Seiſin, *Francis* then Earl of *Bedford*, Knight of the moſt Noble Order of the Garter, and *Brigette* Counteſs of *Bedford*, his Wife, gave, granted, and confirmed a certain Piece of Land lying and being in *Watford*, in the County of *Hertford*, containing by Eſtimation Three Roods and Two Perches, be the ſame more or leſs, as it lay incloſed with Hedges and Ditches, in a certain Place there called *The Parſonage Barn Yard*, and lying between a Lane called *New Street*, of the South and Eaſt Parts, and the *Parſonage Barn* of the North and Weſt, and upon a certain Cloſe called *New Barn Cloſe*, on the South and Weſt, and upon the ſaid Lane called *New Street*, towards the North and Weſt: And all thoſe Eight Tenements, Houſes, or Meſſuages, and the Appurtenances, by the Appointment of the ſaid *Brigette* Counteſs of *Bedford*, erected upon Part of the ſaid Piece of Ground, with Eight Crofts adjoining to the ſaid Eight Meſſuages or Houſes, unto *Arthur* Lord *Graye*, Sir *Henry Nevell* Knight, Sir *John Souche* Knight, *Anthony Tarrall* Eſquire, *Miles Sans* Eſquire, *John Buſhye* Eſquire, *Charles Huſey* the elder, Eſquire, *Charles Huſey* the younger, Eſquire, and *John Huſey* Gentleman, their Heirs and Aſſigns, to the Uſe of them, their Heirs and Aſſigns for ever; to the Intent nevertheleſs, that they and their Heirs and Aſſigns, and all other Perſons who ſhould thereafter be enfeoffed of and in the Premiſes, or any Part thereof, ſhould, (amongſt other Things), from Time to Time for ever thereafter, permit ſuch Eight poore Almes-women, as, by a Writing thereto annext, ſhould be appointed or declared to inhabit or dwell in the ſaid Eight Meſſuages or Tenements, during the Life of each poore Woman: And to the further Intent and Purpoſe, that when the ſaid Feoffees, or any other Perſons who ſhould thereafter be enfeoffed in the Premiſes, or any Part or Parcel thereof, ſhould be reduced to Two or One, that the Survivors or Survivor ſhould enfeoff Six, Five, or Four other Perſons, and their Heirs, to the Uſe of them and their Heirs; upon Truſt nevertheleſs, and to the Intent that they who ſhould thereafter be enfeoffed in the Premiſes, their Heirs and Aſſigns ſhould permit and act in all Things as therein before is mentioned: And whereas by the ſaid Writings ſo annexed to the ſaid Deed of Feoffment, and bearing equal Date therewith, the ſaid Earl and Counteſs of *Bedford*, did appoynte, noteſie, and declare, that the ſaid Eight poore Women, and every of them, during the Lyffe of the ſaid Counteſſe, ſhould be thereunto appointed, elected, and choſen by the ſaid Counteſſe onlye; and that after her Death, the Nomination and Appointment of ſuch poore Women, ſhould for ever apertayne to the Heirs of the Counteſſe, in Manner therein expreſſed: And whereas by Indentures of Leaſe and Releaſe, bearing Date reſpectively the Fourth and Fifth Days of *September*, One thouſand ſeven hundred and ſixty, the Releaſe being Tripartite, and made, or mentioned to be made, between the Right Honourable *Ann Holles* Earl of *Eſſex*, Viſcount *Malden*, and Baron *Capel* of *Hadham*, only Son and Heir of the Right Honourable *William* late Earl of *Eſſex*, deceaſed, by the Right Honourable *Elizabeth* Counteſs of *Eſſex*, his Wife, (then Counteſs Dowager of *Eſſex*) of the Firſt Part; the Right Honourable the Lady *Frances Hanbury Williams*, Widow, and the Right Honourable the Lady *Mary Forbes*, the Wife of the Honourable *John Forbes*, then One of the Lords Commiſſioners of the Admiralty, of the Second Part; and the moſt Noble *John* Duke of *Bedford*, the Right Honourable *Edward* Earl of *Oxford* and *Mortimer*, and the ſaid *Elizabeth* Counteſs Dowager of *Eſſex*, of the Third Part; in conſideration of a Marriage had and ſolemnized between the ſaid *Ann Holles* Earl of *Eſſex*, and *Frances* late Counteſs of *Eſſex*, his Wife; and in purſuance of certain Articles of Agreement, bearing Date on or about the Thirty-firſt Day of *July*, One thouſand ſeven hundred and fifty-four, (and therein recited), ſo far as the Uſes and Truſts thereof were then ſubſiſting, and could be carried into Execution, and for other the Conſiderations therein mentioned, the ſaid *Ann Holles* Earl of *Eſſex*

'*Essex* did grant and convey all that Rectory or Parsonage of *Watford*, and the Advowson of the Vicarage of the Church of *Watford*, in the said County of *Hertford*, together with all and singular other the Manors, Lands, Rectories, Tythes, Tenements, and Hereditaments whatsoever, of him the said *Ann Holles* Earl of *Essex*, in the said County of *Hertford*, and in the County of *Middlesex*, (except a certain Messuage or Tenement and Farm, and all and singular the Lands and Appurtenances thereto belonging, at Leavesden, in the Parish of *Watford* aforesaid, formerly a Wood, and known by the Name of *Leavsden Wood*), and also except a certain other Messuage, Tenement, or Farm, with all and singular the Lands and Appurtenances thereto belonging, situate at or near *Barnet*, in the said County of *Hertford*, (therein particularly mentioned and described), unto the said Lady *Frances Hanbury Williams*, and Lady *Mary Forbes*, and their Heirs, to the Uses therein after limited; (that is to say), To the Use of the said *Ann Holles* Earl of *Essex*, for his Life, without Impeachment of Waste; Remainder to the Use of the said Lady *Frances Hanbury Williams*, and Lady *Mary Forbes*, and their Heirs, to preserve contingent Uses and Estates; Remainder to the Use of the said *John* Duke of *Bedford*, *Edward* Earl of *Oxford* and *Mortimer*, and *Elizabeth* Countess Dowager of *Essex*, their Executors, Administrators, and Assigns, for the Term of One thousand Years, without Impeachment of Waste; in Trust by Sale or Mortgage of the Premises so limited to them, for the said Term of One thousand Years, or of a competent Part thereof, for all or any Part of the said Term, or by the Rents and Profits thereof, or by Sale of Timber thereupon growing, to raise the Sum therein mentioned, for the Portion of Lady *Elizabeth Capel*, the Daughter of the said *Ann Holles* Earl of *Essex*, by the said *Frances* late Countess of *Essex*, his Wife, to be paid to her at such Age or Time, in such Manner, and with such Maintenance, as therein is mentioned: with a Declaration, that after the Performance of the said Trusts therein mentioned, the said Term of One thousand Years should cease, determine, and be absolutely void; and after the End, or other sooner Determination of the said Term of One Thousand Years, to the Use of the Right Honourable *George* Lord Viscount *Malden*, the only Son of the said *Ann Holles* Earl of *Essex*, by the said Lady *Frances* his late Wife, and the Heirs Male of his Body; Remainder to the right Heirs of the said *Ann Holles* Earl of *Essex*, for ever: And whereas the said Rectory and Parsonage of *Watford*, and the Advowson of the Vicarage of the Church of *Watford*, together with divers Manors, Lands, and Hereditaments, is also charged with, and now remains subject and liable to the Payment of a large Annuity or yearly Rent Charge to the said *Elizabeth* Countess Dowager of *Essex*, (Mother of the said *Ann Holles* Earl of *Essex*) for her Life: And whereas the most convenient and contiguous Pieces of Ground for the Enlargement of the Cœmetery or Church-yard of the Parish of *Watford*, and for making a Road in the Place and Stead of the present Road, which lieth between and separateth the present Cœmetery or Church-yard from the Court or Alms-yard belonging to the said Alms-houses, consist of the whole of the said Alms-yard or Court-yard belonging to the said Alms-houses, and of a small Part of a Garden belonging to One of the said Alms-houses, and also of a Nook, or small Parcel of Land, being Part of a certain Close or Yard, called *Almonwick Yard*, and which said last-mentioned Close or Yard is Part or Parcel of the Rectory or Parsonage of *Watford*, in the said County of *Hertford*; which said Pieces of Ground, together with the present Road, so lying contiguous to, and being convenient for the Enlargement of the said Church-yard, and for making such new Road, as aforesaid, contain in the whole about Half an Acre, little more or less: And whereas the said *Ann Holles* Earl of *Essex*, hath, from Time to Time, as the Heir and Descendent of the said *Brigette* Countess of *Bedford*, appointed poor Women to inhabit and dwell in the said Alms-houses, but no Feoffment appears to have been made by the surviving Trustees or Trustee named in the said Deed of Feoffment, bearing Date the said Twenty-first Day of *February*, One thousand five hundred and eighty, of the said Messuages, Lands, and Premises, thereby settled and assured to such charitable Uses as are herein before mentioned, and at this very remote Period of Time, it is apprehended that it would be very difficult, if not impracticable, to discover which of them the said *Arthur* Lord *Graye*, Sir *Henry Nevell*, Sir *John Souche*, *Anthony Tarrall*, *Miles Sans*, *John Busshye*, *Charles Husey* senior, *Charles Husey* junior, Esquires; and *John Husey* Gentleman, was the Survivor or longest Liver, and who is now the Heir of such Survivor; and, admitting that such Heir could be found, yet, by reason of the charitable Uses and Trusts limited and declared of and concerning the said Alms-yard or Court-yard, and other the Premises comprised in the said ancient Deed of Feoffment, no Part thereof could be appropriated, or effectually conveyed or assured for the Purposes aforesaid, without the Aid of an Act of Parliament: And whereas the said *Elizabeth* Countess Dowager of *Essex*, the said *Ann Holles* Earl of *Essex*, and the said *George* Lord Viscount *Malden*, and Lady *Elizabeth Capel*, the only Son and Daughter of said *Ann Holles* Earl of *Essex* by the said *Frances* late Countess of *Essex*, his Wife, deceased, are the only Persons now in being who have any Estate, or are interested in the Manors, Lands, Rectories, Tythes, Tenements, and Hereditaments, in the said County of *Hertford*, comprised in and intailed by the said Deed of Release or Settlement of the said Fifth Day of *September*, One thousand seven hundred and sixty: And the said *Ann Holles* Earl of *Essex*, on the Behalf of himself, and of the said *George* Lord Viscount *Malden*, his Son, and the said Lady *Elizabeth Capel*, his Daughter, who are both Infants under the Age of Twenty-one Years; and the said *Elizabeth* Countess Dowager of *Essex*, and also *Anne Bowden*, *Mary Priest*, *Elizabeth Hone*, *Susanna Mossendew*, *Elizabeth Pitkin*, *Anne Bone*, *Ruth Hodsdon*, and *Martha Lemon*, the Eight poor Persons now inhabiting and residing in the said Alms-houses, so settled in and by the said Deed of Feoffment of the Twenty-first of *February*, One thousand five hundred and Eighty, as aforesaid, are willing and desirous that the said Cœmetery or Church-yard, of *Watford* aforesaid shall and may be en-

'larged

'larged and made convenient for the Burial of the Dead, by the Addition of the ſaid ſeveral ſmall 'Pieces or Parcels of Land before mentioned, lying contiguous thereto, or ſo much thereof reſpec- 'tively as ſhall be neceſſary; and, in order to anſwer the pious Intentions, and other the Purpoſes in this 'Act mentioned, that the Fee-ſimple and Inheritance of the ſaid Pieces or Parcels of Land and Pre- 'miſes, or ſo much thereof as ſhall be convenient and neceſſary, ſhall be granted and conveyed by the ſaid '*Ann Holles* Earl of *Eſſex*, and *Thomas Clutterbuck* the elder, of *Great Stanmore*, in the County of *Middleſex*, 'Gentleman, or the Survivor of them, or his Heirs, to proper Truſtees to be appointed by this Act, 'and their Heirs and Succeſſors: But by reaſon of the ſtrict Uſes, Truſts, and Limitations, created 'by the ſaid Deeds of Feoffment and Settlement reſpectively, the ſame cannot be effectuated, nor can 'the ſaid Cœmetery or Church-yard be enlarged, or made convenient, or the ſaid preſent Road al- 'tered or taken away, without the Aid and Authority of an Act of Parliament; may it therefore 'pleaſe Your moſt Excellent Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Reverend the Lord Biſhop of *London*, and the Vicar and Churchwardens of the ſaid Pariſh of *Watford* for the Time being, and the ſaid *Ann Holles* Earl of *Eſſex*; the Right Honourable *Thomas* Lord *Hyde*, Baron of *Hindon*, in the County of *Wilts*; *John Aſkel Bucknall*, *Richard Capper*, *Richard Phrip*, *Samuel Moody*, *Nicholas Martin*, *and Thomas Clutterbuck* the younger, Eſquires; *Joſhua Pickerſgill*, *John Dyſon*, *Thomas Deacon*, *Jonathan Cox Lovett*, *Thomas Munn*, *William Smith*, *John Ailway*, *George Philip Elwet*, *John Edlin Tuach*, and *Thomas Nicholl*, Gentlemen; being Owners of Land in, or Inhabitants of the ſaid Pariſh of *Watford*, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Truſtees appointed to put this Act in Execution.

II. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Office or Appointment to which any Salary or pecuniary Profit ſhall be annexed by virtue of this Act; nor ſhall any ſuch Truſtee, on his own private Account, enter into any Contract, or have any Share or Intereſt in any Contract, relating to the Execution of any of the Powers in this Act.

Truſtees not to act when intereſted.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to meet together in the Veſtry Room of the ſaid Pariſh on the *Wedneſday* Fortnight next after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon; and the ſaid Truſtees ſhall then and there proceed to put the ſaid Act in Execution, and then, and from Time to Time afterwards adjourn themſelves to meet, or meet according to ſuch Notice as is herein after directed to be given at ſuch Place or Places within the ſaid Pariſh, as ſuch Truſtees ſhall think proper and convenient.

Time and Place of Truſtees Meetings.

IV. Provided always, and it is hereby enacted and declared, That, of all the Meetings to be held in purſuance of this Act, (unleſs by Adjournments) previous Notice ſhall be given in the Church of the Pariſh of *Watford* aforeſaid, on the *Sunday* next before ſuch Meeting, (which Notice the Miniſter or Curate of the ſaid Pariſh is hereby required to read and give, or cauſe to be read and given) and alſo by Writing to be affixed on the Door of the ſaid Church; and likewiſe on the Market Poſt on the *Tueſday* next after ſuch Notice ſhall be given in the Pariſh Church, as aforeſaid; which Notice ſhall ſet forth the Day, Hour, and Place of ſuch Meeting; and at all ſuch Meetings the ſaid Truſtees ſhall pay their own Expences.

Notice to be given of Truſtees Meetings.

Truſtees to pay their own Expences.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any publick Meeting to be held in purſuance of this Act, to appoint a Treaſurer and Clerk, and alſo ſuch One or more fit and ſkilful Perſons (if they ſhall think proper ſo to do) as may be neceſſary for any of the Purpoſes of this Act, or that may be neceſſary and proper to execute any Rules, Orders, and Regulations, to be made in purſuance of the ſame, with ſuch Allowances as ſhall be judged reaſonable by the ſaid Truſtees, or any Seven or more of them, ſo aſſembled as aforeſaid; and ſhall and may take Security, if they ſhall think proper, from ſuch Treaſurer and Clerk, or any other Perſon or Perſons ſo to be employed and appointed as aforeſaid, or any of them; and likewiſe may, from Time to Time, remove ſuch Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die, or may diſcontinue any ſuch Officer or Officers, when they ſhall think proper ſo to do; and ſuch Truſtees ſo aſſembled as aforeſaid, or any Seven or more of them, ſhall and may, out of the Monies ariſing by this Act, pay, or cauſe to be paid, ſuch Salaries or other Allowances as the ſaid Truſtees ſhall judge reaſonable, for and in Conſideration of his and their Employment and Service reſpectively, and to ſuch other Perſon or Perſons as ſhall be aiding and aſſiſting in and about the Execution of this Act.

Truſtees to appoint Officers;

take Security; and remove them, and appoint others;

and allow them Salaries.

VI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act the ſeveral Pieces or Parcels of Ground herein-after particularly mentioned, ſhall be, and the ſame are hereby veſted in the ſaid *Ann Holles* Earl of *Eſſex*, and *Thomas Clutterbuck* the elder, and their Heirs; and that it ſhall and may be lawful for the ſaid *Ann Holles* Earl of *Eſſex*, and *Thomas Clutterbuck* the elder, and the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, and they are hereby authoriſed, enabled, and required, by any Deed or Deeds, Writing or Writings, under their Hands, or under the Hand of the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, to be executed in the Preſence of Two or more credible Witneſſes, to grant, releaſe, and convey, to the ſaid Truſtees appointed by this Act, or ſuch of them as ſhall be then living, and their Heirs and Succeſſors, all that Piece or Parcel of Ground, containing by Admeaſurement One Rood and Two Perches, little more or leſs, being the Court-yard or Alms-yard lying in Front of, and belonging to the ſaid Eight Alms-houſes herein-before mentioned,

Several Parcels of Ground veſted in the Earl of Eſſex, &c. and may be conveyed to Truſtees;

mentioned, and abutting towards the East on the present Road, near the Wall of the said Church-yard, and towards the West on the said Alms-houses: And also all that small Part or Nook of a Garden belonging to One of the said Alms-houses, in the Possession of the said *Anne Bowden*, containing by Admeasurement One Perch, little more or less; and also all that small Piece, Nook, or Corner, of the said Close or Yard, called *Almonwick Yard*, above particularly mentioned; and which said Nook or Corner containeth by Admeasurement Thirty-three Perches, little more or less, and abutteth upon, and is bounded by the said Alms-yard towards the South, and the said present Road and a Gate and Engine-house belonging to the said Parish of *Watford* towards the East; and also all such Part of the present Road, containing by Admeasurement Thirty-two Perches, little more or less, as lieth between the said Nook or Corner of the said Close or Yard, called *Almonwick Yard*, the said Alms-yard, and the South End of the said Alms-houses, and the present Church-yard, and the Messuage, Cottage, and Yard, belonging to, and occupied by *John Whitfeld* Esquire, towards the South (all which said several Pieces of Ground and Road, so intended to be appropriated for the Purposes in and by this Act expressed, contain together Two Roods and twenty-eight Perches, little more or less): And that from and after the executing of such Deed or Writing, Deeds or Writings, by the said *Ann Holles* Earl of *Essex*, and *Thomas Clutterbuck* the elder, or the Survivor of them, or the Heirs or Assigns of such Survivor as aforesaid, the said Trustees and their Heirs and Successors, shall and may hold, occupy, possess, and enjoy, the said several Pieces or Parcels of Ground, and the said Road, or so much thereof respectively as shall be granted or released to them, for all or any of the Purposes in and by this Act expressed, by virtue of the Authority hereby given, freed, and absolutely discharged, indemnified, and protected, from and against all and every the Uses, Trusts, Limitations, Powers, Provisoes, Conditions, and Agreements, limited, expressed, or contained, either in the said Deed of Feoffment, bearing Date the Twenty-first Day of *February*, One thousand five hundred and eighty, and Writing thereunto annexed, bearing equal Date therewith, or in the said Indenture of Release or Settlement dated the said Fifth Day of *September*, One thousand seven hundred and sixty, each and every of them.

and, after Conveyance, Trustees, their Heirs, &c. may occupy said Land for the Purposes of the Act.

VII. And be it further enacted by the Authority aforesaid, That the said *Ann Holles* Earl of *Essex*, and *Thomas Clutterbuck* the elder, and their Heirs, shall be, and they and each and every of them are hereby indemnified and saved harmless, for and in respect of their, or either of their executing such Grant, Release, or Conveyance as aforesaid; and also for or in respective of every other Act and Acts, Matters and Things, which they, or any or either of them, shall or may do, execute, or perform in pursuance of this Act, and the Power hereby given to them respectively.

Lord Essex and Mr. Thomas Clutterbuck the elder, indemnified.

VIII. And be it further enacted by the Authority aforesaid, That from and after the First Day of *June*, in the Year of our Lord One thousand seven hundred and seventy-two, all the above-mentioned several Pieces or Parcels of Ground, and every Part thereof, with their Appurtenances, and the said present Road, so containing together Two Roods and Twenty-eight Perches, little more or less, and hereby directed to be conveyed and assured to the said Trustees as aforesaid, or such Part or Parts thereof respectively as shall be necessary and proper to be employed and made use of for the Purposes herein next after mentioned, shall be annexed to the Cœmetery or Church-yard of the said Parish of *Watford*, and shall also, for ever, be, and be deemed, taken, and used as and for an additional Part of the Cœmetery or Church-yard of the said Parish of *Watford* to all Intents and Purposes whatsoever.

The Cœmetery to be enlarged.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, their Heirs and Successors, and they are hereby directed and required, at any Time after the said First Day of *June*, One thousand seven hundred and seventy-two, to convey and assure the Quantity of Fourteen Perches, little more or less, being all such Part of the present Road or Way as lies between the said Alms-houses, the Alms-yard, and the said Messuage or Tenement and Cottage, in the Possession of the said *John Whitfeld*, and as shall not be necessary to be employed in making the new Road, intended to supply the Place of the present Road; and also all such Part of the said present Road as lieth in Front of the said last-mentioned Cottage, and of the Yard belonging to the said *John Whitfeld*, and as extendeth itself Northward to the South-east Corner of the said Alms-house Yard, and to that Part of the Wall of the present Church-yard which is directly opposite to the said Corner of the said Alms-yard, unto the said *John Whitfeld* and his Heirs, for such Price or Consideration as to the said Trustees for the Time being shall seem meet, such Price or Consideration to be applied and disposed of towards defraying the Charges and Expences incident to, or attending the obtaining and passing of this Act; and also that so much and such Part of the said Court or Alms-yard, and of the said small Piece or Nook, being Part of the said Close or Yard called *Almonwick Yard*, as shall not be necessary to be appropriated for all or any of the Purposes aforesaid, shall, together with the said Piece or Nook of the Garden in the Occupation of the said *Anne Bowden*, be appropriated and set apart for a new Road to the Church, between the said Alms-houses and the said new-intended Wall, in lieu and stead of the present Road.

Small Piece of Ground, not necessary in making the new Road, to be a new Road to the Church.

X. And it is further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any publick Meeting to be holden in pursuance of this Act, to receive Proposals from, and contract with any Surveyor or Builder, or Builders, or with Workmen, for the erecting a Wall or Walls to inclose the additional Ground within the said Cœmetery or Church-yard, and for making the said new Road to the Church between the said Alms-houses and the said new-intended Wall, in lieu and stead of the present Road; and also for erecting an additional Tenement or Building to the present Workhouse, and properly furnishing the same, for the better Reception and Employment of the Poor of the said Parish, and for finding and providing Materials and Furniture for that Purpose; and also to make Contracts for, or purchase or provide any other

Trustees to enter into Contracts.

Materials, Matters, or Things, neceſſary and proper for the effectually carrying into execution the Purpoſes of this Act; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Quantity and Quality of the Materials to be delivered, and the Penalties to be ſuffered or ſuſtained in caſe of Nonperformance of ſuch Contract or Contracts; and which Contract or Contracts ſhall be ſigned by the ſaid Truſtees, or any Seven or more of them, and alſo by the Perſon or Perſons ſo reſpectively contracting, and ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but previous to the making any ſuch Contract, Twenty-one Days Notice at the leaſt ſhall be given in Writing, and be fixed by ſuch Clerk to the ſaid Truſtees, on the Outſide of the Porch or Church Door of the ſaid Pariſh of *Watford*, and alſo on the Market Poſt in the ſaid Town of *Watford*, expreſſing the Intention of making ſuch Contracts, in order that any Perſon or Perſons may have an Opportunity of ſending Propoſals, under Seal, to any of the ſaid Truſtees, or of making ſuch Propoſals at a certain Time and Place in ſuch Notice to be mentioned; and it ſhall and may be lawful to and for the ſaid Truſtees, ſo aſſembled as aforeſaid, to take ſuch Security from any Perſon or Perſons for the Performance of any Contract or Contracts, for the Purpoſes aforeſaid, as to the ſaid Truſtees ſhall ſeem neceſſary.

Giving 21 Days Notice,

and taking Security.

Surveyors to inſpect the Works.

XI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby directed to cauſe all and every the Works to be done in purſuance of this Act, to be inſpected by a Surveyor, or by ſuch other ſkilful Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed or completed at or within the Time or Times that the ſame is or are agreed to be completed; ſuch Surveyor, or other Perſon or Perſons, ſhall report the ſame to the ſaid Truſtees, or any Seven or more of them, at their next, or any other ſubſequent Meeting who ſhall and may, in their own Name or Names, or in the Names of any Two or more of them, or in the Name of their Treaſurer for the Time being, bring an Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Law at *Weſtminſter*, againſt any Perſon or Perſons ſo contracting and neglecting to perform the ſame, in the Manner, or in the Time ſet forth in any ſuch Contract, for any Penalty or Penalties which ſhall be contained in any ſuch Contract or Security, or for any Breach of the Covenants or Agreements therein reſpectively to be contained, and on proving the ſigning the ſame, and Nonperformance thereof, the ſaid Truſtees ſhall be intitled to, and ſhall recover ſuch Penalty or Penalties, and which, when recovered, ſhall be applied for the Purpoſes of this Act.

Truſtees to bring Actions for Nonperformance.

Truſtees may compound with Perſons,

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time, according to the beſt of their Judgment, without Partiality, to compound and agree with any Perſon or Perſons ſo contracting and neglecting to perform the Contract, in Manner, or within the Time therein expreſſed, for any Penalty or Penalties contained in any Contract or Contracts, Security or Securities, or Damages for ſuch Sum or Sums of Money as they ſhall think reaſonable.

Truſtees may raiſe Money by granting Annuities for Lives.

'XIII. And foraſmuch as borrowing a reaſonable and adequate Sum or Sums of Money, upon the 'Credit of this Act, by granting Annuities for Lives, will not only be the leaſt burthenſome to the 'Owners of Lands in, and Inhabitants of, the ſaid Pariſh, but alſo the moſt ſpeedy and effectual Me-'thod to accompliſh the Purpoſes aforeſaid,' be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, to contribute, advance, and pay to the ſaid Truſtees, or to any Seven or more of them, from Time to Time, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall, by any Writing under their Hands, authoriſe and impower to receive the ſame, for the Uſes before mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of One thouſand five hundred Pounds, for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of each ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of each ſuch reſpective Contributors, at the Time of Payment of their reſpective Purchaſe or Contribution-money; which Annuity or Annuities ſhall not exceed the Rate of Ten Pounds *per Annum* for every One hundred Pounds, and ſo in proportion for any greater or leſſer Sum ſo to be advanced and paid as aforeſaid; and the ſaid Annuities ſhall be payable and paid by the ſaid Truſtees, or any Seven or more of them, in the Veſtry Room of the ſaid Pariſh, or at ſuch other Place in the ſaid Pariſh as they, or any Seven or more of them, ſhall for that Purpoſe appoint, by equal Half-yearly Payments, or otherwiſe, as in the Grant or Grants thereof ſhall be reſpectively expreſſed, and to commence from the Receipt of any Sum or Sums of Money reſpectively; and ſuch Annuity or Annuities ſhall not be ſubject or liable to any Deduction or Abatement for or in reſpect of any Tax, Charge, or Aſſeſſment impoſed, or to be impoſed, by the Authority of Parliament, or otherwiſe howſoever, upon the Lands, Tenements, or Perſons charged therewith, or by whom, or out of which the ſame are to be anſwered and paid; nor ſhall any ſuch Annuitant or Annuitants, their Executors, Adminiſtrators, or Aſſigns, or any of them, be anſwerable or accountable for the Miſapplication or Non-application of, or liable to make good any Loſs that ſhall or may happen, in or of any ſuch Purchaſe or Conſideration-money, that ſhall be ſo advanced or paid as aforeſaid, or any Part thereof.

Notice to be given of borrowing Money.

XIV. Provided always, and it is hereby enacted and declared, That previous to the Grant or Sale of ſuch Annuities, in order to raiſe the ſaid Sum of One thouſand five hundred Pounds, or any Part thereof, One Calendar Month's Notice at the leaſt ſhall Four or more different Days be given in ſome One or more of the publick News-papers, and the like previous Notice in Writing ſhall, in Manner

Manner aforesaid, be fixed on the Outside of the Church Door of the said Parish, and on the Market Post in the Town of *Watford*, expressing the Intention of the Grant or Sale of such Annuity or Annuities, so as to raise the said Sum of One thousand five hundred Pounds, or any Part thereof, in order that any Person may have an Opportunity to deliver in Proposals for what annual Interest *per Centum* they are willing to lend or advance their Money; and the said Trustees, or any Seven or more of them, shall (if they think any such Proposals reasonable) give the Preference to the lowest Proposer, Regard being had to the Circumstances of Age and Health; and the said Annuities shall, at such Meeting or Meetings, be granted or sold by the said Trustees, or any Seven or more of them, to the best Advantage they can.

Contributors Names, and the Sums paid in, to be entered in Books.

XV. And be it further enacted by the Authority aforesaid, That there shall be provided by the said Trustees, and kept in the Vestry Room of the said Parish, or in such other Place within the said Parish as the said Trustees, or any Seven or more of them shall appoint, a Book or Books, in which shall be fairly written, in Words at length, the Names and Surnames, with the proper Additions and Places of Abode, of all Persons who shall be Purchasers of any of the Annuities aforesaid, and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon the Credit of this Act; and also the Sum and Sums so paid for the Purchase of such Annuities, and the respective Days of Payment thereof; and also by the same, or any other Books, to shew the Application of all Sums of Money raised in pursuance of this Act; to which Book or Books it shall and may be lawful for the said respective Purchasers, and their Assigns, or any Person or Persons who shall be liable to any Assessments to be made by virtue of this Act, from Time to Time, and at all seasonable Times, to have Recourse, and to inspect the same without Fee or Reward; and the said Trustees shall cause an Account to be made up yearly of all Monies paid by them in such Year, and shall cause the Balance of such Account to be carried on and accounted for in the next Year's Account; and shall also estimate or state all Monies due from and payable by the said Trustees, or their Collectors, and also all Monies due from and payable by the said Trustees, by virtue of this Act.

Annuitants impowered to sue for, and recover the Annuities and Arrears.

'XVI. And, for the more effectual securing to the said Annuitants the full and regular Payment of 'their respective Annuities as aforesaid,' be it further enacted by the Authority aforesaid, That if it shall happen that the said respective Annuities so as aforesaid to be granted or sold, or any Part thereof, shall be behind or unpaid, by the Space of Thirty Days next after the same shall respectively become due and payable as aforesaid, (being demanded), they the said Annuitants respectively, and his and their respective Executors, Administrators, and Assigns, are hereby impowered, from Time to Time, to commence and prosecute One or more Action or Actions at Law upon the Case, or in Debt, in any of His Majesty's Courts of Record at *Westminster*, in order to recover such Annuity or Annuities, or yearly Sums, and all Arrears thereof that shall be due to him, her, or them respectively, against the Treasurer or Receiver appointed by the said Trustees for the Time being refusing or neglecting to pay the same; and shall and may, upon such Action or Actions, recover the Money so due and payable: And moreover, if a Verdict passes for the Plaintiff or Plaintiffs in such Action or Actions, he, she, or they, shall recover Full Costs, and shall have the like Remedies for the same as by the Law is allowed in other Cases.

Annuities may be transferred.

Assignments may be entered in a Book.

Clerk's Fees.

XVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Purchaser or Purchasers of any such Annuities, and his, her, and their Assigns, to assign over their respective Annuities, and the Deeds of Grant, or Securities for the same, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk appointed by the said Trustees, within Thirty Days after the Date thereof, who shall cause an Entry of such Transfers or Assignments to be made in a proper Book or Books to be provided for that Purpose, containing, in Words at length, the Dates, Names of the Parties, and the Annuity therein mentioned to be assigned and transferred, for which the Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; all which said Books shall and may, at all seasonable Times, be perused and inspected, without Fee or Reward, by any Person or Persons interested in any such Security, Assignment, or Annuity; and after such Entry made, such Assignment and Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in such Manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power of any Person, who shall have made such Assignment and Transfer, to make void or discharge the same, or any Monies due thereon.

Proviso.

XVIII. Provided always, That no Assignment shall be deemed good and effectual, nor shall the Trustees be obliged to take Notice thereof, until such Entry shall have been made in such Book or Books as aforesaid.

A Rate of 6d. in the Pound to be raised for the Purposes of defraying the Expences of this Act;

'XIX. And, for the more effectually securing the Payment of the said Annuities so to be granted or 'sold, for the raising Money to pay for the inclosing the said Pieces or Parcels of Ground, so to be an- 'nexed to the said Church-yard, and making the same fit and commodious for the Burial of the Dead; 'as also for the erecting and furnishing the additional Building for the better Reception and Employ- 'ment of the Poor; and likewise for making the said intended Road, and all Charges and Expences 'incident to and attending the obtaining and passing this Act;' be it further enacted by the Authority aforesaid, That from and after the said First Day of *June*, One thousand seven hundred and seventy-two, it shall and may be lawful to and for the said Trustees herein-before named and appointed, or any Seven or more of them, being Owners of Land in, or Inhabitants of, the said Parish, and they are hereby required to make, or cause to be made, as soon as conveniently may be, after that Time, an Assessment or Assessments, upon all and every the Lands, Houses, Mills, Shops, Warehouses, or Tenements,

Tenements, and Hereditaments, within the ſaid Pariſh, ſo as the ſame do not exceed in the whole Sixpence in the Pound, of the yearly Rent of ſuch Lands, Houſes, Mills, Shops, Warehouſes, Tenements, or Hereditaments, as the ſame ſhall at the Time of making ſuch Aſſeſſment or Aſſeſſments ſtand charged and rated to the Land-tax, Two-third Parts whereof ſhall be ſuſtained and paid by the reſpective Landlords and Owners of the ſaid Lands, Houſes, Mills, Shops, Warehouſes, Tenements, and Hereditaments reſpectively, and the remaining One-third Part ſhall be ſuſtained and paid by the reſpective Inhabitants, Tenants, or Occupiers thereof; which ſaid Aſſeſſment or Aſſeſſments, and all Arrears that ſhall or may become due, or remain unpaid thereof, ſhall and may be collected from the Tenants or Occupiers by the Collector or Collectors of the Land-tax for the Time being, or ſuch other Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall appoint, who are hereby required to give Receipts *gratis* to the Perſon or Perſons paying the ſame; and the ſaid Tenants and Occupiers ſhall and may deduct and detain out of the Rents payable to the Landlords and Owners of the ſaid Premiſes the ſaid Two-third Parts of ſuch Rate or Aſſeſſment ſo to be made and collected; and the ſaid Landlords, mediate or immediate, according to their reſpective Intereſts, are hereby required to allow to ſuch Tenants, ſuch Deductions and Payments accordingly: And every Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, for and upon the Landlord's Account, ſhall be acquitted and diſcharged of and from ſo much Money as the ſame ſhall amount unto, as fully and effectually as if the ſame had been actually paid to any ſuch Landlord or Landlords, or other Perſon or Perſons to whom his or her Rent was or ſhould have been paid or payable.

Two-thirds to be paid by Owners, and One-Third by Tenants.

Tenants to make up Deficiencies, and deduct the ſame out of their Rents.

'XX. And, for the more perfect, exact, and certain making and collecting all and every the Aſſeſſment and Aſſeſſments, hereby authoriſed to be made,' be it further enacted by the Authority aforeſaid, That the Collector or Collectors for the Time being of the Land-tax, rated and charged upon every or any Part of the ſaid Pariſh, and every of them, upon Two Days Notice to him or them reſpectively given, or left at his or their reſpective Place or Places of Abode, by any Servant or Agent, to be employed by the Truſtees herein-before named, ſhall, and they are hereby required to attend with, and to produce and ſhew the ſeveral Land-tax Aſſeſſments, in the Cuſtody of each of them reſpectively, at the Time and Times of making the Aſſeſſment or Aſſeſſments, purſuant to this Act, to the Truſtees herein named, or ſuch of them, as ſhall be aſſembled and met together for that Purpoſe.

Collectors of the Land-tax to attend on Two Days Notice given them, and produce their Aſſeſſments.

XXI. And be it further enacted by the Authority aforeſaid, That they the ſaid Truſtees, and the Survivors of them, or any Seven or more of them, ſhall be, and are hereby impowered to demand, receive and take of and from the Collectors, the Monies ariſing by the Aſſeſſment or Aſſeſſments herein-before mentioned, which Monies ſhall be by the ſaid Truſtees, or any Seven or more of them, paid and applied to and for the ſeveral Uſes and Purpoſes aforeſaid, and in ſuch Manner as herein-after is mentioned: And in caſe any Perſon or Perſons ſhall neglect or refuſe to pay ſuch Aſſeſſment or Aſſeſſments, then it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, for the Time being, or any Perſon or Perſons whom they, or any Seven or more of them, ſhall, by any Writing under their Hands and Seals, appoint and authoriſe, to levy the ſaid Aſſeſſment or Aſſeſſments upon every or any of the Perſon or Perſons liable to pay the ſame, according to the true Intent and Meaning of this Act, by Diſtreſs of the Goods and Chattels belonging to the Perſon and Perſons neglecting or refuſing to pay the ſame; and the Goods and Chattels ſo diſtrained to detain and keep until ſuch Aſſeſſment or Aſſeſſments, and the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and that it ſhall and may be lawful to and for ſuch Perſon and Perſons ſo diſtraining, after the Space of Three Days next after ſuch Diſtreſs taken, to ſell the Goods and Chattels ſo diſtrained, returning the Overplus, if any be, to the Owner or Owners thereof, after ſuch Aſſeſſment or Aſſeſſments, and the reaſonable Charges for or by reaſon of diſtraining, keeping, and ſelling the ſame, ſhall be deducted.

Power of Truſtees.

Rates may be levied by Diſtreſs.

XXII. And be it further enacted by the Authority aforeſaid, That the ſaid Collector or Collectors for the Time being, and every of them, ſhall have and be intitled to ſuch Allowance, for all ſuch Sum and Sums of Money, as he ſhall ſo collect as aforeſaid, for his Trouble in collecting the ſame, as the Truſtees, or any Seven or more of them ſhall appoint, ſo as the ſame ſhall not at any Time exceed Sixpence in the Pound; and ſhall, from Time to Time, pay over all and every Sum and Sums of Money, by them, reſpectively collected and received, after deducting or retaining ſuch Allowance, as herein laſt before mentioned, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Seven or more of them, ſhall, by any Writing or Writings under their Hands, authoriſe and impower to receive the ſame, (ſuch Treaſurer or Receiver giving a reaſonable Security to the ſaid Truſtees, or any Seven or more of them, for his due and faithful Execution of his ſaid Office), to be for the Purpoſes of, and according to the Intent and Meaning of this Act, and not otherwiſe: And that every ſuch Collector ſhall fairly enter, or cauſe to be entered, in One or more Book or Books, to be kept for that Purpoſe, all and every Sum and Sums of Money, which they, and every of them, ſhall have reſpectively received or collected, by virtue of this Act, or by virtue of any Power or Authority in purſuance thereof, with the reſpective Times of their receiving the ſame; and ſhall, upon Oath, as often as required by the ſaid Truſtees, or any Seven or more of them, to be made before One or more Juſtice or Juſtices of the Peace of the Liberty of *Saint Alban*, in the ſaid County of *Hertford*, (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter), give a true, exact, and perfect Account in Writing, under his or their Hand or Hands, of all the Monies which he or they ſhall have collected, levied, or received.

Collectors to have Allowance for their Trouble in collecting,

and pay to the Rates to the Receiver appointed by the Truſtees.

Receiver to give Security.

Collectors to enter Sums collected in a Book,

and to account upon Oath.

XXIII. And be it further enacted by the Authority aforeſaid, That in caſe any of the Monies collected or received by virtue of this Act ſhall be loſt by Inſolvency, or otherwiſe, the ſaid Truſtees, or any Seven or more of them, ſhall and may make a new additional Rate or Aſſeſſment, or Rates or Aſſeſſments, for ſuppling and making good ſuch Deficiencies, and the Charges occaſioned by or on Account

Loſſes how to be made good.

of the ſame, which ſhall be collected and levied in Manner aforeſaid, any Thing herein contained to the Contrary notwithſtanding.

Rates collected chargeable with the Payment of Annuities.

On Default of Payment, the Rates to veſt in the Annuitants, until Annuities and Coſts be fully paid.

XXIV. And be it further enacted by the Authority aforeſaid, That the Aſſeſſment or Aſſeſſments herein directed to be collected and paid, ſhall be charged and chargeable with and for the Payment of the Annuity or Annuities ſo granted or ſold; and in caſe of Default of Payment of the ſaid Annuity or Annuities within the Space of Forty Days next after the Time or Times when the ſame ſhall become due and payable, the Monies due on ſuch Aſſeſſments ſhall be from thenceforth veſted in the Perſon or Perſons who ſhall have contributed, advanced, and paid ſuch Sum or Sums of Money upon the Credit of this Act, or his, her, or their Executors, Adminiſtrators, or Aſſigns, until the ſame ſhall be fully paid and ſatisfied, and all Coſts and Charges occaſioned by the Nonpayment of the ſame; and ſuch Perſon and Perſons who ſhall contribute, advance, and pay the ſaid Monies, or his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall, in caſe the ſame Annuity or Annuities ſhall be unpaid for the Space of Forty Days as aforeſaid, and until full Payment thereof, with all Coſts and Charges aforeſaid, have the ſame Power, Rights, and Privileges of aſſeſſing, collecting, diſtraining for, and levying the ſaid Aſſeſſment or Aſſeſſments, payable by virtue of this Act, as the ſaid Truſtees, or any of them, could have had, in caſe the ſaid Annuity or Annuities had been regularly and fully paid.

Commencement and Continuance of the Rates.

XXXV. And be it further enacted by the Authority aforeſaid, That the Aſſeſſment or Aſſeſſments to be made in purſuance or by virtue of this Act, ſhall take Place from ſuch Time as ſhall be appointed by the ſaid Truſtees, or any Seven or more of them; and that the like Aſſeſſment or Aſſeſſments ſhall then after be made yearly, and Once or oftener in every Year, and be collected and levied in ſuch Manner and Proportion as the Firſt Aſſeſſment or Aſſeſſments is or are herein-before directed to be made, collected, and levied, and ſhall be and continue for and during the natural Life or Lives only of ſuch Perſon or Perſons reſpectively as ſhall have contributed, advanced, and paid, any Sum or Sums of Money purſuant to this Act (if any ſuch ſhall be contributed, advanced, and paid as aforeſaid); and in caſe no ſuch Annuity or Annuities ſhall be granted or ſold, or no ſuch Sum or Sums of Money ſhall be concontributed, advanced, or paid, on Account thereof, then, during ſo long Time, and until the Charges and Expences of annexing or incloſing the ſaid Pieces or Parcels of Ground ſo to be annexed to the ſaid Church-yard, and making the ſame fit and commodious for the Burial of the Dead; and alſo until the Expences of erecting and furniſhing the new additional Building to the ſaid Workhouſe, for the better Reception and Employment of the Poor of the ſaid Pariſh; and likewiſe the Expences of making the ſaid new intended Road, and all other Charges incident thereunto; and alſo the Expences of applying for and obtaining this Act ſhall be fully paid and ſatisfied: And from and after the Determination of ſuch Annuity or Annuities as ſhall be granted or ſold as aforeſaid, and Satisfaction made of all ſuch Sum and Sums of Money ſo to be contributed, advanced, and paid as aforeſaid; and alſo from and after the Payment and Satisfaction of the Charges and Expences laſt before mentioned, (in caſe no ſuch Annuity or Annuities ſhall be granted or ſold, or no ſuch Sum or Sums ſhall be contributed, advanced, and paid on Account thereof), ſuch Aſſeſſment or Aſſeſſments ſhall ceaſe and determine, any Thing herein contained to the Contrary notwithſtanding.

Truſtees dying, or refuſing to act, others may be choſen.

XXVI And be it further enacted by the Authority aforeſaid, That, from Time to Time, and at all Times during the Continuance of this Act, when any Truſtee or Truſtees appointed by this Act, or to be appointed in purſuance hereof, (other than and except the Vicar and Churchwardens for the Time being), ſhall die or refuſe to Act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, (other than and except the ſaid Vicar and Churchwardens for the Time being), aſſembled at any Meeting in purſuance of this Act, by any Writing or Writings under their Hands, to nominate and appoint ſome other fit and able Perſon or Perſons, being Inhabitants of or Owners of Land in the ſaid Pariſh of *Watford*, to be a Truſtee or Truſtees for putting this Act in Execution; all which Perſons ſo to be nominated and appointed ſhall be, and are hereby inveſted with the ſeveral Powers by this Act granted to the Truſtees herein and hereby nominated and appointed.

40 s. to the Alms-women to be paid by the Overſeers of the Poor for ever.

'XXVII. And, in order to provide a reaſonable Recompence for the ſaid Eight poor Women, inhabiting the ſaid Alms-houſes, and for the Alms-women elected and appointed to reſide therein for the Time being, for the ſaid Court or Alms-yard ſo to be taken therefrom, and appropriated for the Purpoſes of this Act,' be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Overſeers of the Poor of the ſaid Pariſh of *Watford* for the Time being, and they are hereby authoriſed, impowered, and required, to pay out of the Poors Rates of the ſaid Pariſh the Sum of Forty Shillings yearly for ever, to be paid to and equally divided among the ſaid Eight poor Almswomen for the Time being, on the Twenty-fourth Day of *December* in every Year, the Firſt Payment thereof to begin and be made on the Twenty-fourth Day of *December* next after the paſſing of this Act.

No Tenant chargeable with the Poors Rate under 3 l. yearly Rent; nor the Proprietors of empty Houſes to be aſſeſſed.

XXVIII. Provided always, That no Tenant or Tenants of any Houſe or Houſes within the ſaid Pariſh of *Watford* ſhall be charged on his own Account to, or be liable to pay any Rate or Aſſeſſment to be made purſuant to this Act, unleſs ſuch Tenant or Tenants hold and occupy a Houſe or Houſes, of the yearly Value of more than Three Pounds, or be rated towards the Support of the Poor of the ſaid Pariſh, but the Landlord or Landlords of ſuch Houſe or Houſes ſhall not be excuſed from paying his and their Two-third Parts for the ſame: And that no Landlord or Proprietor of any Houſe or Houſes, ſhall be rated for, or liable to pay, any Tax or Aſſeſſment for any Houſe or Houſes, during the Time ſuch Houſe or Houſes ſhall be empty and unoccupied.

XXIX.

Houſes let to different Families to be charged with the whole Rate, &c.

XXIX. Provided alſo, and it is hereby declared, That in caſe any Houſe or Tenement ſhall be ſet, let, or occupied in different Apartments, Rooms, or Lodgings, to or by diſtinct and ſeparate Families, Lodgers, or Inmates, the whole Houſe or Tenement ſo let and occupied ſhall be charged with the whole Rate aſſeſſed, or to be collected, for or in reſpect of the ſame: And in caſe of Non-payment, the ſaid Rate ſhall and may be levied and recovered upon and from any of the Inhabitants or Occupiers of any Part or Parts of ſuch Houſe or Tenement, in ſuch and the ſame Manner as the other Rates, directed by this Act to be raiſed, are appointed to be levied and recovered.

Perſons aggrieved may Appeal to the Quarter-ſeſſions.

XXX. Provided alſo, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall find him or themſelves aggrieved by any Order, Direction, or Appointment of the ſaid Truſtees, or by Means of the ſaid Aſſeſſment or Aſſeſſments, in purſuance or under Colour of this Act; then, upon Appeal to the next Quarter Seſſions, to be held for the ſaid Liberty of *Saint Alban*, within the ſaid County of *Hertford*, it ſhall and may be lawful for the Juſtices of the Peace, or the greater Number of them then and there aſſembled, to make ſuch Order therein, as to them ſhall ſeem meet, which Order ſhall be final and concluſive to all Parties.

Juſtices Order to be final.

The accuſtomed Dues to be paid for Burials in the New Ground.

XXXI. And be it further enacted by the Authority aforeſaid, That the Vicar of the ſaid Pariſh of *Watford* for the Time being ſhall be intitled, from Time to Time, for ever, after the ſaid Ground ſo to be annexed to the ſaid Church-yard ſhall have been conſecrated, to have, hold, exerciſe, and enjoy the ſame Rights, Liberties, and Privileges, over all the Ground to be annexed to the preſent Church-yard, as he now lawfully hath, or can or may lawfully claim over and in reſpect to the preſent Church-yard: And alſo that the ſaid Vicar, and the Clerk and Sexton for the Time being, ſhall, for ever after ſuch Conſecration, have, receive, and take the like Rates, Dues, Fees, and Profits, for and on Account of Burials, in any Part or Parts of the ſaid Pieces or Parcels of Ground, ſo to be annexed to the ſaid Church-yard, as by them, or any of them reſpectively, now are taken and received, for and on Account of Burials in the preſent Cœmetery or Church-yard.

Expences of the Act how to be paid.

XXXII. And be it further enacted by the Authority aforeſaid, That all the Coſts, Charges, and Expences of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed out of the Firſt Monies ariſing by virtue of this Act.

Writings to be without Stamps.

XXXIII. And be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Aſſignment, Transfer, Deed of Grant, or other Security for the borrowing of Money, or other Writing whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

XXXIV. And be it further enacted by the Authority aforeſaid, That if any Suit or Action, ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, every ſuch Suit or Action ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be brought and tried in the County of *Hertford*, and not elſewhere; and the Defendant or Defendants, in ſuch Suits or Action may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance of and by Authority of this Act: And if it ſhall appear to be ſo done, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedies for the ſame, as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XXXV. And it is hereby further enacted and declared, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, in all Courts and Places whatſoever, without ſpecially pleading the ſame.

CAP. XXIX.

An Act to explain and amend an Act, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down and removing certain Light houſes now ſtanding near the* Spurn Point, *at the Mouth of the* Humber; *and for erecting other fit and convenient Light-houſes inſtead thereof.*

Preamble. Act 6 Geo. III.

'WHEREAS by an Act of Parliament, paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for taking down and removing certain Light-houſes now ſtanding near the* Spurn Point, *at the Mouth of the* Humber; *and for erecting other fit and convenient Light-houſes inſtead thereof*; after reciting, amongſt other Things, That it was abſolutely neceſſary for the Safety of the Northern Navigation that Two new Light-houſes ſhould be erected in a proper Place nearer to the *Spurn Point* than the Place where the then Light-houſes ſtood; and that *John Angel*, then of *Stockwell*, in the County of *Surrey*, Eſquire, as Owner of Three-fourth Parts of the ſaid Light-houſes, Revenues, Duties, and Profits, having had frequent Applications made to him, or his Agents, by the Corporations of the *Trinity Houſes* of *Deptford Strond* and *Kingſton upon Hull*, and alſo by *Leonard Thompſon*, therein named, and all poſſible Means having been uſed to prevail on him to change the Situation thereof, in ſuch a Manner as that they might anſwer the good Ends and Purpoſes for which they were originally deſigned, had, from Time to Time, wholly neglected or refuſed ſo to do, or to

'contribute his Proportion of the Expence of taking down and removing the ſaid then Light-houſes, 'and of erecting and building others in the Stead thereof as aforeſaid, whereby, and by Petitions to 'His Majeſty for that Purpoſe, and by References thereon, the ſaid Corporations, and alſo the ſaid *Le-* 'onard Thompſon, had been put to conſiderable Charges and Expences; and alſo reciting, That the ſaid 'Leonard Thompſon was ready and willing to take down and remove the ſaid then Light-houſes, and to 'erect and build others inſtead thereof, in ſuch Place or Places near to the preſent Point of the *Spurn*, 'and in ſuch Manner and Form, as ſhould be thought moſt proper and convenient by the ſaid Corpo- 'ration of the *Trinity Houſe* of *Deptford Strond*, and under their Inſpection and Direction, upon his be- 'ing enabled to borrow and raiſe Money for that Purpoſe, and for repaying to the ſaid Corporations of 'the *Trinity Houſes* of *Deptford Strond* and *Hull*, and him the ſaid *Leonard Thompſon* reſpectively, their 'ſaid reſpective Charges and Expences incurred concerning the ſaid Light-houſes, and alſo for defray- 'ing the Charges of ſoliciting and obtaining that Act, and ſo that the Three-fourth Parts of the ſaid 'Revenues, Duties, and Profits, belonging to the ſaid *John Angell*, might be a redeemable Intereſt in 'him, or the Perſon or Perſons intitled thereto, on his or their paying the whole Amount of the ſaid 'Expences of the ſaid Corporations of *Deptford Strond* and *Hull*, and of him the ſaid *Leonard Thompſon*, 'and the Intereſt thereof, and Three-fourth Parts of the Expences of obtaining that Act, and removing and 'rebuilding the ſaid Light-houſes, and the Intereſt of ſuch Three-fourth Parts, to the Perſon or Perſons 'who ſhould advance and lend the ſame, his, her, or their Executors, Adminiſtrators, or Aſſigns; but 'by reaſon of the Eſtate and Intereſt which the ſaid *John Angell* had in the ſaid Three-fourth Parts of 'ſaid Lands, Light-houſes, Revenues, Duties, and Profits, and by reaſon that the ſaid *Leonard Thomp-* 'ſon was only Tenant for Life, with ſuch Remainders over as in the ſaid Act is mentioned, in the ſaid 'Fourth Part of the ſaid Premiſes, the Purpoſes aforeſaid could not be effected without Aid and Autho- 'rity of Parliament; therefore, for promoting a Work ſo conducive to the Safety of His Majeſty's Sub- 'jects, and to remedy ſo great a detriment to Trade and Navigation, it was enacted, That it ſhould be 'lawful for the ſaid *Leonard Thompſon*, and other the Perſon and Perſons who ſhould for the Time be- 'ing be intitled to his Fourth Part of the Duties and Profits by the ſaid Act granted or continued by or 'under the therein recited Will of *Edward Thompſon*, and he and they were thereby authoriſed and re- 'quired, with as much Speed as conveniently might be, after the Firſt Day of *June*, One thouſand 'ſeven hundred and ſixty-ſix, to erect and build, or cauſe to be erected and built, Two new and ſuffi- 'cient Light-houſes, with ſuitable Offices and Conveniencies, at or near the ſaid *Spurn Point*, and ac- 'cording to ſuch Plan and Eſtimate as the Maſter, Wardens, and Aſſiſtants of the ſaid Corporation of 'the *Trinity Houſe* of *Deptford Strond* ſhould, by Writing under their Common Seal, ſpecify, appoint, 'and approve of; and for that Purpoſe to take down the then preſent Light-houſes, and to make uſe 'of all or any Part of the Materials thereof, or otherwiſe to ſell and diſpoſe of the ſame, and to apply 'the Money ariſing thereby towards building ſuch new Light-houſes; and in the mean Time, and un- 'til ſuch new Light-houſes ſhall be completed, to erect and continue Two temporary Light-houſes 'as near as might be to the reſpective Places where the ſaid new Light-houſes ſhould, as aforeſaid, be 'appointed to be built, and alſo to keep ſufficient Lights and Fires continually burning in the Night 'Seaſon, ſo as to anſwer the Purpoſes intended by the ſaid Act, for the Benefit of Navigation; and 'from Time to Time to enlarge, contract, alter, or remove the ſaid new Light-houſes, or either of 'them, as Occaſion might require, with the Conſent and by the Direction of the ſame Corporation, to 'be ſignified as aforeſaid; and, for any of the Purpoſes aforeſaid, to enter upon and uſe ſuch Part or 'Parts of the Land at or near the *Spurn Point*, as the Corporation of the *Trinity Houſe* of *Deptford Strond* 'ſhould, from Time to Time, by Writing under their Common Seal, appoint: And to the End that 'the Completion of ſo neceſſary a Work might not be obſtructed by the ſaid *John Angell's* per- 'ſiſting in his Refuſal to co-operate with the ſaid *Leonard Thompſon* therein, and for enabling the ſaid 'Leonard Thompſon, or other Perſon or Perſons who ſhould come into Poſſeſſion of his Share or Intereſt 'in the ſaid Premiſes, to diſcharge to the Corporations of the *Trinity Houſe* of *Deptford* and *Hull*, and 'to him the ſaid *Leonard Thompſon* reſpectively, the Expences which he and they had been put to on the 'Occaſions aforeſaid, and to diſcharge the Expences of obtaining the ſaid recited Act (ſuch Expences 'to be aſcertained as therein is directed), and to raiſe Money ſufficient for taking down the then pre- 'ſent Light-houſes, and erecting and building the ſaid temporary Lights and new Light-houſes, it was 'by the ſaid Act further enacted, That it ſhould be lawful for the ſaid *Leonard Thompſon*, or other 'Perſon or Perſons in Poſſeſſion of his ſaid Fourth Part, to borrow and raiſe any Sum or Sums of 'Money, not exceeding in the Whole the Amount of the aforeſaid Expences and Eſtimate aſcertained 'in Manner as aforeſaid; and for ſecuring the Repayment thereof, to mortgage, leaſe, or demiſe, the 'Ground which ſhould be appointed in Manner aforeſaid, together with the Light-houſes which 'ſhould be erected thereon, with their Appurtenances, and the Duties and Profits thereby granted, for 'any Number of Years, not exceeding Five hundred Years, under and ſubject to ſuch Proviſoes, 'Covenants, and Conditions, as well for Redemption as other Purpoſes, as in the ſaid Act are par- 'ticularly mentioned and expreſſed: And it was by the ſaid Act further enacted, That if the ſaid 'Leonard Thompſon, or other Perſon or Perſons who ſhould come into Poſſeſſion of his Share and In- 'tereſt in the ſaid Premiſes, ſhould neglect or refuſe to perform the Works above mentioned within 'Two Years after receiving ſuch Plan and Eſtimate as aforeſaid, that then the ſaid Corporation of the 'Trinity Houſe of *Deptford Strond* ſhould cauſe the ſame to be completed; and from and after the 'Erections of ſuch Light-houſes, and placing Lights therein by the ſaid Corporation, the ſaid Duties 'thereby granted or continued, with the Powers and Authorities for demanding, collecting, and re- 'ceiving the ſame, ſhould immediately veſt in the ſaid Corporation, in Manner and for the Time

'therein mentioned: And whereas, in purſuance of the ſaid Act, the ſaid *Leonard Thompſon* hath proceeded to take down the ſaid old Light-houſes, and at his own Expence hath erected Two temporary Lights; but the ſaid *Leonard Thompſon* not being able to borrow a Sum of Money ſufficient to enable him to erect and build Two new Light-houſes at the ſaid *Spurn Point*, for the Purpoſes in the ſaid Act mentioned, was conſtrained to apply to the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, to take upon them, according to the Directions of the ſaid recited Act, the erecting and building ſuch Two new Light-houſes, with ſuitable Offices and Conveniencies, at or near the ſaid *Spurn Point*, under their Care and Management, which the ſaid Corporation, after furniſhing a proper Plan and Eſtimate for that Purpoſe to the ſaid *Leonard Thompſon*, did accordingly undertake and agree to do, and, in purſuance thereof, have contracted and agreed with able and experienced Surveyors and Workmen for the erecting and building ſuch Two new Light-houſes, according to the ſaid Plan and Eſtimate approved of under their Common Seal, as by the ſaid Act is directed; and the ſaid Corporation are now proceeding, with all due Diligence, to conſtruct and finiſh the ſaid Two new Light-houſes, and for that Purpoſe have already expended and laid out ſeveral large Sums of Money, and will be under a Neceſſity of expending a ſtill further conſiderable Sum before the ſaid Light-houſes and Works can be completed: And whereas the Duties granted or continued by the ſaid former Act are not to become veſted in the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, under the Powers contained in the ſaid recited Act, until the ſaid Two new Light-houſes ſhall be erected, and Lights placed thereon by the ſaid Corporation: And whereas the ſaid Corporation, and the ſaid Corporation of the *Trinity Houſe* of *Hull*, and alſo the ſaid *Leonard Thompſon*, have expended very conſiderable Sums of Money on the Occaſions in the ſaid Act mentioned, as alſo in the obtaining the aforeſaid Act of Parliament, (all which Expences have been aſcertained by the Commiſſioners therein named, according to the Directions and Authority of the ſaid Act), and ſince the paſſing thereof, in pulling down the ſaid old Light-houſes, and erecting the aforeſaid temporary Light-houſes, and in carrying on the preſent Works towards building and completing the ſaid Two new Light-houſes, which Sums they have at preſent no Means of being reimburſed; and the Agents of the ſaid *John Angell* have alſo greatly obſtructed the Workmen employed by the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, in erecting the ſaid new Light-houſes: And whereas it is highly neceſſary to the Navigation of this Kingdom, that the ſaid new Light-houſes ſhould be erected and completed as ſoon as may be; and it is alſo very fit and reaſonable that the ſaid Corporations of the *Trinity Houſes* of *Deptford Strond* of *Hull*, and alſo the ſaid *Leonard Thompſon*, ſhould be ſeverally paid their aforeſaid Charges and Expences; may it therefore pleaſe Your Majeſty, that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, the ſaid Two temporary Light-houſes erected as aforeſaid, and the Upholding, Maintenance, Management, and Care thereof, until the ſaid new Light-houſes ſhall be erected and completed, and alſo all and every the Duties granted in or by all or any the Letters Patent in the ſaid recited Act mentioned or referred to, or by the ſaid Act continued, confirmed, or granted, together with the Powers and Authorities by the ſaid Act, or Letters Patent, given or granted for demanding, collecting, and recovering the ſame, ſhall immediately veſt in the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, and their Succeſſors, who may, from Time to Time, appoint proper Light-keepers, and other Officers and Servants, for the Care and Management of the ſaid temporary and new Light-houſes, and alſo proper Perſons to receive the ſame Duties; and the ſaid Corporation ſhall and may, and is hereby required and impowered, by and out of the Three-fourth Parts of the ſaid Duties belonging to the ſaid *John Angell*, in the Firſt Place, to diſcharge and reimburſe to the ſaid Corporations of the *Trinity Houſes* of *Deptford Strond* and *Hull*, and to him the ſaid *Leonard Thompſon*, all the Expences which they have reſpectively been put to on the Occaſions in the ſaid Act mentioned, and which are, by the ſaid recited Act, directed to be wholly borne and paid by the ſaid *John Angell*, together with Intereſt for the ſame; and alſo by and out of the Whole of the ſaid Duties, to diſcharge and reimburſe to the ſaid Corporations and *Leonard Thompſon* all the Expences which they have reſpectively been put to in obtaining the ſaid recited Act of Parliament, as the ſame ſeveral Expences have been aſcertained, ſettled, and allowed by the Commiſſioners therein named, as herein-before mentioned; and, in the next Place, to diſcharge, ſatisfy, and reimburſe to the ſaid *Leonard Thompſon*, all ſuch Sum and Sums of Money as he ſhall have laid out and expended in, about, or incident to the ſaid Two temporary Light-houſes, together with the Intereſt for the aforeſaid ſeveral and reſpective Sums of Money; and after Payment and Satisfaction thereof, then to ſatisfy and reimburſe to the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond* all ſuch Sum and Sums of Money as the ſaid Corporation hath already or ſhall hereafter expend or be put unto in maintaining and repairing, and alſo in the Management and Care of the ſaid Temporary Lights, and in the erecting and completing the ſaid Two new Light-houſes, and all Charges and Expences incident thereto reſpectively, together with the Intereſt of the ſame; and alſo the Expences of ſoliciting and obtaining this preſent Act: And from and after full Satisfaction of all and every the Sums of Money, Charges, and Expences herein-before mentioned and enumerated, and hereby intended and directed to be paid by Receipt of the ſaid Duties, and alſo after Payment of the Charges and Expences of collecting the ſame, then the Power of the Receiver or Receivers to be appointed by the ſaid Corporation ſhall ceaſe and determine, and the ſaid Duties ſhall from thenceforth re-veſt in the ſaid *John Angell* and *Leonard Thompſon* reſpectively, according to their proportionate Shares and Intereſts therein, or in the Perſons for the Time

Temporary Light-houſes and Duties veſted in Trinity Houſe of Deptford Strond, until all Expences be paid, &c.

and after Satisfaction of all Money due, Light houſes, &c. to be re-veſted in the former Proprietors.

Time being intitled to the ſame, together with the Powers and Authorities by the ſaid Act granted for demanding, collecting, and recovering the ſame.

Light-houſes to be altered in caſe of Neceſſity.

II. Provided always, and it is hereby enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond*, until ſuch Time as the ſaid Two new Light-houſes ſhall be completely erected, and Lights placed therein, from Time to Time, in caſe of abſolute Neceſſity, to alter, or remove the ſaid new Light-houſes, or either of them, and for any of the Purpoſes aforeſaid, to enter upon and uſe ſuch Part or Parts of the Land at or near the *Spurn Point*, be it the Soil or Ground of the King's moſt Excellent Majeſty, His Heirs or Succeſſors, or of any other Perſon or Perſons, Bodies Politick, Corporate or Collegiate; and that the Charges and Expences of ſuch Alterations or Removal of the ſaid new Light-houſes, and in the mean Time of erecting temporary Lights, if the ſame ſhall be found neceſſary, ſhall and may be detained, from Time to Time, by the ſaid Corporation, out of all or any Part of the ſaid Duties, in Manner aforeſaid.

Proviſions for future Repairs.

III. Provided alſo, and it is hereby further enacted and declared, That if after the ſaid new Light-houſes ſhall have been built and completed, and the ſame ſhall be re-veſted in the ſaid *Leonard Thompſon* or *John Angell*, or either of them, or in any other Perſon or Perſons intitled to their or either of their Shares therein, the ſaid new Light-houſes, ſhall at any Time thereafter be out of Repair, ſo as not to anſwer the Purpoſes hereby intended, and ſhall not be put into ſufficient Repair and Condition within the Space of Forty Days, after giving or leaving Notice or Warning in Writing from the ſaid Corporation of the *Trinity Houſe* of *Deptford Strond* with the Keeper or Keepers of the ſaid Light-houſes, requiring ſuch Defects or Wants of Reparations to be remedied and amended; then, and from thenceforth, the ſaid Corporation ſhall, and they are hereby required to cauſe the ſaid Light-houſes to be repaired, and from thenceforth the ſaid Duties hereby granted or continued, with the Powers and Authorities for demanding, collecting, and recovering the ſame, ſhall immediately again veſt in the ſame Corporation, who may from Time to Time, appoint proper Perſons to receive the ſame Duties, and thereout reimburſe themſelves all the Expences, Coſts and Charges which they ſhall have ſuſtained in or about the repairing the ſaid Light-houſes, and all other incident Charges; and from and after Payment and Satisfaction thereof to the ſaid Corporation, the Power of the Receiver or Receivers ſo to be appointed as aforeſaid ſhall ceaſe and determine, and the ſaid Duties ſhall thenceforth re-veſt in the ſaid *Leonard Thompſon* and *John Angell*, according to their proportionate Share or Intereſt, or in the Perſons for the Time being intitled to the ſame, with the Powers and Authorities hereby granted for demanding, collecting, and recovering the ſame.

The Duties ſhall be payable in the ſame Manner as for the Old Light-houſes.

IV. And be it enacted by the Authority aforeſaid, That the ſaid Duties to be demanded and raiſed in reſpect to the Light-houſes to be erected by virtue of this preſent or the ſaid former Act, ſhall be demanded and payable in like manner, and to as full Extent as the ſame were due and payable in reſpect of the ſaid former Light-houſes, which have been pulled down and abated by virtue of the ſaid former Act; any Thing herein contained to the contrary notwithſtanding.

On Payment by Mr. Angell or Mr. Thompſon to the Trinity Houſe their reſpective Shares of Expences, &c. the Light-houſes to re-veſt in either of them.

V. Provided always, and it is hereby further enacted, That in caſe either of them the ſaid *John Angell* and *Leonard Thompſon*, or the Perſon or Perſons intitled to their reſpective Shares of the ſaid Light-houſes and Duties, ſhall at any Time pay and reimburſe to the ſaid Corporation of the *Trinity Houſe of Deptford Strond*, his or their reſpective Parts and Proportions herein-before aſcertained of the ſeveral Sums charged upon the ſaid Duties to be veſted in the ſaid Corporation for the Purpoſes herein-before directed, that then the ſaid Light-houſes and Duties ſhall, from thenceforth immediately re-veſt in either of them the ſaid *John Angell* and *Leonard Thompſon*, or the Perſon or Perſons intitled as aforeſaid, according to their proportionate Shares and Intereſts in the ſaid Light-houſes and Duties, who ſhall have ſo paid his or their reſpective full Shares and Proportions of the ſaid Sums of Money; any Thing herein contained to the contrary notwithſtanding.

Mr. Thompſon impowered to mortgage, &c.

'VI. And whereas it would be unreaſonable that the Proportion of the Expence charged by the 'ſaid former and this preſent Act, upon the Fourth or ſuch other Part of the ſaid Light-houſes and 'Duties, whereof the ſaid *Leonard Thompſon* is ſo Tenant for Life, ſhould be raiſed and paid out of 'or during his Life Eſtate therein, in Exoneration of the Perſon or Perſons who ſhall be intitled to 'the ſame Fourth Part, expectant upon his Deceaſe;' be it therefore further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid *Leonard Thompſon*, and he is hereby fully authoriſed and impowered, by Mortgage, Grant, Leaſe, or Demiſe of the ſaid Fourth or other Part of the ſaid Light-houſes and Duties, and the Reverſion and Inheritance thereof, to borrow and raiſe any Sum or Sums of Money ſufficient to pay and diſcharge, and not exceeding in the Whole the Amount of the ſaid ſeveral Expences, to the Payment whereof the ſaid Fourth Part is made chargeable, and ſubjected by the ſaid former and this preſent Act; and ſuch Mortgage and Mortgages ſhall be valid and effectual to all Intents and Purpoſes, notwithſtanding the ſaid Light-houſes and Duties being inveſted in the ſaid Corporation, and notwithſtanding the ſaid *Leonard Thompſon*'s being only Tenant for Life as aforeſaid; ſo nevertheleſs that ſuch Mortgage or Mortgages ſhall not defeat or obſtruct, or be conſtrued to defeat or obſtruct, the Purpoſes for which the ſaid Duties are hereby directed to be veſted in the ſaid Corporation of the *Trinity Houſe of Deptford Strond*; and ſo as every ſuch Mortgage ſhall contain a Proviſo, that the Perſon or Perſons who ſhall, upon the Deceaſe of the ſaid *Leonard Thompſon*, become intitled to the Reverſion or Remainder of the ſame Fourth or other Part, ſhall not, on his, her, or their coming into Poſſeſſion thereof, be liable to any larger Arrear of Intereſt than for One Year preceding the Time when the Title to ſuch Poſſeſſion ſhall accrue and commence; or in Default of raiſing by Mortgage as aforeſaid the Amount of the ſaid ſeveral Expences, whereto the ſaid *Leonard Thompſon*'s ſaid

Fourth or other Part of the ſaid Light-houſes and Duties is charged or ſubjected by the ſaid former or this preſent Act, for the Purpoſes herein-before enumerated, the ſame ſhall be a Lien and Charge upon the Reverſion or Remainder of the ſame Fourth or other Part, expectant on his Deceaſe, and ſhall be payable to ſuch Perſon or Perſons as the ſaid *Leonard Thompſon* ſhall by Deed or Will, to be duly executed by him in the Preſence of and atteſted by Two or more credible Witneſſes, direct and appoint, or in Default thereof, to the Executors or Adminiſtrators of the ſaid *Leonard Thompſon*, at the End of Six Months next after his Death, together with Intereſt for the ſame, from the Day of his Deceaſe, by the Perſon or Perſons who ſhall thereupon become intitled to the Reverſion or Remainder of the ſame Fourth or other Part of the ſaid Light-houſes and Duties.

Saving Mr. Conſtable's Rights.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice *William Conſtable* Eſquire, his Heirs or Aſſigns, or ſuch other Perſon or Perſons who now is or hereafter ſhall be Owner or Owners of the Soil or Ground whereon ſuch new-intended Light-houſes, Offices, or other Conveniencies, ſhall be built, with reſpect to the Satisfaction and Recompence made to him or them by the ſaid former Act, nor to defeat, leſſen, or prejudice the Right, Title, and Intereſt, of the ſaid *William Conſtable*, his Heirs or Aſſigns, as Lord or Lords of the Manor of *Kilnſea*, in the ſaid County, or as Lord or Lords of the Seigniory of *Holderneſs*; any Thing herein contained to the Contrary notwithſtanding.

Saving the Rights of the Corporation.

VIII. Provided alſo, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, leſſen, or defeat, any of the Powers, Privileges, Immunities, or Juriſdictions of or belonging to the Corporation of the *Trinity Houſe of Deptford Strond*.

Limitation of Actions.

IX. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, that then, and in every ſuch Caſe, the Action or Suit ſhall be brought within Six Calendar Months next after the Fact committed, and ſhall be laid in the County of *York*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſo to be brought ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſhall diſcontinue his, her, or their Action or Actions, Suit or Suits, or if, upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants ſhall and may have in any Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

X. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act; and be judicially taken Notice of as ſuch in all Courts, and by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXX.

An Act for the further Augmentation of the Salaries of the Juſtices of *Cheſter*, and the Great Seſſions for the Counties in *Wales*.

Preamble.

'WHEREAS it is highly reaſonable and expedient that a further Augmentation ſhould be made to the Salaries of the Juſtices of *Cheſter*, and of the Great Seſſions for the Counties in *Wales*: And whereas the ſeveral Stamp-duties, granted by divers Acts of Parliament made in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, and in the Second and Fifth Years of His preſent Majeſty's Reign, and appropriated for the Payment of the augmented Salaries of the reſpective Judges therein mentioned, have for the laſt four Years, produced annually a conſiderable Surplus; and the ſame is, by the ſaid ſeveral Acts, reſerved for the Diſpoſition of Parliament;" be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, there ſhall be iſſued, paid, and applied, in every Year, and out of any of the Surpluſſes which ſhall ariſe upon the ſeveral Stamp-duties granted by the Acts aforeſaid, after the Payment already charged thereupon, ſhall, from Time to Time, have been ſatisfied, the Sums of Money following to the ſeveral Juſtices herein-after mentioned, as an Addition to, and in further Augmentation of, their reſpective Salaries; that is to ſay, The annual Sum of Three hundred Pounds, to the Chief Juſtice of *Cheſter* for the Time being; the annual Sum of Two hundred Pounds, to the Second Juſtice of *Cheſter* for the Time being; and to each of the Juſtices for the Time being of the Great Seſſions for the Counties in *Wales*: Which ſaid ſeveral and reſpective Sums of Money ſhall be, and are hereby charged upon the Surpluſſes of the ſeveral Stamp-duties aforeſaid, and ſhall be paid thereout, in every Year, at ſuch Time or Times, and in ſuch Manner, as the Salaries of the ſaid Juſtices now are or have been uſed to be paid.

Surplus ariſing from Stamp-duties, granted by 32 Geo. II. and 2 & 5 Geo. III.

from April 2, 1772, to be applied as a further Augmentation to the Salaries of Juſtices; viz. 300 l. per Ann. to the Chief Juſtice of Cheſter; 200 l. per Ann. to the Second Juſtice; and to every Juſtice of the Great Seſſions of Wales; to be paid as uſual.

If the Surpluſſes prove inſufficient in any Year, a rateable Abatement to be made.

II. Provided always, and be it further enacted by the Authority aforeſaid, That if the Surpluſſes of the ſaid Duties ſhall prove inſufficient, in any Year, to make good and anſwer the Sums herein-before appointed to be paid and applied yearly, in further Augmentation of the Salaries of the ſaid Juſtices; then, and in every ſuch Year, a rateable Abatement or Deduction, in Proportion to ſuch Deficiency, ſhall be made out of the ſeveral annual Sums hereby directed and appointed to be paid for

that

that Year to such Justices respectively; and if any Surplus shall remain, in any Year, of the Produce of the said Duties, after Payment of the Monies hereby charged thereon, the same shall be reserved for the Disposition of Parliament, in the same Manner as it was directed to be reserved before the making of this Act.

CAP. XXXI.

An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments; and to indemnify Justices of the Peace, or others, who have omitted to register or deliver in their Qualifications within the Time limited by Law, and for giving further Time for those Purposes; and to indemnify Members and Officers, in Cities, Corporations, and Borough Towns, whose Admissions have been omitted to be stamped according to Law, or, having been stamped, have been lost or mislaid, and for allowing them Time to provide Admissions duly stamped, and to give further Time to such Persons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.

CAP. XXXII.

An Act for allowing the free Importation of Rice into this Kingdom, from any of His Majesty's Colonies in *America* for a limited Time.

'WHEREAS the allowing the free Importation of Rice from any of His Majesty's Colonies in *America* into *Great Britain* for a limited Time, may be of great Advantage; may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for any Person or Persons to import into *Great Britain*, from any of His Majesty's Colonies in *America*, at any Time or Times before the First Day of *May*, One thousand seven hundred and seventy-three, any Rice without the Payment of any Subsidy, Custom-duty, or Imposition whatsoever, any Thing in any former Act or Acts of Parliament to the Contrary thereof in anywise notwithstanding. Preamble. Rice may be imported Duty free, any Time before May 1, 1773.

II. And be it further enacted by the Authority aforesaid, That for and upon all Rice which shall be imported into this Kingdom Duty-free by this Act, and which shall be again exported thereout, there shall be paid and answered to His Majesty, His Heirs and Successors, a Subsidy of Poundage of Sixpence in the Pound, according to the Value or Rate upon Rice imported, in the Book of Rates, referred to by the Act of the Twelfth Year of King *Charles* the Second; which said Subsidy of Sixpence in the Pound, upon such Rice so exported, shall be raised, levied, collected, and recovered, by such Ways and Means, and under such Rules, Regulations, Penalties, and Forfeitures, as the Subsidy or Poundage, for any Goods or Merchandise exported from *Great Britain*, may be raised, levied, collected, or recovered, by any Act of Parliament now in Force, as fully and effectually to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures relating thereto, were particularly repeated and again enacted in the Body of this present Act. Subsidy of 6 d. per Pound on all Rice imported, to be paid, according to the Value thereof, to be levied as the Subsidy of Poundage on other Goods.

III. And be it further enacted by the Authority aforesaid, That the said Duties granted by this Act upon Rice exported, shall (the necessary Charges of Management excepted) be paid into the Receipt of His Majesty's Exchequer, and be there reserved for the Disposition of Parliament. Duties hereby granted to be paid into the Receipt of Exchequer.

CAP. XXXIII.

An Act for allowing the Importation of Wheat, Wheat Flour, Rye, Rye Meal, and *Indian* Corn, into this Kingdom, for a limited Time, free of Duty.

'WHEREAS the Importation of Wheat and Wheat Flour, Rye, and Rye Meal, from any Part of *Europe*, or from any of His Majesty's Colonies in *America*, and also the Importation of *Indian* Corn, from any of His Majesty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty, may be advantageous to His Majesty's Subjects; may it therefore please Your most Excellent Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Person or Persons whatsoever, to import into *Great Britain*, in any Ship or Vessel whatsoever, at any Time or Times before the First Day of *December*, One thousand seven hundred and seventy-two, any Wheat, Wheat Flour, Rye, and Rye Meal, from any Part of *Europe*, or from any of His Majesty's Colonies in *America*; and also any *Indian* Corn, from any of His Majesty's Colonies in *America*, into *Great Britain*, without the Payment of any Subsidy, Custom-duty, or Imposition whatsoever; and may also be carried Coastwise, under such Regulations as Wheat and Wheat Flour, Rye, and Rye Meal, of the Growth of this Kingdom, are now allowed to be carried Coastwise, at all Times before the said First Day of *December*, One thousand seven hundred and seventy-two; any Thing in any former or other Act or Acts of Parliament to the Contrary thereof in anywise notwithstanding. Preamble. Flour, Rye, and Rye Meal, may be imported, without Payment of Duty, at any Time before Dec. 1, 1772, from any Part of Europe or America.

II. Pro-

Due Entry to be made at the Cuſtomhouſe belonging to the Port into which the ſame ſhall be imported, on Penalty of being made liable to the uſual Duty formerly paid.

II. Provided always, and be it further enacted by the Authority aforeſaid, That a due Entry ſhall be made, in ſuch Manner and Form as were uſed or practiſed before the making of this Act, of all Wheat, Wheat Flour, Rye, and Rye Meal, and *Indian* Corn, which ſhall be imported or brought into this Kingdom, by virtue of this Act, before the ſaid Firſt Day of *December*, One thouſand ſeven hundred and ſeventy-two, at the Cuſtom-houſe belonging to the Port into which the ſame ſhall be imported or brought in; or otherwiſe, in Default of making ſuch Entry, ſuch Wheat, Wheat Flour, Rye, and Rye Meal, and *Indian* Corn, ſhall be liable and ſubject to ſuch and the ſame Duties as were payable upon the Importation thereof before the making of this Act; any Thing herein contained to the Contrary notwithſtanding.

CAP. XXXIV.

An Act to amend an Act of the Tenth Year of the Reign of His preſent Majeſty, for building a Workhouſe in the Pariſh of *Saint Martin in the Fields*, within the City of *Weſtminſter*, in the County of *Middleſex*.

Preamble. Act 10 Geo. III.

'WHEREAS by an Act of Parliament made in the Tenth Year of the Reign of His preſent Majeſty, the Vicar, Churchwardens, Overſeers of the Poor, and Veſtrymen of the Pariſh of *Saint Martin in the Fields*, within the Liberty of *Weſtminſter*, are appointed Truſtees for building a Workhouſe within the ſaid Pariſh, and for executing the ſeveral other Purpoſes of the ſaid Act: And whereas the ſaid Truſtees have proceeded in the Execution of the ſaid Act, but are unable to complete the ſeveral Works aforeſaid, by reaſon of a Clauſe therein, by which they are reſtrained from borrowing more than the Sum of Six thouſand Pounds for the Purpoſes of the ſaid Act: In order therefore to enable the ſaid Truſtees to carry the ſaid Act into Execution, May it pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, ſo much of the Clauſe in the ſaid recited act as reſtrains the ſaid Truſtees from borrowing more than the Sum of Six thouſand Pounds for the ſeveral Purpoſes of the ſaid Act, ſhall be, and the ſame is hereby repealed and made void.

The Clauſe in the former Act which reſtrains the borrowing more than 6000l. repealed.

Truſtees may meet, and order what further Sum of Money ſhall be raiſed for the Purpoſes of this Act.

II. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may meet together in the Veſtry-room belonging to the ſaid Pariſh of *Saint Martin in the Fields*, or in ſome other convenient Place within the ſaid Pariſh, upon *Monday* next after the paſſing of this Act, and ſhall and may then, or at any other Meeting or Meetings to be held by them from Time to Time, by virtue of the ſaid former Act, and this Act, aſcertain, order, and direct, what further Sum or Sums of Money ſhall be raiſed within the Limits of the ſaid Pariſh for finiſhing, furniſhing, and completing the ſaid Workhouſe, and other Buildings directed to be built and completed by virtue of the ſaid Act, and for defraying the ſeveral Expences attending the carrying into Execution the ſeveral Purpoſes of the ſaid former Act and of this Act; which ſaid Sum and Sums of Money ſo authoriſed to be raiſed, from Time to Time, as aforeſaid, ſhall and may be raiſed by the ſame Methods, and by ſuch Ways and Means, as are preſcribed in and by the ſaid recited Act for raiſing Money for the ſeveral Purpoſes thereof.

The Expences of paſſing this Act, how to be defrayed.

III. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act of Parliament ſhall be defrayed out of any Money already raiſed, or which ſhall hereafter be raiſed by virtue of the ſaid former Act, and this Act.

Publick Act.

IV. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XXXV.

An Act for enabling Their Majeſties to enfranchiſe Copyhold Lands holden of the Manor of *Richmond*, in the County of *Surrey*, and for enabling His Majeſty to ſhut up a Lane leading from *Richmond Green* to the River *Thames*, and to ſell and exchange certain Lands within the Manors of *Richmond* and *Wimbleton*.

Preamble.

'WHEREAS His Majeſty, being ſeiſed in Right of His Crown of the Manor of *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, in the County of *Surrey*, did, by Letters Patent under the Great Seal, bearing Date the Fourth Day of *October*, in the Tenth Year of His Reign, grant the ſaid Manor to His Royal Conſort Queen *Charlotte*, during the Term of Her natural Life, at the ancient reſerved yearly Rent of Twenty Pounds: And whereas it may be convenient to Their Majeſties to enfranchiſe the Copyhold Eſtates, holden of the ſaid Manor, but ſuch Enfranchiſement cannot be made without the Aid of Parliament: And whereas His Majeſty, in Right of His Crown, or ſome Perſon or Perſons in Truſt for His Majeſty, is or are ſeiſed of a Farm conſiſting of a Meſſuage, Outbuildings, and Thirty-eight Acres of Land, or thereabouts, ſituate within the Manor of *Wimbleton*, in the ſaid County of *Surrey*; and it would be convenient to His Majeſty to have a Power of ſelling or exchanging the ſaid Farm, and alſo divers Eſtates belonging to His Majeſty in the ſaid Manor of *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, for other Eſtates more conveniently ſituate;' be it

therefore enacted by the King's moſt Excellent Majeſty, by and with the Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for Their Majeſties, and the Survivor of them, at any Time or Times, during their Lives, and Life of the Survivor of them, by any Writing or Writings to be by Their Majeſties, or the Survivor of them, ſubſcribed, in the Preſence of Two or more Witneſſes, to enfranchiſe all or any Copyhold Meſſuages, Lands, Tenements, or Hereditaments, holden of the ſaid Manor of *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, and to acquit and diſcharge the ſame Meſſuages, Lands, Tenements, and Hereditaments, and the reſpective Tenants thereof, of and from all Copyhold or cuſtomary Tenure, Rents, and Services whatſoever; and ſuch Meſſuages, Lands, Tenements, or Hereditaments, ſhall, from the reſpective Times of ſuch Enfranchiſement, be, and be deemed Freehold Eſtates, holden of the ſame Manor, any Statute or Law to the Contrary thereof notwithſtanding.

Their Majeſties may, at any Time during their Lives, enfranchiſe Copyhold Meſſuages, &c. holden of the Manor of Richmond.

II. Provided always, and be it further enacted by the Authority aforeſaid, That every Inſtrument of Enfranchiſement made by virtue of this Act, ſhall, at One of the Two general Courts Baron which ſhall be holden for the aforeſaid Manor of *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, next after the Date of ſuch Enfranchiſement, be duly preſented and entered on the Court Rolls or Books of the ſaid Manor: And alſo within the Space of Six Months after the Day of the Date of ſuch Enfranchiſement be inrolled before the King's Auditor of the County of *Surrey* for the Time being, or his Deputy, and not being ſo preſented, entered, and inrolled, within the reſpective Times aforeſaid, ſhall be void, and of no Effect.

Inſtruments of Enfranchiſements, by virtue hereof, to be, at One of the General Courts Baron holden at Richmond, duly entered on the Court Rolls; and, within Six Months after Date enrolled before the King's Auditor of Surrey; or ſhall be otherwiſe void.

III. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for His Majeſty, at any Time or Times during His Life, to make Sale of all or any of the Freehold or Copyhold Meſſuages, Lands, and Hereditaments, of which His Majeſty, or any Perſon or Perſons in Truſt for His Majeſty, are or is now ſeiſed within the aforeſaid Manors of *Wimbleton* and *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, or either of them, for ſuch Price or Prices as can be obtained for the ſaid Freehold or Copyhold Eſtates, or to exchange the ſame, or any Part thereof, for the Fee-ſimple and Inheritance of any other Freehold or Copyhold Meſſuages, Lands, or Hereditaments, as to His Majeſty ſhall, from Time to Time, ſeem moſt convenient; any Statute or Law to the Contrary thereof in anywiſe notwithſtanding.

His Majeſty, during His Life, may ſell any Freehold, &c. within the Manor of Richmond, in which he is ſeiſed, or exchange any Part thereof.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That all Sums of Money which ſhall be raiſed by any Sale or Sales of His Majeſty's aforeſaid Eſtates within the ſaid Manors of *Wimbleton* and *Sheene*, otherwiſe *Weſt Sheene*, otherwiſe *Richmond*, or of any Part thereof, ſhall be paid to the Chancellor of His Majeſty's Exchequer for the Time being, and ſhall, with all convenient Speed, be laid out and applied by Order of His Majeſty, His Heirs or Succeſſors, in the Purchaſe of the Fee-ſimple and Inheritance of ſuch Freehold and Copyhold Lands or Tenements, as to His Majeſty, His Heirs or Succeſſors, ſhall ſeem convenient, to be conveyed and aſſured to the Uſe of, or in Truſt for, His Majeſty, His Heirs and Succeſſors.

All Sums ariſing from the Sale of ſaid Eſtates, to be paid to the Chancellors of the Exchequer.

'V. And whereas there is at preſent a Lane or Foot-path leading from the *Green* in *Richmond* to the Side of the River *Thames*, which Lane divides certain Grounds within the ſaid Manor belonging to 'Their Majeſties, which Lane might be ſhut up without any Inconvenience to the Inhabitants 'within the ſaid Manor, there being another Lane leading from the ſame *Green* to the River Side 'called *Palace Lane*: And whereas it would be a great Improvement to the ſaid Grounds if the firſt-'mentioned Lane or Foot-path was ſhut up: And whereas the King's moſt Excellent Majeſty hath 'been graciouſly pleaſed to ſignify His Royal Intention of cauſing *Palace Lane* to be amended and 'kept in good Repair for the future, and alſo to cauſe to be raiſed, made, and to be kept in good Re-'pair, a Foot-path and Towing-path from the End of the ſaid Lane, along the Side of the ſaid 'River, to Two Ferries belonging to His Majeſty, One called *Railhead Ferry*, and the other *Iſleworth* '*Church Ferry*, which will be advantageous to Perſons having Occaſion to paſs from the ſaid Green 'to the ſaid Ferries;' be it therefore enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, at His and Their Coſts and Charges, to cauſe the Lane or Foot-path from the Houſe now in the Occupation of *Lewis Shepheard* Wine-merchant, near *Richmond Green* aforeſaid, to the Side of the River *Thames*, to be ſhut up and diſcontinued; and it ſhall not be lawful for any Perſon or Perſons, at any Time after the paſſing of this Act, to make Uſe of the ſaid Lane or Foot-path, or any Part thereof, on Foot, or otherwiſe, from the ſaid Houſe in the Occupation of the ſaid *Lewis Shepheard* to the Side of the River *Thames*; any Right, Claim, Uſage, or Cuſtom, to the Contrary thereof in anywiſe notwithſtanding.

After the paſſing hereof, the Lane leading from Richmond Green to the Thames, to be ſhut up.

VI. Provided, That the King's moſt Excellent Majeſty do and ſhall, at His own proper Coſts and Charges, cauſe the ſaid Lane called *Palace Lane*, from *Richmond Green* aforeſaid, to the Side of the River *Thames*, to be well and ſufficiently amended and made commodious; and alſo do and ſhall cauſe a convenient Foot-path and Towing-path to be raiſed and made from the End of the ſaid *Palace Lane*, next the River *Thames*, along the Side of the ſaid River, to the ſaid Ferries called *Railhead Ferry* and *Iſleworth Church Ferry*; and that His Majeſty, His Heirs and Succeſſors, or any Perſon or Perſons claiming by, from or under, or in Truſt for His Majeſty, His Heirs and Succeſſors, who ſhall, for the Time being reſpectively, hold, occupy, poſſeſs, or enjoy *Richmond* Lodge, Park, and Gardens, do and ſhall keep the ſaid *Palace Lane* from *Richmond Green* to the Side of the River *Thames*, and alſo the Foot-path and Towing-path along the Side of the ſaid River, from the End of the ſaid *Palace Lane* to the ſaid Ferries, in ſuch good and ſufficient Repair as that the ſame ſhall be convenient at all Times hereafter

Palace Lane to be amended by His Majeſty at His own Charges, &c.

hereafter for Paſſengers on Foot, and that the ſaid Foot-way along the Side of the ſaid River ſhall and may be uſed as a Towing-path by Perſons on Foot, Towing and Haling Barges, Boats, and other Veſſels along the ſaid River.

CAP. XXXVI.

An Act for completing a Building intended for a new Church or Chapel at *Richmond*, near *Everton*, in the County Palatine of *Lancaſter*; and for other Purpoſes.

Preamble.

'WHEREAS the Inhabitants of the Vill of *Everton* near *Liverpoole*, in the County Palatine of *Lancaſter*, and Dioceſe of *Cheſter*, are now become very numerous, and continue to increaſe: And whereas the ſaid Inhabitants, and many others in the Neighbourhood, are ſituated at the Diſtance of a Mile and an Half from any Church or Chapel, and the Pariſh Church of *Walton*, in the ſame County of *Lancaſter*, in which Pariſh the ſaid Vill of *Everton* lies, by reaſon of the Increaſe of People, is become inſufficient to accommodate with Seats the Inhabitants of the Pariſh and Neighbourhood, who are inclined to attend Divine Service there: And whereas it would be of great Benefit and Utility to the Inhabitants of *Everton* aforeſaid, and others that dwell in the Neighbourhood thereof, if another Church or Chapel was built in ſome convenient Part near to *Everton* aforeſaid, for the celebrating of Divine Service according to the Rites and Ceremonies of the Church of *England*: And whereas *Thomas Dobb*, *Richard Dobb*, and *Henry North*, of *Liverpoole* aforeſaid, Gentlemen, being ſenſible of the Evils and Inconveniencies attending, and which may ariſe to the ſaid Inhabitants from the Want of ſuch additional Place of Worſhip, and being deſirous to remedy the ſame, and to promote, as far as in them lie, the Service of Almighty God, have allotted and ſet out a Part of a certain Field or Piece of Ground at *Richmond*, near *Everton* aforeſaid, but within the Liberties of the Town and Pariſh of *Liverpoole* aforeſaid, of which Ground they are ſeiſed, to them and their Heirs in Fee-ſimple, containing in Length Forty-two Yards, and in Breadth Thirty-eight Yards, as and for the Scite of a new Church or Chapel, together with a Yard for a Burial place or Cœmetery thereto; and have already begun to erect, and are now, at their own Expence, carrying on a Building, which is in the Form of, and intended for, a new Church or Chapel on the ſaid Ground, and propoſe to erect and make Pews or Seats within the ſaid intended Church or Chapel, and Vaults under the Floor thereof, and in all Things to finiſh and complete the ſaid Church or Chapel, in a proper, decent, and commodious Manner, fit for the performing of Divine Service therein: But although ſuch the Intentions of the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, tend to promote the Worſhip of Almighty God, and the Good of the Inhabitants of *Everton* aforeſaid, and its Neighbourhood, yet as the ſame cannot be effectually carried into Execution without the Aid and Authority of Parliament, Your Majeſty's moſt dutiful and loyal Subjects, the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, do moſt humbly beſeech Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs, to allot and incloſe with a Wall the ſaid Piece of Ground, Parcel of the aforeſaid Field, containing Forty-two Yards in Length, and Thirty-eight Yards in Breadth, as and for the Scite of a Church or Chapel and Church or Chapel Yard, and to finiſh and complete the Building now carrying on and intended for a new Church or Chapel, on Part of the ſaid Piece of Ground, and therein to make, erect, and ſet up, or cauſe to be made, erected, or ſet up, Pews and Seats, a Clock, Bell or Bells, and other Requiſites, Conveniencies and Ornaments, and alſo to complete and finiſh the ſeveral Vaults now making and carrying on under the Floor of the ſaid intended Church, and which ſaid Church or Chapel, when built and completed, may be ſet apart, conſecrated, and dedicated, to and for the Service of Almighty God, as a Place of Divine Worſhip, according to the Uſage of the Church of *England*, for ever; and ſhall, when and ſo ſoon as the ſame ſhall be ſo conſecrated and dedicated as aforeſaid, be, and it is hereby declared to be from thenceforth a local and perpetual Cure and Benefice, and ſhall be called by the Name of *Saint Anne's*, *Richmond*, Church or Chapel.

Power to allot Ground for the Scite of a Church or Chapel, and Church or Chapel Yard,

and finiſh the Buildings intended for a Church.

Pews and Vaults to be numbered,

II. And be it further enacted, That all the Pews and Seats to be erected and ſet up in the ſaid Church or Chapel, and alſo all the Vaults to be made under the Floor thereof, ſhall be marked with and diſtinguiſhed by different Numbers and Figures, to be carved or painted on the Door of each Pew or Vault reſpectively; and all the ſaid Pews and Seats ſhall be, and the ſame are hereby veſted in the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs and Aſſigns, and the Churchwardens for the Time being, of the ſaid new-intended Church or Chapel, and their Succeſſors; and it ſhall and may be lawful to and for the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs and Aſſigns, and to and for ſuch Churchwardens, and their Succeſſors, and they are hereby authoriſed and impowered, after the Conſecration of the ſaid new Church, to ſell, diſpoſe of, and convey all or any of the ſaid Pews and Seats, together with the Fee-ſimple and Inheritance of the ſame reſpectively, to any Perſon or Perſons willing to become Purchaſers thereof; in Truſt nevertheleſs, that ſuch Churchwardens for the Time being, and their Succeſſors, ſhall apply and pay the Purchaſe-monies ariſing, and which they or either of them ſhall receive, from Time to Time, from the Sale of any of the ſaid Pews and Seats, to and for the Uſe of the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs, and to and for no other Uſe or Purpoſe whatſoever.

III. Provided always, That on every such Sale of the said Pews and Seats to be made as aforesaid, there be on each Pew reserved and made payable to such Churchwardens, and their Successors, a certain yearly Rent or Sum not exceeding the Rate of One Shilling and Four-pence for every Twenty Shillings, which shall be paid by such Purchaser or Purchasers as aforesaid, as and for the respective Purchase-money of such Pews and Seats, so as the Rents of all the said Pews and Seats, so to be settled and ascertained as aforesaid, do not amount in the Whole to less than the yearly Sum of One hundred Pounds, and so as the several Rents so to be fixed and ascertained for and upon every such Pew be entered in a Book, to be kept for that Purpose, and subscribed by the said Churchwardens for the Time being: Provided, moreover, that every such Purchaser or other Person or Persons being seised of a Pew or Seat in the said new Church, shall pay the Rent thereof, ascertained as aforesaid, at Two equal Half-yearly Payments, *to wit*, at *Christmas* and *Midsummer*, the First Payment thereof to begin and be made at and upon the *Christmas Day* which shall next happen after the Consecration of the said new Church or Chapel: And in case the Rent of any such Pew or Seat shall happen to be behind or unpaid by the Space of Thirty Days next after the same shall become due, then the Churchwardens for the Time being, to be appointed in pursuance of this Act, and their Successors, shall and may either enter upon such Pew or Seat, or Pews or Seats, and let and dispose of the same to any other Person or Persons on the Terms and in the Manner above directed, until the Rent in Arrear shall be duly paid and satisfied, or else may shew for and recover the same Rent so in Arrear by Action of Debt, or by Action upon the Case, for the Use and Occupation of such Pew or Seat, in any of the Courts of Record at *Westminster*, in the Court of *Common Pleas* held for the said County Palatine of *Lancaster*, or in the Borough Court of *Liverpool* aforesaid, with full Costs of Suit.

Rents of Pews to be in proportion to Purchase-money.

IV. And be it further enacted, That it shall and may be lawful to and for the said *Thomas Dobb*, *Richard Dobb* and *Henry North*, and their Heirs, and they are hereby authorised and impowered, upon or immediately after the Consecration of the said intended Church or Chapel, to nominate and appoint Two such Persons as they in their Discretion shall think fit, being Proprietors of One or more Seat or Seats in the said intended Church or Chapel, to be and Act as, and in the Nature of Churchwardens of the said intended Church or Chapel, until *Thursday* in *Easter* Week next after such Appointment, and from thenceforth upon *Thursday* in *Easter* Week yearly, during the Second and Third Years next ensuing the Expiration of such First Appointment, and in like Manner to nominate and appoint Two such other Persons as they in their Discretion shall think fit, to be and act as or in the Nature of Churchwardens of the said intended Church or Chapel for the Time being; and that from and after the Expiration of the said Three Years, Two fit Persons shall, upon *Thursday* in *Easter* Week yearly for ever, be nominated and appointed out of the Owners and Proprietors of the Pews or Seats in the said intended Church or Chapel, to be and act as or in the Nature of Churchwardens of the same for the Time being, the One of such Churchwardens to be nominated by the said *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs, and the other by the Owners and Proprietors of the Seats and Pews in the said intended Church or Chapel, or the major Part of them, to be therein assembled for that Purpose; and as well the Persons to be nominated and appointed as aforesaid by the said *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs, during the Time above specified, as also the Persons to be afterwards nominated and appointed in Manner and by the Persons above mentioned, shall respectively be, and shall act as or in the Nature of Churchwardens for the Time being of the said intended Church or Chapel, and shall continue in the said Office, till *Thursday* in *Easter* Week, in the next ensuing Year after such respective Appointments: And they and their Successors, and the Survivor of them, are hereby authorised and required to collect and receive the Rents of the said Pews or Seats, and in case of Nonpayment to enter upon the same, or else to sue and bring Actions for the Recovery of such Rents in Manner aforesaid, by the Name of the Churchwardens of the Church or Chapel of *Saint Anne's*, *Richmond*; and also to pay the Minister, Clerk, Sexton, and Verger, and other necessary Officers and Attendants of the said intended Church or Chapel for the Time being, their respective Salaries, Stipends, and Wages; as likewise to furnish Books and Surplices, to provide Bread and Wine for the Holy Eucharist, with other necessary Things; and farther, to support and keep in Repair the said intended Church or Chapel, and Church-yard or Cœmetery, with the Walls, Gates, and other Appurtenances thereto, as also the Organ, Clock, Bells, and other Things to the said intended Church or Chapel appertaining, or to appertain, and to do and perform all other Matters whatsoever, which may be necessary or expedient for or concerning the Management, Support, Ornament, and good Order of the said intended Church or Chapel: And such Person and Persons so to be nominated and appointed to act as Churchwardens as aforesaid for the Time being, and their Successors, shall, and they are hereby respectively required and enjoined to keep true and perfect Entries, in a proper Book or Books to be provided for that Purpose, of all and every Sum and Sums of Money by him or them received, on account of the Rents of the said Pews or Seats as aforesaid, and otherwise, and of all and every Sum and Sums of Money by them issued and paid, and of all Debts and Credits due or owing, and of all Contracts made in pursuance of this Act; and all such Books and Accounts shall and may be inspected at all convenient Times, by all Owners and Proprietors of Seats, and by the Minister of the said intended Church or Chapel, and the said *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs, and all other Persons interested therein.

Appointment of Churchwardens.

V. And be it further enacted, That the several Vaults under the Floor of the said intended Church or Chapel shall be, and the same are hereby vested in the said *Thomas* and *Richard Dobb*, and *Henry North* their Heirs and Assigns, and they are hereby authorised and impowered to sell, dispose of, and convey, all

Vaults to be vested in and sold by Messrs. Dobb and North.

all or any of the said Vaults as and for Places of Burial, together with the Inheritance of the same, to any Person or Persons willing to become Purchasers thereof.

Nomination of the First, Second, and Third Ministers, by Messrs. Dobb, &c. and of all future Incumbents by the Corporation of Liverpoole.

VI. And be it further enacted, That when and so soon as the said intended Church or Chapel shall be completed and consecrated, it shall and may be lawful to and for the said *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs, and they are hereby authorised and impowered to nominate the First, and, in case of Death, Resignation, or Avoidance of the Minister, to nominate the Second and Third Ministers or Chaplains successively to the said Church or Chapel; and from and after the Death, Resignation, or Avoidance of such Third Minister or Chaplain, then the Patronage, Advowson, free Disposition, Nomination, and Donation of and to the said intended Church or Chapel, shall for ever appertain to, and the same are hereby vested in the Mayor, Bailiffs, and Burgesses, of the Town of *Liverpoole* aforesaid, and their Successors; and that the Mayor, Bailiffs, Aldermen, and Common Council, of the same Town, and their Successors for the Time being, or the major Part of them, in Common Council assembled, shall and may, upon every Vacancy or Avoidance after the Third of the said new Church or Chapel as aforesaid, present a Minister or Chaplain to officiate in the same, under the Common Seal of the said Corporation; and every Minister or Chaplain of the said Church or Chapel shall be thereto admitted and licensed by the Bishop of the said Diocese for the Time being; and the said intended Church or Chapel, and the Minister or Chaplain thereof for the Time being, as also the Persons who shall act as or in the Nature of Churchwardens thereof for the Time being, to be respectively appointed as above directed, shall be under and subject to the ordinary Jurisdiction of the Bishop of *Chester*, and his Successors, and shall be visited in such Manner as other Churches in the Diocese of *Chester* are visited.

Incumbent absenting for 90 Days vacates the Church (Sickness excepted)

VII. And be it further enacted, That in case any Minister or Chaplain of the said intended Church or Chapel, to be nominated in Manner above mentioned and declared, shall not continue resident in the Town or Parish of *Liverpoole* aforesaid, or within Two Miles from the said intended Church or Chapel, but shall be absent therefrom for the Space of Eighty Days, unless prevented by Sickness, or other unavoidable Accident, in any One Year, to be judged of and determined by the Ordinary for the Time being, then, from and immediately after such Non-residence as aforesaid, the Office or Place of Minister or Chaplain of the said intended Church or Chapel shall be adjudged to be void to all Intents and Purposes; and the Persons or Body Corporate aforesaid, to whom the then next Nomination shall appertain by the Authority of this Act, shall, according to their respective Rights, nominate and appoint some other fit Person to be Minister or Chaplain of and to the said intended Church or Chapel, in the same Manner as if the Minister or Chaplain, so absenting himself as aforesaid, was then dead; any Licence or Dispensation to the Contrary notwithstanding.

Vacancies not filled up in usual Time, Right of Nomination to lapse in usual Order.

VIII. And be it further enacted, That in case the Office or Place of Minister or Chaplain of the said intended Church or Chapel shall be suffered to remain void for the Space of Six Calendar Months, without any Nomination or Presentation thereunto, by virtue of this Act; then, and in such Case, the Nomination or Presentation to the said Church or Chapel shall lapse to the Ordinary, and from him to the Metropolitan, and from him to the Crown, according to the Course of Law in presentative Livings or Benefices, and the Right of Nomination and Presentation to the said intended Church or Chapel shall and may be recovered, and the Office and Place of Minister or Chaplain thereof may and shall cease, and be determined in like Manner as the Presentation to or Incumbency in any presentative Benefice may now be recovered or determined.

Minister's Duty.

IX. And be it further enacted, That the Minister or Chaplain of the said intended Church or Chapel for the Time being, shall himself every *Sunday* Morning, with an audible Voice, read in the said Church or Chapel the Morning Prayers prescribed in the Book of Common Prayer, or publick Liturgy of the Church of *England*; and in the Afternoon of every *Sunday*, in like Manner read therein the Evening Prayers prescribed in the said Book of Common Prayer; and shall on every *Tuesday* and *Thursday*, weekly, during the whole Year, and on every other Day which is set apart for that Purpose by the Church of *England*, in like Manner read in the said Church or Chapel the Morning Prayer prescribed in the said Book of Common Prayer for such Days respectively; and shall on every *Sunday* throughout the Year, as well in the Morning as in the Evening, and on every *Christmas Day*, *Good Friday*, and *Ascension Day*, in the Morning after Divine Service performed, preach a Sermon in the said Church or Chapel; and shall also on every *Easter Sunday*, *Whitsunday*, and *Christmas Day*, and also upon the last *Sunday* in every Month, (except in the Month of *December*, and the Months in which *Easter Day* and *Whitsunday* shall happen) administer the Holy Sacrament in the said Church or Chapel: And if the said Minister or Chaplain shall be prevented or hindered by Sickness, or any other reasonable Cause, from performing the Duties above respectively required and enjoined, or any of them; then, and in every such Case, he shall find and procure some other duly qualified Minister or Curate to do and perform the same respectively.

Churchwardens to pay Minister's Salary.

X. And be it further enacted, That for the Maintainance of the Minister or Chaplain for the Time being of the said intended Church or Chapel, the Persons who shall be appointed to act as Churchwardens thereof for the Time being, in pursuance of this Act, and their Successors shall, by and out of the Rents of the Pews or Seats which shall be erected therein, and the Monies to arise from the Burying Ground in the said Church-yard only, as hereafter mentioned, yearly and every Year, well and truly pay, or cause to be paid to such Minister or Chaplain, for the Time being, the Sum of Seventy Pounds of lawful Money of *Great Britain*, without any Deduction or Abatement for Taxes, or otherwise howsoever, at the Feasts of the Nativity of our Saviour *Christ* and of Saint *John* the Baptist, by even and equal Portions, the first Payment thereof to be made on such of the said Feasts as shall happen next after the

the Conſecration of the ſaid Church or Chapel; and the Money ſo to be paid ſhall be allowed to ſuch Churchwardens in their Accounts.

Miniſter's Remedy or Recovery of his Salary.

XI. And be it further enacted, That if Default ſhall be made in Payment of the ſaid yearly Sum of Seventy Pounds, or any Part thereof, to the ſaid Miniſter or Chaplain for the Time being, by the Space of Thirty Days next after any of the Days of Payment whereon the ſame ought to be paid, then it ſhall and may be lawful to and for ſuch Miniſter or Chaplain, and their reſpective Executors and Adminiſtrators, to ſue for and recover the ſame, with full Coſts of Suit, againſt ſuch Churchwardens for the Time being, by Action of Debt, or upon the Caſe, for ſo much Money had and received to their Uſe, or for Work and Labour, in the Court of *Common Pleas* to be held for the ſaid County Palatine of *Lancaſter*, or in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the ſaid Borough Court of *Liverpoole*, wherein reſpectively no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance ſhall be allowed.

Not more than an Arrear of 35*l.* to be recovered from ſucceeding Churchwardens.

XII. Provided always, and be it further enacted, That no Arrears of the ſaid yearly Sum of Seventy Pounds to be had and recovered againſt any ſucceeding Churchwardens, which ſhall have accrued in the Time of any of their Predeceſſors, ſhall exceed in the whole One Half-yearly Payment of the ſaid yearly Sum; and that every Action for the Recovery thereof be made and commenced againſt ſuch ſucceeding Churchwardens, within the Space of Six Calendar Months next after their firſt entering upon and being ſworn into the Office of Churchwarden.

Miniſter to appoint Clerk, Sexton, and Verger.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the Miniſter or Chaplain for the Time being of the ſaid intended Church or Chapel, to nominate and appoint ſuch Perſons as he ſhall think fit, to officiate as Clerk, Sexton, and Verger, in the ſaid Church or Chapel, and alſo, from Time to Time, to diſplace and remove ſuch Clerk, Sexton, and Verger reſpectively, upon juſt and reaſonable Cauſe; the Wages or Stipends of ſuch Clerk, Sexton, and Verger to be fixed and aſcertained according to the Direction of the ſaid *Thomas Dobb*, *Richard Dobb*, and *Henry North*, and their Heirs and Aſſigns, who ſhall and may, from Time to Time, uſe the like Methods for the Recovery of their reſpective Wages as are herein before given to the Miniſter or Chaplain of the ſaid intended Church, for the Recovery of his Maintenance or Salary.

Application of the Surplus of Rents of Pews.

XIV. And be it further enacted, That in caſe any Surpluſage Money, ariſing by and from the Rents of the ſaid Pews or Seats, ſhall remain after Payment and Diſburſement of the ſeveral Salaries or Sums herein-before directed to be iſſued and paid thereout unto or for the Miniſter, Clerk, Sexton, and Verger, and other Officers and Aſſiſtants as aforeſaid, and for the Repairs of the ſaid intended Church or Chapel, and Church-yard, with the Walls, Gates, Organ, Clock, Bells, and other Things to the ſame reſpectively appertaining or to appertain, and for other the Purpoſes herein above mentioned, the ſame ſhall be laid out and applied by the Churchwardens for the Time being of the ſaid intended Church or Chapel, and their Succeſſors, in augmenting the Salary of the Miniſter, Clerk, or Sexton, or in the ornamenting or otherwiſe improving the ſaid Church or Chapel.

Salaries of Miniſter, Clerk, &c. not to be leſs than certain Sums.

XV. Provided always, That the Salary of the Miniſter or Chaplain for the Time being of the ſaid intended Church or Chapel, ſhall not at any Time be leſs than Seventy Pounds; nor the Salary of the Clerk be leſs than Four Pounds; nor the Salary of the Sexton be leſs than Two Pounds; nor the Salary of the Verger be leſs than Two Pounds *per Annum* reſpectively.

Saving Rights of Liverpoole.

XVI. And it is hereby alſo enacted, That nothing in this Act contained ſhall prejudice, impeach, defeat, leſſen, or abridge, or be conſtrued to prejudice, defeat, leſſen, or abridge, the Right, Title, Intereſt, Claim, or Demand, of the Rectors of the ſaid Pariſh of *Liverpoole*, of, in, or to, any Dues, Duties, Offerings, Oblations, Obventions, or any other Eccleſiaſtical Rights, Benefices, Perquiſites, or Advantages, or any other Right, Title, or Intereſt, within the Pariſh of *Liverpoole* aforeſaid, which were or are veſted in them, or which they can or may reſpectively claim, demand, or be intitled to, by virtue of an Act of Parliament made and paſſed in the Tenth and Eleventh Years of the Reign of King *William* the Third, for making and erecting the Town of *Liverpoole* into a Pariſh, ſeparate and diſtinct from that of *Walton*, whereof it was then Part, and wherein it was formerly compriſed; and that nothing in this preſent Act contained ſhall charge, or be conſtrued to charge, any of the Burgeſſes or Inhabitants within the ſaid Town and Pariſh of *Liverpoole*, or the Liberties thereof, in any other Manner than as in and by the ſaid former Act, and this preſent Act, they are already charged or chargeable to the Pariſh Church of *Saint Peter*, and the Parochial Chapel of our Lady and *Saint Nicholas*, within the ſaid Town.

Double Fees to be paid for Marriages, &c.

XVII. And be it further enacted, That there ſhall be paid to and into the Hands of the Miniſter of the ſaid new-intended Church or Chapel for the Time being, for the Performance of the ſeveral and reſpective Offices of Miniſter, Clerk, and Sexton there, Double the Fees, Dues, and Perquiſites, which are uſually and of Right ought to be paid for every Marriage, Churching, Burial, and opening the Ground for Graves, in the Chapel-yard or Cœmetery at the ſaid Pariſh Church and Parochial Chapel of our Lady and *Saint Nicholas*; and that the Miniſter of the ſaid intended Church or Chapel ſhall, from Time to Time, collect and receive ſuch Double Fees, Duties, and Perquiſites, and account for and pay, by equal Half-yearly Payments in every Year, on every Twenty-fourth Day of *June* and Twenty-fifth Day of *December*, One Moiety or Half-part thereof to and into the Hands of the Rectors of the ſaid Pariſh Church and Parochial Chapel of our Lady and *Saint Nicholas* for the Time being, to be divided among them and the Clerks and Sextons of the ſame Pariſh Church and Parochial Chapel within Ten Days after ſuch Rectors ſhall have received the ſame, in ſuch Shares and Proportions as the Fees payable at the ſame Church and Chapel are divided; and that the remaining Moiety ſhall, on the ſaid Half-yearly Days, be divided between the Miniſter, Clerk, and Sexton, of the ſaid new-intended

intended Church or Chapel, in such Shares and Proportions as Fees of the like Nature, and for the like Services, are usually, or of Right ought to be divided among the Rectors, Clerks, and Sextons, of the same Parish Church, or the said Parochial Chapel, of our Lady and *Saint Nicholas*, the First of which Payments to the said Rectors, Clerks, and Sextons, of the said Parish Church; and the same Parochial Chapel shall begin and be made at and upon such of the said Half-yearly Days as shall first happen after the Consecration of the said intended Church or Chapel; and in case of Nonpayment thereof at any Time or Times within the Thirty Days after either of the said Half-yearly Days, One Moiety of such Fees, Dues, and Perquisites, shall and may be sued for and recovered from the Minister of such intended Church or Chapel for the Time being, from Time to Time, by and in the Names of the Rectors of the Parish of *Liverpoole*, by Action for Monies had and received for their Use, in any of the said Courts.

No Burials within the Church.

'XVIII. And to the End that the said new-intended Church or Chapel may be kept clean and decent,' be it further enacted, That no Graves or Burying-places shall be made or allowed within the Body of the said new-intended Church or Chapel, but only in the said new-intended Church-yard or Cœmetery to be inclosed and consecrated as aforesaid; and that all Christenings and Marriages to be had and solemnized in the said new intended Church or Chapel, and all Burials in the said new Church-yard and Vaults, shall be registered as usual in the Register of the said Parish Church of *Saint Peter*.

Limitation of Actions.

XIX. And be it further enacted, That if any Action or Suit, shall be commenced or prosecuted against any Person or Persons, for any Thing done in pursuance of this Act, then, and in every such Case, such Action or Suit shall be brought within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid in the said County Palatine of *Lancaster*, and not elsewhere; and the Defendant or Defendants, in such Action or Suit may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act: And if it shall appear so to be done, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or shall discontinue his, her, or their Suit or Action, after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs, upon Demurrer, then, and in any of the said Cases, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have by Law for Costs in any other Case.

General Issue.

Treble Costs.

Publick Act.

XX. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without the same being specially pleaded.

CAP. XXXVII.

An Act for draining and preserving certain Commons, Low Grounds, and Cars in the Parish of *Market Weighton*, and other adjacent Parishes in the East Riding of the County of *York*,; and for making a Navigable Cut or Canal from *Market Weighton* to the River *Humber*.

Preamble.

'WHEREAS certain Commons, Low Grounds, and Cars, within or near the Villages, Townships, or Parishes of *Market Weighton*, *Blacktoft*, *Everingham*, *Harsewell*, *Seaton*, *Ross*, *Holme upon Spalding Moor*, *Foggathrope*, *Gribthrope*, *Spaldington*, *Bursea*, *Hasholm*, *Wholsea*, *North Cliffe*, *South Cliffe*, *Hotham*, *Houghton*, *Bromfleet*, *Faxfleet*, *Shipton*, *Sancton*, and also a certain Common called *Walling Fen*, in the East Riding of the County of *York*, containing Twenty thousand Acres of Land, or thereabouts, are subject to be overflowed, or otherwise annoyed with Water, and by that Means rendered in a considerable Degree unprofitable to the Proprietors thereof: And whereas the draining of the said Commons, Low Grounds, and Cars, and the making the Main or Principal Drain navigable from the River *Humber*, at or near a Place called *Fosslike Clough*, situate on the Banks of the said River, to or near a Place called *Bow Bridge*, at or near the Town of *Market Weighton* aforesaid, will be of great Utility to the Publick, and tend to the considerable Benefit and Advantage of the Proprietors of the said Commons, Low Grounds, and Cars; but the same cannot be effected without the Aid of Parliament, may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Lund* of the City of *York*, *Robert Foster* of *Burton Constable*, in the County of *York*, *John Raines* of *Burton Constable* aforesaid, *John Dunnington* of *Thorganby*, in the said County of *York*, and *Edward Johnson* of the Town of *Kingston upon Hull*, Gentlemen, and their Successors, to be appointed as herein-after is expressed, shall be, and they are hereby appointed Commissioners for draining the said Commons, Low Grounds, and Cars, and for making the Main or Principal Drain navigable, and for executing and completing all and singular the Works, Matters, and Things which shall be necessary or proper for the carrying those Purposes into full and perfect Execution; and all and singular the Powers, Authorities, and Trusts by this Act given to and reposed in the said Commissioners hereby nominated as aforesaid, and their Successors, to be appointed as herein-after is expressed, shall remain and continue in them for all the Purposes hereafter expressed, until the Drainage and Navigation aforesaid shall be completely made, effected, and perfected, and the Award herein-after mentioned shall be signed and sealed by the said

Commissioners.

Commiſſioners, or their Succeſſors, or the major Part of them reſpectively, without being ſubject to any Controul from the Truſtees herein-after conſtituted and appointed, or any of them, in the Direction and Management of the ſaid Drainage and Navigation, or any of the Works to be by the Order of the ſaid Commiſſioners made, conſtructed, or carried on for or towards the effecting thoſe Undertakings and Purpoſes reſpectively.

'II. And for the preſerving, ſupporting, and perpetuating ſuch Drainage and Navigation, when the 'ſame ſhall have been effected and perfected by the ſaid Commiſſioners or their Succeſſors, and for the 'executing in the mean Time the ſeveral Powers and Truſts herein-after mentioned to be granted 'to and veſted in the Perſons next herein-after named, and their Succeſſors, to be choſen and appointed 'as herein-after mentioned;' be it further enacted by the Authority aforeſaid, That the Right Honourable *George Cavendiſh*, commonly called *Lord George Cavendiſh*, the Right Honourable *Frederick Cavendiſh*, commonly called *Lord Frederick Cavendiſh*, the Right Honourable *John Cavendiſh*, commonly called *Lord John Cavendiſh*, the Right Honourable *Richard Cavendiſh*, commonly called *Lord Richard Cavendiſh*, the Right Honourable *George Cavendiſh* junior, commonly called *Lord George Cavendiſh*, the Right Honourable *William* Lord Viſcount *Gallway* in the Kingdom of *Ireland*, Sir *William Anderſon*, Sir *Griffith Boynton*, Sir *Charles Hotham*, Sir *Digby Legard*, Sir *James Pennyman*, Sir *Joſeph Pennington*, Sir *William Saint Quintin*, Sir *Savile Slingſby*, Sir *George Strickland*, Baronets; Sir *George Montgomery Metham* Knight, the Reverend *John Fountayne* Doctor in Divinity, *William Anderſon*, *Almar*, *Ainſly*, *Francis Beſt*, *Thomas Barker*, *Thomas Bowman*, *Thomas Conſtable*, *William Cayley*, *John Cayley*, *Francis Drake*, *John Dealtry*, *Thomas Ellis*, *John Empſon*, *Robert Evans*, *Thomas Eglin*, *James Foſter*, *Ford*, *Richard Gee*, *Henry Goodrick*, *John Holmes*, *Randle Hancock*, *Samuel Johnſon*, *Thomas Leak*, *Robert Midgley*, *Francis Matſon*, *Thomas Moſeley*, *John Preſton*, *Ponſonby*, *John Robinſon*, *Robert Robinſon*, *James Stillingfleet*, *John Simpſon*, *Iſaac Thompſon*, *Francis Tong*, *Thomas Wakefield*, *John Whaley*, *William Ward*, *James Willoughby*, *William Welſit*, *Seymour*, Clerks; *Charles Anderſon*, *Robert Appleton*, *Teavil Appleton*, *William Ayre*, *Robert Athorpe*, *George Athorpe*, *Jonathan Acklon*, *John Arthur*, *John Arthur* the younger, *Thomas Athorpe*, *Hugh Bethel*, *William Bethel*, *Chriſtopher Bethel*, *Francis Boynton*, *Francis Beſt*, *John Bowman*, *Iſaac Broadley*, *Thomas Broadley*, *Richard Beatniffe*, *Leuyns Boldero Barnard*, *Henry Barnard*, *Leuyns Barnard* the younger, *Robert Burton*, *William Brown*, *John Broadley*, *Richard Bell*, *Francis Bailby*, *Thomas Barſlow*, *Chriſtopher Bayles*, *Joſeph Blyth*, *John Banks*, *William Battle*, *George Brook*, *John Brown*, *William Breighton*, *Richard Battle*, *Richard Burton*, *Cornelius Caley*, *William Conſtable*, *William Haggerſton Conſtable*, *Marmaduke Conſtable*, *Marmaduke William Conſtable*, *William Middleton Conſtable*, *John Courtneay*, *James Collins*, *Nathaniel Cholmley*, *John Chambers*, *Robert Clark*, *William Carr*, *Stephanus Caiſter*, *William Caiſter*, *John Croyſer*, *Michael Clarkſon*, *Henry Brewſter Darley*, *Richard Darley*, *William Dixon*, *William Denniſon*, *John Drinkrow*, *Henry Drinkrow*, *Robert Dewſberry*, *John Dunn*, *Joſhua Dunn*, *William Dickens*, *John Danſer*, *Roger Manwaring Ellerker*, *William Ellerker*, *Edward Ellerker*, *Henry Etherington*, *Samuel Everingham*, *John Edwards*, *Amaziah Empſon*, *Barnard Foord*, *George Flint*, *John Grimſton*, *Robert Grimſton*, *Chriſtopher Goulton*, *Roger Gee*, *Thomas Goulton*, *James Grabourn*, *Elliner Garton*, *Cary Gill*, *Cary Gill* junior, *Marmaduke Guy*, *George Gibſon*, *Athorpe Garton*, *Stanhope Harvey*, *John Hudſon*, *Randolphus Hewit*, *John Hewit*, *Thomas Haſſale*, *John Hodgſon*, *John Harland*, *William Hall*, *William Hill*, *Thomas Hill*, *William Hudſon*, *Burton Hall*, *Paul Harriſon*, *Richard Hodgſon*, *Abraham Haigh*, *Robert Jefferſon*, *Peter Johnſon*, *Ingram*, *John Johnſon*, *Henry Jubb*, *Simon Jewitt*, *Thomas Johnſon*, *Robert Knowleſly*, *Thomas Knowlton*, *Luke Lillingſton*, *Philip Langdale*, *Charles Langdale*, *William Langdale*, *Ralph Lutton*, *James Leighton*, *John Leeming*, *Charles Leybourn*, *William Leybourn*, *Henry Maiſter*, *Jonathan Midgley*, *William Meek*, *Carlton Monkton*, *George Montgomery Metham*, *John Millington*, *William Mountain*, *Timothy Mortimer*, *Thomas Muſgrave*, *Chriſtopher Megſon*, *Richard Mounton*, *Michael Newton*, *Marmaduke Nelſon*, *John Nicholl*, *Edward Nixon*, *Thomas Nixon*, *Timothy Newmarſh*, *Humphry Oſbaldeſton*, *John Oldfield*, *William Ombler*, *Charles Anderſon Pelham*, *William Preſton*, *Charles Pool*, *William Paul*, *Sherinar Rookſby*, *Charles Robinſon*, *John Rickaby*, *Henry Diſney Woolhouſe Roebuck*, *John Raper*, *Rudſton Caverley Rudſton*, *William Reed*, *William Richardſon*, *James Richardſon*, *Thomas Rhodes*, *John Ramſey*, *William Sotheron*, *William Sotheron* the younger, *Philip Saltmarſh*, *Arthur Saltmarſh*, *Philip Saltmarſh* the younger, *John Sholefield*, *Philip Sholefield* the younger, *William Strickland*, *Thomas Sutton*, *Savage*, *William Stephenſon*, *William Scoulcroft*, *William Sonley*, *Richard Sterne*, *Charles Slingſby*, *Thomas Turner Slingſby*, *Robert Stockdale*, *Robert Spotſorth* the younger, *Humphry Traſford*, *Belby Thompſon*, *Richard Thompſon*, *Lillington Thompſon*, *William Vauſer*, *Henry Willoughby*, *Thomas Worſley*, *Banaſtre Walton*, *William Wilberforce*, *William Wilberforce* junior, *William Wilberforce* the youngeſt, *Samuel Watſon*, *William Weddel*, *Charles Witty*, *Thomas Williamſon*, *Joſeph Williamſon*, *Thomas Waldby*, *Thomas Walker*, *John Wakefield*, *Ralph Wiſe*, *William Whittaker*, *John Whittaker*, *William Williamſon*, and *William Waines*, and their Succeſſors, to be appointed as herein-after is expreſſed, ſhall be, and they are hereby appointed Truſtees for the Drainage and Navigation aforeſaid, with ſuch Powers and Authorities as are herein-after expreſſed for the due and effectual Execution of their ſaid Truſt.

Qualification of Truſtees.

III. And be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act, unleſs he ſhall advance the Sum of Two hundred Pounds, or more, towards carrying on the ſaid Navigation, or being a Perſon to whom ſuch Subſcription ſhall be aſſigned, or unleſs he ſhall be aſſigned, or unleſs he ſhall at the Time of ſuch acting be ſeiſed of, or intitled to, an Eſtate of Lands, Tenements, or Hereditaments, in Poſſeſſion for his own Life, or the Life of another Perſon, of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir-apparent to ſome Perſon having an Eſtate in Lands, Tenements, and Hereditaments of the clear yearly Value of Three hundred

Penalty on acting if not qualified.

dred Pounds, or poſſeſſed of a Perſonal Eſtate of the Value of Two thouſand Pounds: And in caſe any Perſon ſhall act as a Truſtee in the Execution of this Act, who has not ſubſcribed the Sum of Two hundred Pounds, or been the Aſſignee of ſuch Subſcription, or not having a real or perſonal Eſtate, as aforeſaid, or not being Heir-apparent to ſome Perſon having ſuch Eſtate as aforeſaid, every ſuch Perſon ſo acting, ſhall forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, in which it ſhall be ſufficient to declare for ſo much Money due to ſuch Proſecutor by virtue of this Act; and no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed to the Defendant in any ſuch Action; and the Proof of ſuch Qualification ſhall lie on the Perſon ſo proſecuted, and no other Proof ſhall be requiſite on the Part of the Proſecutor than that the Defendant in ſuch Action has acted as a Truſtee in the Execution of this Act.

Commiſſioners to take the following Oath.

IV. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner or Truſtee in the Execution of any of the Powers given by this Act, (unleſs it be the Powers hereby given of adminiſtering Oaths), until he ſhall have taken an Oath to the Effect following:

"I *A. B.* do ſwear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Judgment, execute and perform the Powers and "Truſts given to and repoſed in me, by virtue of an Act for draining and preſerving certain Commons, Low Grounds, and Cars, in the Pariſh of *Market Weighton*, and other adjacent Pariſhes in "the Eaſt Riding of the County of *York*, and for making a navigable Cut or Canal from *Market* "*Weighton* to the River *Humber*.

"*So help me GOD.*"

Which Oath One of the ſaid Commiſſioners, or Truſtees reſpectively, is hereby authoriſed and impowered to adminiſter to any other Commiſſioner or Truſtee, at any Meeting of ſuch Commiſſioners or Truſtees reſpectively held by virtue of this Act.

Notice to be given for electing new Commiſſioners.

V. And be it further enacted, That upon the Death, Diſqualification, or Refuſal, or Neglect to act, after ſuch Notice as herein-after mentioned, of any Commiſſioner hereby nominated, or to be elected and appointed as hereafter mentioned, the Truſtees hereby nominated, or to be appointed by virtue of this Act, or any Seven or more of them, ſhall and may, from Time to Time, at any Meeting or Meetings in purſuance of this Act, (Twenty Days Notice at leaſt being given in the Weekly News-paper called *The York Courant*, and in caſe there ſhall be no ſuch Paper, then in ſome other News-paper uſually circulated in the ſaid County of *York*, of the Time and Place of ſuch intended Meeting), elect One other Commiſſioner, not intereſted in the ſaid Commons, Low Grounds, or Cars, or any of them, in the Room of every ſuch Commiſſioner who ſhall happen to die, or be diſqualified, or neglect or refuſe to act, or who, after Notice in Writing, ſigned by the reſt of the then acting Commiſſioners, or the major Part of them, of his being required to attend at any Meeting of the ſaid Commiſſioners to be held in purſuance of this Act, ſhall decline or neglect to attend at ſuch Meeting, without aſſigning any reaſonable Cauſe for the ſame, to be approved by the reſt of the ſaid Commiſſioners; and every Perſon ſo to be elected, and ſignifying his Acceptance of ſuch Truſt under his Hand, within Ten Days after ſuch Election, ſhall have the ſame Powers and Authorities, to all Intents and Purpoſes, as if he had been named a Commiſſioner in this Act: Provided that if any Commiſſioner, hereby nominated as aforeſaid, or who may be elected by virtue of this Act as aforeſaid, ſhall at any Time hereafter become in any Manner intereſted in the ſaid Commons, Low Grounds, and Cars, or any of them, ſuch Commiſſioner, immediately after he ſhall ſo become intereſted therein, ſhall be, from thenceforth, incapable of acting as a Commiſſioner by virtue of this Act, and another Commiſſioner, with ſuch full Powers as aforeſaid, ſhall and may be elected in his Room, by the ſaid Truſtees, or any Seven or more of them, at a Meeting to be held in purſuance of ſuch Notice as aforeſaid, in the ſame Manner as if ſuch Commiſſioner ſo becoming intereſted was dead; and if any ſuch Commiſſioner, after he ſhall become intereſted in the ſaid Commons, Low Grounds, and Cars, as aforeſaid, or any of them, ſhall preſume to act as a Commiſſioner in the Execution of this Act, ſuch Commiſſioner ſhall forfeit and pay to the then acting Truſtees, by virtue of this Act, the Sum of Fifty Pounds; to be recovered in the ſame Manner, and by the like general Manner of Declaring and Proof, as the Penalty for acting as a Truſtee under this Act, not being qualified as this Act directs, is herein-before directed to be recovered.

Commiſſioners intereſted in Commons, &c. incapable of acting.

Truſtees dying, or refuſing to act, others to be choſen.

VI. And be it further enacted, That upon the Death, Refuſal, or Neglect to act, after ſuch Notice as herein-after mentioned of any Truſtee hereby nominated, or to be elected and appointed as hereafter mentioned, the Truſtees hereby nominated, or to be appointed by virtue of this Act, or any Seven or more of them, ſhall and may, from Time to Time, at any Meeting or Meetings in purſuance of this Act, (Twenty Days Notice at the leaſt being given in the Weekly News-paper called *The York Courant*, or other News-papers as aforeſaid, of the Time and Place of ſuch intended Meeting), elect ſome other Perſon, (qualified as herein before is required) to act as a Truſtee under this Act, and ſuch Perſon ſo elected ſhall be from thenceforth a Truſtee, by virtue of this Act, for the Execution of all the Powers and Authorities hereby given to, and veſted in the Truſtees herein-before named, in the Room of every ſuch Truſtee who ſhall happen to die or refuſe to act, or who, after Notice in Writing, ſigned by any Two or more of the then acting Truſtees, of his being required to attend at any Meeting of the ſaid Truſtees, to be held in purſuance of this Act, ſhall decline or neglect to attend at ſuch Meeting, without aſſigning any reaſonable Cauſe for the ſame, to be approved by the ſaid Truſtees,

tees, or any Seven or more of them, at any Meeting to be held in purſuance of this Act; and every Perſon ſo to be elected a Truſtee, ſhall have the ſame Powers and Authorities, to all Intents and Purpoſes, as if he had been named a Truſtee in this Act.

Truſtees may act as Juſtices.

VII. And be it further enacted, That ſuch of the Truſtees appointed, or to be appointed, in or by virtue of this Act, as ſhall be a Juſtice or Juſtices of the Peace, may and is, and are hereby authoriſed and impowered to act as a Juſtice or Juſtices of the Peace within the Limits of his or their proper Juriſdiction reſpectively, in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being ſuch Truſtee or Truſteees; provided ſuch Juſtice or Juſtices is or are otherwiſe qualified, and not intereſted in the Matter in queſtion, other than as a Truſtee or Truſtees.

Time and Place of Commiſſioners Meeting.

VIII. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall meet within Six Weeks after paſſing this Act, at the Houſe of *William Vawſer*, known by the Sign of *The Black Swan*, in the Town of *Market Weighton* aforeſaid, or at ſome other Houſe in the ſaid Town, and ſhall then proceed to the Execution of this Act; and the ſaid Commiſſioners, or the major Part of them, may, from Time to Time, agree upon, and hold any future Meetings, with or without Adjournment, at ſuch Times, and Place or Places, being within Twelve Miles diſtant from the ſaid intended Navigation aforeſaid, as they, or the major Part of them, ſhall think moſt convenient, for putting this Act in Execution.

Commiſſioners to hold One general annual Meeting.

IX. Provided always, That the ſaid Commiſſioners, or the major Part of them, ſhall, and are hereby required to hold One General Annual Meeting, for the Purpoſes herein-after expreſſed, at *Market Weighton* aforeſaid, on the Fifth Day of *May* in every Year, not being *Sunday*, and in caſe the ſame ſhall happen to be *Sunday*, then on the Day next following, until all and every the Powers and Authorities given to the ſaid Commiſſioners by this Act ſhall be fully and completely executed and performed.

Proviſo.

X. Provided alſo, That nothing ſhall be done by the ſaid Commiſſioners or Truſtees, in the Execution of this Act, but at a Meeting to be held in purſuance of this Act, or in Conſequence of ſome Order or Orders made at ſuch Meeting or Meetings.

How Meetings are to be held.

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby authoriſed and impowered, from Time to Time, both before and after the Execution of the Award by this Act directed to be made, to hold any Meeting or Meetings, with or without Adjournment, at ſuch Time or Times, Place or Places, being within Twelve Miles diſtant from the ſaid Navigation, as they the ſaid Truſtees, or any Seven of them, ſhall think moſt convenient; and if at any Meeting or Meetings appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall, from Time to Time, as often as ſuch Caſe ſhall ſo happen, by Notice to be given in *The York Courant*, or ſome other News-paper as aforeſaid, at leaſt Ten Days before the next Meeting, appoint the ſaid Truſtees to meet at the Place where the laſt Meeting was appointed to be held, within Thirty Days after the Day for which ſuch laſt Meeting was appointed.

Truſtees not to hold a Place of Profit.

XII. And be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act; and that the ſaid Truſtees, and every of them, at all and every the Meetings to be held for the Execution of this Act, ſhall bear and defray their own Expences; but that all other Charges and Expences they, or any of them, ſhall or may be put unto, by executing the Powers veſted in them by this Act, ſhall be repaid or allowed to them, and they ſhall be indemnified againſt the ſame, by and out of the Monies ariſing from the Drainage or Navigation reſpectively by virtue of this Act.

Truſtees at Meetings to defray their own Expences, but ſhall be repaid all other Charges when executing their Powers, &c.

Commiſſioners to have Direction of Drainage.

XIII. And be it further enacted, That the ſaid Commiſſioners, until the ſaid Drainage and Navigation ſhall be finally completed, and the ſaid Commiſſioners ſhall have made their Award as herein-after directed, ſhall have the Direction and Survey of all the private Works of Drainage within the ſaid Commons, Low Grounds, and Cars.

Outring and Diviſion Dikes to be kept open.

XIV. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the ſaid Commons, Low Grounds, and Cars, or any Part thereof, to which any Leading, Outring, or Diviſion Dike or Dikes, doth or ſhall belong, hath or have filled up, or ſhall fill up, or make any Dam, Heading, or Way over the ſame, without laying a ſufficient Stock, Tunnel, or Bridge, in, under, or over it or them, or ſhall neglect or refuſe ſufficiently to reed, road, ſcour, cleanſe, open, or repair ſuch Leading, Outring, or Diviſion, Dike or Dikes, after Twenty-one Days Notice given to him, her, or them, for that Purpoſe, by the reſpective Surveyor or Surveyors, Collector or Collectors, for the Time being, appointed by virtue of this Act, ſo that ſuch Outring or Diviſion Dikes may at all Times be made and kept of ſuch Size and Dimenſions as the ſaid Commiſſioners, or the major Part of them, ſhall direct, and have a free and open Communication with the main or Mother Drains, to be made in purſuance hereof; then it ſhall and may be lawful for ſuch Surveyor or Surveyors, Collector or Collectors, to cauſe ſuch Dike or Dikes to be reeded, roaded, ſcoured, and cleanſed, or enlarged in a ſufficient Manner as aforeſaid; and where there is not a ſufficient Stock, Tunnel, or Bridge, in, under, or over ſuch Dams, Headings, or Ways, to cauſe ſuch Stock, Tunnel, or Bridge, to be taken up, and made ſo wide and deep as the ſame ought to be; and by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them, (which they, or the major Part of them, are hereby impowered to grant), to levy the Charge thereof upon the Goods and Chattels

Chattels of such Owner or Owners, Occupier or Occupiers, by Distress and Sale thereof, (over and above the other Rates and Taxes chargeable, or to be charged, upon the same Ground and Premises, by virtue of this Act), rendering the Overplus, (if any), to such Owner or Owners, Occupier or Occupiers, when demanded, after all Charges paid.

All Lands to be drained, and Works of Drainage or Navigation to be under the Direction of Commissioners, and to be discharged from the Jurisdiction of any Commission of Sewers.

XV. And be it further enacted, That for the more effectual Execution of this Act, all the Lands and Grounds whatsoever, within the said Commons, Low Grounds, and Cars, and all Works whatsoever already made, or to be made, or erected by virtue of this Act, for the Purpose of the said Drainage or Navigation, or the Improvement thereof, and also all Sewers, Drains, Watercourses, and and all other Matters and Things whatsoever within the said Commons, Low Grounds, and Cars, shall, from and after the First Meeting of the Commissioners hereby appointed, be subject to the Controul, Direction, Survey, Order, and Jurisdiction, of the said Commissioners and their Successors, and, from and after the Execution of the said Award, to the Controul, Direction, Survey, Order, and Jurisdiction, of the said Trustees and their Successors, and not to the Controul, Direction, Survey, Order, or Jurisdiction, of any Commission of Sewers, or any Law or Statute relating to Sewers; any former Law or Statute to the Contrary notwithstanding.

Commissioners may make Cuts, Drains, &c. and maintain the same.

XVI. And be it further enacted, That, for the effectual draining, preserving, and keeping dry the said Commons, Low Grounds, and Cars, and for making, preserving, and maintaining the said Navigation, it shall and may be lawful to and for the said Commissioners, or the major Part of them, and they are hereby authorised and impowered, at any of their Meetings to be held by virtue of this Act, in, upon, or through, the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, to make, dig, cut, erect, set up, enlarge, open, remove, alter, and maintain, or order and cause to be made, dug, cut, erected, set up, enlarged, opened, removed, altered, and maintained, and, from Time to Time, to be repaired and kept in Repair, all such Cuts, Trenches, Passages, Gutters, Watercourses, Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Staunches, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh-beams, Cranes, Banks, Fences, Cloughs, Engines, Paths, or Ways for towing or haling with Men, Horses, or otherwise, and other Works, Ways, Roads, and Conveniencies, in such Manner, Order, and Form, as the said Commissioners, or the major Part of them, shall think necessary and convenient, or to purchase any Cloughs or other Works which they shall think fit or proper for accomplishing the Drainage, and other Purposes by this Act intended; and also for making and keeping the said main Drain navigable and passable for Barges, Boats, Lighters, and other Vessels, to cleanse, scour, open, deepen, enlarge, or make straight the same; and also to cleanse, scour, open, deepen, enlarge, alter, divert, or conduct any other Streams, Brooks, or Watercourses, which do come or may be brought into the same, or made to communicate therewith (so that no Water in any Stream, Brook, or Watercourse, flowing from *Londesbrough* into the *Foulney*, be diverted or turned into the said navigable Canal before the same Water shall have entered the *Foulney*); and to dig, cut, or raise the Banks thereof as they shall see Occasion, and to make such new Cuts, Canals, and Trenches in, upon, or through, any Lands or Grounds, as the said Commissioners, or the major Part of them, shall think necessary or convenient for carrying on and completing the said Drainage and Navigation; and also to get, dig, take, and carry away Soil, Clay, Gravel, or Stone, and other Materials proper, requisite, and convenient for making, carrying on, altering, and continuing the said Works and Undertakings in or from any Grounds of any Person or Persons adjoining or lying contiguous to the said Works, or any of them, or in any other Places where such Materials can be most conveniently got (not being a House, Orchard, Garden, Yard, planted Walk, or avenue to a House); and also to carry and convey the said Materials in, over, and upon such and all other Lands and Grounds necessary for the Conveyance thereof, and to place and lay any Earth, Clay, Gravel, Stone, or other Materials or Things necessary or convenient to be got or used in or upon account of the several Matters and Works aforesaid, on the Lands or Grounds near to the Place or Places, where such Works, or any of them, shall be making, erecting, altering, or repairing; and also to do and perform all such other Works, Matters, and Things, as the said Commissioners, or the major Part of them, shall, from Time to Time, adjudge proper or convenient for the Purposes of this Act; and to make Contracts with any Person or Persons for performing any of the Works, Matters, and Things, that shall be thought necessary in the Execution of this Act, Fourteen Days Notice being given by the said Commissioners, or the major Part of them, in *The York Courant*, or such other News-paper as aforesaid, of the Time and Place of their receiving Proposals for such Contracts, they the said Commissioners, or the major Part of them, their Agents, Workmen, or Servants, first making Satisfaction to the respective Owners of, and Persons interested in such Lands, Grounds, Tenements, or Hereditaments, as shall be used, removed, or prejudiced, in or by the Execution of any of the Powers hereby granted, in Proportion to their several and respective Interests therein, in Manner herein after directed.

Bridges to be made over Drains.

XVII. Provided also, and be it enacted, That if by the making any Drain, Ditch, or other Work, by virtue or in pursuance of this Act, the Passage of any Person or Persons to or from any Part of his, her, or their Grounds with Cattle or Carriages shall be prevented or interrupted, the said Commissioners, or the major Part of them, shall, and they are hereby required, before or immediately after such Work shall be completed, to cause proper Bridges, Gates, Stiles, Fences, Passages, and Tunnels, to be made, erected, set up, and for ever after to be supported and maintained, for the convenient Passage of the Occupier or Occupiers respectively to and from the same with his, her, and their Cattle and Carriages, and to defray the Expences of erecting, making, and maintaining such Bridges out of any Monies arising by virtue of this Act from the Drainage and Navigation respectively.

XVIII.

XVIII. And be it further enacted, That, for the raiſing and levying ſuch Sum or Sums of Money as the ſaid Commiſſioners, or the major Part of them, ſhall adjudge to be neceſſary for defraying ſuch peculiar Share of the Charges of obtaining this Act, as herein-after mentioned and directed to be paid, by or out of the Aſſeſſment upon Lands, and for carrying on and completing the ſaid Drainage, and every incidental Purpoſe relating thereto, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, from Time to Time, as they ſhall ſee Occaſion, ſo aſſeſs, tax, and charge the reſpective Owners and Occupiers of ſuch of the ſaid Low Grounds and Cars as are occupied and enjoyed in Severalty, and which ſhall be benefited by the ſaid Drainage, by an Acre-tax with ſuch groſs Sum or Sums of Money as to the ſaid Commiſſioners, or the major Part of them, ſhall ſeem requiſite, ſo that the Whole of ſuch groſs Sum or Sums of Money ſo to be aſſeſſed for the carrying on and completing the ſaid Drainage, ſhall not exceed the Sum of Forty Shillings for every Acre, and ſo in proportion for a leſs Quantity than an Acre: And the ſaid Commiſſioners, or the major Part of them, ſhall, and they are hereby required to Rate and Proportion ſuch reſpective Acre-tax, or Taxes, according to the Benefit ariſing from, and the Expences occaſioned by, the Drainage of the reſpective Lands and Grounds ſo to be aſſeſſed; and ſhall make, or cauſe to be made, and fairly written upon Paper, a ſeparate Acre-tax or Taxes for each of the Townſhips or Pariſhes, the Lands whereof are to be aſſeſſed and taxed as aforeſaid, which ſhall contain and expreſs the Names of the ſeveral Owners and Occupiers of Lands within the ſaid Townſhips or Pariſhes reſpectively, for his, her, or their Number of Acres ſo to be aſſeſſed, and the Sums at which the ſame are ſo aſſeſſed, and ſhall therein cauſe to be inſerted Thirty Days previous Notice of the Time and Place when and where, and of the Name or Names of the Perſon or Perſons to whom the Payment thereof ſhall be made; to which Paper ſo written the ſaid Commiſſioners, or the major Part of them, ſhall reſpectively ſubſcribe their Names, and then cauſe the ſame to be affixed upon the Church Door of the reſpective Pariſh or Pariſhes ſo aſſeſſed and taxed: And alſo that it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, from Time to Time, to tax and charge all and every the ſaid Commons, and ſuch of the ſaid Low Grounds and Cars which are not poſſeſſed or enjoyed in Severalty, but are ſubject to Rights of Common or Paſture, and which ſhall be benefited by the ſaid Drainage, with ſuch reſpective groſs Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of the hereby-intended Damage, ſo that the Whole of ſuch groſs Sum or Sums ſhall not exceed the Rate of Forty Shillings for every Acre; and the ſaid Commiſſioners, or the major Part of them, ſhall cauſe a Paper or Papers in Writing, ſpecifying and expreſſing the groſs Sum or Sums ſo reſpectively to be taxed and charged upon the ſaid Commons, Low Grounds, and Cars, ſubject to the Rights of Common of Paſture as aforeſaid and ſigned by them, to be affixed upon the Church Door of the Pariſh or Pariſhes within which the ſaid Commons and the laſt-mentioned Low Grounds and Cars do lie; and in the ſaid Paper ſhall inſert Notice, not being leſs than Thirty Days, of the Day and Place when and where the ſaid reſpective groſs Sum or Sums are to be paid to them, or the Perſon or Perſons they ſhall appoint to receive the ſame, which ſaid Paper ſhall be a ſufficient Notice to the ſeveral Perſons intereſted in the Lands and Grounds ſo charged with ſuch groſs Sum or Sums for the Payment of the ſame.

Charges of the Act how to be paid.

XIX. And be it further enacted, That if any Owner or Owners, Occupier or Occupiers, of any the ſaid Low Grounds and Cars, ſo occupied and enjoyed in Severalty, ſhall refuſe or neglect to pay ſuch Sum or Sums, Rate or Rates, Tax or Taxes, charged upon him, her, or them reſpectively, within Thirty Days after the Time or Times appointed for the Payment of the ſame, as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons, by virtue of any Warrant or Precept to him or them directed, under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them, (which Warrant or Precept the ſaid Commiſſioners, or the major Part of them, are hereby impowered and required to grant, as Occaſion ſhall require) to raiſe and levy the Sum or Sums ſo rated, taxed, or charged, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons making Default as aforeſaid, wherever the ſame ſhall be found, and alſo of any Goods and Chattels, which ſhall be found on the Lands and Premiſes, in reſpect whereof ſuch Sum or Sums of Money ſhall be ſo aſſeſſed and charged; and if ſuch Lands and Premiſes ſhall at any Time hereafter be untenanted, or unoccupied, or no ſufficient Diſtreſs can be found for levying the ſaid Taxes or Aſſeſſments, then the ſaid Lands and Premiſes ſhall remain a Security for the Payment of the ſame; and the ſaid Commiſſioners, or the major Part of them, in ſuch Caſe, ſhall, (after Default of Payment for Six Calendar Months, having firſt given Three Calendar Months Notice in Writing to ſuch Owner, or his Agent, or left at his, her, or their Place of Abode), and they are hereby authoriſed and impowered to let the ſaid Lands and Premiſes from Year to Year, at the beſt Rent that can be procured for the ſame, and to take the Rents and Profits thereof, until the ſaid Taxes and Aſſeſſments, and all Arrears thereof, and all Expences occaſioned by the Non-payment thereof, ſhall be fully paid and ſatisfied; and the Reſidue, if any, ſhall be paid into the Hands of the Treaſurer or Clerk of the ſaid Commiſſioners, and by him paid to the Owner or Owners of ſuch Lands, or his, her, or their Agent when demanded.

Enforcing payment of Taxes.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, upon the Requeſt of a Majority in Value of the Proprietors or Perſons intereſted in any the ſaid Commons, Low Grounds, and Cars, ſubject to Rights of Common, as aforeſaid, or in caſe the ſaid groſs Sum or Sums, taxed and charged as aforeſaid, ſhall be in Arrear or unpaid for the Space of Thirty Days next after the Time to be appointed for Payment thereof as aforeſaid, to incloſe, or cauſe to be incloſed ſuch Number of Acres of and from the ſaid Commons, Low Grounds, and Cars, taxed or charged with ſuch groſs Sum or Sums, as they ſhall think ſufficient to defray the ſame, and alſo the Charge of making ſuch Incloſure, the Reſidue of the ſaid Lands and Grounds (in caſe

A Part of the Commons may be incloſed for defraying the Tax.

caſe the ſaid incloſed Part ſhall not be ſufficient to raiſe and pay the ſaid groſs Sum or Sums) ſtill remaining liable to pay the ſaid groſs Sum or Sums, ſo that the Whole of ſuch incloſed Lands do not exceed One Tenth Part of the Whole of ſuch Commons and Low Grounds and Cars; and that the ſaid Commiſſioners, in whom ſuch incloſed Part or Parts are hereby declared to be veſted, ſhall and may, from Time to Time, grant a Leaſe or Leaſes of the Part or Parts ſo to be incloſed unto any Perſon or Perſons, at and for the beſt Rent they can get for the ſame, for any Term not exceeding Fourteen Years; and that the Rent or Rents ariſing from ſuch incloſed Part or Parts, after the aforeſaid groſs Sum or Sums of Money ſhall be paid, ſhall be applied, ſo far as the ſame will extend, towards defraying the Expences of erecting and making Banks, Engines, Drains, and other Works neceſſary for the Purpoſe of Drainage; or it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, to borrow and take up at Intereſt ſuch Sum or Sums as ſhall be equal to the ſaid groſs Sum or Sums, and the Charges occaſioned by ſuch Incloſure or Incloſures as aforeſaid, and for ſecuring the Re-payment thereof, with Intereſt, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to grant and demiſe ſuch incloſed Part or Parts, to ſuch Perſon or Perſons as ſhall advance the Money ſo to be borrowed, his, her, or their Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years, as the ſaid Commiſſioners, or the major Part of them, ſhall think fit; every ſuch Grant and Demiſe to be made with a Proviſo to ceaſe and be void on Payment by the reſpective Proprietors of, and Perſons intereſted in, the Lands ſo to be mortgaged, his, her, or their Heirs or Aſſigns, of the principal Money ſo to be borrowed, with Intereſt for the ſame, as aforeſaid, within Six Calendar Months after ſuch principal Money ſhall be ſo borrowed.

When any Part of Walling Fen ſhall be incloſed, the Proportion of Lands liable to pay Tithes ſhall be ſettled according to the Proportion of the Land Tax payable by each Pariſh, &c.

XXI. And be it further enacted, That when any Part of the ſaid Common called *Walling Fen* ſhall be incloſed for the Purpoſes of this Act, the Proportion of Lands liable to pay Tithes to each Pariſh, Townſhip, or Place, having Right of Common on the ſaid Fen, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, or the major Part of them, according to the Proportion of the Land-tax payable by each and every ſuch Pariſh, Townſhip, or Place; and ſuch Determination ſhall be entered and ſigned by the ſaid Commiſſioners, or the major Part of them, in One of the Books to be kept for the entering of the Bye-laws, Orders, Conſtitutions, and Proceedings, of the ſaid Commiſſioners and Truſtees.

The Rector of Hotham may borrow Money on his Glebe Lands, &c.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the Rector of the Pariſh of *Hotham* for the Time being, and he is hereby authoriſed and impowered, by and with the Conſent of the major Part of the ſaid Commiſſioners, and after the Execution of the Award herein directed to be made, by and with the Conſent of Seven or more of the ſaid Truſtees, to charge the Glebe Lands and Grounds belonging to the ſaid Rectory, and which ſhall be aſſeſſed, taxed, and charged, with any Rates and Taxes by virtue of this Act, with any Sum or Sums of Money for defraying the ſaid Rate and Taxes, not exceeding the Sum or Sums charged on ſuch Glebe Lands and Grounds, for the Purpoſes of this Act; and for ſecuring the Repayment of ſuch Sum or Sums of Money, with Intereſt, to grant, mortgage, leaſe, demiſe, or otherwiſe ſubject the ſaid Glebe Lands and Grounds, unto ſuch Perſon or Perſons as ſhall advance and lend ſuch Sum and Sums of Money reſpectively, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied, and ſo as every ſuch Grant, Mortgage, or Demiſe, contain a Proviſo that the Rector of the ſaid Pariſh for the Time being ſhall not be liable, upon becoming Rector of the ſaid Pariſh, to the Payment of a further or larger Arrear of Intereſt than for One Year preceding the Time of the Death, Reſignation, or Ceſſion of the laſt Incumbent.

Proviſo.

XXIII. Provided always, That the Rector of the ſaid Pariſh for the Time being ſhall not only keep down the Intereſt of ſuch Sum or Sums of Money ſo borrowed upon the Credit of the ſaid Glebe Lands and Grounds, but ſhall alſo annually pay off and diſcharge One Tenth Part of ſuch Sum or Sums of Money, until the Payment of the whole Sum or Sums ſo borrowed ſhall be completed; any Thing to the Contrary thereof notwithſtanding.

Mortgages to be deemed perſonal Eſtates.

XXIV. And be it further enacted, That all Mortgages to be made or granted as aforeſaid, ſhall be deemed perſonal Eſtates, and ſhall and may be reſpectively aſſigned, transferred, and aſſignable, from Time to Time, by Indorſements without Stamps; and that a Memorial of all ſuch Mortgages and Monies from Time to Time lent thereon, and Aſſignments thereof reſpectively, ſhall be entered in a Book, to be kept for that Purpoſe by the Treaſurer or Clerk to the ſaid Commiſſioners, who ſhall, at the Requeſt of every Mortgagee, Grantee, or Aſſignee reſpectively, enter the ſame, without demanding or receiving any other Fee or Reward than the Sum of Three Shillings and Sixpence for every ſuch Entry.

Survey to made be in Writing, and delivered to Commiſſioners.

XXV. And be it enacted, That a true and diſtinct Survey ſhall be made of all the ſeveral Lands and Grounds which the ſaid Commiſſioners, or the major Part of them, ſhall adjudge and determine to be liable to be rated and taxed by virtue of and within the Meaning of this Act, by ſuch Perſon or Perſons as the ſaid Commiſſioners, or the major Part of them, ſhall appoint; and ſuch Survey ſhall be reduced into Writing; and the Number of Acres, Roods, and Perches, within the ſaid Commons, Low Grounds and Cars, or other Grounds to be benefited thereby, ſhall be therein ſpecified and deſcribed; and ſuch Survey ſhall be delivered to the ſaid Commiſſioners, or the major Part of them, within Thirty Days after the ſame ſhall have been completed, and ſhall be verified upon the Oath of the Perſon or Perſons ſo making

making the same; which Oath any One of the said Commissioners is hereby impowered and required to administer.

Commissioners to determine Boundaries of Commons.

'XXVI. And whereas some Doubts may arise as to the exact Extent of the Commons liable to be 'taxed by virtue of this Act,' be it further enacted, That where the Boundaries between any Two or more Commons now lying open, and in common adjoining to each other, are doubtful, and not at present certainly known, it shall and may be lawful for the said Commissioners, or the major Part of them, and they are hereby authorised and required to meet and view the said Commons, Ten Days Notice of such Meeting being given in the Parish Church or Chapel of each Town interested in the said Commons, on some *Sunday* immediately after Divine Service, and by Notice, in Writing, fixed on the Church or Chapel Door, by the Examination of Witnesses upon Oath, (which Oath any One of the said Commissioners is hereby impowered to administer) or by such other Evidence as they shall think material, to settle, fix, determine, and ascertain the Limits and Boundaries of such Commons; and such Determination being expressed and declared by some Instrument in Writing, under the Hands and Seals of the said Commissioners, or the major Part of them, shall be final and conclusive to all Intents and Purposes; which Instrument in Writing shall, within Six Calendar Months next after the executing the same, be inrolled with the Clerk of the Peace for the East Riding of the County of *York*.

Commissioners to determine Disputes about Lands liable to be overflowed.

XXVII. Provided always, and be it enacted, That in case it shall be alledged by any of the said Proprietors, that any specifick Lands belonging to him, her, or them respectively, and which shall be comprehended in, and charged or chargeable with any such Rate, Tax, or Assessment, as aforesaid, are or ought to be deemed High Lands, and that the same have not been subject to be overflowed or otherwise annoyed by Water, the Truth and Justice of such Allegation shall be determined by View of the major Part of the said Commissioners; and no Tax or Assessment shall be paid or payable, or liable to be raised or levied, in respect of such Land so charged, until such Determination shall be made by the said Commissioners; and such Commissioners, or the major Part of them, shall set forth their Determination in Two or more distinct Writings, and shall sign the same, and One of such Writings shall be delivered to the Owner of such Lands, or his known Agent; and in case of more Owners than One of such Lands, then such Writing shall be delivered to the Churchwardens and Overseers of the Poor of such Parish or Parishes, Place or Places, in which such Lands do lie, and the other of such Writings shall be delivered to the Clerk of the said Commissioners.

In what Manner Disputes about high Lands shall be settled.

XXVIII. Provided always, and be it enacted, That in case it shall be alledged by any of the said Proprietors, (within Twenty-four Days after Notice given, of the Sum or Sums at which his, her, or their respective Lands or Grounds are taxed and assessed as aforesaid) by the Determination, upon View of the said Commissioners, or the major Part of them, that any specifick Lands belonging to him, her, or them respectively, and which shall be comprehended in, and charged with, any such Rate, Tax, or Assessment, as aforesaid, are or ought to be deemed High Lands, and that the same have not been subject to be overflowed or otherwise annoyed by Water, or being strictly within the Description of Low Lands, and having been subject to be annoyed with Water, shall be charged or chargeable with any greater or higher Tax than the due Proportion that such Land ought to bear contrary to the true Intent and Meaning of this Act; that then, and in either and every of such Cases, the same shall be settled and determined by a Jury in the same Manner, and under the same Powers, Directions, and Penalties, as are herein given and granted in Cases of Disputes concerning the Purchase of Lands, Tenements, and Hereditaments, to be made use of for the Purposes of this Act; and in case the said Lands shall be deemed Low Lands liable to be taxed, or in case the said Lands shall not be deemed to be overcharged, then, and in either of the said Cases, the Person or Persons so alledging as aforesaid, shall pay all the reasonable and necessary Expences of summoning and maintaining such Jury and the Witnesses, and the other Expences attending the same.

Tenants to pay Taxes, and deduct the same out of their Rents,

XXIX. And be it further enacted, That the Taxes to be charged and assessed as aforesaid, by virtue of this Act, shall be paid by the Tenants of the Land charged with the same respectively; and such Tenants shall and may retain and deduct the same out of the Rents payable by them respectively, to the Owner or Owners of such Lands.

except Tenants whose Leases will not expire till after the End of Seven Years,

XXX. Provided always, That in case any Tenant shall hold any Lands so to be taxed by virtue of and under any Lease for any Term of Years which will not expire until the End of Seven Years, to be computed from the Day of the passing of this Act, then such Taxes shall be paid by the Lessor or Lessee, or in such Shares and Proportions between the Lessor and Lessee of such Lands, as shall be adjudged, ascertained, and determined by the said Commissioners, or the major Part of them.

and Tenants under Church and College Leases.

XXXI. Provided also, That all Persons holding their Lands under any Bishop's Lease, College Lease, or Church Lease, not at Rack-rent, shall pay the whole Taxes in respect of the Lands so taxed, and shall not be intitled to any Deduction out of their Rents in respect thereof.

Lords of Manors, or Land-owners may erect Warehouses.

XXXII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended navigable Cut or Canal shall be made, under or by virtue of this Act, from making, erecting, or using any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their respective own proper Lands, Grounds, or Wastes, adjoining or near to the said Cut or Canal hereby authorised to be made, or from landing any Goods or Merchandise, or other Things thereupon, or upon the Banks lying between the same, and the said new-intended Cut or Canal, or for making and using proper and convenient Places for Boats, or other Vessels, to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively,

tively, shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths, or Sides thereof; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their own respective Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties granted to the said Commissioners, or the major Part of them, for Tonage and Wharfage, shall not be thereby reduced or altered.

Commissioners may build after 12 Calendar Months, Notice given to the Owners.

XXXIII. Provided always, and be it enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the said Commissioners, or the major Part of them, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, in substantial Repair, in the Opinion of the said Commissioners, or the major Part of them, proper and sufficient Warehouses and Buildings agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprised and described in such Notice; then, and in every such Case, the said Commissioners, or the major Part of them, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, for erecting such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered as aforesaid, making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

Anser Dam, Thornton Dam, Temple Dam, and Hodlet Cloughs, may be taken away with Consent of Commissioners or Trustees.

XXXIV. And be it further enacted, That the several Persons liable to cleanse and scour the several Drains and Sewers called *Anser Dam*, *Thornton Dam*, *Temple Dam*, and *Hodlet*, and also to maintain and keep in repair the several Cloughs belonging to the said several Drains or Sewers, and standing upon the Banks of the said River *Humber* and the River *Ouze*, in the said East Riding, and their several and respective Heirs and Assigns, shall, at the Expiration of Three Years, at any Time or Times after the said Drainage and Navigation shall be completed, by and with the Consent of the said Commissioners, or the major Part of them, during the Continuance of their Authority as aforesaid, or of the said Trustees, or any Seven of them, after the Authority of the said Commissioners shall be determined (as the Case shall happen to be) at any of their Meetings to be held by virtue of this Act, but not otherwise, be exonerated and discharged of all further Charges and Expences of cleansing or scouring the said several Drains or Sewers, and also of maintaining and keeping in repair the said several Cloughs for the Purposes of Drainage; and that then and from thenceforth it shall and may be lawful to and for the said several Persons, and their several and respective Heirs and Assigns respectively, to take up and remove all the Brick, Stone, Iron, Timber, and other Materials of or belonging to the said several Drains and Cloughs, and to sell and dispose of the same respectively at their own Will and Pleasure, and for their own respective Use and Benefit, any Law, Statute, Usage or Custom to the Contrary thereof notwithstanding.

If the Commissioners shall continue Hodlet Clough, the same shall be maintained in the same Manner as the other Works.

XXXV. Provided always, and be it further enacted, That if the said Commissioners, or the major Part of them, during the Continuance of their said Authority, or the said Trustees, or any Seven of them, shall, after the said Cut or Canal shall be made from the said River *Humber* through a Place called *Osmadike Marr*, at any of their Meetings as aforesaid, think it expedient or proper to make use of and continue the said Clough and Sewer leading thereto, called *Hodlet*, for the Purpose of an assistant Drainage, for the Benefit of the several Townships and Places intended to be drained by virtue of this Act, that then, and at all Times thenceforth, the said Clough and Sewer shall be maintained, repaired, and kept open by a general Charge, in such and the like Manner as all the other Works to be made by virtue of this Act for the Purposes of the said intended Drainage are to be maintained and supported.

Works vested in Commissioners until their Award, and then in Trustees.

XXXVI. And be it further enacted, That the Estate and Property of and in the several Locks, Cloughs, Engines, and all and singular other Works to be made use of for the Purposes of such Drainage or Navigation respectively, and of the Materials of which the same shall consist, and also all Materials which shall be actually got or collected to be made use of in such Works, shall be, and they are hereby vested in the said Commissioners, and their Successors, to be appointed as aforesaid, until they shall have signed and sealed their Award, as herein after directed; and from and after the signing and sealing of such Award the same shall be, and are hereby vested in the Trustees herein-before named, or to be elected, as aforesaid; and they the said Commissioners, or the major Part of them, during the Continuance of their said Interest therein, and after the Determination of such Interest, then the said Trustees, or any Seven or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name of their Treasurer or Clerk, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them the said Commissioners or Trustees respectively in the Possession, Use, or Enjoyment of the Premises, or any of them.

Commissioners may remove Obstructions.

XXXVII. And be it further enacted, That the said Commissioners, or the major Part of them, are hereby authorised, and shall have Power, from Time to Time, to remove, or cause to be removed, all Impediments, Annoyances, and Obstructions whatsoever, from Time to Time, being in or near any Drain or Work, subject to their Power, Ordering, or Direction, by virtue of this Act; and in case the Person or Persons who shall occasion any such Impediment, Annoyance, or Obstruction, shall refuse or neglect

neglect to remove the ſame in ſuch Manner as the ſaid Commiſſioners, or the major Part of them, or their Agents, Officers, or Workmen ſhall require, by the Space of Six Days after Notice in Writing given for that Purpoſe, every ſuch Perſon or Perſons ſo neglecting or offending, on Conviction before any Juſtice of the Peace for the Eaſt Riding of the County of *York*, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice; and for want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Common Gaol or Houſe of Correction for any Time not exceeding Three Calendar Months, nor leſs than Twenty-one Days, or until ſuch Penalty ſhall be paid, or otherwiſe compounded for; which Compoſition the ſaid Commiſſioners, or the major Part of them, are hereby impowered to make.

The Courſe of the Navigation.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall begin the ſaid main Drain or navigable Canal at or near the ſaid *Foſs Dyke Clough*, ſituate upon the Banks of the ſaid River *Humber*, and ſhall carry on, complete, and finiſh the ſame, and all and ſingular the Works to be made or erected thereon from or near the ſaid *Foſs Dyke Clough* progreſſively upwards, before the ſaid main Drain or navigable Canal, or any the ſaid Works ſhall be begun in or upon the higher Parts of the intended Courſe of the ſaid main Drain or navigable Canal.

Works for Navigation not to prejudice the Drainage.

XXXIX. Provided always, and be it enacted, That no Works ſhall be done for effecting or perfecting the ſaid Navigation in purſuance of the Powers and Authorities in this Act contained, which ſhall be the Means or Occaſion of Detriment, Prejudice, or Hindrance, to the draining of the aforeſaid Commons, Low Grounds, and Cars, or to the Works to be made for ſuch Drainage, or to the conveying or diſcharging the Water and Floods from any of the Lands lying within the ſaid Commons, Low Grounds, and Cars, which ſhall be rated or taxed for the Purpoſes of this Act.

No Lock to pen up the Water higher than within Three Feet of the Surface of the Land.

XL. Provided alſo, and be it enacted, That no Lock or Staunch ſhall be erected for the Purpoſe of Navigation which ſhall pen up the Water higher than within Three Feet of the natural Surface of any of the Lands and Grounds above ſuch Lock or Staunch; and ſuch Lock or Staunch ſhall be opened or pulled up whenever the Water ſhall run above Four Inches over the Top of ſuch Lock or Staunch.

Owners may make Cuts, Canals, or Watering-places.

XLI. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in any Way to reſtrain or prevent the ſeveral Owners and Proprietors of Lands and Grounds within any of the ſaid Commons, Low Grounds, and Cars, hereby intended to be drained from making ſuch Cuts, Canals, or Watering-places, in, over, and upon, their reſpective Lands and Grounds, as they ſhall, from Time to Time think proper, ſo as ſuch Cuts, Canals, or Watering-places, do not damage or prejudice either the Drainage or the Navigation intended to be made and effected by this Act.

Owners of adjacent Grounds may be admitted to the Benefit of Drainage by Agreement with Commiſſioners or Truſtees.

XLII. And be it further enacted, That in caſe the Owners of any Lands or Grounds, or the Majority of the Owners of, and Perſons intereſted in, any Commons in the ſaid Eaſt Riding of the County of *York*, adjoining or lying near the ſaid Commons, Low Grounds, and Cars, intended to be drained by virtue hereof, though not within the Pariſhes, Townſhips, or Places mentioned in this Act, ſhall ſignify in Writing to the ſaid Commiſſioners, or the major Part of them, or the ſaid Truſtees, or any Seven of them, at any of their Meetings, their Deſire that ſuch their reſpective Commons, Lands or Grounds, ſhould be admitted to the Benefit of Drainage through all or any of the Cuts, Drains, or other Works to be made by virtue of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them, during the Continuance of their Authority, and after the Determination thereof, for the ſaid Truſtees, or any Seven or more of them, at their annual Meeting, to extend the Boundaries of this Act, ſo as to take in and comprehend ſuch Commons, Lands, or Grounds; and alſo to rate and tax ſuch Commons, Lands, or Grounds, with ſuch yearly or groſs Sum or Sums of Money, or otherwiſe, as ſhall be agreed upon by and between the ſaid Owners and the ſaid Commiſſioners or Truſtees, as the Caſe may happen to be; provided that it ſhall appear to the ſaid Commiſſioners or Truſtees that ſuch Extenſion ſhall not be to the Prejudice of any other Grounds or Lands the Owners whereof ſhall not have joined in ſuch Application, or to the Prejudice of the Drainage hereby intended, Notice thereof having been given in the weekly News-paper called *The York Courant*, or ſome other News-paper as aforeſaid, Twenty Days at the leaſt before ſuch annual Meeting.

Adjacent Grounds how to be taxed.

XLIII. Provided always, and be it enacted, That ſuch Sum or Sums of Money ſo agreed upon to be paid for every Acre ſo admitted to the Benefit of Drainage, ſhall not exceed the higheſt Rate or Proportion of the Rates and Taxes charged by this Act upon an Acre of Land or Ground within the Boundaries of this Act; and that after ſuch Admiſſion and Taxation ſuch Commons, Lands, and Grounds, ſhall be, and be deemed and taken to be within the Boundaries of this Act, and be Part of the Lands intended to be drained thereby; and that all the Powers, Authorities, Proviſions, Limitations, Penalties, Forfeitures, Matters, and Things, in this Act contained, as well in reſpect of Works and Drainage, and the impoſing, levying, collecting, and Application of Taxes, and the raiſing of Money on the Credit thereof, or otherwiſe, ſhall extend, and be conſtrued to extend to ſuch Lands and Grounds, and the Rates and Taxes to be laid thereon; any Thing herein contained to the Contrary thereof notwithſtanding.

Commiſſioners to purchaſe Lands for building Houſes for Lock-keepers, &c.

XLIV. And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall have full Power and Authority, and are hereby impowered to agree with the Proprietors of, and Perſons intereſted in any Lands, Tenements, or Hereditaments, on which they the ſaid Commiſſioners, or the major Part of them, ſhall judge neceſſary to build Houſes for Perſons looking after the Locks, or to be

be made uſe of in any Manner, in Whole, or in Part, for the Purpoſes of this Act, either for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors, or Perſons intereſted therein, for the Damage they may reſpectively ſuſtain; and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, Huſbands, Guardians, Truſtees, or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes covert, or Perſons under any other legal or natural Diſability; and to and for all and every Perſon or Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Tenements or Hereditaments, to contract for, ſell, and convey, unto the ſaid Commiſſioners, or the major Part of them, or to ſuch Perſon or Perſons as they, or the major Part of them, ſhall appoint, the Fee-ſimple and Inheritance, or the whole Eſtate and Intereſt of ſuch Perſon or Perſons, or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, or other Perſons whomſoever, of and in ſuch Lands, Tenements, and Hereditaments, for the Purpoſes aforeſaid; or to agree with the ſaid Commiſſioners, or the major Part of them, for any Recompence to be made for any Damages occaſioned by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, Conveyances, and Agreements, ſhall be valid and effectual in the Law, to all Intents and Purpoſes, not only ſo as to alienate, convey, and transfer, the Eſtate and Intereſt of the Perſon or Perſons actually entering into, making and executing the ſame, but alſo all Rights, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, both in Law and Equity, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes covert, or other Perſon or Perſons whomſoever, and all claiming or to claim, by, from, or under them, any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever ſo conveying as aforeſaid, are hereby indemnified for what they, or any of them, ſhall do in purſuance, and according to the true Intent and Meaning of this Act.

Where Perſons ſhall refuſe or neglect to treat.

XLV. And it is hereby further enacted, That if any ſuch Bodies Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, intereſted or concerned as aforeſaid, for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier, or Occupiers, of ſuch Lands, Tenements, or Hereditaments, intended to be cut, altered, dug, or uſed, for any of the Purpoſes in this Act as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or the major Part of them, or, by reaſon of Abſence, ſhall be prevented from treating, touching the Matters aforeſaid; then, and in every ſuch Caſe, the ſaid Commiſſioners, or the major Part of them, are hereby impowered, from Time to Time, to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of *York* for the Time being, or in caſe ſuch Sheriff ſhall be immediately intereſted in ſuch Matter in Queſtion, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to impanel, ſummon and return a Jury; and the ſaid Sheriff or Coroner reſpectively, to whom the ſaid Warrant or Warrants ſhall be directed, is hereby required accordingly to impanel, ſummon, and return a Jury of Twenty-four Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners, or the major Part of them, at ſuch Time and Place, as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Twenty-one Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, upon Pain to forfeit, for every Default in not making ſuch Return, Five Pounds; to be ſued for and recovered in the Manner herein-after directed; and alſo to return in Iſſues upon every Perſon ſo impanelled and returned, not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings; which ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon not appearing as aforeſaid, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or the major Part of them: And in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men that can ſpeedily be procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or the major Part of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon or Perſons as ſhall be thought neceſſary to be examined as Witneſſes, touching the Matters in queſtion; and the ſaid Commiſſioners, or the major Part of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in queſtion; which Jury upon their Oaths to be adminiſtered by the ſaid Commiſſioners, or the major Part of them, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or the major Part of them, are hereby impowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for ſuch Damages as may or ſhall be ſuſtained as aforeſaid, and to ſettle and aſcertain in what Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and the ſaid Commiſſioners, or the major Part of them, ſhall give Judgment for ſuch Purchaſe-monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict and the Judgment thereupon pronounced by the ſaid Commiſſioners, or the ma-

Truſtees may iſſue a Warrant to the Sheriff, &c. to ſummon a Jury.

Jurors may be challenged.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict to be concluſive.

jor Part of them, shall be binding and conclusive to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever.

Witnesses or Jurymen refusing to be sworn, to be fined by the Commissioners.

XLVI. Provided also, and be it enacted, That if any Person or Persons, summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Commissiononers, or the major Part of them; or appearing shall refuse to be sworn or examined by, or give evidence before the said Commissioners or the major Part of them; or if any Person, summoned as a Juryman as aforesaid, shall after his Appearance refuse to be sworn, or being so sworn refuse to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act; every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, or the major Part of them, shall, for every such Offence, forfeit and pay a Sum not exceeding the Sum of Five Pounds; to be levied on the Goods and Chattels of the Person or Persons so offending, by Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or the major Part of them, by Distress and Sale of the Offenders Goods, rendering the Overplus, (if any), to the Owner thereof, after such Penalty and the Charges of such Distress and Sale are deducted.

Expences of the Jury how to be paid.

XLVII. And be it further enacted, That in case any Jury, to be summoned and sworn, as aforesaid, shall give a Verdict for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damages to be done thereto, than what shall have been offered by or on Behalf of the said Commissioners, or the major Part of them, before the summoning of any such Jury for such Recompence or Satisfaction, that then all the reasonable and necessary Expences of summoning and maintaining such Jury and the Witnesses, and of taking such Inquest, shall be paid and defrayed by the said Commissioners, or the major Part of them, out of the Monies to arise by virtue of this Act; but if any such Verdict shall be given for no greater Sum, or a less Sum than shall have been so previously offered by or on Behalf of the said Commissioners, or the major Part of them, for such Recompence or Satisfaction, that then the Expences of Summoning and maintaining such Jury and the Witnesses, to be setttled by the said Commissioners, or the major Part of them, shall be borne and defrayed by the Owners of, or Persons interested in, the said Lands, Tenements, or Hereditaments so in Question; and the Expences so ascertained shall be deducted and taken out of the Monies so assessed and adjudged, and the Payment or Tender of the Remainder of such Monies shall be deemed within the Intent and Meaning of this Act to be a full Satisfaction for such Lands, Tenements, Hereditaments, or Damages respectively.

Commissioners may proceed on Works, after satisfaction made.

XLVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall be agreed upon between the said Commissioners, or the major Part of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Party or Parties, or to the principal Officer or Officers, Treasurer or Receiver of any such Bodies Politick, Corporate or Collegiate, or if he, she, or they, cannot be found, or refuse to accept such Money upon Payment thereof to the Clerk or Treasurer of the said Commissioners, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties, Principal Officer or Officers, Treasurer or Receiver respectively, the said Commissioners, and all Persons employed or authorised by them, or the major Part of them, shall have full Power and Authority to enter upon the Lands, Tenements, or Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, and Hereditaments, for the Purposes of this Act; and they shall be, and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate whatsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, and Claim, Interest, and Property, to and in the same.

Commissioners to enter upon, and make Surveys of Lands, &c.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them, or such Person or Persons as they, or the major Part of them shall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the said Commissioners, or the major Part of them, shall think necessary to be used for any of the Purposes of this Act, doing thereby as little Damage as may be, and making Satisfaction as soon as conveniently may be, for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of Five Shillings; and in case such Damages shall not amount to the Sum of Five Shillings, then no Satisfaction shall be paid or recovered, or sued for on account thereof, in any Court whatsoever.

Bodies Politick, &c. to have Satisfaction for Damages.

L. And be it further enacted, That if any Person or Persons, Bodies Politick, or Corporate, at any Time after the said Commissioners, or any Person or Persons employed or authorised by them, shall have begun to carry this Act into Execution for making the said Drainage and Navigation, or shall have completed the same, shall happen to sustain any Damage or Injury in his, her, or their Lands, Grounds, or Hereditaments, for which they shall have had no Recompence or Satisfaction, through any Neglect or Default of the said Commissioners, or their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them, or any or either of them, on account of the Works to be made by virtue of this Act, or from any other Cause; then, and in every such Case, if the said Commissioners, or the major Part of them, and the Parties by whom such Damages shall have been sustained, shall not agree touching such Damages, the said Commissioners, or the major Part of them, shall inquire of and ascertain such Damages by a Jury, to be impanelled and returned as aforesaid, and give Judgment for the Party or Parties aggrieved, who shall recover the same accordingly, in the same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged for any Lands, Tenements,

ments, or Hereditaments, which shall be in anywise made use of, cut, or damnified, in the Execution of any the Works by this Act directed and authorised.

All Verdicts, &c. to be inrolled, and filed with the Clerk of the Peace.

LI. And be it further enacted, That all Verdicts and Judgments which shall be made and given in relation to any such Lands, Tenements, and Hereditaments, so to be used for the Purposes of this Act as aforesaid, (such Verdicts and Judgments being signed by the major Part of the said Commissioners who shall be present at the taking of such Inquest,) shall be delivered to and filed by the Clerk of the Peace for the East Riding of the County of *York*; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling, and for every such Copy, not exceeding One hundred Words, the Sum of Twopence, and so in proportion for any greater Number of Words.

For Exchange of Lands.

'LII. And whereas the Lands and Grounds of several of the Land-owners may, by the Execution 'of the Powers of this Act, be so separated as to render the Occupation thereof inconvenient;' be it further enacted, That it shall and may be lawful to and for any Bodies Politick, Corporate, and Collegiate, and other Land-owners under any Disability, by and with the Consent of the said Commissioners, or the major Part of them, or of the said Trustees, or any Seven or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of, and attested by Two or more credible Witnesses, to contract for, sell, and dispose, or to convey in Exchange, in lieu of other Lands, all or any Part of such Lands or Grounds so separated to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as to the said Commissioners, or the major Part of them, or to the said Trustees, or any Seven or more of them, shall seem reasonable, so as that such Price or Prices be not less than after the Rate of Thirty Years Purchase; and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the Contrary thereof notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying and exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, so to be made as aforesaid, shall, at the Expence of the said Commissioners or Trustees, be inrolled in the publick Register Office for the said East Riding; and true Copies thereof, attested by the proper Officer, shall be allowed to be good Evidence in all Courts whatsoever, for which Inrolment, or Copy thereof, shall be taken the Sum of Twopence for every One hundred Words, and so in proportion for a greater or less Number of Words, and no more.

Tolls.

LIII. And be it further enacted by the Authority aforesaid, That in consideration of the great Charges and Expences which must necessarily be sustained in making, maintaining, and supplying with Water the said Main Drain or Cut, intended to be made navigable as aforesaid, and in making and maintaining all other Works for the Use and Purpose of the said Navigation, there shall be paid, from and after the Feast of *Saint Michael* next coming, at such Place or Places, upon or adjoining to the said Main Drain or navigable Cut, as the said Commissioners, or the major Part of them, shall, by any Instrument in Writing under their Hands and Seals, appoint, unto the Collector or Collectors, (to be nominated as herein-after is directed) by all and every Person or Persons who shall carry or convey any Goods, Wares, Merchandises, or Commodities whatsoever, up or down the said navigable Canal, any Sum or Sums of Money, not exceeding Four Shillings for every Ton of Grocery Goods, Wares, and Merchandises, Two Shillings for every Chaldron of Coals, (containing Thirty-two Bushels to the Chaldron); One Shilling for every Ton of Stone; One Shilling and Sixpence for every Chaldron of Lime, (containing Thirty-two Bushels to the Chaldron); Sixpence for every Ton of Manure of all Sorts; Two Shillings for every Thousand of Tiles; One Shilling for every Thousand of Bricks; and Eightpence for every Pack of Wool, (containing Sixteen Stone to each Pack); and so in proportion for any greater or less Quantity: Which respective Sum or Sums of Money, the said Commissioners, or the major Part of them, shall, by any Instrument in Writing under their Hands and Seals, appoint, to be paid in due Proportions, according to the Expences attending or occasioned by the making navigable such specific Distance of the said navigable Cut or Canal, as any of the said Goods, Wares, Merchandises, or Commodities, shall be carried or conveyed upon; and the said Sum or Sums, or any Part thereof so proportioned, shall and may be demanded and taken as a Toll, for navigating upon the said Cut or Canal, from the said River *Humber* to *Market Weighton*, at such Place or Places as the said Commissioners, or the major Part of them, shall in such Instrument direct: And in case of Neglect or Denial of Payment on Demand of such Tolls, or any Part thereof, such Collector or Collectors is and are hereby authorised and required to seize and detain any such Goods, Wares, Merchandises, and Commodities, or the Boats or Vessels conveying the same; and in case such Tolls, shall not be paid within the Space of Five Days next after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandises, Commodities, Boats, or Vessels, rendering the Overplus (if any) to the Owners, after the said Tolls together with the reasonable Charges of such Seizure, Detention, and Sale, shall be satisfied and paid.

Exemptions.

LIV. Provided always, That nothing herein before contained shall extend to charge with any of the said Tolls or Rates any Boats which shall be upon the said navigable Cut for Pleasure only, or any Boat or other Vessel, laden with Materials for the Purposes of Drainage or Navigation hereby directed to be made.

LV. Provided always, and be it enacted, That for every Quarter of Wheat, Rye, Beans, Peaſe, Lentiles, Barley, Malt, Oats, or other Grain, or Seeds whatſoever, paſſing or repaſſing upon the ſaid navigable Canal, there ſhall be paid the Sum of Eightpence; and for every Sack of Flour (containing Five Buſhels to the Sack) Sixpence, and no more; and ſo in proportion for any greater or leſs Quantity: Which reſpective Sum and Sums of Money ſo appointed to be paid as aforeſaid, ſhall and may be demanded, taken, recovered, and applied, in ſuch Manner, and at ſuch Place or Places, as the other Tolls or Rates herein-before ſpecified are herein directed to be demanded, taken, recovered, and applied. Rates for Corn, &c.

LVI. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall claim or take any Benefit of any of the Exemptions by this Act granted, not being intitled to the ſame, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be recovered, levied, and applied, in ſuch Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied and applied. 40 s. Penalty on Perſons taking Benefit of Exemptions illegally.

LVII. And be it further enacted, That all the Money which ſhall be raiſed, levied, and collected, by virtue of this Act, for or towards the carrying on and completing the Drainage of the ſaid Commons, Low Grounds, and Cars, herein-before mentioned, and alſo all Tolls and Duties to be raiſed by virtue of this Act for or towards the carrying on and completing the ſaid Navigation, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, or their Succeſſors, to be nominated as herein-before mentioned, until ſuch Drainage and Navigation ſhall be finally completed and perfected, and the Award of the ſaid Commiſſioners ſhall be executed as herein-after mentioned; and from and after the ſigning and ſealing ſuch Award, all the Money which ſhall then have been raiſed by the ſaid Commiſſioners for thoſe Purpoſes, or any them, by virtue of this Act, and alſo all the Monies which ſhall then have been taxed and aſſeſſed by the ſaid Commiſſioners, or the major Part of them, by virtue of this Act, but ſhall not have been then received, and all and ſingular the Powers and Authorities herein before granted to the ſaid Commiſſioners for the collecting, raiſing, and levying the ſame, ſhall, immediately from and after the ſigning and ſealing of the ſaid Award by the ſaid Commiſſioners, be veſted in the ſaid Truſtees herein-before named, and their Succeſſors, to be choſen and appointed as aforeſaid; and the ſaid Commiſſioners, or the major Part of them, are hereby authoriſed, in the Firſt Place, and before any other Diſburſements, to pay and diſcharge all the Charges and Expences of ſoliciting and obtaining this Act, and other neceſſary Expences relating thereto; which ſaid Charges and Expences ſhall be divided between the Proprietors of the ſaid Lands ſo intended to be drained and the Subſcribers to the ſaid Navigation, in ſuch Proportions as the ſaid Commiſſioners, or the major Part of them, ſhall think juſt and reaſonable; and alſo all the Charges and Expences of the ſaid Commiſſioners, and all other Charges and Expences which are indiſcriminately occaſioned by the ſaid intended Drainage and Navigation; but with reſpect to all tne peculiar Charges and Expences, as well of carrying on and finiſhing the ſaid intended Drainage as of maintaining, preſerving, and keeping in Order, for all Times to come, all the Drains to be made or enlarged for that Purpoſe, other than the maintaining the main Drain or navigable Canal, the ſame ſhall be and are hereby directed to be borne and defrayed wholly out of the Money to be raiſed by ſuch rateable and proportionate Taxes and Aſſeſſments as aforeſaid, upon the ſaid Commons, Low Grounds, and Cars; and with reſpect to all the peculiar Charges and Expences, as well of the making, carrying on, and completing the ſaid main Drain or navigable Canal, as of maintaining, preſerving, and keeping in Order, for all Times to come, ſuch main Drain or navigable Canal, and all and ſingular the Works which ſhall be made, done, or conſtructed, for the Purpoſe of effecting, completing, and carrying on the ſaid intended Navigation, or any Thing relative thereto, and the Charges and Expences of all Purchaſes of Lands or other Hereditaments to be made for the Purpoſe of the ſaid intended Navigation, and all Monies which ſhall be paid as a Satisfaction for Damages done to any Lands or Hereditaments which ſhall be uſed for the ſame or the like Purpoſe, and all other incidental Charges and Expences which ſhall be occaſioned by or by Means of the ſaid intended Navigation, the ſame ſhall be and are hereby directed to be borne and defrayed wholly out of the Money ſubſcribed, or to be ſubſcribed, by the ſeveral Contributors to the ſaid intended Navigation; and for that End the aforeſaid Commiſſioners, by their Treaſurer or other Officer, are hereby required to procure and keep One or more Book or Books of Account, in which ſhall be entered fairly and diſtinctly the ſeveral Sums of Money which ſhall be received from Time to Time by virtue of this Act, to be applied towards the carrying on and finiſhing the ſaid intended Drainage, and the Works relating thereto, and the ſeveral Sums of Money which ſhall be paid and diſpoſed of for the ſame Purpoſe; and One or more other Book or Books of Account, in which ſhall be entered fairly and diſtinctly the ſeveral Sums of Money which ſhall be received from Time to Time by virtue of this Act, to be applied towards the carrying on and finiſhing the ſaid intended Navigation, and the Works and Expences relating thereto, and the ſeveral Sums of Money which ſhall be paid and diſpoſed of for that Purpoſe. Taxes and Tolls veſted in Commiſſioners, &c. Application of the ſame. Peculiar Charges of Drainage upon Lands. Peculiar Charges of Navigation upon the Contributors. To keep Books for that Purpoſe.

LVIII. And be it hereby further enacted, That the ſaid Commiſſioners, or the major Part of them, at their ſeveral annual Meetings herein-before mentioned, ſhall be attended by the Surveyor or Surveyors of the Works of ſuch Drainage and Navigation reſpectively, with the Plans, Surveys, and other Means of Information in his or their Cuſtody relating to ſuch reſpective Works, and ſhall alſo be then attended, if they then think fit, by all and every other Perſon or Perſons appointed or employed by the ſaid Truſtees as aforeſaid, in the Execution of this Act, who ſhall then alſo produce all ſuch Books and Papers in their Cuſtody relating to the ſaid Drainage and Navigation reſpectively, as ſhall be required by the ſaid Commiſſioners ſo aſſembled, or the major Part of them, to be ſo produced; and the ſaid Commiſſioners, or the major Part of them, ſhall, at ſuch reſpective annual Meetings, examine the State Surveyors are to attend Commiſſioners, &c.

and ſhall draw a fair Account of all Receipts and Diſburſements on on account of Drainage and Navigation reſpectively.

and Progreſs of all ſuch Works reſpectively committed to their Care and Direction by this Act, and the State of the ſeveral and reſpective Funds hereby provided for the ſaid intended Drainage and Navigation; and ſhall then cauſe a fair Account to be drawn out of the groſs Sums of all Receipts and Diſburſements to that Time had and made on account of the ſaid Drainage and Navigation reſpectively; and the ſaid Truſtees, or their Succeſſors, to be appointed as aforeſaid, or any of them, may be preſent, if they think fit, at any ſuch annual Meetings of the ſaid Commiſſioners, and may call for and inſpect all or any of the Accounts, Papers, and Writings, relative to the ſaid intended Drainage and Navigation reſpectively, without any Controul or Hindrance from any Perſon whatſoever.

Truſtees may reduce the Tolls.

LIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any Meeting to be had for that Purpoſe, in purſuance of Notice to be given Twenty-one Days before ſuch Meeting, by Writing, to be affixed upon the Dwelling-houſe of the Collector of the ſaid Tolls and Rates for the Time being, and alſo to be inſerted in *The York Courant*, or ſuch other publick News papers as aforeſaid, Four ſeveral Weeks before ſuch Meeting, with the Conſent of the Proprietors of at leaſt Two thirds of the Shares of the ſaid Navigation, to leſſen or reduce the ſaid Tolls and Rates hereby granted, or any of them, as they ſhall think proper, of which Reduction the like publick Notice ſhall be given as aforeſaid; and may afterwards, from Time to Time, at any ſuch Meeting (of which ſuch Notice ſhall be given as aforeſaid), advance the ſaid Tolls and Rates, or any of them, again to any Sum or Sums of Money, not exceeding the Tolls and Rates herein-before ſpecified; and that no ſuch Reduction of the Tolls and Rates hereby ſpecified ſhall be confined to any particular Part of the ſaid navigable Canal, but that ſuch Abatement of the ſaid Tolls and Rates ſhall take place, or be made in ſuch Proportion and Degree as herein-before directed for collecting the ſame.

Commiſſioners to compute the Charges of Drainage and Navigation reſpectively, and allot each Proprietor his Share of the Tolls.

'LX. And whereas ſeveral of the Truſtees herein-before named, and ſeveral other Perſons, have undertaken and agreed, at their joint Charges and Expences, to advance all the Money which ſhall be neceſſary for the Purpoſe of completing the ſaid intended Navigation, and making and perfecting the ſeveral Works which ſhall be found requiſite for the carrying on with Effect the ſaid intended Navigation in ſuch navigable Canal, in conſideration of their having, and being intitled to, ſuch Shares of the Tolls and Rates to be collected and paid for Goods paſſing upon the ſaid navigable Canal, when ſo made, as ſhall be proportionable to the Share which each Undertaker ſhall bear of the Charges and Expences attending the ſame;' be it therefore further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall, as ſoon as may be after the ſaid intended Drainage or Navigation ſhall be completed, compute and aſcertain the whole Charges and Expences of the ſaid intended Drainage, and of all the Works which ſhall have been made, done, or conſtructed, for the Purpoſe of making and completing the ſaid intended Drainage; and ſhall alſo ſeparately and diſtinctly compute and aſcertain the whole Charges and Expences of making and perfecting the ſaid intended Navigation, and of all the Works which ſhall have been made, done, or conſtructed, for the ſpecifick Purpoſe of the ſaid intended Navigation, and all the Money which ſhall have been laid out and expended in purchaſing Land, or making Satisfaction for Damages to Lands, requiſite to be had and uſed for the ſame ſpecifick Purpoſe, or on account thereof, and all other Charges and Expences whatſoever relating thereto; and the ſaid Commiſſioners, or the major Part of them, ſhall alſo, upon a careful Examination of the ſeveral Sums contributed and paid by each and every Perſon towards the Charges and Expences occaſioned by the ſaid intended Navigation, allot and aſſign to each ſuch Contributor ſuch Share of the Tolls and Rates to be ſo collected and paid by virtue of this Act, for Goods paſſing upon the ſaid navigable Canal, as ſhall be fairly and juſtly proportionable to the ſeveral and reſpective Sums of Money ſo to be contributed and paid for the making and perfecting the ſaid intended Navigation; and ſhall cauſe to be fairly entered, by their Clerk, in a Book to be kept for that Purpoſe, the Chriſtian and Surnames, at Length, of all the ſaid Contributors, in One Column, and ſhall ſet in another Column, over againſt the Name of every ſuch Contributor or joint Contributors, the groſs Sum ſo advanced by him, her, or them reſpectively, and in a Third Column the Share of the ſaid Tolls and Rates ſo to be by them allotted and aſſigned to him, her, or them, as aforeſaid; and the reſpective Shares of the ſaid Tolls and Rates, ſo to be allotted and aſſigned as aforeſaid, ſhall be and are hereby veſted in the ſeveral and reſpective Perſons to whom the ſame ſhall be ſo allotted and aſſigned, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their own proper Uſe and Benefit reſpectively; and all and every the ſaid Shares ſhall be deemed to be perſonal Eſtates, and tranſmiſſable as ſuch; and a Tranſcript of the Name or Names of each Contributor or joint Contributors, and of the groſs Sum by him, her, or them, ſo contributed and paid as aforeſaid, and of the Share of the ſaid Tolls and Rates ſo allotted or aſſigned to him, her, or them, as aforeſaid, and ſigned by the Clerk to the ſaid Commiſſioners, ſhall be ſufficient Evidence of the Share belonging to each and every ſuch Contributor of the ſaid Tolls and Rates, in all Courts whatſoever.

Commiſſioners to pay Intereſt of Money ſubſcribed until the Works are completed.

LXI. And it is hereby further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, out of the Money ſo to be contributed for the making and perfecting the ſaid intended Navigation, until the ſame ſhall be completed, to pay all and every Perſon and Perſons who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums of Money as ſhall, from Time to Time, be demanded in reſpect thereof, towards carrying on and completing the ſaid intended Navigation, Intereſt for the ſame, after the Rate of Five Pounds for every One hundred Pounds by the Year, from the Time that each of ſuch Sums ſhall be reſpectively advanced as aforeſaid, ſuch Intereſt to be paid and payable at *Market Weighton* aforeſaid.

LXII. And be it further enacted by the Authority aforesaid, That when the said intended Drainage, and also the said intended Navigation, and all the Works necessary or proper for those several Purposes, shall be perfected, then the said Commissioners, or the major Part of them, are hereby authorised and required, as soon as conveniently may be, to divide, arrange, and distinguish the Number of Acres of each and every Proprietor in the said Low Grounds and Cars so held in Severalty into such and so many different Species or Denominations of Land, according to the Manner of proportioning the Tax as herein-before mentioned; and after such Survey and Arrangements shall be made, settled, and adjusted, as aforesaid, the said Commissioners, or the major Part of them, shall, by an Award or Instrument in Writing to be signed and sealed by them, or the major Part of them, specifying such Arrangements, tax, charge, and assess the Lands of all and every such Proprietor in the said Low Grounds and Cars by the Acre, or otherwise, as they shall think most equitable (on Consideration of the said Surveys and Arrangements), with his, her, or their respective Quota or Proportion of the whole Expence attending the said Drainage to that Time: And in case the Quota or Proportion of any such Proprietor so to be taxed and assessed by the said Commissioners, or the major Part of them, as aforesaid, shall exceed what such Proprietor shall have been taxed or assessed at and paid, or shall have been raised upon his said Lands, by virtue or in pursuance of the Powers and Authorities herein-before given to the said Commissioners, or the major Part of them, then such Proprietor shall, within Twenty-one Days after Notice shall be given to him by the said Commissioners, or the major Part of them, in Writing under their Hands, of such Excess, pay the same to the Treasurer of the said Commissioners for the Time being; or otherwise, in case of Neglect or Default of such Payment, the said Commissioners, or the major Part of them, shall, and they are hereby authorised and required to raise the same Excess by Mortgage of the Lands of the said Proprietors in the said Low Grounds and Cars, by such Writing, and in such Manner, as herein-before is directed and mentioned; and shall pay and apply, or order to be paid and applied, such Excess, when paid or raised as aforesaid, in or towards paying and refunding to such other of the Proprietors in the said Low Grounds and Cars, such Sum and Sums of Money as they shall have respectively paid, or have raised upon their said respective Estates, by or in pursuance of the Methods herein before prescribed, over and above what their respective Quotas and Proportions, to be taxed and assessed by the said Commissioners, or the major Part of them, as aforesaid, shall amount unto; and the Remainder of every such Excess (if any shall be) shall be applied towards the repairing the Works then made for the Purpose of the said general Drainage, or making and repairing such other new Works as shall be thought necessary for that Purpose; and in case the Excesses aforesaid shall not be sufficient to refund the said Proprietors, or any of them, what they shall have overpaid as aforesaid, then such Deficiencies shall be made good to them out of the next Rates and Assessments to be made by virtue of this Act.

Commissioners (after Works are completed) to divide and arrange the Number of Acres of each Proprietor into different Species of Land, and tax accordingly.

If any Proprietor has overpaid his Proportion, the same to be refunded.

LXIII. And be it further enacted, That the said Award or Instrument in Writing, containing the Arrangements and Taxation of the said Low Grounds and Cars, and the Quota to be borne by the respective Commons, being ingrossed on Parchment, and signed and sealed as aforesaid, shall be kept by the Clerk to the said Trustees, along with the Book or Books of the Orders and Proceedings of the said Trustees under this Act; and shall also be inrolled at the publick Register Office for the said East Riding of the said County of *York*, as a Rule or Precedent of Proportion for all future Taxations to be made and raised pursuant to this Act; and the said Register, or his Deputy for the Time being, is and are hereby required to inroll the said Award in the proper Book for inrolling of Bargains and Sales, a true Copy of which Inrolment, or any Part thereof, under the Hand of the said Register, or his Deputy, shall be allowed as Evidence in all Courts of Law and Equity, and the said Register, or his Deputy, shall be intitled to such Fees for such Inrolment, and Copies thereof, or any Part thereof, as are allowed to the said Register for inrolling any Bargain and Sale, and Copy thereof, or Part thereof; and the said Register and his Deputy shall permit and suffer any Person whatsoever, from Time to Time, and at all Times within the Office Hours of Attendance, to peruse and inspect the Inrolment of the said Award at the said publick Office, paying to the said Register, or his Deputy, for every such Perusal or Inspection, One Shilling, and no more.

Award (containing Arrangements and Taxation) shall be entered in a Book, and also be inrolled in the publick Register Office.

LXIV. And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven of them, by Notice in Writing under their Hands to be delivered to the Clerk and Treasurer of the said Commissioners, or left at their last respective Places of Abode, to require the said Commissioners, Once in every Year, during the Continuance of their said Trust, and also Once after their said Trust shall be determined, to produce, at a Meeting of the said Trustees, to be held at a Time and Place to be specified in such Notice, (which Time shall not be less than Three Weeks after the Delivery of such Notice) the Accounts of all the Money which shall at and before the Time of every such Meeting respectively have been received, paid, and expended, by the said Commissioners, or any of them, on the separate and distinct Accounts of the said Drainage and Navigation, with the Vouchers for the same (except as to such small Payments for which Vouchers are not usually required); and the Clerk or Treasurer of the said Commissioners, receiving any such Notice as aforesaid, signed by such Trustees, shall forthwith communicate the same to all the said Commissioners, who shall thereupon, and are hereby required to produce such Accounts and Vouchers at every such Meeting of the said Trustees held for that Purpose, and to give the Trustees assembled at such Meeting all the reasonable Satisfaction in their Power, as well concerning the Particulars of such Accounts, as concerning the due Execution of the several Trusts reposed in the said Commissioners by this Act; and in case the said Commissioners,

Trustees may inspect Commissioner's Account; on any Misbehaviour may displace them.

missioners, or any of them, shall refuse, or wilfully neglect to produce such Accounts and Vouchers as aforesaid before the said Trustees, or any Seven of them, at any such Meeting held for that Purpose in pursuance of such Notice as aforesaid, or to answer to any reasonable Questions proposed to them by any of the said Trustees, at such Meeting, concerning the due Execution of the said Trusts, or any of them, or shall not answer any such Question or Questions to the Satisfaction of the major Part of the Trustees present at such Meeting, it shall and may be lawful to and for the major Part of such Trustees so assembled, to cause Notice to be given in the said *York Courant*, or other such publick News-paper as aforesaid, for a General Meeting of the said Trustees, to be held at a Time and Place to be prefixed in such Notice, Ten Days at least before the Time of such Meeting; and also to cause a Summons in Writing, under the Hands of such major Part of the said Trustees so assembled as aforesaid, to be delivered to or left at the last Place of Abode of any such Commissioner or Commissioners so refusing or wilfully neglecting as aforesaid, whereby such Commissioner or Commissioners shall be required to attend at such General Meeting of the said Trustees, to shew Cause why he or they should not be amoved from being a Commissioner or Commissioners for the Execution of this Act; and in case a sufficient Number of Trustees shall not appear at the Time and Place to be expressed in such Notice, then another like Notice for such General Meeting of the said Trustees, and a like Summons to such Commissioner or Commissioners, to attend at such General Meeting, shall be delivered or left as aforesaid, and so, from Time to Time, until such General Meeting of Trustees shall be held in pursuance of such Notice; and in case such Commissioner or Commissioners so to be summoned as aforesaid shall not attend at such General Meeting of the said Trustees, in pursuance of such Summons, or shall not justify his or their Conduct in the Execution of the Trusts reposed in him or them by this Act, to the Satisfaction of the major Part of the Trustees so assembled at such Meeting, or the major Part of them, may, if they think fit, amove such Commissioner or Commissioners from his or their Office and Trust reposed in him or them by this Act, and some other fit Person or Persons may be nominated as a Commissioner or Commissioners, in the Manner herein-before directed, in the Room of the Commissioner or Commissioners who shall be so amoved as aforesaid.

Taxes may be laid to maintain Works, &c.

LXV. And be it further enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Seven or more of them, shall have Power and Authority, and they are hereby required to raise, from Time to Time, upon the Lands and Grounds occupied and enjoyed in Severalty, such annual Sum or Sums of Money as may be necessary for the Purpose of maintaining and repairing all and every the several and respective Works of Drainage which shall be then made and perfected, and for Payment of Salaries of Officers, and all other incidental Expences attending the said Drainage, by all such Ways and Means as the said Commissioners are herein-before authorised to raise the same, by and according to the Arrangement herein-before directed, so as the Sum or Sums of Money so to be raised by the said Trustees, or their Successors, shall not exceed, in any One Year, the Sum of Five Shillings *per* Acre of the Lands and Grounds so to be taxed and assessed; and also, from Time to Time, to tax the several and respective Commons, Low Grounds, and Cars, subject to Rights of Common, with such annual Sum or Sums of Money as they shall find necessary for the Purposes aforesaid; to be raised in the Manner herein-before prescribed, as the Mode of raising the Money to be charged on such Commons, Low Grounds, and Cars, subject to Rights of Common, by the said Commissioners, so as such Sum or Sums of Money so to be raised by the said Trustees shall not exceed, in any One Year, the Sum of Five Shillings *per* Acre; any Thing herein-before contained to the Contrary notwithstanding.

Power for further Subscription.

LXVI. And be it further enacted, That, in case the Money already subscribed for the Purpose of effecting and perfecting the said intended Navigation shall be found insufficient for the completing and maintaining the said navigable Canal, and the several Works hereby authorised to be made for the Uses and Purposes of the said intended Navigation, and all necessary Charges and Expences relating thereto; then, and in such Case, it shall and may be lawful to and for the present Subscribers to the said Undertaking to raise and contribute among themselves, or by the Admission of new Subscribers, any farther or other Sum of Money, for completing and perfecting the said Navigation; and every Subscriber towards raising such farther or other Sum or Sums of Money, shall stand interested in all the said Tolls and Rates to be collected as aforesaid, proportionably to the Sum he or she may subscribe thereto, as beneficially, to all Intents and Purposes, as if such farther Sum had been originally subscribed to the said Undertaking; any Thing herein contained to the Contrary notwithstanding.

Trustees may appoint Officers, &c.

LXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may be, and they are hereby authorised and impowered, at any Meeting to be by them held in pursuance and for the Purposes of this Act, from Time to Time, to appoint, by Writing under their Hands, such Person or Persons as they shall think fit to be Treasurer or Treasures, Collector or Collectors, Receiver or Receivers, of the Taxes and Assessments, Rents and Profits of Lands which may be inclosed from the said Commons as aforesaid, Tolls and Rates, respectively granted, or to arise and become due and payable by virtue of this Act, and of any Money which may be raised by Mortgages, or otherwise, as aforesaid, for the several and respective Purposes of this Act, or which may in any Manner belong to the several and respective Funds of the said Drainage and Navigation aforesaid, or either of them, and to assign and appoint to each such Officer their several and respective Charges and Employments, and such Salaries and other Gratuities for performing the same, as the said Trustees, or any Seven or more of them, shall, from Time to Time, think proper and reasonable, so as all and every such Treasurer and Treasurers, Collector and Collectors, and Receiver and Receivers, do give Security to the Satisfaction of the said Trustees, or any Seven or more of them, for the faithful and due Execution of their respective Offices; and such Collector or Collectors, Receiver or Receivers, and all other Persons

who ſhall receive any Money by virtue of this Act, ſhall, from Time to Time, and at all ſuch Times as he or they ſhall be required by the ſaid Truſtees, or any Seven or more of them, by Writing under their Hands, pay, or cauſe to be paid, into the Hands of the Treaſurer or Treaſurers of the ſaid Truſtees for the Time being, all and every Sum and Sums of Money which he and they ſhall reſpectively have received by virtue of this Act; and the ſaid Truſtees, or any Seven or more of them, may alſo, by Writing under their Hands, appoint a Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officer or Officers, as they ſhall think fit to employ in the Execution of this Act, with ſuch Salaries or other Gratuities as they ſhall, from Time to Time, think reaſonable; and it is hereby expreſsly directed, that the Salaries or other Gratuities ſo to be aſſigned or appointed to or for every ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor or other Officer, for or in reſpect of the ſaid Drainage, be, from Time to Time, paid by and out of the ſeparate and diſtinct Fund hereby appropriated for ſuch Drainage, and the Salaries, or other Gratuities, ſo to be aſſigned or appointed to or for every ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other Officer, for or in reſpect of ſuch Navigation, be, from Time to Time, paid, by and out of the ſeparate and diſtinct Funds hereby appropriated for ſuch Navigation; and that any ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other ſuch Officer ſo to be appointed as aforeſaid, ſhall be, from Time to Time, removeable by the ſaid Truſtees, or any Seven of them, at any Meeting to be held for that Purpoſe.

Separate Books to be kept, &c.

LXVIII. And be it further enacted, That the ſaid Treaſurer or Treaſurers reſpectively, ſhall provide One or more Book or Books of Account for the Purpoſe of keeping the Accounts relative to the ſaid intended Drainage, and One or more Book or Books of Accounts for the Purpoſes of keeping the Accounts relative to the ſaid intended Navigation; and ſhall fairly, in the proper Book or Books ſo to be provided, enter an Account of all Monies by him or them received and diſburſed for or in reſpect of ſuch ſeveral Purpoſes reſpectively, ſpecifying the Times when, and the Perſons from and to whom ſuch Monies reſpectively ſhall be received and diſburſed, and on what Occaſions, and for what Purpoſes; and each ſuch Book, or a true Copy thereof, ſigned by the ſaid Treaſurer or Treaſurers, together with the Vouchers for ſuch Diſburſements, and alſo all Books and Papers in his or their Cuſtody relating to the Execution of this Act, ſhall be produced to the ſaid Commiſſioners, or the major Part of them, at their annual General Meeting, to be held as aforeſaid; and alſo at any other of their Meetings, when the ſaid Commiſſioners, or the major Part of them, ſhall require the ſame; and alſo ſhall be produced to the ſaid Truſtees, or any Seven or more of them, at any Meeting of the ſaid Truſtees, when the ſame ſhall be by them required; and the ſaid Treaſurer or Treaſurers, ſhall alſo verify the ſaid Account or Accounts upon Oath, if thereunto required of them by the ſaid Truſtees, or any Seven or more of them, at any ſuch of their Meetings as aforeſaid; (which Oath the ſaid Truſtees, or any Two or more of them, at any ſuch Meeting, are hereby impowered to adminiſter); and the ſaid Truſtees, or any Seven of them, are hereby authoriſed to give ſuch Treaſurer or Treaſurers a Diſcharge for all ſuch Monies as ſhall appear to them to have been truly accounted for; the ſaid Truſtees, or any Seven or more of them, ſhall alſo at ſuch Time or Times, as they ſhall think proper, ſummon before them, and, if they think fit, examine upon Oath (which Oath the ſaid Truſtees, or any Seven or more of them, are hereby impowered to adminiſter) all or any ſuch Collectors, receivers, Clerks, Surveyors, and Perſons employed in or intruſted with the Receipt or Expenditure of any of the Monies to be raiſed by virtue of this Act, and all Collectors, Receivers, Clerks, Surveyors, and Perſons employed in or intruſted as aforeſaid reſpectively, ſhall attend the ſaid Commiſſioners and Truſtees at any of their Meetings, when their Attendance reſpectively ſhall be required, and ſhall render to the ſaid Truſtees, or any Seven or more of them, from Time to Time, whenſoever they be thereunto required, a true and perfect Account in Writing of all Monies ſo by them reſpectively received and paid, with the Vouchers for ſuch Payments, and alſo all Books and Papers in their Cuſtody relating to the Execution of this Act: And in caſe any ſuch Treaſurer, Collector, or Receiver, Clerk or Clerks, or other Officer or Perſon, ſhall be found in Arrear, or refuſe to account or to pay the Money remaining in his Hands, according to the Directions of the ſaid Commiſſions, or the major Part of them, or of the ſaid Truſtees, or any Seven or more of them reſpectively, according to the ſeveral Powers and Authoritites given to them by this Act, or ſhall not, after Twenty-one Days Notice in Writing, ſigned by any Seven or more of the ſaid Truſtees, and perſonally ſerved upon him or them, or left at his or their laſt Place of Abode, refuſe or neglect to attend the ſaid Commiſſioners, or the major Part of them, at any of their Meetings, and the ſaid Truſtees, or any Seven or more of them, at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, having no reaſonable Excuſe for ſuch Non-attendance, to the Satisfaction of the ſaid Truſtees, or any Seven or more of them, and ſhall not, at ſuch Time and Place, produce and deliver up to the Truſtees aſſembled at ſuch Time and Place, or as and to whom they ſhall direct, all ſuch Books of Account, and other Books, Papers, and Writings whatſoever, as ſhall be in his or their Cuſtody or Power, concerning or anywiſe relating to the Office, which any ſuch Perſon or Perſons ſhall then hold by virtue of this Act; in every ſuch Caſe, it ſhall be lawful for any Juſtice of the Peace acting for the ſaid Eaſt Riding of the ſaid County of *York*, by Warrant or Warrants under his Hand and Seal, to commit every ſuch Officer and Perſon ſo offending to the Common Gaol, there to remain without Bail or Mainprize until he ſhall have truly accounted with the ſaid Truſtees, or any Seven or more of them, and ſhall have paid to them, or to ſuch Perſon or Perſons as they ſhall direct, all the Money which ſhall be due and owing on the Balance of ſuch Account, by ſuch Officer or other Perſon ſo offending, and alſo ſhall have delivered up to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall direct, all ſuch Books, Papers, and Writings as aforeſaid, or compounded with or ſatisfied the ſaid Truſtees, or any Seven or more of them,

Penalty on Officers not accounting.

(which

(which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make, as they ſhall ſee cauſe).

Maſters to give an Account in Writing of their Goods.

'LXIX. And, for the more eaſy collecting the ſaid Tolls,' be it further enacted, That every Perſon having the Charge of any Boat or Veſſel, paſſing on the ſaid Cut or Canal, ſhall give a true Report or Account in Writing, to the beſt of his Knowledge, ſigned by himſelf, to the Collector or Collectors of ſuch Tolls, and at ſuch Place or Places as ſhall be appointed by the ſaid Commiſſioners, or the major Part of them, or the Weight, Quantity, and Number of the Goods, Wares, Merchandiſes, and Commodities, which ſhall be in, or belonging to ſuch Boat or Veſſel, and alſo of the Weight, Quantity, or Number of ſuch Goods, Wares, Merchandiſes, and Commodities, as ſhall have been diſcharged or taken out of ſuch Boat or Veſſel, before the Arrival thereof at the Place where ſuch Account or Report is to be given, and alſo of the Name or Names of the Owner or Owners thereof; and in failure of giving ſuch Account or Report, or in caſe a falſe Account or Report ſhall be given, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Two Pounds, over and above the Payment of ſuch Tolls; and if any Difference ſhall ariſe between any Collector of the ſaid Tolls and the Perſon having Charge of any Boat or Veſſel, or the Owner of any Goods, Wares, Merchandiſes, or Commodities, or Perſons acting in his or their Behalf, concerning the Weight, Quantity, or Number of the ſame, it ſhall be lawful for any ſuch Collector, to ſtop and detain any ſuch Boat or Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, all or any Part of ſuch Goods, Wares, Merchandiſes, and Commodities; and in caſe the ſame ſhall appear to be of a greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be of, in every ſuch Caſe, ſuch Perſon ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof on Demand, ſhall and may be recovered as the ſaid Tolls and Rates are appointed by this Act to be recovered: But if any ſuch Goods, Wares, Merchandiſes, or Commodities, ſhall appear to be of no greater Weight, Quantity or Number, than ſuch Perſon declared the ſame to be of, then ſuch Perſon ſhall pay ſuch Coſts and Charges, and ſhall alſo pay to ſuch Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandiſes, and Commodities, One Shilling for every Hour that ſuch Boat or Veſſel ſhall be ſo detained; and in default of immediate Payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace acting for the ſaid Eaſt Riding of the County of *York*, rendering the Overplus, (if any be), to the Owner or Owners of ſuch Goods and Chattels: And the ſaid Truſtees, or any Seven or more of them, may, if they think fit, out of the Money to be raiſed by the ſaid Tolls and Rates by virtue of this Act, reimburſe the ſaid Collectors the Monies ſo paid by, or levied upon them, for the Detention of any ſuch Boat or Veſſel, but ſhall not be compellable ſo to do.

Boats ſhall be meaſured and marked.

LXX. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons authoriſed by the ſaid Truſtees, or any Seven or more of them, to meaſure any Boat, Barge, Lighter, or other Veſſel paſſing upon the ſaid Cut or Canal, by putting Weights into the ſame, and to ſet Figures or Marks at each End of every ſuch Boat, Barge, Lighter, or other Veſſel, on the Outſide thereof, ſhewing how far every Ton Weight of Lading put into ſuch Boat, Barge, Lighter, or other Veſſel, will ſink the ſame, and alſo, from Time to Time, as they ſhall ſee Occaſion, remeaſure and mark again ſuch Boat, Barge, Lighter, or other Veſſel; and if the Owner, Maſter, or any other Perſon or Perſons, ſhall refuſe to permit, or ſhall obſtruct the weighing, meaſuring, and marking of any ſuch Boat, Barge, Lighter, or other Veſſel, he or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; or if any Owner, Maſter, or other Perſon, ſhall alter or deface ſuch Figures or Marks, or ſhall ſuffer the ſame to be altered or defaced, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be recovered, levied, and applied, in ſuch Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied.

Maſters of Veſſels to be anſwerable for Damages done by their Crew.

'LXXI. And, for the beter preventing of Damages or Miſchiefs that may be done or committed by 'any rude or diſorderly Perſons, towing, navigating, or managing any Boat, Barge, Lighter, or other 'Veſſel, within the Limits of the ſaid intended Navigation; and to the End that the Owners and Ma'ſters thereof may be more careful therein,' be it further enacted, That the Maſter or Owner of every Boat, Barge, Lighter, or other Veſſel, which ſhall paſs up or go down the ſaid Cut or Canal, ſhall be, and is hereby made anſwerable for, and ſhall make good any Damage, Spoil, or Miſchief, that ſhall be done by his, her, or their Boat, Barge, Lighter, or other Veſſel, or by any Boatmen, Bargemen, or Watermen, or by any of the Crew thereof belonging to, or employed in, or about the ſame reſpectively, or by his, her, or their Servants or Horſes, unto any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works, which ſhall be in, upon, or near the ſaid navigable Canal, or by loading or unloading any Boat, Barge, Lighter, or other Veſſel, and alſo, for any Treſpaſs or Damage which ſhall be made or done to the Owners or Poſſeſſors of any Buildings or Erections, upon or near the navigable Canal, which now are or ſhall hereafter be erected and ſet up, or to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining to the ſame, or any of them, other than is provided for and authoriſed by this Act; and if any ſuch Damage, Spoil, or Miſchief ſhall be done to any of the ſaid Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, or by loading or unloading ſuch Boats, Barges, Lighters, or other Veſſels, the ſame ſhall be inquired into, and determined by any Two Juſtices of the Peace acting for the ſaid Eaſt Riding of the County of *York*, who are hereby authoriſed and required, upon Complaint or Information made before them, to ſummon ſuch Boatmaſters, Bargemaſters, or Owners, to appear before them, and upon his, her, or their Appearance, or making Default to appear,

pear, (Proof being made upon Oath before such Justices that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her or their usual Place of Abode), such Justices shall proceed to examine into the Truth of the said Complaint or Information, and, upon Conviction of the Party complained of, or Proof upon Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boatmasters, Bargemasters, or Owners, as a Recompence for the said Damage, Spoil, or Mischief, so done as aforesaid, as the said Justices shall think proper, not exceeding Treble the Amount or Value of such Damage, Spoil, or Mischief, to be paid to the Party or Parties aggrieved; and in case of Non-payment of such Sum of Money so awarded and ordered for the Space of Six Days, the said Justices are hereby authorised and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels, or other Goods and Chattels, of such Boatmaster, Bargemaster, or Owner, by Warrant under the Hands and Seals of such Justices, rendering to the Owner the Overplus, (if any be), after the said Penalty, together with the reasonable Charges of such Information and Conviction, Distress and Sale, shall have been first satisfied and paid.

Boatmen obstructing Passage to be liable to Penalties.

LXXII. And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Person, having the Care or Management of any Boat, Barge, Lighter, or other Vessel, navigating or working the same, shall lay such Boat, Barge, Lighter, or other Vessel, so as to obstruct the Passage of other Boats, Barges, Lighters, or other Vessels, and shall not upon Request immediately remove the same, or shall by any Means hinder the opening or shutting of any of the said Locks or Sluices, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit a Sum not exceeding Forty Shillings, nor less than Five Shillings; to be recovered upon Conviction before any Justice of the Peace for the said East Riding of the County of *York*, by the Oaths of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Boat, Barge, Lighter, or other Vessel, or any of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any) after the reasonable Charges of such Information, Conviction, Distress, and Sale first deducted, to such Offender or Offenders; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor less than Ten Days.

Vessels sunk to be weighed.

LXXIII. And be it further enacted, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in such navigable Canal, and the Owner or Person having the Command or Rule thereof, shall not, as soon as may be, weigh or draw up the same again, and hale the same out of the Way of other Boats, Barges, Lighters, or other Vessels, passing and repassing upon the said Navigation, it shall and may be lawful to and for any Officer of, or other Person acting by the Authority or Command of the said Trustees, or any Seven or more of them, to cause such Boat, Barge, Lighter, or other Vessel, to be weighed or drawn up, and to detain and keep such Boat, Barge, Lighter, or other Vessel, until Payment shall be made of all Expences and Damages to be occasioned thereby: And if such Payment be not made within Twenty-one Days after such Boat, Barge, Lighter, or other Vessel, shall be weighed or drawn up; then, and in such Case, it shall and may be lawful to and for any Person or Persons, by Order in Writing from the said Trustees, or any Seven or more of them, (which Order the said Trustees, or any Seven or more of them, are in any such Case impowered to make), to sell the same for reimbursing the said Expences, Damages, and other incident Charges, rendering the Overplus, (if any be), when demanded, to the Owner or Master of such Boat, Barge, Lighter, or other Vessel.

Masters to have their Names on Outside of Boats, &c.

'LXXIV. And, to the End that the Owners, Masters, or Proprietors having the Rule of any Vessel navigating within the Limits of the said intended navigable Canal, may be better known,' be it further enacted, That every Owner, Master, or Person having the Rule, Command, or Property, of any Boat, Barge, Lighter, or other Vessel, passing upon the said navigable Canal, shall cause his or their Name or Names, and Place or Places of Abode, at full Length, to be placed and set in large Capital Letters, Six Inches long at the least, and broad in Proportion, on the upper Part of the Bow, on both Sides of every such Boat, Barge, Lighter, or other Vessel, and painted White, so that the same shall, from Time to Time, and at all Times, be plain and legible: And in case any such Owner, Master, or Person, having the Command or Rule of any Boat, Barge, Lighter, or other Vessel, passing upon the said navigable Canal, shall not at all Times have his, her, or their Name and Place of Abode, so set and placed as aforesaid; or in case such Owner, Master, or Person, having the Command or Rule of any Boat, Barge, Lighter, or other Vessel, passing on the said navigable Canal, into or through any of the Sluices or Locks upon the said navigable Canal, shall wilfully set or leave open any of the Gates, Doors, or Cloughs, belonging to the said Sluices or Locks, whereby the Water of the said navigable Canal shall run waste; then, and in every of the said Cases, every such Owner, Master, or Person, so neglecting or offending, on Conviction before any Justice of the Peace, acting for the said East Riding of the County of *York*, by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings; to be recovered and levied by Distress and Sale of such Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard labour for any Time not exceeding Two Calendar Months, nor less than Twenty Days, or until such Penalty shall be paid, or otherwise compounded for; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make.

Penalties for omitting Names, or leaving open Gates, Cloughs, &c.

LXXV.

Navigation free.

LXXV. And be it further enacted, That the said intended Navigation, and the Works, Towing-paths, and Haling-ways, hereby authorised to be made and set out, shall be free for the use of all Persons, and their Boats, Vessels, and Horses, upon Payment of such Tolls and Rates, as shall be appointed to be taken by virtue of this Act; and that all Taxes, Tolls, Rates, and Duties, to be raised by virtue of this Act, shall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions, whatsoever; any Law or Statute to the Contrary notwithstanding.

Tolls exempt from Taxes.

Punishment on Persons Breaking Locks.

'LXXVI. And, for preventing the breaking of Locks or Gates, or damaging any of the Works 'which shall be erected in pursuance of this Act,' be it enacted, That if any Master or Owner of any Vessel, or any other Person or Persons, shall wilfully and maliciously break any Locks or Gates, or cut, break down, damage, or destroy, any Banks or other Works to be erected or made in pursuance of this Act, such Offender or Offenders shall be judged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Commissioners or Trustees may make Bye-laws.

LXXVII. And be it further enacted, That the said Commissioners, or the major Part of them, at any of their Meetings during the Continuance of their Authority as aforesaid, and when the Authority of the said Commissioners shall be determined, then and from thenceforth the said Trustees, or any Seven or more of them, at any of their Meetings (Notice being first given of the Intention of such Meetings in the said weekly News-paper called *The York Courant*, or other News-paper as aforesaid, Twenty-one Days before such Meeting) shall, from Time to Time, have full Power and Authority to make Bye-laws, Orders, and Constitutions touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, and other Works now in being, or to be made and constructed by virtue of this Act for the Purpose of the said Drainage, and for the preserving, repairing, and keeping the same in Order, and for the good and orderly using of the said Navigation, and for the well-governing of the Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandises, on any Part of the said navigable Canal, and to impose and inflict reasonable Fines and Forfeitures upon those who shall violate such Bye-laws, Orders, or Constitutions, so as no such Fine or Forfeiture shall exceed the Sum of Forty Shillings on any One Person for any One Offence; such Fine or Forfeiture to be levied and recovered in such Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered; which said Bye-laws, Orders, and Constitutions, being put in Writing under the Hands and Seals of the said Commissioners or Trustees respectively making the same, shall be binding to, and be observed by, all Parties, and shall be sufficient in any Courts of Law or Equity to justify all Persons who shall act in pursuance thereof, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; but any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgment made or given by or in pursuance of any such Bye-law, Order, or Constitution, may, within Six Calendar Months after such Order or Judgment shall be made or given, complain to the Justice of the Peace at the General or Quarter Sessions to be held in and for the said East Riding of the County of *York*, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or if they shall think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said Riding; and if they see Cause, mitigate or discharge such Forfeitures or Punishment, and may order any Money, or Part thereof, to be returned, which shall have been levied in pursuance of such Bye-law, Order, or Constitution; and may also order further Satisfaction to be made to the Party injured, and also such Costs to either of the Parties, as they shall judge reasonable; but no Justice of the Peace shall act or vote in the hearing or determining of any such Complaint, whose Hand and Seal, as a Commissioner, shall appear to have been set to the said Bye-law, Order, or Constitution, which occasioned such Complaint.

Bye-laws to be entered in a Book,

and may be read in Evidence.

LXXVIII. And be it further enacted, That all Bye-laws, Orders, Constitutions, and Proceedings, as well of the said Commissioners as of the said Trustees, made in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose; and such Bye-laws, Orders, Constitutions, and Proceedings, when entered, shall be signed by the said Commissioners, or the major Part of them, or by the said Trustees, or any Seven or more of them respectively, and their Clerk or Clerks attending the said Commissioners or Trustees respectively, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and such Bye-laws, Orders, Constitutions, and Proceedings, so signed and attested, shall be deemed and taken to be original Bye-laws, Orders, Constitutions, and Proceedings, and shall and may be produced and read in Evidence in all Causes of Appeal, Suits, Actions, or other Proceedings, touching any Thing done in pursuance of this Act; and such Book or Books shall and may be seen and perused, at all seasonable Times, without any Fee or Reward, and Copies thereof, or of any Part thereof, may be taken by any Person or Persons, paying the said Clerk or Clerks Twopence for every One hundred Words.

No Order entered to be varied, unless Nine Trustees consent.

LXXIX. Provided always, and be it enacted, That no Order which shall be made by the said Commissioners, or the major Part of them, and shall be entered in their Book as Standing Orders, nor any Order which shall be made by the said Trustees, or any Seven or more of them, by virtue and under the Authority of this Act, at any of the Meetings, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Nine or more of the said Trustees, present at such Meeting, be consenting thereto, nor unless Twenty-one Days Notice be published in *The York Courant*, or other Newspaper, as aforesaid.

LXXX.

LXXX. And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted or authorised to be impoſed, the Recovery whereof is not herein-before directed, ſhall be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Juſtice or Juſtices of the Peace for the ſaid Eaſt Riding of the County of *York*, who is and are hereby impowered and authoriſed to act in the Premiſes; and alſo to hear and determine all other Complaints hereby referred to and made cognizable by any Juſtice or Juſtices of the Peace for the ſaid Riding, and to iſſue ſuch Warrant and Warrants as is and are hereby required or neceſſary to be granted or iſſued by any Juſtice or Juſtices of the Peace for any of the Purpoſes in this Act contained: And in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until the Penalty ſhall be paid or otherwiſe compounded for; which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make: And that all ſuch Fines, Penalties, and Forfeitures, and Compoſition-monies, or any Part or Parts thereof, which are not herein-before directed to be applied, ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, and applied for the Purpoſes of Drainage and Navigation reſpectively. Penalties, &c. how to be recovered.

LXXXI. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgment of any Juſtice or Juſtices of the Peace upon account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid Eaſt Riding of the County of *York*, at the next General or Quarter Seſſions of the Peace to be held for the ſaid Riding after the Cauſe of ſuch Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt entering into a Recognizance with Two ſufficient Sureties to the Satisfaction of the ſaid Juſtice or Juſtices to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or Quarter Seſſions, in caſe ſuch Order and Judgment ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or Quarter Seſſions, are hereby authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere. Perſons aggrieved may appeal to the Quarter-ſeſſions.

LXXXII. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Juſtice or Juſtices of the Peace, by virtue of the Powers by this Act granted, ſhall be quaſhed or vacated for want of Form only. Proceedings not to be quaſhed for want of Form.

LXXXIII. Provided always, That no Warrant, Mortgage, Aſſignment, Transfer, or other Writing whatſoever, to be made or written in purſuance of or relating to the Execution of any of the Powers of this Act, ſhall be ſubject to or charged or chargeable with any Stamp-duty whatſoever. Exemption from Stamp-duties.

LXXXIV. And be it further enacted, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein-before given or granted, every ſuch Action, Suit, or Information ſhall be commenced and brought within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be tried by a Jury of the County of *York*, and not elſewhere; and the Perſon or Perſons ſo ſued or proſecuted ſhall or may plead the General Iſſue; and if in Replevin, may juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give this Act, and the Special Matter in Evidence, without ſpecially pleading the ſame (other than as aforeſaid), at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought down to be tried in any other County, except the County of *York*, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs ſhall become Nonſuited, or diſcontinue his, her, or their Suit or Suits, or if any Verdict ſhall paſs, or Judgment be given againſt him, her, or them upon Demurrer, or otherwiſe; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts; for which he, ſhe, or they ſhall have the like Remedy as when Coſts are awarded in other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

LXXXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in any Action upon the Caſe. Not to recover but for ſpecial Damage.

LXXXVI. And be it further enacted, That Accounts of all Monies which ſhall be received, raiſed, and borrowed by virtue of this Act, and of the Expenditure of ſuch Monies reſpectively; and alſo all Debts, Contracts, Orders, and Proceedings of the ſaid Commiſſioners, or of the ſaid Truſtees in the Execution of or relating to this Act, ſhall be, from Time to Time, regularly and fairly entered in proper Books, to be kept for that Purpoſe; and ſuch Entries being ſigned by the major Part of the ſaid Commiſſioners, or by Seven or more of the ſaid Truſtees, and atteſted by the Clerk to the ſaid Commiſſioners, Accounts to be kept in Books, and Entries to be read as Evidence.

sioners, or Truſtees reſpectively, ſhall be deemed Originals, and ſhall be admitted to be read in Evidence in all Courts whatſoever.

Saving Clauſe. LXXXVII. And be it further enacted, That nothing herein contained ſhall extend to prejudice the Rights of any Lord or Lords of any Manor or Manors, ſo that the Exerciſe of ſuch Rights ſhall not interfere with or interrupt the Execution of this Act.

Publick Act. LXXXVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons whomſoever, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XXXVIII.

An Act for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Rows, Lanes, Alleys, and other publick Paſſages and Places, within the Pariſh of *Chriſt Church*, in *Middleſex*; and for removing Nuiſances and Obſtructions therefrom, and preventing the like for the future; and for paving and regulating ſuch Parts of *Brick Lane* as are not within the ſaid Pariſh.

Preamble. 'WHEREAS the Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, and other publick Paſſages and Places within the Pariſh of *Chriſt Church*, in the County of *Middleſex*, are not properly paved, nor ſufficiently cleanſed, and are in general greatly obſtructed by ſundry Nuiſances: And whereas it would be a great Benefit and Convenience to the Inhabitants of, and to all Perſons reſorting to, the ſaid Pariſh, if Powers were given to new-pave and to maintain and preſerve the Pavements of the ſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, and other Paſſages and Places, and for cleanſing the ſame; and for removing all Nuiſances and Obſtructions therefrom, and preventing the like for the future: And whereas an Act of Parliament was paſſed in the Eleventh Year of his late Majeſty King *George* the Second, for lighting the Streets, and regulating the Nightly Watch and Beadles within the ſaid Pariſh: And whereas it would be convenient to have the Proviſions for thoſe Purpoſes included in an Act with the Proviſions for the ſaid other Purpoſes herein-before mentioned: And whereas a Lane called *Brick Lane*, (ſome Parts whereof only are within the ſaid Pariſh of *Chriſt Church*, and the other Parts in the reſpective Pariſhes of *Saint Matthew, Bethnal Green*, and *Saint Mary Matfelon*, otherwiſe *Whitechapel*), is a great Thoroughfare for Carriages, and the only convenient one from the Water-ſide, through *Whitechapel*, to *Spital Fields*, *Mile End New Town*, *Bethnal Green*, *Shoreditch*, and Parts adjacent, and being much out of Repair and incommodious, it would be of publick Utility to have the whole of the ſaid Lane properly paved, and cleared of Nuiſances and Obſtructions; may it therefore pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act of Parliament, paſſed in the Eleventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the better enlightening the open Places, Streets, Lanes, Paſſages, and Courts, and for the better regulating the Nightly Watch and Beadles, within the Pariſh of* Chriſt Church, *in the County of* Middleſex, ſhall be, and the ſame is hereby repealed.

Act 11 Geo. II. repealed.

Commiſſioners. II. And be it further enacted, That the Right Honourable Lord *Folkſtone*, Sir *George Oſburn* Baronet, Sir *Robert Ladbroke* Knight, Sir *Benjamin Truman* Knight, the Honourable *Henry Lawes Luttrell*, Mr. Serjeant *Glynn*, *Granville Wheeler*, *Hope Wilks*, *David Wilmot*, *George Keate*, *Samuel Whitbread*, *John Patterſon*, *Chriſtopher Hake*, *Richard Ruſſell*, *Charles Booth*, *Thomas Philips*, *Edward Hawkins*, Eſquires; the Reverend *John Prichard* Rector, and the Rector of the ſaid Pariſh for the Time being; *William Neale* and *William Wade*, Churchwardens, and the Churchwardens of the ſaid Pariſh for the Time being; *John Baker*, *John Spiller*, *Charles Merry*, *Thomas Triquet*, *Guy Bryan*, *John Baker* junior, Eſquires; *Richard Plees*, *Thomas Handiſyde*, *Peter Saubergue*, *Daniel Lardant*, *Richard Hewett*, *Iſaac Dupree*, *David Delaveau*, *Alexander Chriſtie*, *John Fremont* ſenior, *Nicholas Jourdain*, *John Thornton*, *Francis Child*, *William Divertie*, *John Scholeck*, *James Turner*, *James Duthoit*, *Robert Lum*, *Samuel Ireland*, *Francis Rane*, *Joſeph Lindſey*, *Thomas Kinlyſide*, *Rupert Muſgrave*, *David Thompſon*, *Peter Ouvry*, *Daniel Aſpley*, *James Ouvry*, *Chriſtopher Pritchard*, *John Sabatier*, *Daniel Roſbotham*, *John Duplex*, *Thomas Vine*, *John Horton*, *John Sugar*, *Thomas Leachman*, *William Wolveridge*, and *James Merceron*, Gentlemen; ſhall be, and they are hereby conſtituted and appointed Commiſſioners for putting this Act in Execution.

Commiſſioners for Brick Lane only. III. Provided always, That the ſaid *John Horton*, *John Sugar*, *Thomas Leachman*, *William Wolveridge*, and *James Merceron*, and their Succeſſors, to be choſe in Manner herein-after mentioned, being Proprietors of Eſtates in *Brick Lane*, ſhall be, and they are hereby declared to be Commiſſioners for the Purpoſe of paving and rating that Part of *Brick Lane* which lies within the Pariſh of *Saint Matthew, Bethnal Green*, only, and to or for no other Purpoſe whatſoever.

Commiſſioners how to be elected. IV. And be it further enacted, That when any Commiſſioner herein named, or who ſhall be appointed by virtue of this Act, ſhall die, or refuſe or neglect to act for the Space of Twelve Months, it ſhall be lawful for the ſurviving or remaining Commiſſioners, or any Seven or more of them, by Writing under their Hands and Seals, to elect another Perſon, being a Reſident Proprietor, or a Veſtryman of the ſaid Pariſh, and not otherwiſe, to be a Commiſſioner in the Room of the Commiſſioner ſo dying or refuſing to act, Ten Days previous Notice of the Time and Place of Meeting for every ſuch Election

Election being given, by affixing the same in Writing upon the principal Door of the said Parish Church of *Christ Church*; and all Persons who shall be so elected, are hereby vested with the same Powers and Authorities as the Commissioners herein named are vested with.

No Person to be a Commissioner whilst he holds a Place of Profit, or is concerned in any Contract; but Justices may act as such, unless when personally interested.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time he shall hold any Place or Profit under the same, or have any Share or Interest in any Contract relating to the Execution of any of the Powers of this Act, or shall sell Ale, Wine, or Spirituous Liquors by Retail; but such Commissioners as are Justices of the Peace for the County of *Middlesex*, or for the Liberty of His Majesty's Tower of *London*, may, nevertheless, act as Justices in the Execution of this Act, except in such Cases where they shall be personally interested: And in all Cases where Cognizance is given by this Act to any Justice or Justices of the Peace, it shall be lawful for such Justice and Justices to administer an Oath to any Person or Persons, for more certain Information in the Matter depending: And in all Cases where the Commissioners are authorised or impowered to bring or institute Actions at Law, the same shall and may be brought or instituted in the Name or Names of the Treasurer or Treasurers appointed by virtue of this Act.

Justices to administer Oaths when necessary.

Qualification of Commissioners.

VI. Provided likewise, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall then be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents, Issues, or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or shall be Heir-apparent to some Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of a personal Estate to the Amount or Value of One thousand Pounds: And if any Person not being so qualified, or being rendered incapable in Manner aforesaid, shall nevertheless presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Commissioner in the Execution of this Act.

Penalty on acting if not qualified.

Majority at publick Meetings to act.

VII. And be it further enacted, That all the Powers and Authorities by this Act granted to, or vested in, the Commissioners hereby constituted as aforesaid, shall and may, from Time to Time, be exercised by the major Part of them who shall attend any publick Meeting to be holden as hereinafter mentioned, the Number of the Commissioners present at any such Meeting not being less than Five, (except where a greater Number is declared necessary by this Act); and all the Orders and Proceedings of the major Part of the Commissioners present at such Meetings shall have the same Force and Effect as if done or made by all the Commissioners constituted by this Act.

Five to be a Quorum, unless otherwise appointed

First Meeting of Commissioners.

Power to adjourn.

VIII. And be it further enacted, That the said Commissioners shall meet together in the Vestry-room in the said Parish of *Christ Church* on the Second *Wednesday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall proceed to the Execution of this Act; and shall then, and from Time to Time, afterwards adjourn themselves to meet at the same or at any other Place or Places within the said Parish, as such Commissioners shall think proper or convenient for putting this Act in Execution; and of which Adjournment Notice in Writing, or printed, and signed by the Clerk, shall be given, by affixing the same on the principal Door of the Parish Church Four Days at least before such intended Meeting: And if it shall happen that there shall not appear at any Meeting a sufficient Number of Commissioners to act, and to adjourn to another Day, or in case the said Commissioners assembled shall omit, neglect, or refuse to adjourn themselves; then, and in every such Case, the Clerk shall, and is hereby required, to summon the Commissioners to meet within Ten Days after, at the same Place, such Summons to be signed by the Clerk, and to be delivered at the last or usual Place of Abode of such Commissioners as aforesaid, at least Two Days before such Meeting; and in case the said Clerk shall happen to die before such Summons issued, or shall neglect or omit to issue any such Summons in Manner aforesaid, then the Treasurer or Treasurers for the Time being to the Commissioners shall and may, and he or they is and are hereby required to issue such Summons within Eight Days from the Time the said Commissioners ought to have been summoned by the Clerk in Manner aforesaid: And the Commissioners shall at all their Meetings pay their own Expences: But no Act, Order, or Determination, of the said Commissioners shall be valid unless done or made at a publick Meeting to be held by virtue of this Act, except as herein-after is excepted; and all the Acts, Orders, and Proceedings, of the Commissioners shall be entered in a Book or Books to be kept for that Purpose, and signed by the Chairman at their next Meeting; and such Acts, Orders, and Proceedings, shall then be deemed and taken to be Originals; and such Book or Books shall and may be produced and read in Evidence, and allowed as such in all Courts whatsoever.

Commissioners to defray their own Expences.

No Order, &c. valid unless made at a publick Meeting.

Proceedings to be entered in a Book, and read in Evidence.

Commissioners may appoint Officers, and remove them if necessary.

IX. And be it further enacted, That the said Commissioners shall and may, by Writing under their Hands and Seals, from Time to Time, as they shall find necessary, appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and an Inspector, and such other Officers for the Execution of this Act, as they the said Commissioners shall think proper; and may, from Time to Time, discharge or turn off any or either of them; and out of the Money to be raised by virtue of this Act the said Commissioners may appoint such Salaries, and make such Allowances, to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they the said Commissioners shall think reasonable; and they shall take such Security for the

Officers to give Security.

Officers to account upon Oath if required.

Execution of the respective Offices by such Persons as aforesaid as the said Commissioners shall think proper; and all such Officers and Persons shall, under their Hands, at such Times, and in such Manner, as the said Commissioners shall direct, deliver to them true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by them respectively received by virtue and for the Purposes of this Act, and how much thereof has been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid shall, upon Oath, if thereunto required, (which Oath the said Commissioners are hereby impowered to administer), verify their said Accounts: And if any Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make such Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by Notice in Writing under the Hands of the said Commissioners, all Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands to the said Commissioners, or as they shall direct or appoint; then, and in any of the Cases aforesaid, the said Commissioners may and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid to any Justice or Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so refusing or neglecting shall be and reside, such Justice or Justices may, and is and are hereby authorised and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath before such Justice or Justices, it shall appear to such Justice or Justices that any of the Monies that shall have been collected or received by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and he and they is and are hereby authorised and required, upon the Non-payment thereof, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons, offending in the Premises respectively: And if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy such Money, and the Charges of such Distress and Sale, or in case it shall appear to such Justice or Justices by the Confession of the Party so offending, or by the Testimony of any credible Witness or Witnesses upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of any such Officer or Person, and he or they shall refuse to deliver the same as aforesaid; then, and in either of the said Cases, such Justice or Justices shall commit every such Offender to the Common Gaol of the County or Place where such Offender shall be and reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Commissioners are hereby impowered to make, and until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Commissioners.

Commissioners impowered to administer Oaths to Officers.

Officers refusing to account upon Oath, or to deliver Books on Seven Days Notice, or refusing to pay the Balance of the Account, subject to be sued,

or have the Money levied on their Goods,

or be committed,

until Delivery of Books, Payment of Monies, or Composition with the Commissioners.

X. Provided always, That no Person who shall be committed on account of his having no Goods or Chattels, shall be detained in Prison for any Term longer than Six Calendar Months.

Commitment not to exceed 6 Months.

Executors and Assignees to account;

XI. And be it further enacted, That upon the Death of any such Treasurer, Collector, Officer, or other Person, to be appointed as aforesaid, or upon his becoming Bankrupt, before he shall have paid and delivered up all the Monies he shall have received by virtue of this Act, their respective Executors or Administrators, or the Assignee or Assignees of his Estate and Effects, or other Person or Persons possessing the same, or in whom the same have or hath vested, shall, within Twenty-one Days next after such Decease or Bankruptcy, deliver to the said Commissioners, an Account in Writing, under his, her, or their Hand or Hands, of the Monies collected or received by the Person so deceased, or become Bankrupt for the Purpose of this Act; and shall also deliver all Books, Papers, and Things, concerning his Office, to such Person or Persons as the said Commissioners, by Writing under their Hands, shall appoint to receive the same; and such Money, if any due, shall be paid by the Executors or Administrators, or Assignee or Assignees respectively, of the Person so deceased or become Bankrupt, in Preference to and before any of his or their other Debts are paid or satisfied; and every Executor or Administrator, Assignee, or other Person or Persons possessed of such Effects as aforesaid, may plead such Payment in any Action or Suit that may be brought against him, her, or them, on account of the said Estate or Effects, or give the same in Evidence: And in case of Nonpayment of such Monies, or Non-delivery of such Books, Papers, Writings, or Things, by the Space of Ten Days after the same shall be demanded, it shall be lawful for the said Commissioners to commence, bring, and maintain, an Action or Actions, in any of His Majesty's Courts of Record at *Westminster*, against such Executor or Admi-

and the Money in their Hands to be paid in Preference.

Adminiſtrator, Aſſignee, or other Perſon or Perſons poſſeſſing the Eſtate and Effects which did belong to ſuch deceaſed Perſon or Bankrupt, for Recovery thereof, together with Coſts of Suit, or of Damages in lieu of ſuch Books, Papers, Writings, and Things.

Officers taking other Fees than allowed by this Act, or concerned in any Bargain, &c. are to forfeit 100l.

XII. And be it further enacted, That if any Perſon who ſhall be employed by the ſaid Commiſſioners, as Clerk, Surveyor, Treaſurer, Collector, or any other Officer or Servant, in putting this Act, or any of the Powers herein contained, in Execution, ſhall exact, take, or accept, by any Ways or Means, any Fee or Reward whatſoever, other than ſuch Salaries, Allowances, and Rewards, as ſhall be appointed, allowed, and approved of, by the ſaid Commiſſioners, for or on account of any Thing done or to be done by virtue of this Act, or on any Account whatſoever relative to the putting this Act in Execution, or ſhall be by any Ways or Means concerned or intereſted in any Bargain, Contract, or Agreement, made, or to be made, by the ſaid Commiſſioners, for any the Purpoſes of this Act, every ſuch Perſon ſo offending ſhall be incapable of ever ſerving or being employed under this Act, and ſhall, over and above, forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, within Six Calendar Months after the Offence committed, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Commiſſioners may cauſe certain Streets, &c. to be new paved or repaired.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall and may, as ſoon as conveniently may be, after their Firſt Meeting, and from Time to Time afterwards, cauſe the Streets, Rows, Lanes, and Places herein-after mentioned, within the ſaid Pariſh of *Chriſt Church*, and no others, except on the Terms herein-after mentioned, *viz. Raven Row*, *Criſpin Street*, *Lamb Street*, *Vine Court*, *Wheeler Street*, the Eaſt End or Part of *White Lion Yard* or *Street*, *White Row*, *Dorſet Street*, *Paternoſter Row*, *Red Lion Street*, *Foſſan Street*, *Church Street*, *Wood Street*, *Princes Street*, *Brown's Lane*, *Lolſworth Street*, *Pelham Street*, *Montague Street*, *Booth Street*, *Eaſt Street*, *Weſt Street*, *North Street*, and *South Street*, or by what other Names they may have been called or known, and the ſeveral Courts, Yards, Alleys, Paſſages, and Places, opening into, or communicating with the ſame, or any Part or Parts thereof, and alſo the whole of *Brick Lane*, and the ſeveral Courts, Yards, Alleys, Paſſages, and Places, opening into, or communicating with ſuch Part of *Brick Lane* as is in the Pariſh of *Chriſt Church*, whether Foot or Carriage Way, to be new-paved or repaired as they ſhall think proper; and for ſuch Purpoſes, may, from Time to Time, cauſe to be dug, carted, and carried away, out of, or brought into the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channels running in or through the ſame to be turned or altered, and the Water-pipes which now lie, or hereafter ſhall be laid under Ground, to be taken up and new laid, in ſuch Places, Manner, and Form, as they ſhall judge beſt; and may cauſe all or any Poſts or Rails in any ſuch Streets, Rows, Lanes, Paſſages, or Places, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers or to Carriages, to be taken away or removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, Shew-boards, and other Matters and Things encroaching upon the Footway, as alſo all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary and expedient, and may employ ſuch Artificers, Workmen, Labourers and others, and may iſſue Money for the above Purpoſes, and may do all and every ſuch Acts and Things for accompliſhing the aforeſaid Ends and Deſigns, as they ſhall think neceſſary, and ſhall pay for the ſame out of the Monies ariſing by virtue of this act for the Purpoſe of paving.

Penalty on obſtructing Workmen.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall obſtruct, hinder, or moleſt, any Surveyor or other Officer, Workmen, Perſon or Perſons whatſoever, employed by virtue of this Act, in the Performance or Execution of his or their Duty, every ſuch Perſon ſo offending, ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence, the Sum of Three Pounds.

Penalty on altering Pavements without Conſent of Commiſſioners.

XV. And be it further enacted, That no Perſon or Perſons ſhall alter, or cauſe to be altered, the Form of any Pavement which ſhall be new made by virtue of this Act, without the Conſent of the ſaid Commiſſioners, or in anywiſe encroach thereon, or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glaſſes or Shew-boards, or make any Dung-holes or Saw-pits, or other Matters or Things, ſo as to be an Encroachment, upon Pain that every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, over and above the Expences of relaying and reinſtating ſuch Pavement, or taking down ſuch Poſts, Bulks, or Stalls, and removing or altering ſuch Shew-boards, or Shew-glaſſes, or filling up ſuch Dung-holes or Saw-pits, or removing other Nuiſances and Obſtructions, according to the Direction of ſuch Commiſſioners,

Notice to be given when Pavements want Repair.

XVI. And be it further enacted, That if any Houſeholder or Houſeholders, within the reſpective Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places herein-before particularly deſcribed and authoriſed to be paved, ſhall at any Time make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, Three Days at the leaſt before the Meeting of the Commiſſioners, of any Defect or Want of Repair in any of the Pavements within ſuch Streets, Rows, Lanes, or other Places reſpectively, either before or after the ſame ſhall have been new-paved or repaired by virtue of this Act; then, and in every ſuch Caſe, the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors ſhall, upon ſuch View, find the Pavement complained of to be bad and defective,

defective, the ſaid Commiſſioners ſhall, unleſs it ſhall appear to ariſe from a Defect relating to the Water-pipes lying under the Pavement, give Order to their Contractor or Contractors, Pavior or Paviors, to repair the ſame within ſuch Time as the ſaid Commiſſioners ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order: And if the Contractor or Contractors, Pavior or Paviors, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements, within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners; then, and in every ſuch Caſe, the ſaid Contractor or Contractors, Pavior or Paviors, ſhall forfeit and pay the Sum of Twenty Shillings, for every Day that the ſaid defective Pavement ſhall remain unrepaired, after the Time limited by the ſaid Commiſſioners in their ſaid Order, and One Half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Houſeholder or Houſeholders, for his, her, or their Loſs of Time and Trouble, in and about the Premiſes.

If Surveyors think ſuch Pavements not defective, &c. Commiſſioners to view the ſame.

XVII. Provided always, and it is hereby enacted and declared, That if the ſaid Surveyor or Surveyors ſhall, on any View, be of Opinion, that the Pavement or Pavements mentioned in ſuch Notice is or are not bad and defective; then and in ſuch Caſe, the ſaid Commiſſioners ſhall forthwith proceed to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive; any Thing in this Act contained to the Contrary thereof in anywiſe notwithſtanding.

Paviors, Carters, &c. not to be ſubject to Act 5 Eliz.

XVIII. And be it further enacted, That no Perſon who ſhall be employed in paving or repairing Pavements, by virtue of this Act, ſhall, for any Act done in conſequence of his or their being ſo employed, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices.*

Ground may be hired for getting Gravel, and lodging Materials.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to hire a Piece or Pieces of Ground for the Purpoſe of digging Gravel, or lodging Materials or Utenſils in, for the Purpoſes of this Act, for ſuch Time, and for ſuch Sum and Sums of Money as to them ſhall appear reaſonable, which Money ſhall be paid out of the Monies ariſing by virtue of this Act, for the reſpective Purpoſes to which ſuch Ground ſhall be applied; and alſo to buy or provide ſuch Carts, Horſes, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for cleanſing the ſeveral Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, within the ſaid Pariſh of *Chriſt Church*, or for any other Purpoſe directed by this Act; and ſhall and may hire and employ ſuch Perſons, to buy and provide ſuch Materials, and make ſuch Regulations for cleanſing the ſame, as they in their Diſcretion ſhall think proper, and pay for the ſame in Manner above mentioned; any Law, Statute, or Uſage, to the Contrary thereof in anywiſe notwithſtanding.

Commiſſioners may buy Horſes, &c. for cleanſing, &c.

Materials may be lodged in adjoining Streets, and Streets adjoining may be ſtopped whilſt Paving is doing.

XX. And be it further enacted, That during the Time any Square, Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, ſhall be new-paving or repairing under the Direction of the ſaid Commiſſioners, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Diſcretion; as alſo to ſtop the Way through any adjacent Square, Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, ſo long as they ſhall judge neceſſary; and all Perſons acting under their Direction, as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon or over, or within Six Feet of the Fire Plug or Cock; and no ſuch Materials ſhall be depoſited in or near the End of any Street or Place in ſuch Manner as to prevent the Admiſſion of Fire Engines.

Commiſſioners may contract, &c. for paving and cleanſing.

XXI. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, may, and they are hereby authoriſed and impowered, from Time to Time, to contract with any Perſon or Perſons, for paving, or keeping in Repair, any ſuch Squares, Streets, Rows, and other Places, as ſhall be appointed to be paved or repaired by virtue of this Act; and alſo for cleanſing all or any of the Squares, Streets, Rows, Lanes, Courts, Alleys, Yards, Paſſages, or Places, within the ſaid Pariſh, or may cauſe the ſame, or any Part or Parts thereof, to be done under their own Direction; which Contract ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Nine or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively, which Contract ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the Commiſſioners; but previous to the making of any ſuch Contract Fourteen Days Notice, at the leaſt, ſhall be given in ſome publick News-paper, publiſhed within the Bills of Mortality, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame, may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Works to be inſpected.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe all and every the Work done in purſuance of this Act to be inſpected by their Inſpector, Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall from Time to Time appoint; and in caſe the ſame ſhall not be well and ſufficiently performed, according to the Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times, that the ſame is or are agreed to be completed by the ſaid Contractor or Contractors, and the ſaid Inſpector, Surveyor or Surveyors, or other Perſon or Perſons, ſhall report the ſame to the ſaid Commiſſioners at their next or any ſubſequent Meeting, the ſaid Commiſſioners ſhall or may bring an Action of Debt in any of His Majeſty's Courts of Law at *Weſtminſter* againſt any Perſon or Perſons ſo contracting and neglecting to perform, or not duly performing, any ſuch Contract or Contracts, and for any

Penalty or Penalties which shall be contained therein; and on Proof of the signing of the said Contract or Contracts, and Nonperformance thereof, at the Time or Times, or in Manner therein mentioned, the said Commissioners shall be intitled to, and shall recover such Penalty or Penalties; which when recovered shall be applied for the Purposes of this Act, with respect to the Species of Work for which such respective Contract was made.

Commissioners may compound, &c.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to compound and agree with any Person or Persons against whom such Commissioners shall bring, or cause to be brought, any Action or Actions, for any Penalty or Penalties contained in any such Contract or Contracts, on account of any Breach or Nonperformance thereof, for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences, which shall be occasioned thereby.

Streets, &c. to be watered.

XXIV. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause all or any of the Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Passages, and Places, within the said Parish, to be watered as often as they shall think fit; and for that Purpose to cause any Well or Wells to be dug or sunk in such Places (not being a Cellar, Vault, or other Building, under any of the Streets and Places aforesaid) as they shall think proper; and also any Pump or Pumps to be erected in or near such Places; and also to remove or alter any Pumps now standing, or which shall hereafter be erected for the Purpose of watering the said Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Passages, and Places, and to defray the Expence thereof out of the Monies to be raised by virtue of this Act, for the Purpose of Paving.

Lamps to be set up, &c.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, to cause such and so many Lamps to be set up in such Places within the said Parish, and to be placed in such Manner, and at such Distances, as they shall judge necessary; and may contract or agree with any Person or Persons for such Lamps, or may find and provide the same themselves, if they think fit; and also may contract or agree with any Person or Persons for the lighting, supplying, maintaining, and repairing such Lamps, and specify in such Contract how and where the said Lamps shall be placed, and at what Time, and how long the same shall be and continue lighted and burning, so that they shall be lighted at or before Sun-setting, and continue burning till Sun-rising; and what Sum or Sums of Money shall be paid to the Person or Persons so to be contracted or agreed with, provided that no such Contract or Agreement shall be for a longer Term than Three Years from the Commencement thereof.

Lamp-irons where to be affixed.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to order and direct Lamp-irons to be put or affixed against the Walls of all or any of the several Houses or Tenements within the said Parish, or into, upon, or against the Rails before the Area, or in such Manner, and in such other Place, as the said Commissioners shall think proper and convenient; and if any Person or Persons shall wilfully take away, break, throw down, or damage any Lamp that shall be set up by virtue of this Act, or wilfully extinguish the Light or Lights within the same, or throw down or damage the Irons or other Furniture thereof, it shall be lawful for any Person or Persons whatsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of the County of *Middlesex*, or the Liberty of the *Tower of London*; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Information or Evidence touching such Offence; and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, he, she, or they, so convicted, shall forfeit and pay the Sum of Twenty Shillings for each Lamp or Lamp-iron so broken, thrown down, or damaged, or for every Lamp so extinguished as aforesaid; and moreover shall make full Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them, done as aforesaid; and in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the House of Correction for the said County or Liberty, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, nor less than Seven Days, and such Offender or Offenders shall not be discharged before the Time for which he, she, or they, shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Penalty on breaking, &c.

Persons accidentally damaging Lamps, to make Satisfaction.

XXVII. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any Lamp or Lamps, hung out or set up by Order of the said Commissioners, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto; then, and in every such Case, it shall be lawful for any One Justice of the Peace in and for the said County or Liberty respectively, upon Complaint to him made by any credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damages as aforesaid; and, upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by Way of Satisfaction, to the Owner of such Lamp or Lamps, or to the said Commissioners, as the Case shall be, for such Damages, as such Justice shall think reasonable; and in case of

Neglect

Neglect or Refusal to pay any Sum or Sums of Money so awarded within Ten Days after Demand, to cause the same to be levied as Fines, Penalties, and Forfeitures are by this Act herein-after directed to be levied.

For building Watch-houses and appointing Watchmen.

XXVIII. And be it further enacted, That the said Commissioners shall have Power to use the present Parish Watch-house, or any future Watch-house that shall be within the said Parish, and may cause any other Watch-house or Watch-houses, and proper Watch-boxes, to be erected, built, or provided, within the said Parish; and shall and may, yearly and every Year, appoint such Number of Beadles, and of fit and able-bodied Men, as they shall think proper, at any Time, to watch and guard the said Parish, and give and make such Orders, Directions, and Regulations in Writing, from Time to Time, concerning the Manner in which the said Watchmen shall be armed and stationed, and for the due and regular Performance of the said Service, as they the said Commissioners shall judge expedient; and, from Time to Time, may remove any of the said Beadles or Watchmen, and appoint others in their Stead; and out of any Money to be raised by virtue of this Act for the Purposes of cleansing, watching, and lighting, pay the Expences attending the building and fitting up such Watch-houses and Watch-boxes, and also the Allowances to such Beadles and Watchmen for their Attendance, and all other necessary Charges and Expences incident to and attending this Service.

Copies of Regulations to be delivered to a Constable.

XXIX. And be it further enacted, That a true Copy or Transcript of all such Orders and Regulations as shall be so made, from Time to Time, as aforesaid, for the better Direction and Government of Watchmen and Beadles so to be appointed, shall be fairly Written and signed by the said Commissioners, and shall be delivered to the Constable and Headboroughs for the Time being of the said Parish, or their sufficient Deputies, and to every of them; and that from and after the Time of his or their having been sworn into the Office of Headborough, One of the said Headboroughs or Deputies for the Time being of the said Parish, together with One of the said Beadles, shall attend every Night by Turns, and shall keep Watch and Ward within the said Parish, from the Hours of Ten in the Evening till Four the next Morning, from the Twenty-fifth Day of *March* till the Twenty-ninth Day of *September*, and from the said Twenty-ninth Day of *September* till the Twenty-fifth Day of *March*, from Nine in the Evening till Seven in the Morning; and shall, in their several Turns or Courses of Watching, use their best Endeavours to prevent as well all Mischiefs happening by Fires, as all Murders, Burglaries, Robberies, and and other Outrages and Disorders, and to that End shall arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandering and misbehaving themselves, and shall keep them in the Watch-house, or other convenient Place of Security, to be provided and appointtd by the said Commissioners within the said Parish, until they can be conveniently carried to One or more Justice or Justices of the Peace for the said County or Liberty, to be examined and dealt with according to Law; and which said Beadle, or Headborough, or Deputy, shall Twice, or oftener, at convenient Times, in every Night, go about the said Parish, and take Notice whether all the said Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the said Commissioners; and in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constable, or Headborough, or Deputy, shall, as soon as conveniently may be, give Notice thereof to the Treasurer or Treasurers to the said Commissioners, who is and are hereby authorised to suspend such Watchman from the Execution of his Office, and appoint another Person to officiate therein, until the next Meeting of the said Commissioners, when the said Treasurer or Treasurers shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman, in order for the said Commissioners to proceed to the Examination of the Offence; and such Watchmen shall be subject to and liable to the Penalty of Five Shillings for every such Neglect or Misbehaviour, or be discharged from his said Office of Watchman.

Penalty on Headboroughs, &c. neglecting Duty.

XXX. And be it further enacted, That if any of the said Headboroughs or Deputies shall wilfully neglect to attend any Night, in his or their Turn, to keep Watch and Ward, or shall not come to keep Watch or Ward at the respective Hours appointed by this Act, for his and their Attendance thereon, or shall depart from or leave keeping Watch and Ward during the respective Hours appointed by this Act for the keeping the same, or shall otherwise misbehave himself or themselves against the Duty prescribed to them by this Act; in each and every of the said Cases the Person or Persons so offending shall respectively forfeit the Sum of Twenty Shillings for every such Offence.

Watchmen in Absence of Constables, &c. may apprehend Night-walkers, &c.

XXXI. And be it further enacted, That it shall be lawful for the said Beadles or Watchmen, or any of them, (in the Absence of the Constable, or Headborough or Deputy), and they are hereby authorised and required, in their several Stations, during the Time of their keeping Watch and Ward as aforesaid, to apprehend all such Night-walkers, Malefactors, Rogues, Vagabonds, and other disorderly Persons, whom they shall find disturbing the publick Peace, or have just Cause to suspect of any evil Designs, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable or Headborough, or Deputy of the Night, who is hereby required to carry him, her, or them, before One or more Justice or Justices of the Peace for the said County or Liberty, to be examined and dealt with according to Law.

Property of Pavements vested in Commissioners.

XXXII. And be it further enacted, That the Property of the present and future Pavements of the Streets, Rows, Lanes, and Places, to be paved by virtue of this Act, and of all Watch-houses and Boxes, Posts, Lamps, Iron, Timber, Furniture, and all other Materials, Utensils and Things, which shall be provided or made use of for any the Purposes of this Act, shall, from and immediately after the passing of this Act, be, and the same is hereby vested in the said Commissioners, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, or to prefer and

order and direct the preferring of Indictments, againſt any Perſon or Perſons who ſhall injure or deſtroy, ſteal, take, or carry away, any, or any Part thereof; or if any Perſon or Perſons ſhall wilfully or maliciouſly break up, or otherwiſe damage or ſpoil any of the Works done or carrying on in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein reſpectively, and being thereof convicted by the Oath of a Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace for the County of *Middleſex*, or Liberty of the *Tower of London*, ſhall, for the Firſt Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, and for the Second and every other Offence any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal or Hands and Seals of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made, which Forfeiture ſhall be applied to the reſpective Purpoſes of this Act: And in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereon the ſame can be levied; then, and in ſuch Caſe, ſuch Juſtice or Juſtices ſhall by Warrant under his or their Hand and Seal or Hands and Seals, commit ſuch Perſon or Perſons reſpectively to the Houſe of Correction, there to remain for any Space not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons ſo committed ſhall not be diſcharged until he, ſhe, or they ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times.

Old Materials may be ſold or uſed.

XXXIII. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby authoriſed to ſell or diſpoſe of all Stones and Poſts, and all or any of the Materials which ſhall belong to the old Pavement, as well of the Carriages of the Foot-ways, to be paved by virtue of this Act, and to apply the Purchaſe-money ariſing by ſuch Sale to the reſpective Purpoſes of this Act; or the ſaid Commiſſioners may cauſe the ſame Stones, Poſts, or other Materials to be made uſe of in any the Purpoſes of this Act.

Sign-poſts, &c. to be removed.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe all Trees, Signs, Sign-poſts, Sign-irons, Dyers Racks, Dyers, Scourers, and Barbers Poles, and all Porches, Pent-houſes, Boards, Spouts, and Gutters, projecting into or over the Highways or Footways, and all other Encroachments, Projections, or Annoyances whatſoever, within the Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, to be paved by virtue of this Act, to be taken down and removed; and ſhall cauſe all Signs, Boards, and Gutters to be affixed and placed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings whereunto they reſpectively belong, or on ſuch Part of the ſaid Warehouſes or Buildings as the ſaid Commiſſioners ſhall think proper and convenient, the Expences whereof ſhall be paid out of the Money to be raiſed by virtue of this Act for the Purpoſe of paving, and ſhall return to the reſpective Owners, all or ſo much of ſuch Signs, Sign-poſts, Poles, Sign-irons, Boards, Spouts, and Gutters, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by the ſaid Commiſſioners in purſuance of this Act; and that for the future, all Signs, Sign-irons, Sign-boards, and Gutters, ſhall be placed and fixed cloſe to or on the Fronts of the Houſes, Shops, Warehouſes, or Buildings to which they reſpectively belong, and not otherwiſe: And if any Perſon or Perſons ſhall at any Time hereafter hang, place, or erect any Sign, Sign-poſt, or other Poſts, Sign-iron, Pole, Porch, Pent-houſe, Board, Spout, Gutter, or other Projection, Obſtruction, or Annoyance whatſoever, or cauſe the ſame to be done contrary to the Directions aforeſaid, and the true Intent and Meaning of this Act, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, and the Sum of Five Pounds for every Week the ſame ſhall be continued.

Signs, &c. how to be affixed.

Steps, &c. to be removed.

XXXV. And be it further enacted, That all Steps or Slopes projecting into the Foot-ways of the aforeſaid Squares, Streets, Rows, Lanes, Courts, Alleys, Ways, or other publick Paſſages, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any Houſe, Warehouſe, Shop, Cellar, or other Building, which do or ſhall cauſe or occaſion any Nuiſance, Annoyance, Incroachment, or Obſtruction, ſhall be, at the Expence of the ſaid Commiſſioners, from Time to Time, removed, fixed, placed, or altered, in ſuch Manner and Form as ſhall be approved of by the ſaid Commiſſioners, or by their Surveyor, and paid for out of the Money to be raiſed for the Purpoſe of paving.

Names of Streets to be affixed up, and Houſes numbered.

XXXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe to be painted, engraved, or deſcribed in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of each of the aforeſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, and Places, the Name by which each reſpective Square, Street, Row, Lane, Court, Yard, Alley, Paſſage, and Place is properly or uſually called or known; and may alſo cauſe every Houſe, Shop, or Warehouſe, in each of the ſaid Streets and Places, to be marked and numbered in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface any ſuch Names, Deſcriptions, Marks, or Numbers, or any Part or Parts thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Penalty on defacing Numbers, &c.

Annoyances how to be remedied.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter drive or place, or cauſe to be driven or placed, in any of the Carriage-ways within the Streets, Rows, and other Places by this Act directed to be paved, any Coach, Cart, Waggon, Dray, or other Carriage, or any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame when required ſo to do by any Perſon or Perſons whatſoever; or if any

Perſon or Perſons ſhall ſet or place any ſuch Carriage, for the Purpoſe of loading or unloading thereof, or for any other Purpoſe, upon any Foot-way or Croſſing in any ſuch Street, Row, Lane, Paſſage, or Place, every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of Five Shillings; and any One of the ſaid Commiſſioners, or any Perſon or Perſons appointed by the ſaid Commiſſioners for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging, and drive or remove, or cauſe the ſame to be driven or removed, to the Pound or other Place within the ſaid Pariſh of *Chriſt Church*, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold; and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act with reſpect to paving.

Penalty on not removing Caſks, &c. after Notice.

XXXVIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter ſet or place, or cauſe to be ſet or placed, in any of the Carriage-ways or Footways within the aforeſaid Streets, Rows, Lanes, or Places, any Caſk, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever, for the Purpoſes of making Mortar, or for building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſe, (unleſs the ſame ſhall be incloſed in a Hoard or other Erection, as herein-after is directed), and ſhall not remove the ſame within the Space of One Day next after Notice to him or her given for that Purpoſe, or left on the Premiſes where the ſame ſhall be; or if empty or unoccupied, or in building, ſtuck againſt the Wall thereof, by any One of the ſaid Commiſſioners, or by any Perſon or Perſons by them appointed for that Purpoſe; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; and every One of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, Wood, or other Materials, (not being incloſed as aforeſaid), and take or remove, or cauſe the ſame to be taken or removed to the Pound, or other proper Place within the ſaid Pariſh, there to be kept and detained, until the Owner or Owners thereof, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame: And in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act with reſpect to paving.

Penalty if Nuiſances are continued.

XXXIX. And it is hereby further enacted, That if any ſuch Nuiſance, Obſtruction, or Annoyance, ſhall be afterwards replaced and continued for the Space of Six Hours after Notice to remove the ſame, the Perſon or Perſons convicted of ſuch Second Offence ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every repeated Offence.

Licences may be granted for erecting Hoards, &c.

XL. And be it further enacted, That no Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected or built, any Hoard, or erect any Poſts, Bars, Rails, Board or other Thing by way of Incloſure, for the Purpoſe of making Mortar and depoſiting Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to the Commiſſioners, who is and are hereby required to grant the ſame forthwith to every Perſon ſo applying for ſuch Licence, paying to the ſaid Surveyor or Surveyors the Sum of One Shilling; and no Perſon whatſoever ſhall erect or build any ſuch Kind of Hoard or Incloſure as aforeſaid in any other Manner, or ſuffer the ſame to remain for any longer Time, than ſhall be expreſſed or allowed in ſuch Licence from the ſaid Surveyor or Surveyors, to be ſigned as aforeſaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Twelve Hours that the ſame, or any Part thereof, ſhall be continued contrary to the Direction of this Act: And if any ſuch Kind of Incloſure ſhall be erected or built without the Leave of the ſaid Surveyor or Surveyors ſo had and obtained, and ſigned as aforeſaid, or ſhall be ſet up in any other Manner, or continued for any longer Time, than ſhall be allowed and expreſſed in ſuch Licence; then, and in either of the Caſes, it ſhall be lawful for the Commiſſioners to cauſe the ſame to be pulled down and removed, and the Materials thereof ſhall be depoſited in the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act with reſpect to paving.

No Lime to be ſifted, &c. in any Square.

XLI. And it is hereby further enacted, That if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack any Lime, (except within ſuch Incloſure as aforeſaid) in any ſuch Square, Street, Row, Lane, or Paſſage, or cauſe the ſame to be ſo done, he or they ſhall forfeit and pay for every ſuch Offence the Sum of Forty Shillings.

Penalty on driving Carriages, &c. on Foot-pavements.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall for the future carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot-pavements within any the aforeſaid

aforesaid Streets, Rows, Lanes, or Places, any Wheel or Wheels, Sledge, Wheel-barrow, or any Carriage whatsoever; or shall wilfully ride, lead, or drive any Horse, Ass, or other Cattle, Coach, or other Carriage whatsoever, upon any Part of the said Foot-pavements; or shall throw or cast any Dung, Ashes, Dirt, or Rubbish, into or upon any Carriage or Foot-ways; then, and in every such Case, it shall be lawful for any Person or Persons whatsoever who shall see such Offence committed, to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, and they are hereby required so to do by the Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County or Liberty; and the Party or Parties accused being brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon Information as aforesaid, he, she, or they, so convicted of any such Offence respectively, shall forfeit the Sum of Ten Shillings for the First Time of offending, the Sum of Twenty Shillings for the Second Time of offending, the Sum of Forty Shillings for the Third and every other Time of offending; and in case such Offender or Offenders shall not, upon such Conviction pay such Forfeitures by him, her, or them incurred as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor less than Three Days.

Streets to be swept.

XLIII. And be it further enacted, That all Persons inhabiting within the said Parish shall, from and after the said Second *Wednesday* after the passing of this Act, sweep, scrape, and clean the Foot-way before their respective Houses, Buildings, and Walls, or cause the same to be done every Day between the Hours of Six and Nine in the Morning, (*Sundays* excepted) upon Pain of forfeiting for every Neglect the Sum of Five Shillings.

Stands of Hackney Coachmen, &c. to be regulated.

XLIV. And be it further enacted, That the said Commissioners may, from Time to Time, direct and regulate all Stands of Hackney Coaches and Hackney Chairs within the said Parish, in such Manner as they shall in their Discretion think proper; and if any Hackney Coachman or Hackney Chairman shall not comply with such Directions and Regulations, he or they shall, for each Offence, forfeit the Sum of Ten Shillings.

Times of emptying Bog-houses, &c.

XLV. And be it further enacted, That if any Person or Persons whatsoever shall come with any Cart or Carts, and begin to empty any Bog-house or Bog-houses, or to take away any Night Soil from any House or Houses within the said Parish before the Hour of Twelve of the Clock in the Night, or shall continue to take away the same after the Hour of Five of the Clock in the Morning from *Michaelmas* to *Lady-day*, or after the Hour of Four of the Clock in the Morning from *Lady-day* to *Michaelmas*; or if any Person shall put or cast, or cause to be put or cast, out of any Cart, Tub, or otherwise, in or near any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, within the said Parish, or within Half a Mile thereof, any such Night Soil, it shall and may be lawful to and for any Constable, Beadle, or Watchman, (and they are hereby strictly required and directed so to do), or any other Person or Persons whatsoever, to apprehend and carry him or them guilty of either of the said Offences to the Watch-house of the said Parish of *Christ Church*, and from thence, as soon as conveniently may be, before some Justice of the Peace for the said County or Liberty, who, upon Oath made of such Offence or Offences as aforesaid, shall and may commit such Person or Persons guilty of any of the said Offences to the House of Correction for the said County, for any Time not exceeding Two Months, nor less than Fourteen Days, there to be kept to hard Labour; and it shall be lawful for the said Commissioners, and they are hereby required to order any Sum not exceeding Twenty Shillings, nor less than Ten Shillings, to be paid to the Person who shall detect, apprehend, and convey before any such Justice of the Peace, any such Person or Persons guilty as aforesaid, to be paid out of the Monies to be raised by virtue of this Act for the Purposes of cleansing, lighting, and watching.

Notice to be given of taking up Pavements, &c. for repairing any Vault, Drain, &c.

XLVI. And be it further enacted by the Authority aforesaid, That when and so often as any Part of the Pavement of the said Streets or Lanes shall be taken up for the Purpose of making, repairing, altering, cleansing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending any Water-pipe or Plug, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement shall immediately give Notice thereof to the Surveyor or Clerk to the Commissioners for putting this Act in Execution, in order that the same may, with all convenient Speed, be laid down and repaired under the Inspection of the said Surveyor; and the Charges and Expences thereof shall be paid by the said Commissioners, and they shall be reimbursed the same by the Person or Persons, Company of Water-works, or Commissioners of Sewers, who shall take up, or cause or procure to be taken up, the said Pavement, or any Part or Parts thereof

Commissioners may contract with Companies for relaying such Pavements.

XLVII. Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners for putting this Act in Execution, or any Seven or more of them, from Time to Time, to compound and agree with the said Companies or Commissioners of Sewers, or other Person or Persons respectively, for a certain Sum of Money, by the Foot or other Measure, as the said Commissioners for putting this Act in Execution shall think reasonable, in Lieu and in Stead of laying down or repairing such Pavement as shall be necessarily taken up for any the Purposes aforesaid.

On Refusal of Payment an Action may be brought.

XLVIII. And be it further enacted by the Authority aforesaid, That in case such Person or Persons, Companies of Water-works, or Commissioners of Sewers respectively, shall neglect or refuse to pay what the said Commissioners shall have so paid and disbursed, or what shall be due upon such Composition as aforesaid, within Ten Days next after Notice thereof, to be left by the Surveyor or Clerk appointed

pointed or to be appointed by the ſaid Commiſſioners, at the Dwelling-houſe or laſt Place of Abode of ſuch Perſon or Perſons, or of the Secretary or Secretaries, Clerk or Clerks, of ſuch Companies of Water-works or Commiſſioners of Sewers reſpectively, (which Notice ſhall be in Writing, and ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, by Order of the ſaid Commiſſioners, and annexed to the Bill containing an Account of the Expence of ſuch Repair, or Money due upon ſuch Compoſition), it ſhall be lawful for the ſaid laſt-mentioned Commiſſioners, and they are hereby authoriſed and impowered, to bring, or cauſe to be brought, any Action or Actions, for the Recovery of ſuch Sum or Sums of Money reſpectively; and in caſe ſuch Perſon or Perſons, hereby directed to give ſuch Notice to the Surveyor or Clerk to the Commiſſioners for putting this Act in Execution, as is before directed, ſhall neglect ſo to do for the Space of Twenty-four Hours after ſuch Pavement ſhall be ſo taken up, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Commiſſioners to pay for altering Pipes for the Purpoſes of the Act.

XLIX. And be it further enacted by the Authority aforeſaid, That if for the Purpoſes of this Act it ſhall at any Time be found neceſſary to raiſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by the ſaid Companies, or any of the leaden Pipes which ſhall be laid into or from any of the ſaid Companies Pipes, which the ſaid Commiſſioners are hereby impowered to cauſe to be done as often and in ſuch Places as they ſhall think proper; the ſame ſhall be paid for out of the Monies ariſing by virtue of this Act, and ſhall be done with as little Detriment or Inconvenience to the ſaid Companies, and other Perſons, as the Circumſtances of the Caſe will admit of.

How Water-pipes, when broken, are to be amended.

L. And be it further enacted, That when and ſo often as it ſhall happen that any Pipe or Pipers belonging to any Water Company ſhall break or burſt in any of the ſaid Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Paſſages, or Places, paved by virtue of this Act, the Surveyor to the ſaid Commiſſioners, or ſuch other Perſon as they ſhall appoint for that Purpoſe, may and ſhall give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water iſſues by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days next after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode; and, if upon taking up of the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt doth not or do not belong to the Water Company whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground, that then, and in ſuch Caſe, the Surveyor, or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company to whom it ſhall appear that the ſaid Pipe or Pipes doth or do belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground, with in Two Days after ſuch Notice given or left as aforeſaid; and alſo within Two Days after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon as aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives ſuch Notice ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which ſhall be burſt or broken doth or do not belong to the Company to whom he is Pavior, that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes doth or do belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame within the ſaid Two Days after Notice given, he ſhall, for the Firſt Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds; and in caſe the Pavior of the Company to whom ſuch Pipe or Pipes ſo broken or burſt ſhall belong ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with, or the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſon as aforeſaid, ſuch Pavior ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence, the Sum of Three Pounds: And if any Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavements ſo broken or taken up for any the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within Two Days after Notice given to him or them; or if the Surveyor, or other Perſon to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for the Firſt Offence forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Paviors and Turncocks to give Notice of their Place of Abode.

LI. And be it further enacted, That the ſeveral and reſpective Paviors and Turncocks, now appointed, or hereafter to be appointed, in caſe of the Death or Removal of any ſuch Pavior or Turncock by the ſaid ſeveral and reſpective Water Companies, ſhall, and they are hereby required, within the Space of Twenty-one Days next after the paſſing of this Act, or within the Space of Three Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks, to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the Time being, to the ſaid Commiſſioners for putting this Act in Execution; which Notice ſhall contain ſuch Pavior's or Turncock's Name and Place of Abode reſpectively, as alſo to what Company he is Pavior or Turncock, and

in what District he has the Care of such Company or Companies Pipes; and in like Manner the Surveyor or Surveyors to such Commissioners for the Time being, shall, within the respective Times aforesaid, give Notice to the respective Paviors and Turncocks of the said several Water Companies, of his or their own Place or Places of Abode; and also to the Surveyor or Surveyors to Commissioners of Sewers, of the Names and Places of Abode of such Contractor or Contractors, and of the Pavior or Paviors employed by such Commissioners; and every Person or Persons neglecting or refusing to give such Notice as aforesaid, within the Times before respectively specified, shall, for every such Offence, forfeit the Sum of Forty Shillings.

Commissioners may direct Grates over Sewers to be altered.

LII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, to direct the Grates already or hereafter to be placed over any Sewers, to be removed and placed in such Manner, and at such Place and Places, as they shall think most proper, so as the same be not detrimental or prejudical to the publick Sewers, and be, from Time to Time, done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act, for the Purposes of Paving; any Law, Usage, or Custom to the Contrary notwithstanding.

Commissioners may erect additional Grates, &c.

LIII. And be it further enacted, That when and so often as there shall be Occasion to make new or additional Grates over any Sewer or Sewers within the said District, or to repair, alter, cleanse, or amend, any of the said Sewers, or the Grates over the same, the Clerk for the Time being of the Commissioners of the said Sewers shall, at the Request in Writing of the Surveyor of the said Commissioners of Pavement, or other Person or Persons authorised by them for that Purpose, forthwith summons the said Commissioners of Sewers to meet, in order to take the Premises under Consideration, which they are hereby authorised and required to do at such Meeting, and also at the same Meeting, or any adjourned or other Meeting, to exercise the several Powers and Authorities with which they are invested, in order that the said several Works may be speedily and effectually done, completed and finished.

Rate for cleansing, lighting, and watching.

LIV. And be it further enacted, That from and after the passing of this Act, a Rate or Assessment shall, for the Purposes of cleansing, lighting, and watching, the several Squares, Streets, Rows, Lanes, Courts, Yards, Alleys, Passages, and Places, within the said Parish of *Christ Church*, be made, laid, and assessed, by the Commissioners for putting this Act in Execution, or any Seven or more of them, Once in every Year, or oftener if they shall judge it needful, upon the Parish Church and Church Yard, and all Chapels, *French* Churches and Chapels, Meeting-houses, Schools, and Markets, and upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy any Land, Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the said Parish, in such competent Sum and Sums of Money, as the said Commissioners, or any Seven or more of them, shall order and direct, so as such Rate or Rates, Assessment or Assessments, do not exceed in the Whole the Sum of One Shilling and Four-pence in the Pound in any One Year, according to the yearly Rent or yearly Value of such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements or Hereditaments respectively.

not to exceed 1 s. 4 d. in the Pound.

Commencement of Rates.

LV. And be it further enacted, That the said First Rate or Assessment shall commence from the said Second *Wednesday* after the passing of this Act, and every future Rate or Assessment shall commence from the Time that the last preceding Rate or Assessment ended, and not otherwise; and the Monies therein and thereby charged and assessed, shall be payable and recoverable Quarterly, in Manner hereinafter directed.

Rates for paving and removing Annoyances, watering, &c.

LVI. And be it further enacted, That when and as soon as the said Commissioners shall direct any of the said Streets, Rows, or Lanes, herein-before mentioned and authorised to be paved, or any Part or Parts thereof respectively, or any of the Courts, Yards, Alleys, Passages, and Places, opening into or communicating with the same, to be new paved, it shall be lawful for the said Commissioners, or any Seven or more of them, as soon as conveniently may be, and so in like Manner yearly, or oftener, if Occasion shall require, to make, lay, and assess, upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy, any Land, Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within such Street, Row, Lane, Court, Yard, Alley, Passage, or Place respectively, as far as such new Pavement shall extend, a further Sum not exceeding in the Whole One Shilling and Nine-pence in the Pound, in any One Year of the yearly Rent or yearly Value of such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, respectively, the greater Part or Parts of which Pavement shall be made of Stones of a flat Surface; but not exceeding One Half of such Rates or Assessments, as the same shall, from Time to Time, be ascertained and limited, within such Courts, Yards, Alleys, Passages, or Places, as are not Thoroughfares for Wheel Carriages; and not exceeding One Shilling and Three-pence in the Pound in such Streets, Rows, Lanes, Courts, Yards, Alleys, Passages, or Places, the greater Part or Parts of which new Paving shall be made in the Footways with flat Stones, and in the Carriage-ways with Pebbles, or with old Stones taken from that or any other of the said Streets, Rows, Lanes, Courts, Yards, Alleys, Passages, or Places; but not exceeding One Half of such Rates or Assessments, as the same shall, from Time to Time, be ascertained and limited, within any such Courts, Yards, Alleys, Passages, or Places, as are not Thoroughfares for Wheel Carriages, and paved as is last-mentioned.

not to exceed 1 s. 9 d. in the Pound, with best Pavement, and 1 s. 3 d. with the second Sort of Pavement.

Houses adjoining to the Streets, to be rated at Two Thirds.

'LVII. And whereas several Houses, Warehouses, or other Buildings in the said Streets, Rows, 'Lanes, Alleys, Yards, or other Places, are partly situate within the same, and partly in or are adjoining to or abutting upon other Streets, Lanes, Ways, or Passages, which are not within or Part of the 'aforesaid Streets, Rows, Lanes, Alleys, Yards, or Places, and the Occupiers of such Houses, Warehouses, or other Buildings, by Carriages having Access to their Premises, will greatly wear the Pavements intended to be paved by virtue of this Act, by such Carriages coming to and going from their

'said

'said Houſes, Warehouſes, or other Buildings, and ſuch Houſes, Warehouſes, or other Buildings, are 'or may be obliged to pave the ſaid other Streets, Lanes, Courts, Alleys, and other Places, or may be 'ſubject to be rated and taxed towards the paving or repairing the ſame;' be it therefore further enacted, That ſuch Houſes, Warehouſes, or other Buildings, which now are or hereafter ſhall be ſo ſituate, ſhall only be rated and taxed for the Purpoſe aforeſaid, at ſuch Sum or Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable, not exceeding Two-thirds of the Rate they would have been rated and taxed at if ſuch Houſes, Warehouſes, or other Buildings had ſtood wholly within the ſaid Street, Row, Lane, Alley, or Yard.

Houſes let out in Tenements how to be rated.

'LVIII. And whereas many Houſes within the ſaid Streets, Rows, Lanes, Courts, Alleys, Yards, 'Paſſages, or Places, are by the ſeveral Owners or Proprietors thereof let out in Lodgings to divers Te- 'nants, whereby it will be difficult to recover ſuch Rates and Aſſeſſments when made; for Remedy 'whereof,' be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs the Owner or Owners of ſuch Houſes or Tenements as ſhall be let to or occupied by Two or more Tenants, which Rate and Aſſeſſment ſhall be paid by One or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes or Tenements; and in caſe any Occupier or Occupiers of any Part of ſuch Houſes or Tenements ſhall refuſe to pay the ſame, then the ſaid Rate and Aſſeſſment ſhall be levied by Diſtreſs and Sale of the Goods of him, her, or them ſo refuſing to pay the ſame; and ſuch Occupier or Occupiers of ſuch Houſes and Tenements reſpectively is and are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo rated or aſſeſſed on the Owner or Owners of ſuch Houſes, in purſuance of this Act, and to deduct the ſame out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow ſuch Deductions and Payment upon Receipt of the Reſidue of their Rents; and every ſuch Tenant paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be acquitted and diſcharged of and from ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſment, ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rent would have been, or ſhall be, due and payable; and in Default of Payment of the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, the ſame ſhall be and remain a Charge upon the ſaid Premiſes, and ſhall and may be recovered of and from the Owner or Owners, Proprietor or Proprietors thereof, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court for the Recovery of ſmall Debts within the *Tower* Hamlets, to be commenced and proſecuted by the ſaid Commiſſioners, in which Action or Suit no Protection, Eſſoin, or Wager of Law, or more than One Imparlance ſhall be allowed.

Power to compound.

LIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound with the Owner or Owners, Proprietor or Proprietors, of any ſuch Houſes or Tenements, the annual Rent or Value whereof ſhall be at or under Ten Pounds for the Rate by this Act authoriſed to be laid upon ſuch Houſes or Tenements, ſo as in ſuch Compoſition there be not remitted to any ſuch Owner or Owners, Proprietor or Proprietors reſpectively, more than One-third of the Rate or Aſſeſſment by this Act laid upon ſuch Houſes or Tenements reſpectively.

Empty Houſes, &c. how to be rated.

LX. And it is hereby further enacted, That where any of the Lands, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments for the Purpoſes of paving, be empty, untenanted, or unoccupied; then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to rate and aſſeſs ſuch Premiſes reſpectively, at One Half of ſuch Rates or Aſſeſſments, during the Time only that ſuch Premiſes ſhall be empty, untenanted, or unoccupied; and alſo in caſe any ſuch Premiſes, after the making ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall become empty, untenanted or unoccupied, One Half only of ſuch Rate or Aſſeſſment ſhall be charged on ſuch Premiſes reſpectively, for and during ſo long a Time as the ſame ſhall continue empty, untenanted and unoccupied; and then, and in any of the ſaid Caſes, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears thereon, ſhall be paid by the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, or by the firſt or any other Tenant or Occupier thereof, and in which laſt Caſe ſuch Tenant or Tenants, Occupier or Occupiers, ſhall and may, and is and are hereby authoriſed to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively; and the Landlord or Landlords, Owner or Owners, of ſuch Premiſes, is and are hereby required to allow ſuch Deduction and Payment upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is, and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

Landlords, &c. liable to Rates.

'LXI. And whereas there are or may be many Houſes, Buildings, Stables, Lands, Grounds, Te- 'nements, Hereditaments, and Premiſes, which are taken on Leaſes for Years or otherwiſe, and 'are by the Leſſees or Tenants, and alſo by Landlords or Owners, let out in Parcels or ſeparate 'Apartments to Under-tenants, and other Houſes and Premiſes let ready furniſhed to Lodgers;' be it 'therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor, and each and every ſuch Houſe, Building, Stable, Land, Ground, Tenement, or Hereditament, ſo let out, or which ſhall be let out, in Parcels or ſeparate Apartments, or ready furniſhed to a Lodger or Lodgers, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Rent or Value of ſuch Premiſes.

Occupiers to pay Rates,

'LXII. And, for the more eaſy Recovery of ſuch Rates or Aſſeſſments,' be it further enacted, That each and every Perſon ſo renting or occupying any ſuch Parcel or ſeparate Apartment as aforeſaid,

ſaid, ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears due thereon, to be recovered in Manner hereafter directed.

LXIII. Provided always, That each and every reſpective Occupier or Occupiers, who ſhall pay ſuch reſpective Rates or Aſſeſſments, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next, or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord for ſuch Money as he, ſhe, or they ſhall pay, or as ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act. but to be allowed the ſame in Rent.

'LXIV. And foraſmuch as it is reaſonable that all publick Buildings, and all dead Walls and void 'Spaces of Ground, ſhould be rated and aſſeſſed in a due Proportion towards the paving to be done by 'virtue of this Act,' it is hereby further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, for the Purpoſes of paving, all Pariſh Churches, parochial and other Chapels, *French* Churches or Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other publick Buildings whatſoever, (charged or not charged to the Land-tax), ſituate, ſtanding, and being in any Square, Street, or Place, paved by virtue of this Act, which now is or are, or hereafter may be built or in building, at a Rate not exceeding One Shilling and Nine-pence in the Pound, according to the clear yearly Income ariſing from ſuch Pariſh Church, parochial and other Chapels, *French* Churches or Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and other publick Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained, then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed at a Rate not exceeding Sixpence *per* Square Yard in any One Year, of the Pavement paved under the Direction of the ſaid Commiſſioners, and belonging to ſuch Pariſh Church, parochial or other Chapel, *French* Church or Chapel, Meeting-houſe, School, Warehouſe, or other publick Building; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener if needful, aſſeſs all Church-yards, dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe or other Building, by the Pound-rate, or otherwiſe, by virtue of this Act, ſo that in the whole ſuch Rate or Aſſeſſment ſhall not in any One Year exceed the Sum of Sixpence for every Square Yard of Pavement paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to or lying before ſuch Yards, dead Walls, and void Spaces of Ground, which Rates and Aſſeſſments ſhall commence from the reſpective Times when ſuch Pavements ſhall be begun; and the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and alſo the Rates or Aſſeſſments for cleanſing, lighting, and watching, herein-before authoriſed to be made and paid for ſuch Pariſh Church Church-yard, and parochial Chapels, ſhall be paid by the Chapelwardens or Churchwardens reſpectively, out of any of the Monies payable to and received by the ſaid Churchwardens or Chapelwardens reſpectively, either for Seats in the ſaid Church or Chapels, or for Burial-fees; and the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made and paid for any *French* Church or Chapel, or other Chapel or Meeting-houſe, ſhall be paid by the Miniſters, the Elders, or Deacons thereof; and the Rates or Aſſeſſments for any School, Market, Warehouſe, or other publick Building, dead Wall, or void Space of Ground, ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, thereof. Publick Buildings, &c. how to be rated.

'LXV. And whereas, that there are or may be ſeveral Houſes and other Buildings, within the Li- 'mits for paving by virtue of this Act, begun to be built, but are not finiſhed nor let; and foraſmuch 'as it is reaſonable that ſuch Houſes and Buildings ſhould be rated and aſſeſſed for the Purpoſes of pa- 'ving;' be it therefore enacted, That until ſuch Houſes or other Buildings which now are or hereafter may be built, or in building, ſhall be finiſhed or tenanted, (if the Square, Street, Row, Lane, or other Place wherein ſuch Houſe or other Building ſhall be ſituate, ſhall be paved by virtue and in purſuance of this Act), it ſhall be lawful for ſuch Commiſſioners as aforeſaid, or any Seven or more of them, and they are hereby required and directed to rate and aſſeſs, according to their Diſcretion, all ſuch Houſes and other Buildings, and which are or ſhall be erected and covered in, at a Rate not exceeding Sixpence for every Square Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes or other Buildings; and for all Houſes and other Buildings which are or ſhall be erected and not covered in, at a Rate not exceeding Three-pence for every Square Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of ſuch Houſes and other Buildings, until the ſame ſhall be covered in as aforeſaid, and then at a Rate not exceeding One Shilling and Nine-pence for every Square Yard, until the ſame ſhall be let or occupied; which Rates or Aſſeſſments ſhall be paid by, and recoverable from the Proprietor or Proprietors, Leſſee or Leſſees, Owner or Owners, of ſuch Houſe or Houſes, Building or Buildings reſpectively, and ſhall be charged and chargeable on the ſaid Premiſes: And if the ſaid Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall refuſe or neglect to pay the ſame upon Demand; then, and in every ſuch Caſe, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears due thereon, ſhall and may be levied on the Goods and Chattels of the Perſon or Perſons ſo required to pay the ſame, in Manner hereinafter directed; and in caſe the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of ſuch Houſe or Houſes, Building or Buildings, ſhall not be known, or cannot be found, or ſhall be under Commiſſion of Bankruptcy, then the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, made thereon, ſhall be and remain charged and chargeable on the ſaid Premiſes until the Owner or Owners, Proprietor or Proprietors Leſſee or Leſſees, can be found, or until Aſſignees, in caſe of Bankruptcy, are appointed, when the ſame, and all Arrears due thereon, ſhall be levied on the Goods and Chattels of ſuch Owner Unfiniſhed Houſes, &c. how to be rated.

or

or Owners, Proprietor or Proprietors, or Leſſee or Leſſees, or upon the Goods and Chattels of ſuch Aſſignee or Aſſignees, who is and are hereby made liable to pay the ſame, or upon the ſaid Premiſes, in like Manner as other Rates made by virtue of this Act are made recoverable.

New-built Streets, &c. to be paved when proper.

'LXVI. And whereas there are, and hereafter may be, within the Limits for paving by virtue of 'this Act, new Streets and Places which are not paved, Part of which are built or in building, and 'ſmall Pieces or Parcels of Ground unbuilt upon and not paved;' be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to view and inſpect any Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits aforeſaid, which now is or hereafter may be built upon, or in building; and if, upon ſuch View, they ſhall be of Opinion, that the ſame, or any Part or Parts thereof, is or are fit and proper to be paved, the ſaid Commiſſioners ſhall and may order their Surveyor or Surveyors, or other Perſon or Perſons by them appointed for that Purpoſe, to give Notice to the Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Tenement, or Hereditament, in any ſuch Street, Row, Lane, Court, Yard, Alley, Paſſage, or Place, or leave the ſame at his, her, or their laſt or uſual Place of Abode, or with his, her, or their known Servant or Servants; or if no ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, can be found, then ſuch Notice ſhall be ſtuck againſt the ſaid Premiſes, or any Part thereof, which Notice ſhall require ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, to meet ſuch Commiſſioners, or any Seven or more of them, at the Time and Place therein mentioned, not being leſs than Ten Days from the Date of ſuch Notice, to compound for the paving thereof, at any Sum not exceeding Three Shillings for every Square Yard of ſuch Pavement, whether Carriage-way, or Foot-way, which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed to make; and if ſuch Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, ſhall not attend, or ſhall not compound or agree with the ſaid Commiſſioners as aforeſaid, then it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be paved as ſoon as conveniently may be, and all the Charges and Expences attending ſuch paving ſhall be paid by the reſpective Owner or Owners, Proprietor or Proprietors, Leſſee or Leſſees, and ſhall be recovered and levied upon their Goods and Chattels in Manner herein-after directed.

Owners of vacant Grounds, &c. how to be charged.

LXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners to charge, or make chargeable, any One Proprietor, Owner, or Leſſee, of ſuch vacant Ground with more than Two hundred Square Yards of Paving, on Account of any ſuch vacant Ground in One Square, Street, Row, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Clerks to make Entries of Rates.

LXVIII. And be it further enacted, That the Clerk or Clerks for the Time being to the ſaid Commiſſioners ſhall, and he or they is and are hereby required, to make proper Enteries in a Book or Books to be kept for that Purpoſe, all and ſingular the Rates and Aſſeſſments which ſhall be made by virtue of this Act; to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments ſhall and may have free Acceſs, at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Rates to be ſigned by Two Juſtices, who are to grant Warrants to collect and levy the ſame.

LXIX. And be it further enacted, That all Rates made by virtue of this Act, ſhall be allowed and ſigned by Two Juſtices of the Peace acting in and for the ſaid County of *Middleſex*, or Liberty of the *Tower of London*, who are alſo hereby impowered and required to grant a Warrant or Warrants for collecting thereof, as alſo for levying of the ſame, by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate or appoint, and which Warrants ſhall be ſufficient Authorities to the reſpective Perſons thereby authoriſed for the Purpoſes therein mentioned; and the ſaid Rates, after the ſame ſhall be ſo allowed and ſigned by the ſaid Juſtices, ſhall be collected Half-yearly, or oftener, if the ſaid Commiſſioners ſhall think it neceſſary: And if any Perſon or Perſons ſhall refuſe, neglect, or omit to pay the Sum or Sums of Money which he, ſhe, or they, ſhall be rated or aſſeſſed at by virtue of this Act, for the Space of Ten Days after perſonal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of ſuch Perſon or Perſons; then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Perſon or Perſons who ſhall be authoriſed by ſuch Warrant as aforeſaid, and he and they is and are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting, refuſing, or omitting to pay the ſame; and in caſe no ſuch Goods or Chattels can be found to be ſo diſtrained, or in caſe ſuch Goods or Chattels ſhall be locked up, or ſecured or removed from the Perſon or Perſons authoriſed to diſtrain as aforeſaid, ſo that he or they cannot diſtrain the ſame; then, and in either of the ſaid Caſes, upon Information thereof given to the ſaid Juſtices, or any Two Juſtices of the Peace for the ſaid County or Liberty of His Majeſty's *Tower of London*, it ſhall be lawful for ſuch Juſtices, and they are hereby required to commit the Offender or Offenders to the Common Gaol or Houſe of Correction for the County or Place where ſuch Offence ſhall be committed, there to remain without Bail or Mainprize for any Time not exceeding the Space of Six Months, or until the Payment of ſuch Rate or Aſſeſſment, and reaſonable Charges occaſioned by the Nonpayment thereof.

Occupiers quitting without paying Rates, may be followed.

LXX. And be it further enacted, That when any Perſon or Perſons, who have or hath been rated and aſſeſſed by virtue of this Act, ſhall quit his, her, or their Dwellinghouſe, Warehouſe, Shop, Vault, Cellar, or Tenement, whereupon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due and demanded as aforeſaid, by the Perſon or Perſons authoriſed and appointed to collect and receive the ſame; that then, and in every ſuch Caſe, it ſhall be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners, by Warrant under the Hand and Seal of any one or more Juſtices of the Peace acting

acting in and for the said County or Liberty, which Warrant the said Justice or Justices is and are hereby authorised and required to grant in any Place within their respective Jurisdictions, or out of the Limits thereof, such Warrant being first backed or countersigned by some Magistrate in the County, City, or Liberty, where the Distress is to be made, to distrain the Goods and Chattels of such Person or Persons so neglecting or refusing, and the same to sell, rendering the Overplus, if any such shall be) after deducting the reasonable Charges and Expences of such Distress and Sale, to the Owner of such Goods and Chattels demanding the same.

Rates may be sued for.

LXXI. Provided always, That the said Commissioners, if they shall think proper, may sue for all or any of the Rates or Assessments which shall be made by virtue of this Act, and all Arrears due thereupon and unpaid, in which Action no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Tenants to pay Rates, and deduct One-Half out their Rents.

LXXII. And be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers of Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, in the said Squares, Streets, Rows, Lanes, Alleys, and Yards, is and are hereby required and authorised to pay all and every the Sum and Sums of Money which shall be rated or assessed on him, her, or them, by virtue of this Act, for the Purpose of paving, and to deduct One Moiety thereof out of their Rent; and the Owner or Owners, Proprietor or Proprietors thereof, shall, and they are hereby required to allow such Deductions and Payments upon Receipt of the Residue of their Rents; and every such Tenant, paying such Rate or Rates, Assessment or Assessments, shall be, and they are hereby acquitted and discharged of and from One Moiety of so much Money as the said Rate or Rates, Assessment or Assessments, shall amount unto, as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent would have been or shall be due and payable.

No Contract for paving, &c. to be void by this Act.

LXXIII. Provided always, and it is hereby further enacted, That nothing in this Act contained shall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving or repairing any or any Part of any Street, Row, Lane, Court, Yard, Alley, Passage, or Place, but that every Person who is now by virtue of any such Contract or Agreement obliged to pave or keep in Repair any or any Part thereof, shall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and assessed for paving within such Square, Street, Row, or Place, or so much thereof as such Commissioners as aforesaid shall deem just, and according to the true Meaning of such Contract, Covenant, or Agreement, for and during the Time that such Contract, Covenant, or Agreement, shall remain in Force; and in case any Dispute shall arise concerning such Covenant, Contract, or Agreement, the said Commissioners, or any Seven or more of them, shall have Power to hear and finally determine the same.

Persons paying Rates, exempted from paving, &c.

LXXIV. And be it further enacted, That all Persons paying the respective Rates and Assessments by this Act laid and assessed for the Purpose of paving, shall be, and they and every of them is and are hereby exempted and discharged from the Expence of paving or keeping in Repair the Squares, Streets, Rows, or Places, or such Parts thereof, whereon any such respective Rates shall be laid; and also from all Penalties which may or might be incurred by reason of their neglecting to pave or keep the same in Repair; and that all Persons paying the Rate hereby laid and assessed for cleansing, watching, and lighting, within the said Parish, and from all Penalties which might be incurred for Neglect thereof.

but not to excuse Arrears.

LXXV. Provided also, and it is hereby enacted, That nothing in this Act contained shall prevent the collecting any Arrears of any Rate or Assessment due from any Person or Persons under this or any former Act.

Commissioners Power to remit a Part of the Rates.

'LXXVI. And whereas it may be reasonable to excuse some Persons from the Payment of the 'aforesaid Rates or Assessments in Part, on Account of their Poverty; for Relief therefore in such 'Case,' be it further enacted and declared, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorised and impowered to grant to such Person or Persons such Relief in the Payment of any Rate or Assessment as they the said Commissioners shall think proper, so as the Reduction doth not exceed One Half of the Assessment payable by such Person or Persons.

Collectors to pay Money as received to the Treasurer.

Penalty on keeping above 100 l. longer than 14 days.

LXXVII. And be it further enacted, That the Collector or Collectors of the Rates and Assessments aforesaid shall pay the Money as he or they shall receive the same to the Treasurer or Treasurers for the Time being to the said Commissioners, and upon Payment thereof, such Collector or Collectors shall take a Receipt for the same of the said Treasurer or Treasurers, which shall be given without Fee or Reward, and therein the Name or Names of such Collector or Collectors shall be expressed, and the Sum or Sums of Money paid shall be specified; and if any such Collector or Collectors shall at any Time keep and retain in his or their Hands more than the Sum of One hundred Pounds for any Time beyond the Space of Fourteen Days, (provided the said Treasurer or Treasurers shall within that Time be ready to receive the same), he or they shall forfeit and pay the Sum of Five Pounds for every Day that he or they shall retain any Sum exceeding the said One hundred Pounds beyond the said Fourteen Days.

Commissioners impowered to borrow Money upon the Credit of the Rates,

LXXVIII. And for the more effectually enabling the said Commissioners to execute the Purposes of this Act in the most expeditious Manner with respect to paving and regulating the several Streets, Lanes, Rows, and Alleys, and other Places hereby directed to be paved, it is hereby further enacted, That it shall be lawful for the said Commissioners, and they are hereby impowered, from Time to Time, when they shall judge it necessary, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments to be made by virtue of this Act for the Purpose of paving, and by any Writing or Writings upon Vellum or Parchment, signed by the said Commissioners, to assign the said Rates or Assessments, or a competent Part thereof, to such Person or Persons who shall

advance and lend such Money thereupon, as a Security or Securities for the several Sums so borrowed, with Interest for the same, which Interest shall be payable and paid Half-yearly by the Treasurer or Treasurers to the said Commissioners out of the Monies to arise by or from the said Rates or Assessments.

Money borrowed by Annuities on Lives.

'LXXIX. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, 'to be secured upon and payable out of the last-mentioned Rates and Assessments,' be it therefore further enacted, That it shall be lawful for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, or such Person or Persons as they shall appoint to receive the same, for the Uses and Purposes for which the said Rates or Assessments are made, any Sum or Sums of Money for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Person or Persons as shall be nominated by or on Behalf of such Contributor or Contributors at the Time of Payment of the respective Contribution-money, so as the said Annuity or Annuities do not exceed the Rate of Nine Pounds by the Hundred by the Year, and so in proportion for any greater or lesser Sum to be paid as aforesaid; all which Annuities so to be purchased, shall be payable and paid by the said Treasurer or Treasurers for the Time being, out of the Monies to arise by or from the said Rates and Assessments, by quarterly Payments; the First Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of Three Months after Payment of their respective Purchase-monies, the Rate whereof shall, from Time to Time, be settled and adjusted by the said Commissioners as they shall think proper, at a publick Meeting to be held for that Purpose, whereof Twenty-one Days Notice shall be given in some publick News-paper circulated in the Bills of Mortality, so that the total Sums to be borrowed on Life Annuities, and at Interest, shall not exceed in the Whole the Sum of Fourteen thousand Pounds.

The Whole by both Methods of borrowing not to exceed 14,000 l.

If Annuitants die, any Person may purchase others, till Mortgage Money is paid off.

LXXX. Provided always, and it is hereby further enacted, That the better to enable the Commissioners to pay the Money borrowed by Mortgage of the said Rates, in Manner aforesaid, it shall be lawful for them, at any Time or Times, until the Sum so borrowed, and all Interest due thereon, shall be fully paid and satisfied, and no longer, as any such Annuitant or Annuitants, or Nominees shall die, to permit any Person or Persons to purchase of them the said Commissioners One or more Annuity or Annuities in the Room of such Annuitant or Annuitants, or Nominee, so dying, upon the Life of such Person or Persons, upon such Terms and Conditions, and payable in such Manner, as above-mentioned, so that the Sum or Sums to be contributed for the Purchase of any Annuity or Annuities to be granted by virtue of this Act shall at no Time exceed the said Sum of Fourteen thousand Pounds.

As Annuitants die, Rates may be lowered.

LXXXI. Provided always, That as such Annuitant or Annuitants shall die off, and such Rates or Assessments can be lowered and reduced, the same shall be so done, in equal Proportion, from Time to Time, if the said Commissioners, or any Nine or more of them shall think fit.

Annuities charged upon the Rates.

LXXXII. And be it further enacted, That all and every Annuity or Annuities so to be purchased, shall be, and are hereby charged upon, and shall be paid and payable, from Time to Time, out of the Monies arising by the Rates and Assessments made for paving as aforesaid; and all and every the Contributor and Contributors, upon the Credit of this Act, duly paying the Consideration or Purchase-money as aforesaid for any such Annuity or Annuities, his, her, or their respective Executors, Administrators, and Assigns, shall have, receive, and enjoy, and be intitled by virtue of this Act to have, receive, and enjoy the respective Annuity or Annuities so to be purchased out of the said Rates or Assessments, for the Payment thereof as aforesaid, during the Term of the natural Life of the Person to be nominated by such Purchaser or Contributor as before-mentioned; and that all and every such Purchaser and Purchasers, and their Executors, Administrators, and Assigns, shall have good, sure, absolute, and indefeasible Estates and Interests in the Annuity or Annuities so by him, her, or them respectively, to be purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall now or hereafter be subject or liable to the Tax charged, or to be charged upon Land, by Authority of Parliament; and that every Contributor for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase-money, shall have a Receipt or Receipts for the same and also an Order on Parchment for Payment of the said Annuity or Annuities, for and during the natural Life of the Person who shall be so nominated as aforesaid, by quarterly Payments; which Order shall be signed by the said Commissioners; and after signing thereof, the same shall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Money borrowed, or Annuities granted.

LXXXIII. And be it further enacted, That the Clerk of the said Commissioners for the Time being shall enter in a Book or Books, to be for that Purpose provided and kept by the said Commissioners, all Securities for Monies borrowed, or Annuities granted, by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at Length the Names Surnames, Additions, Place of Abode, and other Descriptions, of all Persons, as shall, from Time to Time, be intitled to such Securities; and also the Name, Surname, Addition, Place of Abode, and other Description, of every Person for whose Life any Annuity shall be granted by virtue of this Act, and the Days whereon the said Annuity shall be payable; to which Book and Books the Person and Persons intitled to, and possessed of such Annuity, and all and every the Person or Persons liable to the Payment of the said Rates and Assessments, shall, at all reasonable Times, have Access, with free Liberty to inspect the same, without Fee or Reward.

Securities may be assigned.

LXXXIV. And be it further enacted, That it shall be lawful for any Person or Persons intitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand or Hands respectively to assign or transfer

transfer such Securities, by Indorsement on the Back thereof, to any Person or Persons whatsoever, and so *toties quoties*; and such Assignments or Transfers, after they shall respectively be entered by the Clerk of the said Commissioners, in Manner aforesaid, (which he is hereby required to do without Fee or Reward) shall intitle the Person or Persons to whom they shall be respectively made, and his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Security or Securities so assigned or transferred.

Money vested in Commissioners.

LXXXV. And be it further enacted, That all Monies raised or collected by virtue or by Means, or under the Authority of this Act, shall be, and the same are hereby vested in the said Commissioners, and shall be applied for the several respective Purposes of this Act, for which they are hereby authorised to be raised, and to and for no other Use or Purpose whatsoever.

Expences of the Act.

LXXXVI. Provided always, and be it further enacted, That the Charges and Expences of procuring and passing this Act, shall be paid out of the first Monies which shall be raised by virtue of this Act.

Streets may be paved by the Commissioners, on Application of Two-thirds of the Owners, &c.

LXXXVII. And be it further enacted by the Authority aforesaid, That if at any Time hereafter Two-thirds, or more in Number and Value, of the Owners or Proprietors of Houses, Lands, Tenements, or Hereditaments, within any Street, Row, Lane, Alley, Court, Passage, or Place, within the said Parish of *Christ Church*, other than those herein-before particularly described, shall be desirous to take the Benefit of this Act, and to have the same paved and cleared of Incroachments, Nusances, Obstructions, and Annoyances, and shall, by Writing under their Hands, signify such their Desire, and the Manner in which they would have the same paved, to the said Commissioners, and they shall approve thereof; that then it shall be lawful for the said Commissioners to cause the same to be done, and they are hereby impowered to rate and assess the Inhabitants of every such Street, Lane, Passage, Alley, Court, or Place, for the Purposes aforesaid, in such and the same Manner, and in such Proportions, as they are herein before authorised to rate and assess, within the several Streets, Rows, Lanes, Alleys, and Places, herein-before particularly named and directed to be paved, and to raise Money upon Annuities for Lives, or otherwise, upon the Credit of such Rates or Assessments, for the only Purpose of defraying the Expences of the said Works, and other Matters and Things relating thereunto, but for no other Purpose whatsoever; and the Pavement of the said Street, Lane, or other Place, comprehended in such Desire in Writing, shall, after an Order made by the said Commissioners, or any Seven or more of them, for the Purposes aforesaid, be from thenceforth vested in the said Commissioners, and such Street or Place shall remain under the same Government, Direction, and Management, of them and their Officers, or other Persons appointed by them for that Purpose, as the said several Streets, Rows, Lanes, and Places first authorised to be paved; and the said Commissioners, Officers, Servants, Workmen, and other Persons acting under them, shall have the same Power and Authority in, over, and through such Street or Place applied for as aforesaid, and over the several Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commissioners, Bodies Politick and Corporate, and their Officers, Servants, and Workmen, and all and every other Person or Persons whatsoever, interested or intitled to any Privilege therein, and every Matter and Thing relating to the Premises, as the said Commissioners, and their Officers, Servants, and Workmen, acting under them, are invested with by this Act, for the better Management, ordering, regulating, and rendering more commodious the several Streets, Rows, Lanes, and Places hereby first authorised to be paved; and every Clause, Matter, and Thing, contained in this Act, shall be construed, adjudged, deemed, and taken to extend, to every such Street, Lane, and Place, applied for as aforesaid, as also to the several Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commissioners, Bodies Politick and Corporate, their Officers, Servants, and Workmen, and all and every other Person or Persons interested or intitled to any Privilege therein, and every Matter or Thing relating to, or in anywise concerning the Premises, in like Manner as the same Clauses, Matters, and Things extend, and shall be adjudged or construed to extend, in similar Cases, to the several Streets, Rows, Lanes, and Places, first authorised to be paved, and the several Inhabitants, Landlords, Tenants, and Occupiers thereof, Companies, Commissioners, Bodies Politick and Corporate, and all and every other Person or Persons whatsoever, interested or intitled to any Privilege therein, or to any Matter or Thing relating to the Premises; and the like Penalties, Forfeitures, and Punishments, shall be inflicted, and for the like Causes, as are herein expressed, and shall be sued for, recovered, levied and executed, in the same Manner.

Commissioners may compound for any Penalty given by this Act, or mitigate the same.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to compound and agree with any Person or Persons against whom any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted, for any Penalty or Penalties contained in this Act, or in any Contract, or Contracts entered into on Account of any Breach or Non-performance of any such Contract or Contracts for such Sum or Sums of Money as they shall think proper, and also to mitigate, compound, or lessen any other the Forfeitures incurred under this Act, so as the Sums so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Nonperformance of any Clause comprised in this Act, or of such Contract or Contracts, and all the Costs, Charges, and Expences which shall be occasioned thereby, and so as the Mitigation of the other Forfeitures as aforesaid do not extend to remit above One Moiety of the said Forfeitures respectively.

Penalties not otherwise provided for, how to be recovered.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County, or Liberty of his Majesty's

Tower of London, which Warrant such Justice is hereby impowered and required to grant upon the Confession of the Party or Parties, or upon the Information of a credible Witness or Witnesses upon Oath; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be paid to the Clerk or Treasurer to the said Commissioners for the Time being, and be applied towards the respective Purposes of this Act, in relation whereunto such respective Penalties and Forfeitures arose or were incurred; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorised and required, by Warrant under his Hand, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Liberty where such Offence shall be committed, or where such Offender shall be convicted, there to remain without Bail or Mainprize for any Time not exceeding Two Months, nor less than One Week, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Part on Penalties may be paid to Informers.

XC. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures as they shall think proper, not exceeding One Half thereof, to and for the Use of the Informer or Informers, any Thing herein contained to the Contrary thereof notwithstanding.

Distress not unlawful for want of Form.

XCI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall hereafter be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

Plaintiff not to recover, if Tender of Amends be made.

XCII. Provided always, That no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding before such Action brought, and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may, at any Time before Issue joined, pay into the Court such Sum of Money as he or they shall think fit, whereupon such Proceedings or Orders and Judgments shall be had, made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

XCIII. And be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgment, Annuity, Securities, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Commissioner, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only signed by, any other Person or Persons whomsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Persons aggrieved may appeal to the Quarter-sessions.

XCIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act, such Person or Persons shall and may, within Three Months next after the Cause of Complaint shall arise, appeal to the Justices of the Peace at the General Quarter-sessions of the Peace to be holden in and for the County of *Middlesex*, or Liberty of His Majesty's *Tower of London*; such Appellant or Appellants first giving, or causing to be given, Notice in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer to the said Commissioners; and within One Month next after such Notice, enter into a Recognizance or Recognizances before some Justice of the Peace in and for the said County or Liberty, with Two sufficient Sureties, conditioned to try such Appeal mentioned in such Notice, and abide the Order, and pay such Costs as shall be awarded by the said Justices; and the Matter of such Appeal shall be heard and determined by the said Justices at the next General Sessions of the Peace to be held in and for the said County or Liberty, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said County or Liberty, which shall first happen next after the Expiration of One Month from the Day of giving such Notice; and the said Justices, at such Sessions or Adjournment, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive to and upon all Parties concerned or interested therein.

Justices to amend Rates appealed against, without altering the other Rates.

XCV. Provided always, That upon all Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace (where they shall see just Cause for Relief) shall, and are hereby impowered to amend the said Rates and Assessments in such Manner only as shall be necessary for giving Relief to the Person or Persons so appealing, without altering such Rates or Assessments with respect to any other Persons mentioned in the same.

Proceedings not to be quashed for want of Form.

XCVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form,

or

or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the Contrary notwithſtanding.

Limitation of Actions.

XCVII. And be it further enacted, That no Action or Suit ſhall be brought, commenced, or proſecuted, againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, unleſs Thirty Days Notice thereof ſhall be firſt given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or unleſs the ſame ſhall be commenced before the Expiration of Six Calendar Months next after the Fact committed; or unleſs Tender of reaſonable Amends hath not or ſhall not have been made by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, nor unleſs ſuch Action or Suit ſhall be laid and brought in the County of *Middleſex*; and the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in purſuance of this Act, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which ſuch Action or Suit ſhall be brought, was done in purſuance and by the Authority of this Act: And if ſuch Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before Thirty Days Notice thereof was given, in Writing, to the Clerk or Treaſurer of the ſaid Commiſſioners, ſigned by the Plaintiff or Plaintiffs, or if it ſhall appear that ſuch Action or Suit was not commenced before the Expiration of Six Calendar Months next after the Fact committed, or if it ſhall appear that Tender of reaſonable Amends was made by or in Behalf of the Defendant or Defendants in ſuch Action or Suit, before ſuch Action or Suit was commenced or brought, or ſuch Action or Suit ſhall be brought, in any other County or Place than the County of *Middleſex*, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XCVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XXXIX.

An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-two, One million eight hundred thouſand Pounds.

CAP. XL.

An Act for amending and rendering more effectual an Act, made in the Tenth Year of His Majeſty's Reign, intituled, *An Act for building a new Pariſh Church, and declaring the preſent Pariſh Church a Chapel; for making a Cœmetery or Church-yard; and for building an Houſe for the Uſe of the Miniſter of the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex.

Preamble.

'WHEREAS by and in purſuance of an Act, made in the Tenth Year of the Reign of His preſent Majeſty, (intituled, *An Act for building a new Pariſh Church, and declaring the preſent Pariſh Church a Chapel; for making a Cœmetery or Church-yard; and for building an Houſe for the Uſe of the Miniſter of the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex), the Veſtrymen of the ſaid Pariſh were appointed Truſtees for putting the ſaid Act in Execution: And whereas the ſaid Truſtees were, by the ſaid Act, directed to cauſe a Church and Steeple to be built upon the Lands included in the Leaſe in the ſaid Act mentioned; and alſo ſuch Part thereof as they ſhould think neceſſary to be taken in and incloſed for a Cœmetery or Church-yard: And whereas the Situation of the ſaid Lands has by the ſaid Truſtees been found inconvenient for the Purpoſes aforeſaid; may it therefore pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act as directs the ſaid Truſtees to cauſe a Church and Steeple to be built upon, and a Cœmetery or Church-yard to be taken in, and incloſed from, the ſaid Lands, ſhall be repealed.

Act 10 Geo. III.

So much of the old Act, as directs where the Church and Cœmetry are to be placed, repealed.

The Church where to be built.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby authoriſed and impowered to cauſe a Church (and, if they think fit, a Steeple alſo) to be built upon a certain Piece or Parcel of Ground, belonging to *Henry William Portman*, Eſquire, now in Leaſe to *William Baker*, of the ſaid Pariſh of *Saint Mary le Bone*, Eſquire, ſituate, lying, and being in the ſaid Pariſh, heretofore Part and Parcel of a certain Cloſe, called *The Fifteen Acres*, containing in Length, from Eaſt to Weſt, on the North and South Sides thereof, Two hundred Feet of Aſſize, little more or leſs; and in Breadth, from North to South, on the Eaſt and Weſt Sides thereof, One hundred and fifty Feet of Aſſize, little more or leſs; any Reſtriction with regard to Place or Situation in the ſaid Act contained to the Contrary notwithſtanding.

III. And

Where the Church-yard shall be made.

III. And be it further enacted, That it shall and may be lawful to and for the said Truſtees, or any Nine or more of them, and they are hereby authoriſed and impowered to cauſe a Cœmetery or Church-yard, or Cœmeteries or Church-yards, to be taken in and incloſed from a certain Piece or Parcel of Ground belonging to the ſaid *Henry William Portman*, now in Leaſe to the ſaid *William Baker*, ſituate, lying, and being in the ſaid Pariſh of *Saint Mary le Bone*, heretofore Part or Parcel of a certain Cloſe, called *Spring Pond Field*, containing in Length, from North to South, on the Weſt Side thereof, Four hundred and ninety-ſix Feet of Aſſize, little more or leſs; and in Breadth, from Eaſt to Weſt, in a bevil Line on the North Side thereof, One hundred and ſeventy-eight Feet, Ten Inches of Aſſize, little more or leſs; and in Breadth from Weſt to Eaſt, at the South End or Side thereof, One hundred and Fifty-ſix Feet of Aſſize, little more or leſs; and in Length on the Eaſt Side thereof, from the South Eaſt Corner of the ſaid Ground to a Break, One hundred and Four Feet, Six Inches of Aſſize, little more or leſs; and then running Northward from the ſaid Break Five Feet or thereabouts, and from the ſaid Break running Northward on the ſaid Eaſt Side to another Break, One hundred and twenty-five Feet Two Inches of Aſſize, little more or leſs; and then in the ſaid Break running Weſtward, One Foot Three Inches and an Half, or therebouts; and from the laſt-mentioned Break running Northward, on the ſaid Eaſt Side of the ſaid Ground Forty-ſix Feet Two Inches, or thereabouts; and then breaking outward, toward the Eaſt, One Foot Two Inches and an Half, or thereabouts; and from thence running Northward, on the Eaſt Side of the ſaid Ground, One hundred Thirty-ſix Feet Eight Inches of Aſſize, little more or leſs; any Reſtriction with Regard to Place or Situation in the ſaid Act contained to the Contrary notwithſtanding.

A publick Highway to be ſet out through the Church-yard, &c.

IV. Provided always, and be it enacted, That in taking in and incloſing the ſaid Cœmetery or Church-yard, or Cœmeteries or Church-yards, there ſhall be left a publick Highway, for ever, from the End of a Street called *Paddington Street*, into, over, and through the ſaid Cœmetery or Church-yard, or Cœmeteries or Church-yards, in a ſtraight Line, of the Breadth of the ſaid Street, at the North Weſt End of the ſaid Street next to the ſaid Ground; and that the ſaid Highway ſhall not be ſtopped up or incloſed at either End thereof, otherwiſe than by Rails and open Swing Gates, to be ſet up and continued by and at the ſole Charge of the ſaid Truſtees; and that the ſaid Highway ſhall always be paved and repaired, lighted, and cleanſed, by and at the Expence of the Commiſſioners for paving, repairing, cleanſing, and lighting, the ſaid Pariſh of *Saint Mary le Bone*, in the ſame and like Manner as the Squares, Streets, Lanes, and Places, within the ſaid Pariſh, are and ought to be paved and repaired, lighted and cleanſed.

Power of the Miniſter to appoint Two aſſiſtant preachers repealed.

V. And be it further enacted, That ſo much of the ſaid Act as directs the Miniſter of the ſaid Pariſh to appoint Two Aſſiſtant Miniſters or Preachers to officiate in the new-intended Church, and in the preſent Church of the ſaid Pariſh, by the ſaid Act directed to be called *The Pariſh Chapel*, by and with the Conſent, and the Stipends therein mentioned, ſhall be repealed.

Miniſter to appoint One or Two aſſiſtant Miniſters.

VI. And be it further enacted, That the Miniſter of the ſaid Pariſh for the Time being ſhall and may, by and with the Conſent of the Lord of the Manor of *Saint Mary le Bone*, and of the Patron of the Curacy thereof, and of the Veſtrymen of the ſaid Pariſh, as in the ſaid Act mentioned, nominate and appoint One or Two aſſiſtant Miniſter or Miniſters, in Prieſts Orders, and reſiding in the ſaid Pariſh, to aſſiſt the Miniſter of the ſaid Pariſh in the Church and Chapel belonging to the ſaid Pariſh; and that it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby directed and required to pay, or cauſe to be paid, to the aſſiſtant Miniſter officiating in the ſaid Chapel of the ſaid Pariſh the annual Sum of Sixty Pounds out of any of the Profits ariſing from the ſaid Chapel and Chapel-yard, by Four Quarterly Payments, in equal Portions; the Firſt Payment to be accounted due and payable on the Day that the Firſt Quarter of One Year expires after ſuch his Nomination and Appointment: And that, in caſe the Miniſter of the ſaid Pariſh for the Time being ſhall pay, or cauſe to be paid, to the aſſiſtant Miniſter officiating in the Pariſh Church of the ſaid Pariſh the annual Sum of Sixty Pounds; that then, and in that Caſe, and for ſo long Time as the Miniſter of the ſaid Pariſh ſhall continue to pay to ſuch aſſiſtant Miniſter, officiating in the ſaid Pariſh Church, the ſaid annual Sum of Sixty Pounds, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authoriſed and impowered to pay, or cauſe to be paid, to ſuch aſſiſtant Miniſter, the further and additional annual Sum of Forty Pounds, out of any of the Profits ariſing from the ſaid Church, and Cœmetery or Church-yard, by Four Quarterly Payments, in equal Portions: And the ſaid Aſſiſtant Miniſter or Miniſters ſhall be removeable, in the ſame Manner as the Two aſſiſtant Miniſters or Preachers may be removed by virtue of the ſaid Act.

Proceedings ſhall not be valid till confirmed at a Second Meeting.

VII. And be it further enacted, That no Proceedings of the ſaid Truſtees, either under the ſaid former or this Act, ſhall be deemed valid, until the ſame ſhall have been confirmed and approved of at a Second or ſubſequent Meeting of the ſaid Truſtees, and ſhall have been ſigned by the Chairman of ſuch Second or ſubſequent Meeting.

Truſtees to grant Annuities.

VIII. And be it further enacted, That when the whole Sum of Ten thouſand Pounds, directed to be raiſed by Annuities by the ſaid former Act, ſhall have been raiſed; that then, and as often as any Annuitant or Nominee for any Annuity ſhall die, it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, to make a Grant or Sale of any other Annuity or Annuities for the Purpoſes of the ſaid former or this Act.

Money owing at One Time on Credit of Annuities, not to exceed 10,000*l.*

IX. Provided nevertheleſs, That the whole Money owing at any One Time, on the Credit of the Annuities granted, or to be granted, by virtue of the ſaid former or this Act, ſhall not exceed the Sum of Ten thouſand Pounds.

X. And

X. And be it further enacted, That the Money arising from the Grant or Sale of such Annuities, after the said original Sum of Ten thousand Pounds shall have been raised, shall, from Time to Time, be applied by the said Trustees, or any Nine or more of them, towards paying and discharging the several Sums of Money borrowed at Loan or Interest on the Credit of the said Act, until the whole Sum so borrowed at Loan, or Interest, shall be discharged and paid off; and that when and as often as there shall be any Money in the Hands of the said Trustees, from the Grant or Sale of the said Annuities, the Names of the Creditors for the Sum so borrowed at Loan, or Interest, shall, from Time to Time, be drawn by Lot; and the Sums due to any such Creditor or Creditors, whose Name or Names shall be so drawn, shall, upon Six Calendar Months Notice having first been given to him or them by the said Trustees, or any Five or more of them, be dischargharged and paid off. The Money shall be applied to discharge Money borrowed.

XI. And be it further enacted, That all the Clauses and Powers in the said Act contained, (except such as are hereby varied, altered, or repealed), shall extend, and be construed to extend, to this Act, as fully and effectually as if the same were repeated and re-enacted in this present Act. Clauses of the former Act extended to this.

XII. And be it further enacted, That all the Costs, Charges, and Expences of passing this Act, and all other Charges incident to the obtaining thereof, shall be borne, paid, and defrayed, out of the Monies arising by virtue of the said former or this Act. The Charges of the Act how to be defrayed.

XIII. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

XIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of the said former Act, or this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Clerk or Treasurer to the said Trustees; or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and all such Actions or Suits shall be laid and tried in the County of *Middlesex*, and not in any other County or Place; and that the Defendant or Defendants in such Action or Actions, Suit and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing, for or on which such Action or Actions, Suit or Suits, shall be brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, Suit or Suits; or if, upon a Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

XV. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same. Publick Act.

CAP. XLI.

An Act for Building a Bridge over the River *Thames*, near the Town of *Maidenhead*, in the County of *Berks*.

'WHEREAS the Mayor, Bridge-masters, and Burgesses of the Town of *Maidenheth*, otherwise *Maidenhead*, in the County of *Berks*, for the Time being, are, by virtue of several Charters, the sole Owners and Proprietors of a Timber Bridge over the River *Thames*, called *Maindenheth*, otherwise *Maindenhead Bridge*, and the Passage and Way thereon, and are intitled to receive and take certain Tolls therein particularly mentioned for Pontage and Passage over and under the said Bridge; but those Tolls are very unequally laid, and not duly proportioned: And whereas the said Timber Bridge is narrow and incommodious, and so greatly decayed, that, in the Opinion of able and experienced Workmen, it ought to be taken down, and a new Bridge built: And whereas the said Mayor, Bridge-masters, and Burgesses, are desirous, for the Accommodation of the Publick, to build a new Bridge over the said River near the present Bridge; but, by an Estimate made of the Expence thereof, it appears, that the Tolls they now receive by virtue of their Charters for passing over and under the present Bridge will not be sufficient to defray the Expence of erecting a safe and commodious Bridge; and therefore it is necessary to make some other Provisions for the same, which cannot be done without the Aid of Parliament: In order therefore to enable the said Mayor, Bridge-masters, and Burgesses, to build a proper and convenient Bridge, and to defray the Expence thereof, and of keeping the same in Repair for ever; may it please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, Preamble.

That

Mayor, &c. of Maidenhead, impowered to build a Stone Bridge.

That it ſhall and may be lawful to and for the ſaid Mayor, Bridge-maſters, and Burgeſſes of the Town of *Maidenheth*, otherwiſe *Maidenhead*, for the Time being, or the major Part of them, and they are hereby authoriſed, impowered, required, and directed, as ſoon as poſſibly may be, by themſelves, their Deputies, Agents, Workmen, Servants, and others, to build a new Bridge with Stone, Brick, and other ſubſtantial Materials, croſs the ſaid River *Thames*, at a proper Diſtance from the preſent Bridge called *Maidenhead Bridge*, and to deſign, aſſign, and lay out, how and in what Manner the ſaid new Bridge ſhall be erected, built, and completed, and to dig and make proper Foundations in the ſaid River, and on the Lands and Grounds lying and being on each ſide thereof, for the Piers and Abutments of the ſaid new Bridge, and to cut and level the Banks, and to level and fill up the Bed of any Part of the ſaid River, in ſuch Manner as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall think neceſſary and proper for building the ſaid new-intended Bridge; and to cut, remove, and take away, all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatſoever, which may anywiſe hinder the erecting and completing the ſaid Bridge; and to erect and make, in or over the ſaid River, and the Lands adjoining or near to the ſame, any Camp-ſhots, Trenches, and Landing-places, and to widen or enlarge any Bridle or Horſe Roads, or any other Ways or Roads leading to the ſaid Bridge, on each Side of the ſaid River, ſo as to make the ſame fit for Carriages; and to make all ſuch new or other Roads and Ways to and from ſuch Bridge, as may facilitate the Approaches to, and Paſſage over, the ſaid River, and to land Stones, Bricks, Timber, and all other Materials, on the Banks of the ſaid River; and alſo to do, perform, and execute, all other Matters and Things requiſite and neceſſary, uſeful or convenient, for erecting and building, maintaining, ſupporting, and improving, the ſaid intended Bridge, according to the Tenor and true Meaning of this Act, they the ſaid Mayor, Bridge-maſters, and Burgeſſes, and the Perſons to be by them employed or appointed as aforeſaid, doing as little Damage as may be, and making ſuch Satisfaction as is herein-after mentioned to the reſpective Owners and Occupiers of ſuch Houſes, Lands, and Grounds, as ſhall be altered, damaged, ſpoiled, taken, or made uſe of, by Means or for the Purpoſes of this preſent Act.

How the Bridge ſhall be built.

'II. And, to the Intent the Navigation of the ſaid River *Thames* may not in anywiſe be prejudiced 'or obſtructed, and that the Road over the ſaid Bridge may be made convenient, ſafe, and commo-'dious,' be it further enacted by the Authority aforeſaid, That the ſaid new Bridge ſhall conſiſt of ſuch Number of Arches as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall think proper and requiſite, and that the Span of the Center Arch of the ſaid Bridge ſhall be at leaſt Thirty-four Feet, the Height of the ſaid Arch half its Diameter, and the Center of the ſaid Arch at leaſt Two Feet and Six Inches above the Bed of the River; and that the Coach and Foot-ways over the ſaid Bridge ſhall together be at leaſt Twenty-nine Feet wide, and be properly guarded on each Side by a Stone Fence, and that the ſaid Bridge ſhall be fenced on each Side with Stone; and no Houſe or Building ſhall be ſet up, erected, or built, upon the ſaid Bridge, except a Toll-houſe or Toll-houſes, in caſe the ſaid Mayor, Bridge maſters, and Burgeſſes, or the major Part of them, ſhall judge it requiſite and neceſſary for the Purpoſes of this Act.

Mayor, &c. to appoint Officers,

and remove them and appoint others.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, by any Writing under their Common Seal, ſhall and may elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, of the Tolls herein-after directed to be taken, and alſo a Surveyor or Surveyors; and from Time to Time, as they ſhall ſee Occaſion, remove ſuch Officers, and appoint new Ones, in caſe of ſuch Removals or Death; and out of the Money ariſing by virtue of this Act, ſhall and may make ſuch Allowances to the ſaid reſpective Officers, and other Perſons, employed by them in purſuance of this Act, for their Care and Pains, as to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall ſeem reaſonable; and ſuch Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and every of them, ſhall, from Time to Time, when thereunto required, at any Meeting of the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or at any other Time to be by them for that Purpoſe ordered and appointed, deliver in upon Oath, (which Oath any Two of them are hereby impowered to adminiſter), a true, exact, and perfect Account, in Writing, under their reſpective Hands, of all Monies which he or they reſpectively ſhall to ſuch Time have received and diſburſed by virtue of this Act on account of his or their Office or reſpective Offices, and alſo the Vouchers for the Payments made by them reſpectively: And in caſe the ſaid Clerks, Treaſurers, Receivers, or Collectors, or any of them, ſhall neglect or refuſe to make and deliver ſuch Accounts in Manner aforeſaid, or ſhall not pay the Money remaining, and deliver all Books, Papers, and Writings, in their Cuſtody or Power, relating to the Execution of this Act, or the Matters therein contained, and which ſhall then be in his or their Hand or Hands, unto the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or ſuch Perſon or Perſons as they ſhall, by Writing under their Common Seal impower to receive the ſame; then, and in either of the ſaid Caſes, any Two or more Juſtices of the Peace for the ſaid County of *Berks*, or Town of *Maidenhead*, ſhall make Inquiry of and concerning ſuch Default, in a ſummary Way, as well by the Confeſſion of the Parties themſelves as by the Teſtimony of One or more Witneſs or Witneſſes, upon Oath, (which Oath the ſaid Juſtices are hereby required and impowered to adminiſter); and if any Perſon or Perſons ſhall be thereof convicted, ſuch Juſtices ſhall commit the Party or Parties offending to the County Gaol, there to remain, without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid, or ſhall have compounded for the ſame, and paid the Compoſition-money to the ſaid Mayor, Bridge-maſters, and Burgeſſes, (which Compoſition they, or the major Part of them,

Officers to give in Accounts in Writing, &c.

them, are hereby impowered to make and receive), or until he or they ſhall have delivered up ſuch Books, Papers, and Writings, or given Satisfaction in reſpect of the ſame, to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them.

Gates to be erected, and Tolls taken.

'IV. And, in Conſideration of the great Expence that will attend the building the ſaid Bridge, and 'the repairing and ſupporting the ſame, and the making the ſaid Roads, Ways, and Paſſages, and the 'keeping the ſame in good Repair, and of the Loſs which the ſaid Mayor, Bridge-maſters, and Burgeſſes, 'will ſuſtain by the ceaſing of the ſeveral Tolls which at preſent they are intitled to take and receive 'by virtue of the aforeſaid Charters,' be it further enacted by the Authority aforeſaid, That the ſaid new Bridge, while in building, and when built, ſhall be the property of, and is hereby veſted in, the ſaid Mayor, Bridge-maſters, and Burgeſſes, for the Time being, for ever; and that it ſhall and may be lawful to and for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, from Time to Time, and at all Times for ever hereafter, to erect, or cauſe to be erected, a Gate or Gates, and alſo a Toll-houſe or Toll-houſes, at, upon, or near, the ſaid new-intended Bridge; and that the Perſon or Perſons to be appointed by the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall and may aſk, demand, receive, recover, and take the following Sums of Money, before any Horſe, Cattle, Beaſt, Waggon, Cart, or Carriage, ſhall be permitted to paſs through ſuch Gate or Gates; that is to ſay,

The Tolls.

For every Coach, Berlin, Landau, Hearſe, Chariot, Chaiſe, Chair, Calaſh, or other Carriage, drawn by Six Horſes, the Sum of One Shilling; and drawn by Three or Four Horſes, the Sum of Sixpence; and drawn by Two Horſes, the Sum of Four-pence; and drawn by One Horſe, the Sum of Two-pence:

For every Waggon, Wain, Cart, or Carriage, drawn by One Horſe, the Sum of Two-pence; and drawn by Two Horſes, the Sum of Three-pence, and drawn by Three Horſes, the Sum of Four-pence Halfpenny; and drawn by Four Horſes, the Sum of Sixpence; and drawn by Five or Six Horſes, the Sum of Nine-pence; and drawn by Seven or Eight Horſes, the Sum of One Shilling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence, *per* Score; and ſo in proportion for every greater or leſs Number:

And for every Drove of Calves, Hogs, Sheep, and Lambs, the Sum of Ten-pence *per* Score; and ſo in proportion for every greater or leſs Number.

Tolls veſted in the Mayor, &c.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of a Toll or Pontage; and the Monies to be ſo collected and and received, by Authority of this Act, are hereby veſted in the ſaid Mayor, Bridge-maſters, and Burgeſſes, for the Time being, and the ſame, and every Part thereof, ſhall be paid to them accordingly, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is by this Act directed: And if any Perſon or Perſons ſubject or liable to the Payment of any of the ſaid Tolls, ſhall refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons that ſhall be appointed to collect the ſaid Tolls, to refuſe to permit to paſs over ſuch new Bridge, or through the ſaid Gate, any Horſe or other Cattle, or any Coach, Berlin, Chariot, Calaſh, Chaiſe, Chair, Hearſe, Waggon, Cart, or other Carriage, upon or in reſpect whereof any ſuch Toll is impoſed by this Act, and to ſeize and diſtrain any Horſe or other Cattle, or any Carriage whatſoever, upon or in reſpect whereof any ſuch Toll is by this Act impoſed, or any other of the Goods and Chattels of ſuch Perſon or Perſons, as ought to pay the ſame wherefoever the ſame may be found, and ſhall and may detain ſuch Diſtreſs for any Time not exceeding the Space of Four Days, and then, if ſuch Tolls, together with the Coſts and Charges of ſuch Seizure, Diſtreſs, and Detainer, ſhall not be fully paid and ſatisfied, the Perſon or Perſons ſo diſtraining, ſhall and may ſell the Cattle or other Goods ſo diſtrained, returning the Overplus of the Money to ariſe by ſuch Sale, (if any ſhall be), upon Demand, to the Owner thereof, after ſuch Toll, and all reaſonable Charges occaſioned by ſuch Diſtreſs and Sale, ſhall be deducted.

Tolls may be levied from Perſons refuſing by Diſtreſs.

Tolls to be paid but Once a Day.

V. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any of the Tolls herein-before granted, more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, for paſſing with the ſame Horſe, Beaſt, or Carriage, over the ſaid new-intended Bridge, or the preſent Timber Bridge, ſuch Perſon or Perſons producing a Ticket, denoting that ſuch Toll hath been paid on that Day; all which Tickets the Collector or Collectors of the ſaid Tolls are hereby required to give *gratis*, on Receipt of ſuch Tolls.

Tolls granted by Charter to ceaſe and new ones to take Place.

'VI. And whereas it will be a conſiderable Time before the ſaid new-intended Bridge will be paſſable, 'and it is reaſonable that the Tolls herein-before granted ſhould take Place at the Time the Tolls autho-'riſed to be taken by the ſaid Mayor, Bridge-maſters, and Burgeſſes, by virtue of their ſaid Charters as 'aforeſaid, are to ceaſe;' be it therefore enacted by the Authority aforeſaid, That the ſaid ſeveral and reſpective Tolls for paſſing over and under the preſent Bridge, which were granted to the ſaid Mayor, Bridge-maſters, and Burgeſſes of the ſaid Town of *Maidenheth*, otherwiſe *Maidenhead*, by their ſaid Charters, ſhall, from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, ceaſe, determine, and be no longer paid; any Law, Uſage, or Cuſtom, to the Contrary hereof notwithſtanding.

Truſtees may erect Gates, &c. and take Tolls.

VII. And be it further enacted, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, to erect, or cauſe to be erected, a Gate or Gates, and alſo a Toll-houſe or Toll-houſes, at or near or upon the preſent Timber Bridge, called *Maidenhead Bridge*, and there to aſk, demand, receive, recover, and take, before any Horſe, Cattle, Beaſt, or Carriage, ſhall be permitted to paſs through any ſuch Gate or Gates, the ſeveral Tolls or Sums of Money herein-before mentioned to be taken for the Paſſage over the new-intended Bridge, by ſuch Ways and Means, and with ſuch Powers and Authorities, for collecting, levying, and recovering thereof, as are given by this Act, for collecting and levying the ſame, from Perſons paſſing and repaſſing over the ſaid new-intended Bridge.

Mayor, &c. may lower the Tolls.

VIII. And be it further enacted, That if the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall, at any Time or Times hereafter, think proper to lower the ſaid Tolls, or any of them, or any Part or Parts thereof, and to take leſs for paſſing over the ſaid intended Bridge than the Sums herein-before mentioned and authoriſed to be taken, it ſhall and may be lawful for them, from Time to Time, ſo to do, and afterwards at any Time or Times, at their Wills and Pleaſure, to raiſe the ſaid Tolls, ſo as not to exceed the ſaid reſpective Sums herein-before mentioned and authoriſed to be taken, for paſſing over the ſaid new-intended Bridge.

Tolls to be free from Taxes, &c.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Tolls hereby impoſed ſhall be freed, exempted, acquitted, exonerated, and diſcharged, of and from the Payment of all parliamentary, parochial, and other Taxes, Rents, Aſſeſſments, and Impoſitions, and of all Tithes, Oblations, Obventions, and Duties whatſoever.

Mayor, &c. may leaſe the Tolls.

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, from Time to Time, by any Writing under their Common Seal, to leaſe the Tolls herein-before granted, or any Part or Parts thereof, and to any Perſon or Perſons, for any Term or Number of Years not exceeding Three Years at any One Time, for the beſt Rent that can be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and to ſuch Perſon or Perſons, as they the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall direct or appoint; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls herein-before granted are directed to be applied.

Exemption from Tolls.

XI. And be it further enacted, That no Toll ſhall be demanded or taken by virtue of this Act, for the paſſing of any Cattle drawing any Carriage laden with Materials for repairing any Highway or Road, or to be uſed in or about building the new-intended Bridge; or laden with any Dung, Mould, or Compoſt, of any Nature or Kind whatſoever, for manuring of Gardens or Lands; or laden with Hay, or with Corn in the Straw, to be laid up in any Houſes within the Diſtance of Two Miles from the ſaid Bridge; or for Cattle drawing any Coaches or Carriages with Paſſengers, or from Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Berks* and *Bucks*; or for any Poſt Horſe or Cart, carrying the Mail or Packet; or for the Horſes of any Soldiers upon their March, or for Carts, Carriages, or Waggons, attending them; or for Cattle or Carriages travelling with Vagrants, ſent by Paſſes.

Penalty on illegal Claims.

XII. Provided nevertheleſs, and it is hereby declared, That if any Perſon ſhall claim and take Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall, for every Offence, forfeit and pay the Sum of Forty Shillings; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Mayor, Bridge-maſters, and Burgeſſes, to be applied towards the building, repairing, and maintaining the ſaid Bridge.

Penalty on evading the Tolls.

XIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time or Times unload, or cauſe to be unloaded, from any Carriage, any Grain, Goods, Wares, Merchandiſes, or any other Thing whatſoever, or take off any Horſe or other Beaſt of Draught, from any Coach, Waggon, Cart, or other Wheel-carriage, with an Intent to avoid paying any of the Tolls hereby granted and impoſed, every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Mayor, &c. may contract for building the Bridge.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall have full Power and Authority, and they are hereby authoriſed and directed to contract and agree with any Perſon or Perſons whomſoever, to erect and build the ſaid Bridge, and to repair, maintain, ſupport, and improve the ſame when built, in ſuch Manner as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall judge proper; and alſo that they, or the major Part of them, ſhall and may, and they are hereby authoriſed and impowered, to treat, contract, and agree, for the Purchaſe of any Meſſuages, Lands, Grounds, Tenements, or Hereditaments, which they ſhall think fit and neceſſary to be removed, or employed or made uſe of for the erecting and building the ſaid new-intended Bridge, or for the repairing, amending, and improving the ſame, from Time to Time; and alſo for making and opening proper Ways, Roads, and Paſſages, on each Side of any Part of the ſaid new-intended Bridge, or near or adjoining to either End thereof, leading to and from the ſame, with the Owners and Occupiers of ſuch Meſſuages, Lands, Grounds, Tenements, and Hereditaments, and with other Perſons intereſted in the ſame; and alſo to ſettle, fix, adjuſt, and agree, with ſuch Owners and Occupiers, and Perſons intereſted therein, or any of them, what Recompence, Compenſation, or Satisfaction, ought reaſonably to be made to ſuch Owners or Occupiers, for any Loſſes, Damages, or Expences, which they reſpectively ſhall or may ſuſtain, or be put unto, for or by reaſon or on account of the Building of the ſaid Bridge, or the making and laying out the ſaid Ways, Roads, and Paſſages, or the Execution of any of the Powers given by this Act;

and ſhall and may, by and out of the Money to be raiſed and collected by virtue of this Act, or out of any Money to be borrowed on the Credit thereof, pay as well for the Purchaſe of all ſuch Meſſuages, Lands, Tenements, and Hereditaments, and for ſuch Loſſes, Damages, and Expences, to be ſo ſuſtained as aforeſaid, as alſo ſuch Sum or Sums of Money, as ſhall be contracted and agreed to be paid for the ſame reſpectively.

Surveyors, &c. may dig Gravel for repairing the Bridge, &c.

XV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, or ſuch other Perſon or Perſons as he and they ſhall employ or appoint for that Purpoſe, and he and they is and are hereby reſpectively authoriſed and impowered, from Time to Time, to cut, dig, gather, take, and carry away Gravel, Stones, Chalk, Sand, Flints, Ballaſt, or other Materials proper for building or repairing the ſaid Bridge, or making or repairing the Ways, Roads, or Paſſages to, from, or over the ſame, in, upon, or out of or from any waſte Ground or waſte Grounds, Common or Commons, River or Brook, without paying any Conſideration, or making any Satisfacton for the ſame, they the ſaid Surveyor or Surveyors, or other Perſons, filling up the Pits or Holes, and levelling the Grounds from which ſuch Materials ſhall be ſo taken, or railing or fencing the ſame, ſo that ſuch Pits or Holes be not dangerous to Paſſengers or Cattle; and alſo in, upon, or out of and from any Lands and Grounds of any Perſon and Perſons whatſoever, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery Walk, or Avenue planted with Trees for the Ornament of any Houſe, ſuch Surveyor or Surveyors, or other Perſon or Perſons, having Order from the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, for ſo doing, and filling up the Pits or Holes, and levelling the Ground from which ſuch Materials ſhall be taken, and paying or offering to pay to the reſpective Owners and Occupiers of ſuch Lands or Grounds for the Damages they reſpectively ſhall thereby ſuſtain, as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, any Two or more Juſtices of the Peace of the County or Place where ſuch Materials ſhall be ſo cut, digged, gathered, and taken or carried away from, ſhall and may, on Ten Days Notice thereof to be given by the ſaid Surveyor or Surveyors to ſuch Owner or Owners, Occupier or Occupiers, or by ſuch Owners or Occupiers to the ſaid Surveyor or Surveyors reſpectively, to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine the Matters in Diſpute, and aſcertain what Damages ſhall be paid; and the Order and Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Proviſo.

XVI. Provided always, That no Materials as aforeſaid ſhall be had or taken out of the River *Thames*, (other than Drift Sand), without the Conſent of the Commiſſioners for the Improvement of the Navigation of the Rivers *Thames* and *Iſis*, or any Five or more of them, firſt had and obtained for that Purpoſe; any Thing herein before contained to the Contrary hereof notwithſtanding.

Bodies Politick, &c. impowered to treat with the Mayor, &c. for the Sale of Lands.

'XVII. And whereas it may happen that ſome Perſon or Perſons, Body Politick or Corporate, 'Femes-covert, Guardians, Committees, Truſtees, or others, who are ſeiſed or poſſeſſed of or intitled to 'Lands, Grounds, Tenements, or Hereditaments, which may be neceſſary and requiſite to be purchaſed 'and made uſe of for the Purpoſes of this Act, may be willing to treat and agree for the Sale or Diſpo-'ſition of ſuch Lands, Grounds, Tenements, or Hereditaments, but are under a Diſability of making 'an effectual Grant or Conveyance of the ſame for the Purpoſes aforeſaid;' be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, and Adminiſtrators, Guardians, Committees, or other Truſtees whatſoever, on Behalf of any Infants, Femes-covert, Lunaticks, Idiots, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to treat, contract, and agree with the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, for the Sale of ſuch Lands, Tenements, and Hereditaments, or any Part thereof, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey or let the ſame to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, or to ſuch Perſon and Perſons in Truſt for them, and in ſuch Manner as the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall direct, and as Occaſion ſhall require; and that all Contracts and Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the Contrary hereof in anywiſe notwithſtanding: And all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

The Value of Lands to be aſcertained by a Jury.

XVIII. And be it further enacted by the Authority aforeſaid, That if any ſuch Bodies Politick or Corporate, or other Perſon or Perſons ſo ſeiſed, poſſeſſed, intitled, or intereſted, as aforeſaid, ſhall refuſe to treat, or ſhall not agree for the Sale of any ſuch Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, or by reaſon of Abſence ſhall be prevented from treating; then, and in ſuch Caſe, it ſhall be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, before any General or Quarter Seſſions of the Peace, to be holden for the County wherein ſuch Lands, Tenements, or Hereditaments are reſpectively ſituate, to give, or cauſe to be given, to ſuch Owners, or Perſons intereſted, Truſtees or Committees reſpectively, or to the principal Officer or Officers of ſuch Bodies Politick or Corporate, or leave, or cauſe to be left, at the Houſe of the Tenant in Poſſeſſion of any ſuch Lands, Grounds, Tenements, or Hereditaments ſo intended to be purchaſed, and purporting that the Value thereof will be adjuſted and ſettled by a Jury at the ſaid Seſſion; and the Juſtices at their ſaid Seſſion, upon Proof made to them of ſuch

Notice having been ſo given or left, are hereby authoriſed and required to charge the Jury which ſhall attend at ſuch Seſſion, or ſome other Jury of Twelve honeſt Men, to be then and there impanelled and returned by the Sheriff of the County of *Berks* or *Bucks*, as the Caſe ſhall require, without Fee or Reward, and cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Value of the Lands, Tenements, or Hereditaments compriſed, ſpecified, and deſcribed in the ſaid Notice, of the Damages and Recompence to be given for the ſame, or ſuch Part or Parts thereof as ſhall be intended to be uſed for the Purpoſes of this Act, to the reſpective Owners, Occupiers, and Perſons intereſted, according to their reſpective Intereſts therein; and the ſaid Juſtices are hereby required to adminiſter ſuch Oath to the ſaid Jury; and the ſaid Mayor, Bridge-maſters, and Burgeſſes, and all Parties intereſted, ſhall have their lawful Challenges to the ſaid Jury; and the ſaid Jury being ſo charged and ſworn as aforeſaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value of ſuch Lands, Tenements, and Hereditaments, or ſuch Part of Parts thereof as aforeſaid, ſhall, by their Verdict, aſſeſs, declare, and aſcertain the Quantum of the Damages and Recompence to be given for the ſame to ſuch reſpective Owners, Occupiers, and Perſons, according to their reſpective Intereſts therein; and ſuch Verdict of the ſaid Jury ſhall bind, and be final and concluſive to the ſaid Mayor, Bridge-maſters, and Burgeſſes, and to all Perſons and Parties intereſted in the ſaid Lands, Grounds, Tenements, or Hereditaments.

Money agreed to be given for any Purchaſe, &c. to be paid out of the Tolls.

XIX. And be it further enacted by the Authority aforeſaid, That all ſuch Sums of Money, Conſiderations, Recompence, or Satisfaction, as ſhall be agreed for or aſſeſſed as aforeſaid, for the Purchaſe of or Damage done to any Lands, Tenements, or Hereditaments, or any Part thereof, ſhall be, and is and are charged and chargeable upon the Tolls by this Act granted and made payable, and ſhall be paid thereout, or out of the Monies to be borrowed upon the Credit of the ſame, to the reſpective Perſons intitled thereto; and that upon the Payment of ſuch Sum or Sums which ſhall be ſo aſſeſſed for the Purchaſe of ſuch Lands, Tenements, and Hereditaments as aforeſaid, or Tender thereof, or in caſe any Perſon or Perſons, after Ten Days Notice to be given to him, her, or them, or left at the Houſe of the Occupier of the Premiſes, ſhall refuſe or neglect to receive the ſame, then, upon leaving the ſame in the Hands of the Treaſurer or Clerk of the ſaid Mayor, Bridge-maſters, and Burgeſſes, to be paid upon Demand to ſuch Perſon or Perſons, it ſhall be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, their Workmen or Agents, to enter upon and take Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, as aforeſaid, and to hold and employ the ſame, or ſuch Part thereof as they ſhall think fit, for the Purpoſes of this Act, and to do all and every ſuch Act, Matter, and Thing, with relation thereto, as they the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall, from Time to Time, think neceſſary or convenient.

Money may be borrowed upon the Credit of the Toll's, and the Toll's aſſigned as Security for Payment.

XX. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, at their Firſt or any ſubſequent Meeting, upon the Credit of the Tolls, or any Part or Parts thereof ariſing by virtue of this Act, in ſuch Manner as they ſhall think proper, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit; and may and are hereby impowered, from Time to Time, by any Writing or Writings under the Seal of the ſaid Mayor, Bridge-maſters, and Burgeſſes, to mortgage or aſſign over the ſaid Tolls herein-before granted, or any Part or Parts thereof, to any Perſon or Perſons, for any Time or Term they ſhall think fit, as a Security or Securities for, and redeemable on Payment of, the ſeveral Sums that ſhall be ſo borrowed, and the Intereſt thereof; and Copies of all ſuch Mortgages or Aſſignments, or Abſtracts thereof, ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Mayor, Bridge-maſters, and Burgeſſes, which ſhall be produced to any Perſon who ſhall have advanced Money on the Credit of this Act; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch Firſt Meeting, unleſs Notice be for that Purpoſe affixed in Writing upon ſuch Gate or Gates, which ſhall be then erected by virtue of this Act, or at which the ſaid Tolls ſhall be collected, at leaſt Fourteen Days before the borrowing thereof; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, or any Perſons claiming, or who ſhall be intitled to the Money thereby ſecured, is and are hereby impowered, from Time to Time, by Aſſignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, duly executed in the Preſence of Two or more credible Witneſſes, to aſſign or transfer his, her, or their Right to the Principal and Intereſt-money thereby ſecured, and to the Tolls made liable to the Payment thereof, unto any Perſon or Perſons whatſoever, and ſo *toties quoties*; and that ſuch Aſſignment or Transfer ſhall be produced and notified to the Treaſurer or Clerk of the ſaid Mayor, Bridge-maſters, and Burgeſſes, to be appointed by virtue of this Act, within Three Months after the Date thereof; and that ſuch Treaſurer or Clerk ſhall cauſe an Entry or Memorandum to be made of every ſuch Aſſignment or Transfer, containing the Dates, Parties Names, and Sums of Money therein mentioned to be transferred, in a Book to be kept for that Purpoſe, for each of which Entries the ſaid Treaſurer or Clerk ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and after ſuch Entry ſhall be made, and not before, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and ſuch Aſſignee or Aſſignees may in like Manner aſſign or transfer again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies then due; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on ſuch Tolls in equal Degree one with another, and ſhall have no Preference

No Money may be borrowed after the Firſt Meeting without Publick Notice.

Aſſignments may be tranſferred.

Aſſignments to be notified to the Treaſurer, and entered in a Book to be kept for that Purpoſe.

Creditors to be deemed equal in Degree, &c.

ference in reſpect of the Priority of advancing any ſuch Monies; and that all Perſons to whom any Sum or Sums of Money to be borrowed ſhall be due, and who ſhall be deſirous of being repaid the Money due to them as aforeſaid, ſhall be obliged to give Six Months Notice in Writing to the Treaſurer or Clerk to the ſaid Mayor, Bridge-maſters, and Burgeſſes, of his or their Intention to call in the ſame. Perſons deſirous of having their Money, to give Six Months Notice to the Mayor, &c.

XXI. And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall pay, and diſpoſe of, the Tolls granted and made payable by this Act, and alſo the Monies to be raiſed upon the Credit thereof reſpectively in Manner following; (that is to ſay), in the firſt Place, for paying and diſcharging all the Coſts and Expences attending the obtaining and paſſing this Act, and alſo the Charges and Expences of repairing, ſupporting, and maintaining, the preſent Bridge at *Maidenhead* aforeſaid, until the ſaid intended Bridge ſhall be built, finiſhed, completed, and made paſſable; and alſo in and about the building the ſaid intended Bridge, and making the neceſſary Roads, Ways, and Paſſages, to and from the ſame, and for other Purpoſes directed to be executed, done, and performed by this Act, at ſuch Times, and in ſuch Manner, as herein mentioned, until the ſaid intended Bridge ſhall be finiſhed and completed, and for the other Purpoſes of this Act. Application of the Tolls.

XXII. Provided always, That the Treaſurer or receiver of the Tolls hereby granted ſhall, and he is hereby required, Twice in every Year, to diſcharge, out of the Monies which ſhall come to his Hands by virtue of this Act, the Intereſt which ſhall be then due on all Mortgages or Securities made or ſecured by virtue of this Act, if the ſame ſhall be demanded, in preference to any other Payment whatſoever. Intereſt Money to be paid Twice in every year.

XXIII. And be it further enacted, That the ſaid Mayor Bridge-maſters, and Burgeſſes, or the major Part of them, ſhall take Security from their Treaſurers, Collectors, and all other Officers, for the due Execution of their reſpective Offices. Security to be taken from the Treaſurer.

XXIV. Provided always, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding any Place of Profit under this Act. Victuallers, &c. not to hold any Place of Profit.

'XXV. And, for preventing the wilful and malicious deſtroying or damaging the ſaid intended 'Bridge, or any Part thereof, or interrupting the building of the ſame,' be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly blow up, pull down, or otherwiſe deſtroy or damage the ſaid Bridge, or any Part thereof, or ſhall unlawfully, wilfully, and maliciouſly, and without Authority from the ſaid Mayor, Bridge-maſters, and Burgeſſes, remove, take away, or damage the Coffer, Dam or Dams, Scaffolding, Tools, Utenſils, Barges, Lighters, or deſtroy any Works or Materials thereunto belonging, or attempt ſo to do, or in anywiſe direct or procure the ſame to be done, whereby the ſaid Bridge, or the Works or Materials thereof, may be damaged, or the Lives of Paſſengers endangered, every ſuch Offender or Offenders, being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and every ſuch Felon ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court by and before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall, and hereby have Power and Authority to tranſport ſuch Perſon or Perſons to any of His Majeſty's Plantations in *America*, in like Manner as other Felons are directed to be tranſported by any of the Laws and Statutes of this Realm. Perſons deſtroying the new Bridge, to be deemed guilty of Felony.

'XXVI. And, for preventing Treſpaſſes, Damages, and Miſchiefs being done and committed by 'evil-minded or diſorderly Perſons rowing, navigating, or managing any Boats, Barges, Lighters, or 'other Veſſels, in or upon the ſaid River *Thames*, and to the End that the Maſters and Owners of 'ſuch Boats, Barges, Lighters, or other Veſſels, may be more careful therein,' be it further enacted, That all and every Maſter and Maſters, Owner and Owners, of any Boat, Barge, Lighter, or other Veſſel, ſhall be, and is, and are hereby made anſwerable and reſponſible for any Damage or Miſchief that ſhall be wilfully or negligently done by his or their Boat, Barge, Lighter, or other Veſſel, or by any of the Boatmen, Bargemen, or Watermen, or any of the Crew of, in, or belonging to any ſuch Boat, Barge, Lighter, or Veſſel, to the ſaid Bridge, or any Part thereof, or to any of the Works which ſhall be erected, or erecting, or carrying on by virtue of this Act; and the ſaid Maſter or Maſters, Owner or Owners, of every ſuch Boat, Barge, Lighter, or Veſſel, ſhall and may be by the ſaid Mayor, Bridge-maſters, and Burgeſſes, ſued for every ſuch Treſpaſs or Damage which ſhall be ſo done, in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall be liable to pay ſuch Damages as any Jury ſhall aſſeſs for the ſame. Owners of Barges, &c. made anſwerable for their Men.

'XXVII. And whereas it may happen that the ſaid new-intended Bridge may hereafter receive ſuch 'Damage that the Paſſage thereof may for a Time become dangerous or impracticable;' be it further enacted, That in all ſuch Caſes it ſhall be lawful for the ſaid Mayor, Bridge-maſters, and Burgeſſes, or the major Part of them, from Time to Time, as often as Occaſion ſhall require, to provide a proper and convenient Ferry or Ferries croſs the ſaid River *Thames*, or to erect or build a Temporary Bridge at ſuch Place or Places as they ſhall judge to be moſt proper and convenient, and as near to the ſaid Bridge as conveniently may be, and there to take for Paſſage over the ſaid River by ſuch Ferry or Ferries, or Temporary Bridge, ſuch Rates or Tolls as are herein-before directed to be paid for paſſing over the ſaid new-intended Bridge. A Ferry or Temporary Bridge to be provided when Bridge not paſſable.

XXVIII. Provided always, That ſuch Ferry or Ferries, or Temporary Bridge, ſhall not continue for any longer Time than the Paſſage over the ſaid Bridge ſhall or may be dangerous or impracticable as aforeſaid. Proviſo.

XXIX.

No Ferry than as aforesaid to be set up within One Mile's Distance.

XXIX. Provided also, That no Ferry or Ferries, than as aforesaid, shall at any Time hereafter be set up or used within the Distance of One Mile from the present Bridge, or intended Bridge.

Bridge to be called Maidenhead Bridge.

XXX. And be it further enacted, That the said Bridge, when built, shall be called by the Name of *Maidenhead Bridge*, and shall be so named and intitled in all legal Proceedings whatsoever; and that the same shall be deemed and taken to be comprised in, and to be Part of the Parish of *Bray*, in the said County of *Berks*.

Not to be deemed a County Bridge.

XXXI. Provided always, That the said new-intended Bridge shall not be deemed a County Bridge, nor subject the said Counties of *Berks* or *Bucks*, or either of them, to repair or support the same.

Not to injure Houses, &c. (except as herein excepted.)

XXXII. Provided always, and it is hereby enacted and declared by the Authority aforesaid, That nothing in this Act contained shall authorise or impower the said Mayor, Bridgemasters, and Burgesses, to purchase, take down, remove, injure, or damage any House or other Building, or any Yard, Garden, or Wharf, or any Walk of Trees, or Avenue to any House, unless the Owner or Owners thereof shall consent thereto, (except the Dwelling-house, Yard, Out-houses, and Premises belonging to *Ralph Robinson*, and Part of the Yard or Wharf belonging to *Penystone Powney* Esquire, extending in Length from the said Messuage of *Ralph Robinson* to the present Turnpike house, and in Breadth not exceeding Fifty Feet, and a Shed or Out-house now standing thereon; and also except Two Messuages or Tenements, with the Outhouses and Appurtenances thereunto belonging, in the several Occupations of the late *Benjamin Deffern* and *Christopher Poulton*; all which said Premises are situate at or near the West End of the new-intended Bridge; and also except Part of the Garden in the Occupation of *John March*, lying opposite to an Inn called *The Orkney Arms*, in the Parish of *Taplow*, in the said County of *Bucks*, as the same runs South and East from the Angle of the said Garden next the present Bridge, by a Line to be drawn from a Point at the Distance of Fifty Feet on the South Side of the said Angle, to a Point at the Distance of Fifty Feet on the East Side thereof; all which Premises are hereby meant and intended to be taken down or made use of for the Purpose of building the said Bridge, and opening and making a commodious Road and Way to and from the same); any Thing herein contained to the Contrary hereof in anywise notwithstanding.

Mayor, &c. to take down the present Bridge.

XXXIII. And be it further enacted by the Authority aforesaid, That when and as soon as the said new Bridge shall be completed and finished, and fit for the Passage of Horses, Cattle, Beasts, and Carriages, the said Mayor, Bridge-masters, and Burgesses, or the major Part of them, are hereby required to take down the present Bridge called *Maidenhead Bridge*.

Commencement of the Act.

XXXIV. And be it further enacted, That this Act, and all the Powers, Penalties, Forfeitures, Matters, and Things whatsoever, herein contained, shall commence and take Place from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two.

Time and Place of Meeting.

XXXV. And be it further enacted be the Authority aforesaid, That the said Mayor, Bridge-masters, and Burgesses, or the major Part of them, shall meet at the Town-hall of the Town of *Maidenheth*, otherwise *Maidenhead*, on the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, and shall proceed to the Execution of this Act, and shall then, and from Time to Time afterwards, adjourn themselves, to meet at such Place or Places within the said Town, or near the said new-intended Bridge, as they the said Mayor, Bridge-masters, and Burgesses, or the major Part of them, shall, from Time to Time, think most convenient for putting this Act in Execution; and that all Orders and Determinations of the said Mayor, Bridge-masters, and Burgesses, or the major Part of them, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise: And that in case there shall not appear at such First Meeting, or any subsequent Meeting, a sufficient Number to act and to adjourn; then, and in such Case, the Clerk for the Time being shall and may, from Time to Time, adjourn such Meeting to some other Day, to be held at the same Place within the Space of Seven Days from such Adjournment, and shall cause publick Notice in Writing to be fixed upon the Market-house in *Maidenhead*, and the Toll-house upon or near the said new-intended Bridge, Three Days before the Day thereby to be appointed for such Meeting.

All Orders, &c. to be made at publick Meetings.

Mayor, &c. not to be concerned in any Contract.

XXXVI. Provided always, That neither the said Mayor, or either of the Bridge-masters, nor any of the said Burgesses, shall be concerned in any Contract for building, repairing, or supporting the said Bridge, or for furnishing any Materials for building or repairing the same, or shall hold any Place of Profit under this Act; but the said Mayor, Bridge-masters, or such of the said Burgesses as are in the Commission of the Peace, may nevertheless act as Justices in the Execution of this Act.

Proceedings to be entered in Books.

XXXVII. And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Mayor, Bridge-masters, and Burgesses, or the major Part of them, shall be entered in a Book or Books to be kept for that Purpose; and being signed by the said Mayor, Bridge-masters, and Burgesses, or the major Part of them, or their Clerk or Treasurer, shall be deemed and taken to be original Orders; and such Book or Books, and also the Entries of all Grants and Assignments of the Tolls hereby made payable, and also of the Transfer of such Grants and Assignments, shall and may be produced and read in Evidence in all Cases of Appeal, and in any Suits or Actions touching any Thing done in pursuance of this Act.

Writings may be without Stamps.

XXXVIII. Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Grant, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Seal of the said Mayor, Bridge-masters, and Burgesses, or under the Hand and Seal, or Hands and Seals of, or only signed by, any

any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in the ſaid Mayor, Bridge-maſters, and Burgeſſes, or ſuch Juſtice or Juſtices of the Peace, or of any of them, ſhall be charged or chargeable with any Stamp-duty whatſoever.

How Penalties are to be recovered.

XXXIX. And be it further enacted by the Authority aforeſaid, That all the Penalties and Forfeitures by this Act laid and impoſed, (the Manner of levying and Recovery whereof is not otherwiſe particularly directed) ſhall, upon Proof of the Offences reſpectively before any One or more Juſtice or Juſtices of the Peace of the County or Place wherein the reſpective Offender or Offenders ſhall reſide, or the Offence or Offences ſhall be committed, either by the Confeſſion of ſuch Offender or Offenders, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby authoriſed and directed to adminiſter without Fee or Reward) be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices, (which Warrant or Warrants he or they is and are hereby impowered and required to grant); and the Overplus, after ſuch Penalties and Forfeitures, and the Charges of ſuch Diſtreſs and Sale are thereout deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties and Forfeitures, when recovered, ſhall be (if not otherwiſe directed to be applied by this Act) from Time to Time paid to the ſaid Mayor, Bridge-maſters, and Burgeſſes, or to their Treaſurer or Clerk, and applied in the Execution of the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they is and are hereby authoriſed and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place wherein ſuch reſpective Offences ſhall be committed, or the Offender or Offenders reſide, there to remain without Bail or Mainprize for any Time not exceeding Three Months, nor leſs than Fourteen Days, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

How Offenders ſhall be proceeded againſt.

XL. Provided alſo, and be it further enacted, That all Perſons, for Offences committed by the working or uſing of any Ferry acroſs the ſaid River, and all other Offences committed upon the ſaid River, contrary to the true Intent and Meaning of this Act, ſhall be proceeded againſt and convicted before any Juſtice or Juſtices of the Peace for the County of *Berks*; and the Penalties and Forfeitures ſhall and may be levied, or the Offenders committed, as aforeſaid, in ſuch and the ſame Manner as if ſuch Offence had been committed within the ſaid County.

Limitation of Actions.

XLI. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, in every ſuch Caſe the Action or Suit ſhall be commenced within Six Months next after the Fact committed and not afterwards; and ſhall be laid in the ſaid County of *Berks*, and not elſewhere; and the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to be done, or that ſuch Action or Actions ſhall be brought after the Time before limited for bringing the ſame, or ſhall be laid in any other County than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Suit; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Appeal may be made to Quarter-ſeſſions.

XLII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter-ſeſſions of the Peace to be held for the County of *Berks*, within Four Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice, at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Mayor, Bridge maſters, and Burgeſſes, and within Seven Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Berks*, with Two ſufficient Sureties conditioned to try ſuch Appeal at, and abide by the Order of, the ſaid Quarter-ſeſſions; and the ſaid Juſtices, at the ſaid Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine ſuch Appeal in a ſummary Way; and if they ſee Cauſe may, by Order of ſuch Seſſion, mitigate at their Diſcretion all or any of the ſaid Penalties or Forfeitures, or vacate or ſet aſide any Conviction or Convictions, but not for want of Form only, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts as they ſhall think proper; and the Determination of the ſaid Juſtices at ſuch Quarter-ſeſſion, ſhall be binding and concluſive to all Intents and Purpoſes, and ſhall not be liable to be removed by *Certiorari*, or other Proceſs whatſoever.

For preſerving the Rights of the Corporation.

XLIII. Provided always, and it is hereby declared, That nothing herein contained ſhall be conſtrued in anywiſe to leſſen or abridge the Power granted to the ſaid Mayor, Bridge-maſters, and Burgeſſes of the ſaid Town of *Maidenhetb*, otherwiſe *Maidenhead*, by their Charters, (except with reſpect to the ſeveral Tolls granted for Pontage and Paſſage over and under the ſaid Bridge, which are hereby meant and intended to ceaſe and determine) but that the ſaid Mayor, Bridge-maſters, and Burgeſſes, ſhall continue to hold and enjoy all ſuch Rights, Privileges, Benefits, and Advantages, as are granted to them in and

and by their ſaid Charters, (except as before excepted) in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they did before the paſſing of this Act, or could or might have done in caſe this Act had not been made; any Thing in this Act to the Contrary hereof in anywiſe notwithſtanding.

Publick Act. XLIV. And be it further enacted, that this Act ſhall be deemed a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XLII.

An Act for ſettling and determining what Parts of the Precinct of the *Savoy*, in the County of *Middleſex*, ſhall be under the Survey of the Court of Exchequer, and what Parts thereof under the Survey of the Duchy of *Lancaſter*.

Preamble. 'WHEREAS within the Liberty of the *Savoy*, Parcel of the Poſſeſſions of the Duchy of *Lancaſter*, in the County of *Middleſex*, there is a certain Place or Piece of Ground, formerly the Scite of the Manor of the *Savoy*, and now commonly known by the Name of *The Precinct of the Savoy*, being heretofore Parcel of the Poſſeſſions of the ſaid Duchy: And whereas by certain Letters Patent, under the Seal of the ſaid Duchy of *Lancaſter*, bearing Date the Third Day of *April*, in the Second Year of the Reign of King *Henry* the Eighth, the ſaid King granted and confirmed the ſaid Place or Piece of Ground, (by the Deſcription of the Scite of the Manor of the *Savoy*, or a certain Place or Piece of Ground called *The Savoy*, Parcel of the Duchy of *Lancaſter*, lying in the Pariſhes of *Saint Clement Danes*, without the Bars of the *New Temple*, *London*, and the *Bleſſed Mary le Strand*, in the County of *Middleſex*, abutting as therein mentioned) unto the Executors of the Will of King *Henry* the Seventh, their Heirs, and Aſſigns, for ever, to the Intent they might erect, found, and eſtabliſh an Hoſpital thereon: And whereas an Hoſpital was, in purſuance thereof, afterwards erected, founded, and eſtabliſhed on the ſaid Place or Piece of Ground, which afterwards became veſted in the Maſter and perpetual Chaplains of the Hoſpital of the *Savoy*: And whereas upon a Viſitation of the ſaid Hoſpital, by Sir *Nathan Wright* Lord Keeper of the Great Seal of *England*, on or about the Thirty firſt Day of *July*, One thouſand ſeven hundred and two, the ſaid Lord Keeper declared the ſaid Hoſpital to be diſſolved, and certified the ſame unto the Lord High Treaſurer of *England*, and the Barons of the Exchequer, and thereupon the ſaid Place or Piece of Ground was duly put in Charge for the Benefit of the Crown: And whereas a Doubt hath ariſen in point of Law, whether the ſaid Place or Piece of Ground, upon the Diſſolution of the ſaid Hoſpital, eſcheated to Her then Majeſty Queen *Anne*, in Right of her Crown of *England*, or whether the ſame reverted to Her ſaid Majeſty, as Parcel of the Duchy of *Lancaſter*, whereby it is uncertain in what Manner Leaſes and Grants thereof ought to be made, and the Revenues ſued for, and collected; and whilſt ſuch Doubt remains, the Premiſes cannot be improved ſo as to yield the Advantage the ſame are capable of: And whereas by Permiſſion of His Majeſty or His Predeceſſors, Kings of *England*, there have been built and erected in and upon the ſaid Place or Piece of Ground certain Churches, called *The High German Church*, and *The Low German Church*, and convenient Church-yards or Burying-grounds have been incloſed adjoining or contiguous thereto reſpectively; and there are alſo now ſtanding upon the ſaid Place or Piece of Ground certain Buildings, now uſed as Barracks for Soldiers, and as Priſons and Suttling-houſe, belonging to and for the Uſe of the ſaid Barracks; and alſo Two Dwelling-houſes adjoining or contiguous to the ſaid Barracks, which are uſually inhabited by certain of the Officers of the Army having Command of the Soldiers reſiding in the ſaid Barracks, which are uſually inhabited by certain of the Officers of the Army having Command of the Soldiers reſiding in the ſaid Barracks: And whereas, for obviating and removing the ſaid Doubt and Inconveniencies, His Majeſty is minded that the aforeſaid Churches, Church-yards, Barracks, Priſons, Suttling-houſe, and Dwelling-houſes, with the Scites thereof, ſhall be from henceforth deemed, taken, and adjudged to be, Parcel of the Poſſeſſions of the Crown of this Realm, and as ſuch be under the Survey, Rule, Order, and Government, of the Court of Exchequer; and that all the Reſt and Reſidue of the ſaid Place or Piece of Ground, with all the Buildings thereon, ſhall be united and annexed to the Duchy of *Lancaſter*; His Majeſty is therefore pleaſed and contented that it may be enacted, ordained, and eſtabliſhed;" and be it enacted, ordained, and eſtabliſhed, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

All Buildings, Church yards, Burying-grounds, Barracks, &c. upon the Precinct of the Savoy, to be enjoyed by His Majeſty, &c. hereafter in Right of His Crown; with all the Dwelling-houſes ſituate near the Friary.

That our Sovereign Lord the King ſhall from henceforth have, hold, poſſeſs, and enjoy to Him, His Heirs and Succeſſors for ever, in Right of His Crown, all theſe Two ſeveral Churches called *The High German Church*, and *The Low German Church*, ſituate, ſtanding, and being within and upon the ſaid Place or Piece of Ground, called *The Precinct of the Savoy*, in the County of *Middleſex*, together with the Church-yards and Burying-grounds to the ſame Churches adjoining and belonging; and alſo all thoſe Buildings ſtanding and being within and upon the ſaid Precinct, now uſed and employed as Barracks for Soldiers, and as Priſons and Suttling-houſe, belonging to the ſaid Barracks; and alſo all thoſe Two Dwelling-houſes, ſituate within and upon the ſaid Precinct, near unto a Place called *The Friary*, and uſually occupied and enjoyed by ſuch of the Officers of the Army as have the Command of the Soldiers in the ſaid Barracks, for the Time being; and alſo all the Scites, Ground, and Soil, whereon the ſaid Churches, Barracks, Priſons, Suttling-houſe, and

Dwelling-houſes reſpectively ſtand, and the Soil of the ſaid Church-yards and Burying-grounds reſpectively, together with all Ways, Paths, and Paſſages, to and from the ſame Premiſes reſpectively; and that all and ſingular the ſame Churches, Church-yards, Burying-grounds, Barracks, Priſons, Sutling-houſe, and Dwelling-houſes, and the Scites, Ground, and Soil thereof, ſhall, by Authority and Force of this Act, be from henceforth for ever in the Order, Survey, and Governance, of our ſaid Sovereign Lord the King's Court of Exchequer, and of the Chancellor, Officers, and Miniſters of the ſame; and all the Farms, Iſſues, Rents, and Arrears of Rent, Revenues, and Profits, coming and growing of, or which have grown and are now due for the Premiſes, and every Part thereof, ſhall be ordered, taken, received, and anſwered, by the ſame Chancellor, Miniſters, and Officers, of the ſame Court in ſuch and like Manner and Form as the Farms, Iſſues, Rents, Revenues, and Profits, of other the Hereditaments, and Poſſeſſions of the Crown, within the Survey, Rule, Order, and Governance, of the King's Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame Court, have been or ought to be ordered, taken, received, and anſwered.

The Precinct of the Savoy to be hereafter annexed to the Duchy of Lancaſter.

II. And be it further enacted, That all the Reſt and Reſidue of the ſaid Place or Piece of Ground, called *The Precinct of the Savoy*, with the Soil thereof, and all Meſſuages, Houſes, and Buildings whatſoever thereon, with all and every their Appurtenances, ſhall be, and the ſame are, by the Authority and Force of this Act, from henceforth, for ever, united and annexed unto the Duchy of *Lancaſter*, and ſhall be adjudged, deemed, and taken for ever, for and as Parcels and Members of the ſaid Duchy of *Lancaſter*, and ſhall be of the ſame Nature, Quality, Kind, and Condition, to all Intents, Conſtructions, and Purpoſes, as others the ancient Poſſeſſions of the ſaid Duchy (lying out of the County Palatine of *Lancaſter*), be, and ought to be, and ſhall be, in the letting, ſetting, Order, Rule, Survey, Receipt, and Governance, of the Chancellor, Council, and Officers of the ſaid Duchy of *Lancaſter*, for the Time being, for evermore, in like and the ſame Manner and Form, to all Intents and Purpoſes, as others the ſaid ancient Poſſeſſions belonging to the ſaid Duchy, (lying out of the ſaid County Palatine), be, have been, or ought to be; and that all and ſingular the ſaid Meſſuages, Houſes, Buildings, and Ground, united and annexed to the ſaid Duchy of *Lancaſter*, by Authority and Force of this Act, and all and ſingular Grants, Leaſes, and Letters Patent thereof, or of any Part thereof, hereafter to be made by the King's Majeſty, His Heirs and Succeſſors, ſhall, for evermore, paſs and be made under the Seal of the ſaid Duchy, and not under any other Seal, or otherwiſe, and with the like and the ſame Liberty and Seiſin, Attornments, Ceremonies, Orders, and Circumſtances in the Law, and in the ſame Manner and Form, as other the ancient Poſſeſſions of the ſaid Duchy, and the Grants, Leaſes, and Letters Patent thereof, heretofore of ancient Time made, have uſed and ought to be made and paſſed, and not otherwiſe, nor in any other Manner or Form; any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof notwithſtanding.

Nothing herein to extend to abate any Actions, commenced on Behalf of His Majeſty, for Recovery of Poſſeſſion, or for the Meſne Rents, &c.

III. Provided always, and be it enacted, That nothing herein contained, ſhall extend to abate or affect any Action, Information, Bill, Suit, or other Proceeding, already brought or commenced by or on the Behalf of His Majeſty, in any of the Courts of Law or Equity, againſt any Perſon or Perſons for the Recovery of the Poſſeſſion of the Premiſes contained or mentioned in this Act, or any Part thereof, or for the Meſne Rents and Profits thereof, or any Part thereof, but that the ſame Actions, Informations, Bills, Suits, and other Proceedings, ſhall and may be proſecuted and carried on in ſuch and the ſame Manner, and with the ſame Validity and Effect, as if this Act had been made.

In any Information or Suit, it ſhall be ſufficient for His Majeſty to prove His Title to the Premiſes.

IV. Provided alſo, and be it enacted, That in every Action, Information, Bill, or Suit, brought, or commenced, or to be brought or commenced, for the Purpoſes aforeſaid, it ſhall be ſufficient for His Majeſty to make due Proof of a Title to the Premiſes in Queſtion, either in Right of His Crown, or as Parcel of His Duchy of *Lancaſter*; and that all and every Judgment and Decree already had, or to be had, obtained, and pronounced therein reſpectively, and every Execution thereupon, ſhall be available, and ſhall be and remain in full Force and Effect.

Proof of a Title derived from the Crown, ſhall, for Defendants, be an effectual Bar againſt His Majeſty.

V. Provided alſo, That in every ſuch Action, Information, Bill, or Suit, it ſhall be ſufficient for the Defendant or Defendants to make due Proof of a Title to the Premiſes in Queſtion, derived from or under His Majeſty, or any of His Royal Predeceſſors, either in Right of His Crown, or as Parcel of His ſaid Duchy of *Lancaſter*, and that every ſuch Title ſhall be deemed, taken, and adjudged to be, an available, ſufficient, and effectual Bar againſt His Majeſty, His Heirs, and Succeſſors; any Law, Statute, or Uſage, or any Thing herein contained to the Contrary notwithſtanding.

His Majeſty may, from Time to Time, aſſign any Part of the Premiſes.

VI. And, to the End and Intent the Premiſes may be laid out to the greater Advantage, and may thereby be improved to their utmoſt Value, be it enacted by the Authority aforeſaid, That our ſaid Sovereign Lord the King, His Heirs and Succeſſors, may, from Time to Time hereafter, at His and their Liberties and Pleaſures, by Letters Patent, to be ſealed with the Seal of the Duchy of *Lancaſter*, limit, aſſign, and appoint, any Part or Parts of the Premiſes, which by Force of this Act are annexed and united to the ſaid Duchy, unto the Survey, Rule, Order, Governance, Juriſdiction, Letting, and Setting of His Majeſty's Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame Court, and the Premiſes to be ſo limited, aſſigned, and appointed, by Force of any ſuch Letters Patent, ſhall, from the Teſte of the ſaid Letters Patent, be ſevered from the ſaid Duchy, and ſhall from thenceforth be and remain in the Survey, Rule, Order, Governance, Juriſdiction, Letting, Setting, and Receipt, of the ſame Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame; and all the Farms, Iſſues, Rents, Revenues, and Profits of the Premiſes, ſo to be limited, aſſigned, and appointed, ſhall be ordered, taken, received, and anſwered by the ſame Chancellor, Miniſters, and Officers of the ſame Court of Exchequer, in ſuch and in like Manner and Form, and to and for ſuch Uſes, Intents, and Purpoſes, as the Farms, Iſſues, Rents, Revenues, and Profits, coming

and growing by, or out of other the Lands and Hereditaments, being the ancient Poſſeſſions of the Crown, within the Order, Survey, and Governance of the ſame Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame have been, or ought to be ordered, taken, received, and anſwered; and that our ſaid Sovereign Lord the King, His Heirs and Succeſſors, may alſo, from Time to Time hereafter, at His and their Liberties and Pleaſures, by Letters Patent, to be ſealed with the Great Seal, unite, annex, limit, aſſign, and appoint unto the ſaid Duchy of *Lancaſter*, any Part or Parts of the Premiſes, which, by Force of this Act, are put under the Order, Survey, and Governance of the Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame; and that all and every the Premiſes, which ſhall happen to be united and annexed to the ſaid Duchy, by Force of any ſuch Letters Patent, ſhall be, from the Teſte of the ſaid Letters Patent, within the Order, Survey, Rule, Governance, Juriſdiction, Letting, and Setting of the Chancellor, Council, and Officers of the ſaid Duchy of *Lancaſter* for the Time being, as others the Poſſeſſions of the ſaid Duchy of *Lancaſter*, lying and being out of the ſaid County Palatine of *Lancaſter*, have, uſed, and ought to be, and that as well all and every ſuch Limiting, Aſſignment, and Appointment made, or to be made, by our ſaid Sovereign Lord the King, His Heirs and Succeſſors, of any of the Premiſes, unto the Court of Exchequer, and the Chancellor, Officers, and Miniſters of the ſame, by any Letters Patent, under the Seal of the ſaid Duchy, as alſo all and every ſuch Annexing, Limiting Aſſignment, and Appointment, to be made by His Majeſty, His Heirs and Succeſſors, of any the Premiſes unto the ſaid Duchy of *Lancaſter*, by any Letters Patent under the Great Seal, ſhall be as good and available as if done by Authority of Parliament.

Saving all Rights, &c. to any Perſons which they had previous to the paſſing hereof.

VII. Saving to all and every Perſon and Perſons, Bodies Politick and Corporate, and to their Heirs, Succeſſors, and Aſſigns, and to the Heirs, Succeſſors, and Aſſigns of every of them, all ſuch Right, Title, Intereſt, Poſſeſſions, Leaſe and Leaſes, Rents, Profits, Eaſements, Actions, Suits, and Demands whatſoever, which they or any of them ſhould, might, or ought to have had, in, to, or out of any of the Premiſes before the making of this Act, and not herein or hereby expreſsly taken away, altered, or abridged, in like and the ſame Manner, Form, and Condition, to all Intents, Conſtructions, and Purpoſes, as if this Act had never been made.

CAP. XLIII.

An Act for veſting *Ely Houſe*, in *Holbourn*, in His Majeſty, His Heirs and Succeſſors, and for applying the Purchaſe-money, with another Sum therein mentioned, in the purchaſing of a Freehold Piece of Ground in *Dover Street*, and in the building and fitting up another Houſe thereon, for the future Reſidence of the Biſhops of *Ely*, and the Surplus to the Benefit of the See; and for other Purpoſes therein mentioned.

Preamble.

'WHEREAS the Right Reverend *Edmund* Lord Biſhop of *Ely* is ſeiſed, in Right of his See, of a Capital Manſion-houſe called *Ely Houſe*, ſituate in *Holbourn*, in the County of *Middleſex*, and the Scite thereof: And whereas ſince the Death of the Right Reverend *Matthias*, late Lord Biſhop of *Ely*, his Lordſhip's immediate Predeceſſor, an Account hath been adjuſted between the Repreſentatives of the ſaid *Matthias* and the ſaid *Edmund*, now Lord Biſhop of *Ely*, of the Dilapidations incurred on the ſaid Manſion-houſe; and the ſame having been eſtimated at Three thouſand Pounds, that Sum hath been ſecured to the ſaid *Edmund*, now Lord Biſhop of *Ely*, by Bond, bearing Date the Eighteenth Day of *November*, One thouſand ſeven hundred and ſeventy-one, from *Charles Wager Purvis* Eſquire, ſince deceaſed, payable as therein mentioned: And whereas, upon a proper Survey lately made of the ſaid Houſe, and Offices thereto belonging, it appears that the ſame are, from Length of Time, and other Cauſes, become ſo decayed, that it hath been adviſed, by experienced Workmen, to rebuild rather than attempt the Repair thereof: And whereas thereupon, and as no ſufficient Fund offered for rebuilding, an Agreement hath been made and reduced into Writing between the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, and the ſaid *Edmund*, now Lord Biſhop of *Ely*, bearing Date the Twenty-ſeventh Day of *January*, One thouſand ſeven hundred and ſeventy-two; whereby, after reciting, (amongſt other Things), that it had been repreſented to their Lordſhips that the Piece of Ground whereon the ſaid Houſe ſtood might be rendered of conſiderable Advantage to the Publick, if the ſame could be procured, in order thereon to erect publick Offices; and that the ſaid *Edmund* Lord Biſhop of *Ely*, being ſeiſed and poſſeſſed, in Right of his See, of the ſaid Ground and Houſe thereon, was ready and willing, ſo far as in him lay, to diſpoſe of the ſame for the Benefit of the Publick, upon a full and adequate Compenſation being made to him and his Succeſſors, and the ſaid See of *Ely*, in lieu thereof; and that their Lordſhips were deſirous the ſame might be purchaſed for the Service of the Publick, and that the ſaid Lord Biſhop of *Ely*, and his Succeſſors, and the ſaid See of *Ely*, might, out of the Publick Money, receive a reaſonable Conſideration for the ſame: And further reciting, that, upon a Treaty between their Lordſhips and the ſaid *Edmund*, now Lord Biſhop of *Ely*, and upon proper Surveys taken, and Calculations made thereon, it had appeared and been agreed on, that a clear Sum of Six thouſand five hundred Pounds, and a clear Annuity of Two hundred Pounds, for ever, would be a full Price and adequate Conſideration for ſuch Piece of Ground and Houſe thereon built; but that ſuch Treaty and Agreement could not be effectually eſtabliſhed and carried into Execution without

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'out the Authority of Parliament, it was witneſſed, and the ſaid *Edmund* Lord Biſhop of *Ely* agreed 'and undertook that he would, with all convenient Speed, ſo far as in his Power lay, at his own 'Expence, procure an Act of Parliament to be paſſed for the Purpoſe of carrying the ſaid Treaty 'into immediate Execution, and of giving the ſaid Lord Biſhop of *Ely* and his Succeſſors, proper 'Powers to convey ſuch Piece of Ground, and the Houſe and Buildings thereon erected, to ſuch 'Perſons, and for ſuch Uſes, as ſhould be directed by the Lords Commiſſioners of the Treaſury for 'that Purpoſe; in which Act of Parliament were to be contained proper Clauſes for ſecuring to the 'ſaid Lord Biſhop of *Ely*, or his Succeſſors, the ſaid Sum of Six thouſand five hundred Pounds, 'clear of all Deductions and Outgoings, to be paid on the Execution of the Purchaſe Deeds of the 'ſaid Premiſes, in ſuch Manner as the ſaid Act ſhould direct; and alſo for ſecuring the ſaid Annuity 'of Two hundred Pounds, the Produce of which ſhould be paid to the ſaid Lord Biſhop of *Ely*, and 'his Succeſſors, from Time to Time, as Part of the Revenues of the ſaid Biſhoprick, in ſuch Manner, 'and under ſuch Directions, as by the ſaid Act of Parliament ſhould be provided; and alſo that in 'caſe the ſaid Lord Biſhop of *Ely* ſhould chooſe to have a further Sum of Money advanced in lieu 'of the ſaid Annuity, or any Part thereof, that then there ſhould be paid to him, or other proper 'Perſons to be named in the ſaid Act, a Sum of Money in lieu of the ſaid Annuity, or of Part 'thereof, at the Election of the ſaid Lord Biſhop of *Ely* after the Rate of Thirty Years Purchaſe: 'And whereas ſince the ſaid Agreement a certain Freehold Piece of Ground hath been offered to the 'ſaid *Edmund* Lord Biſhop of *Ely*, late belonging to the Right Honourable *William* Lord Viſcount '*Chetwynd*, in the Kingdom of *Ireland*, deceaſed, ſituate in *Dover Street*, in the Pariſhes of *Saint James* 'and *Saint Martin in the Fields*, or One of them, in the County of *Middleſex*, as a proper and com-'modious Spot whereon to erect a ſuitable Manſion-houſe, for the future Reſidence of the ſaid Lord 'Biſhop of *Ely*, and his Succeſſors, the Biſhops of *Ely*, in the Room of the ſaid ancient Manſion-houſe 'in *Holbourn*; and an Agreement hath been entered into between the ſaid Lord Biſhop of *Ely* and '*Lucy Chetwynd* and *Eſther Chetwynd*, the preſent Owners of the ſaid Piece of Ground, and the an-'cient Houſe and Buildings thereon erected in *Dover Street* aforeſaid, for the Purchaſe of the ſaid 'laſt-mentioned Piece of Ground, and the Houſe and Buildings thereon, at the Price or Sum of Five 'thouſand ſix hundred Pounds, (Part of the before-mentioned Sum of Six thouſand five hundred 'Pounds), ſubject to the yearly Sum of Eighteen Pounds for ever, payable out of Part of the Pre-'miſes, to the Right Honourable the Lord *Berkeley* of *Stratton*, his Heirs and Aſſigns (which laſt-'mentioned Purchaſe, nevertheleſs, is to take Effect only in caſe the ſaid prior Agreement with the 'Lords Commiſſioners of the Treaſury ſhall be eſtabliſhed and effectuated by Parliament); and if ſuch 'Purchaſe ſhall take Place, it hath been propoſed to pull down the old Houſe and Buildings now 'ſtanding on the ſaid Piece of Ground in *Dover Street*, and inſtead thereof to erect ſuch Manſion-'houſe as aforeſaid, and to apply the ſaid Sum of Three thouſand Pounds to be received by the ſaid '*Edmund*, now Lord Biſhop of *Ely*, for Dilapidations, and the Whole, or a ſufficient Part of the 'Conſideration to be paid by the Lords Commiſſioners of the Treaſury, (agreeably to the Latitude 'given by the aforeſaid Contract), for the Purpoſe of building and fitting up the ſame for Habitation, 'and the Surplus (if any ſhall remain) for the Benefit of the See, in ſuch Manner, and under ſuch 'Reſtrictions, as to the Wiſdom of Parliament ſhall appear reaſonable: And whereas the Rents re-'ſerved in and by ſeveral of the Leaſes granted by the Biſhops of *Ely*, in Right of the ſaid See, are 'made in the ſaid Manſion-houſe in *Holbourn*, and it hath been uſual for the Biſhop of *Ely* for the 'Time being to hear and determine Appeals from ſeveral Colleges in the Univerſity of *Cambridge*, as 'Viſitor thereof, at his ſaid Houſe in *Holbourn*, and to cite all Parties concerned in ſuch Appeals to 'appear at the ſaid Houſe; but it will be proper, upon the Alienation of the ſaid laſt-mentioned 'Houſe, to transfer the Payment of ſuch reſerved Rents, and Exerciſe of ſuch Appellate Juriſdiction, 'to ſuch new Manſion-houſe, to be erected for the future Reſidence of the Biſhops of the ſaid See, 'when the ſame ſhall be ſo erected, and in the mean Time to provide ſome other proper Place or Re-'ſort for the ſaid ſeveral Purpoſes: And whereas the effectuating and accompliſhing the ſaid Agree-'ment with the Lords Commiſſioners of the Treaſury will be of great Advantage to the Publick, 'and the ſeveral Purpoſes propoſed to be anſwered in conſequence thereof will be no leſs beneficial to 'the See of *Ely*; yet foraſmuch as the ſame cannot be carried into Execution without the Aid and 'Authority of Parliament; therefore may it pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That (from and immediately after the Payment into the Bank of *England* by His Majeſty, His Heirs or Succeſſors, in the Names of the ſaid *Edmund* Lord Biſhop of *Ely*, and of *Owen Salusbury Brereton* of *Shotwich Park*, in the County Palatine of *Cheſter*, Eſquire, and *Thomas Hunt* of *Mollington*, in the ſaid County, Eſquire, Truſtees hereby appointed in that Behalf, or the Survivors or Survivor of them, of the full Sum of Six thouſand five hundred Pounds of lawful Money of *Great Britain*, free and clear of all Taxes, Impoſitions, Fees, Rewards, and other Deductions, on or before the Eleventh Day of *June*, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, in Part of Satisfaction and Compenſation for the Purchaſe-money of the preſent Houſe called *Ely Houſe*, and Scite thereof, ſituate in *Holbourn*, herein-after mentioned and deſcribed, to be by them the ſaid *Edmund* Lord Biſhop of *Ely*, and *Owen Salusbury Brereton*, and *Thomas Hunt*, or the Survivors or Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, paid, applied, and diſpoſed of, to and for the Uſes, Intents, and Purpoſes herein-after declared and enacted concerning the ſame) all that Houſe called *Ely Houſe*, ſituate in *Holbourn*, in the County of *Middleſex*, and all that and thoſe the Chapel, Coach-houſes, Stables, and other Offices, Gardens, and Yard thereto belonging,

ing, with all the Rights, Members, Privileges, Immunities, Exemptions, Ways, Paths, Paſſages, Eaſements, Commodities, Emoluments, Advantages, and Appurtenances to the ſaid Houſe and Premiſes, or any Part thereof, and uſually held and enjoyed therewith, (ſave and except hereout all the ancient Walls and Fences, which circumſcribe the ſeveral Meſſuages or Tenements now held by the Right Honourable *Anthony* Earl of *Shaftſbury*, under a Leaſe from the late Lord Biſhop of *Ely*, with free Liberty of Ingreſs and Egreſs, to repair or rebuild the ſaid Walls, and without Prejudice to all Lights neceſſary to the ſaid Meſſuages or Tenements, or ſuch other Buildings as may hereafter be erected on the Scite of the ſaid Premiſes,) ſhall be, and be deemed to be, and are hereby declared to be, veſted in and annexed to the Imperial Crown of this Realm, and ſhall be and remain for ever unalienable from the ſame; and His Majeſty, His Heirs and Succeſſors, in the Imperial Crown of this Realm, ſhall for ever have, hold, and enjoy the ſame againſt the ſaid *Edmund* Lord Biſhop of *Ely*, and all and every Perſon and Perſons claiming or to claim, from or under or in Right of the ſaid Epiſcopal See of *Ely*, freed and diſcharged, and abſolutely acquitted, exempted, and indemnified of, from, and againſt all former Grants, Charters, Titles, Eſtates, Leaſes, or other Incumbrances whatſoever, made or granted of the ſaid Houſe, Scite, and Premiſes, or any Part thereof, ſaving unto the ſaid now Lord Biſhop of *Ely*, and his Succeſſors, Biſhops of the ſaid See of *Ely*, all other the lawful Privileges, Royalties, Franchiſes, and Juriſdictions, which of Right do belong and appertain to him and them in Right of the ſaid Biſhoprick, to be had, uſed, exerciſed, and enjoyed, except in and upon the Premiſes hereby alienated, or any Part thereof, or within the Bounds or Circuits of the ſame.

Receipt of the Caſhier to be a ſufficient Diſcharge.

II. And be it further enacted by the Authority aforeſaid, That the Receipt or Receipts of the proper Clerk or Caſhier, Clerks or Caſhiers, of the Governor and Company of the Bank of *England*, under his or their Hand or Hands reſpectively, teſtifying the Payment of the ſaid Sum of Six thouſand five hundred Pounds, or any Part thereof, by the Lords Commiſſioners of the Treaſury, or the Lord High Treaſurer for the Time being, or ſuch Perſons or Perſon as he or they, or any Three of them, ſhall order and direct to pay the ſame into the Bank of *England*, in the Names of the ſaid *Edmund* Lord Biſhop of *Ely*, and *Owen Saluſbury Brereton*, and *Thomas Hunt*, or the Survivors or Survivor of them, ſhall be a ſufficient and full Diſcharge to His Majeſty, His Heirs and Succeſſors, or ſuch other Perſons or Perſon ſo paying the ſame, their, his, or her Heirs, Executors, or Adminiſtrators, of and for the ſaid Sum of Six thouſand five hundred Pounds, and every Part thereof, or ſo much thereof as ſuch Receipt or Receipts ſhall be given for; and that His Majeſty, His Heirs and Succeſſors, and all and every ſuch other Perſons and Perſon as aforeſaid, upon and after ſuch Receipt or Receipts given as aforeſaid, ſhall be abſolutely acquitted and diſcharged of and from the ſaid Sum of Six thouſand five hundred Pounds, and every Part thereof, notwithſtanding any ſubſequent Loſs, Non-application, or Miſapplication of the ſame, or any Part thereof.

How Compenſation ſhall be made for the Premiſes.

III. And be it further enacted by the Authority aforeſaid, That in additional Satisfaction, and in full Compenſation of and for the ſaid Houſe and Scite thereof, and other the Premiſes ſo veſted in and annexed to the Crown as aforeſaid, there ſhall be paid to the ſaid Lord Biſhop of *Ely*, and his Succeſſors, for ever, as Part of the Revenues of the ſaid Biſhoprick, and to be applied and diſpoſed of as hereinafter mentioned, One Annuity or yearly Sum of Two hundred Pounds, of lawful Money of *Great Britain*, free and clear of all Parliamentary or other Taxes, Payments, Fees, Charges, and Deductions whatſoever, payable by even and equal Half-yearly Payments, on the Eleventh Day of *June* and the Eleventh Day of *December*, in every Year; the Firſt of ſuch Half-yearly Payments to be made on the Eleventh Day of *December*, which will be in the Year of our Lord One thouſand ſeven hundred and ſeventy-two, now next enſuing; and the ſaid Annuity or yearly Sum of Two hundred Pounds, lawful Money aforeſaid, ſhall be ſo paid and payable to the ſaid Lord Biſhop of *Ely*, and his Succeſſors reſpectively, for the Time being, in Manner aforeſaid, by the reſpective Receivers-general of the Duties or Revenues of the ſeveral Offices that ſhall hereafter be eſtabliſhed and appointed to be held within the Scite of the ſaid Houſe, and other the Premiſes reſpectively, and at ſuch Offices reſpectively, from and after the ſame ſhall be ſo eſtabliſhed and held, in ſuch Manner, and in ſuch Proportions, as the Lords Commiſſioners of his Majeſty's Treaſury for the Time being, or any Three of them, or the Lord High Treaſurer for the Time being, ſhall, from Time to Time, direct; and in the mean Time, and until ſuch Offices ſhall be ſo eſtabliſhed and held as aforeſaid, by the Receiver-general of the Duties on Salt for the Time being, and at the preſent or future Office for the Time being of the ſaid Receiver.

Receipts of the Biſhop of Ely to be ſufficient Diſcharges.

IV. And be it further enacted, That on Payment of the ſaid Annuity or yearly Sum of Two hundred Pounds, or any Part thereof, to the ſaid Lord Biſhop of *Ely*, or his Succeſſors, the Receipts of the ſaid Lord Biſhop, or of his Succeſſors, ſhall be good and ſufficient Diſcharges to ſuch Receivers-general or Receiver-general for the Time being, or to the Perſon or Perſons who ſhall pay the Whole, or any Part thereof reſpectively, for the Sum or Sums of Money expreſſed in ſuch Receipts; and the ſame ſhall be allowed ſuch Receivers-general or Receiver-general on paſſing their or his Accounts or Account; and in caſe the ſaid Annuity, or any Part thereof, ſhall be behind and unpaid by the Space of Forty Days next over or after any of the ſaid Days on which the ſame ſhall became due and payable, after having been lawfully demanded at the Office or Offices aforeſaid, it ſhall and may be lawful to and for the ſaid *Edmund* Lord Biſhop of *Ely*, and his Succeſſors, Biſhops of *Ely* for the Time being, to bring an Action at Law for Recovery of the Money from Time to Time to accrue and become due, and in Arrear thereon, in His Majeſty's Court of Exchequer at *Weſtminſter*, againſt the Receiver-general reſpectively of the ſeveral Duties or Revenues, which ſhall ariſe from the reſpective Offices to be ſo eſtabliſhed and held as aforeſaid, from and after the ſame ſhall be ſo eſtabliſhed and held, in ſuch Proportions

portions as ſhall be directed for Payment thereof as aforeſaid, and in the mean Time, and until ſuch Offices ſhall be ſo eſtabliſhed and held as aforeſaid, againſt the Receiver-general of the Duties on Salt for the Time being; in which Action no Eſſoin, Wager of Law, or Protection, ſhall be allowed; and in caſe the Plaintiff ſhall recover in ſuch Action, he ſhall be intitled to full Coſts.

The Amount of the Dilapidations ariſen in reſpect of the Premiſes, to be paid by the Biſhop of Ely within Six Months;

V. And be it further enacted by the Authority aforeſaid, That all that the ſaid Sum of Three thouſand Pounds, lawful Money aforeſaid, being the Amount adjuſted as aforeſaid of the Dilapidations ariſen in reſpect of the ſaid Houſe and Scite thereof, and other the Premiſes ſo veſted in and annexed to the Crown as aforeſaid, ſhall within the Space of Six Months, to be computed from the Day of paſſing this Act, be paid over by the ſaid Lord Biſhop of *Ely* that now is, his Executors or Adminiſtrators, in caſe he or they ſhall then have received the ſame; or if the ſame ſhall not have been ſo received as aforeſaid, that then the Security ſo taken for the ſaid Sum of Three thouſand Pounds, by Bond as aforeſaid, ſo far forth as reſpects the ſaid Sum of Three thouſand Pounds, ſhall be aſſigned and transferred by the ſaid Lord Biſhop of *Ely*, his Executors or Adminiſtrators, in due Form of Law, unto the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, their Heirs and Aſſigns, upon the ſeveral Truſts, nevertheleſs, and to and for the ſeveral Intents and Purpoſes herein-after expreſſed and declared concerning the ſame; and that the Receipt or Receipts of the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, or the Survivors or Survivor of them, or the Heirs or Aſſigns of ſuch Survivor, under their, his, or her Hands or Hand reſpectively, teſtifying the Payment of the ſaid Sum of Three thouſand Pounds, or any Part thereof, by the ſaid Lord Biſhop of *Ely*, his Executors or Adminiſtrators, ſhall be a good and effectual Diſcharge to the ſaid Lord Biſhop of *Ely*, his Executors or Adminiſtrators, or the Perſons or Perſon ſo paying the ſame, their or his Executors or Adminiſtrators, of and for the ſaid Sum of Three thouſand Pounds, and every Part thereof, or ſo much thereof as ſhall be ſpecified in ſuch Receipt or Receipts, and in caſe the ſaid Sum of Three Thouſand Pounds, and every Part thereof, ſhall not have been ſo received by the ſaid Lord Biſhop of *Ely*, his Executors or Adminiſtrators within the ſaid Space of Six Months, to be computed from the paſſing of this Act as aforeſaid, and thereupon the ſame ſhall be ſo aſſigned and transferred by the ſaid Lord Biſhop of *Ely*, his Executors or Adminiſtrators, to the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, their Heirs and Aſſigns, in Manner and Form aforeſaid; that then, and from thenceforth, and from and after ſuch Aſſignment and Transfer ſhall be ſo made of the ſaid Bond as aforeſaid, the ſaid Lord Biſhop of *Ely*, his Executors and Adminiſtrators, and every of them, ſhall ſtand and be for ever thereafter acquitted and diſcharged of and from the ſaid Sum of Three thouſand Pounds, and every Part thereof; any Thing herein contained to the contrary thereof notwithſtanding.

Meſſuages to be ſettled upon the Lord Biſhop of Ely, in Compenſation.

VI. And be it further enacted by the Authority aforeſaid, That all that Meſſuage or Houſe now built and ſtanding upon Part of the Ground and Soil whereon a capital Meſſuage or Manſion-houſe, with the Appurtenances, formerly called *Clarendon Houſe*, and afterwards called *Albemarle Houſe*, did formerly ſtand, or on Ground to the ſaid late capital Meſſuage belonging, ſituate, and being, in the Pariſhes of *Saint James* or *Saint Martin in the Fields*, or One of them, in the County of *Middleſex*, in a certain Street there, formerly called *Clarendon Street*, and now called *Dover Street*, on the Weſt Side thereof, between the ſaid Street on the Eaſt, and the Garden now uſed with the ſaid Meſſuage or Houſe, but formerly Part of the Garden heretofore belonging to, or uſed with, a capital Meſſuage or Manſion-houſe called *Berkeley Houſe*, on the Weſt; and the Meſſuage or Houſe formerly in the Poſſeſſion of the late Earl of *Carbery* on the North, and a Meſſuage or Houſe formerly in the Poſſeſſion of the late Lord Viſcount *Dunbar*, on the South; the which ſaid Meſſuage or Houſe doth contain in Front, next the Street, from North to South, Thirty-ſix Feet of Aſſize, little more or leſs, and in Depth from Eaſt to Weſt, with Part of the Garden therewith uſed, Eighty Feet of Aſſize, little more or leſs; and alſo all that Piece or Parcel of Ground formerly belonging to and Part of the Garden heretofore belonging to, or uſed with, the aforementioned capital Meſſuage or Manſion-houſe, called *Berkeley Houſe*, lying and being in the ſaid Pariſhes of *Saint James* and *Saint Martin in the Fields* aforementioned, or in One of the ſaid Pariſhes, in the ſaid County of *Middleſex*, and between a certain Street there called *Berkeley* Street, on the Weſt, and the Meſſuage or Houſe herein-before mentioned, ſituate in *Dover Street* aforeſaid, on the Eaſt, and the Ground formerly of *Chriſtian* Lady *Berkeley*, and *John* Lord *Berkeley*, deceaſed, formerly granted to the Moſt Noble *Charles* Duke of *Shrewſbury*, and formerly in the Tenure of the ſaid late Viſcount *Dunbar*, on the South; and on the Ground formerly in the Poſſeſſion of the ſaid Earl of *Carbery* on the North; and the which ſaid Piece or Parcel of Ground containeth in Breadth Thirty-ſix Feet, or thereabouts, and in Length, on the South Side, One hundred and Fourteen Feet or thereabouts, and in Length, on the North Side, One hundred and Sixteen Feet or thereabouts; and the greateſt Part of which ſaid Piece or Parcel of Ground is uſed as a Garden to the ſaid Meſſuage or Houſe aforementioned; all which ſaid Parcels of Ground, Meſſuage or Houſe and Premiſes, were formerly in the Poſſeſſion of the Lady Dowager *Falkland*, ſince of *John Egerton* Eſquire, and late of the ſaid *William* Lord Viſcount *Chetwynd*, deceaſed, and all Ways, Paths, Paſſages, Vaults, Cellars, Sollars, Lights, Eaſements, Profits, Commodities, and Appurtenances whatſoever, to the ſaid Meſſuage or Houſe, Piece or Parcel of Garden Ground and Premiſes herein-before mentioned, belonging or in anywiſe appertaining, or therewith uſually held, occupied, or enjoyed, or accepted, reputed, deemed, or known as Part, Parcel, or Member thereof; and the Reverſion and Reverſions, Remainder and Remainders, Rents, Iſſues, and Profits, of all and ſingular the ſaid Premiſes, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, of them the ſaid *Lucy Chetwynd*, and *Eſther Chetwynd*, or either of them, of, in, to, or out of the ſame Premiſes, or any Part thereof, ſhall, from and after the Seventeenth Day of *June*, which will be in the Year

of

of our Lord One thouſand ſeven hundred and ſeventy-two, and from and after full Payment and Satisfaction ſhall have been made of the before-mentioned Sum of Five thouſand ſix hundred Pounds, lawful Money of *Great Britain*, and every Part thereof, unto the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, or the Survivor of them, or the Executors or Adminiſtrators of ſuch Survivor, by and out of ſuch Fund or Funds, and by ſuch Perſon or Perſons, and in ſuch Manner and Form as next herein-after enacted and declared concerning the ſame, (in full Compenſation and Satisfaction for the abſolute Purchaſe of the Fee-ſimple and Inheritance in Poſſeſſion of the ſaid Freehold Piece of Ground, Houſe, Buildings, and other the Premiſes laſt mentioned), be veſted in, and ſettled upon, and the ſame, and every of them, are hereby from thenceforth, and ſuch Houſe, Buildings, and Offices, which ſhall at any Time thereafter be erected and built upon the ſaid Piece of Ground, or any Part thereof, purſuant to the Proviſions of this Act, from and after the ſame ſhall be ſo erected and built, ſhall be veſted in, and ſettled upon, the ſaid *Edmund* now Lord Biſhop of *Ely*, and his Succeſſors, the Biſhops of *Ely* for the Time being, as and for the Manſion-houſe or uſual Place of Reſidence within the City of *Weſtminſter* of the Biſhop of *Ely* for the Time being, from Time to Time, and at all Times hereafter freed and diſcharged, and abſolutely acquitted, exempted, and exonerated of, from, and againſt all and every Claim, Right, Title, Eſtate, or Demand whatſoever, which they the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, or the Right Honourable *William* now Lord Viſcount *Chetwynd*, in the Kingdom of *Ireland*, as eldeſt Son and Heir at Law of the ſaid *William* Lord Viſcount *Chetwynd* deceaſed, or in any other Right whatſoever, or any Perſon or Perſons claiming, or to claim by, from, or under them, any or either of them, now have or hath, or at any Time hereafter can or may have, claim, challenge, or demand, in anywiſe howſoever; ſubject nevertheleſs to, and charged and chargeable with, the ſaid yearly Rent of Eighteen Pounds, hereafter to grow due and payable for ever, to the Right Honourable *William* Lord *Berkeley* of *Stratton*, his Heirs and Aſſigns, out of and for the ſaid Piece or Parcel of Ground, the moſt Part whereof is now uſed for a Garden as aforeſaid, being Part of the Premiſes herein-before mentioned, and which was reſerved and made payable in and by One Indenture of Releaſe, bearing Date the Second Day of *June*, One thouſand ſix hundred and eighty-ſix, made between the Right Honourable *Chriſtian* Lady *Berkeley*, Widow, and the Right Honourable *John* Lord *Berkeley* of the One Part, and *Margaret Stafford* of the other Part.

Nothing herein to invalidate an Indenture, Sept. 4, 1667, between Earl Clarendon and Viſcount Cornbury.

VII. Provided always, and be it hereby further enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be deemed, conſtrued, or taken to extend, to merge, extinguiſh, invalidate, or impeach a certain Term of One thouſand Years, of and in the laſt-mentioned Piece of Ground, Meſſuage, and Premiſes, or Part thereof, originally created by One Indenture, bearing Date the Fourth Day of *September*, in the Year, One thouſand ſix hundred and ſixty-ſeven, made, or mentioned to be made, between the Right Honourable Earl of *Clarendon* and the Right Honourable *Henry* Lord Viſcount *Cornbury*, Son and Heir apparent of the ſaid *Edward* Earl of *Clarendon*, of the One Part, and the Right Honourable *Richard* then Earl of *Burlington* and *Cork*, and *Charles* then Lord *Clifford*, his then eldeſt Son and Heir-apparent, and *Robert Boyle* Eſquire, of the other Part; which ſaid Term of Years was afterwards veſted in *Henry Poley* Eſquire, ſince deceaſed, his Executors, Adminiſtrators, and Aſſigns, in Truſt, to attend and wait on the Reverſion and Inheritance of the ſaid Meſſuage, Ground, and Premiſes, and the Executors, Adminiſtrators, and Aſſigns, of the ſaid *Henry Poley*, are hereby declared to ſtand and be poſſeſſed of, and ſhall from henceforth ſtand and be poſſeſſed of and in the ſaid Meſſuage, Ground and Premiſes, for and during the Reſidue and Remainder of the ſaid Term of One thouſand Years, now to come and unexpired, in Truſt for the ſaid Lords Biſhops of *Ely*, for the Time being, their Heirs and Aſſigns, to the End that the ſaid Term may be kept on Foot, and may attend and wait on the Freehold and Inheritance of the ſaid Premiſes, for the better defending and protecting the ſame, from and againſt all Meſne and ſubſequent Incumbrances.

How, and to what Purpoſes, the ſeveral Sums are to be applied.

VIII. And, for declaring the Truſts as well of the ſaid laſt-mentioned Sum of Three thouſand Pounds, as of the before-mentioned Sum of Six thouſand five hundred Pounds, Part of the Conſideration-money to ariſe by the Sale of the ſaid Houſe called *Ely Houſe*, and Scite thereof, and other the Premiſes thereto belonging, be it further enacted by the Authority aforeſaid, That they the ſaid *Edmund* Lord Biſhop of *Ely*, and *Owen Salusbury Brereton*, and *Thomas Hunt*, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, ſhall and do pay, apply, and diſpoſe of, the ſaid ſeveral Sums of Six thouſand Five hundred Pounds, and three thouſand Pounds, and each of them, and every Part thereof, when and as the ſame ſhall be reſpectively received, and as ſoon thereafter as conveniently may be, in ſuch Manner, and for ſuch Ends, Intents, and Purpoſes, as are herein-after mentioned; that is to ſay, In the firſt Place, in and for the paying and defraying the Charges and Expences attending the obtaining and paſſing of this Act, and in making Eſtimates and Charges to Workmen and other Expences incurred in ſettling the Dilapidations on the ſaid Houſe in *Holbourn*, and the Premiſes thereto belonging, and in ſurveying and valuing the ſame, and in and about executing and completing the ſaid Sale and Alienation thereof to his Majeſty, and in the contracting for, and purchaſing the ſaid Piece of Ground, with the Houſe thereon erected, in *Dover Street* aforeſaid, late the Eſtate of the ſaid *William* Lord Viſcount *Chetwynd*, and all Matters relating thereto reſpectively; and after Payment of the ſeveral Charges and Expences aforeſaid, as to the Sum of Five thouſand ſix hundred Pounds, Part of the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, in Payment and Satisfaction of the ſaid Conſideration or like Sum of Five thouſand ſix hundred Pounds, to the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, as and for the Price or Purchaſe-money for the ſaid Piece of Ground, with the Houſe thereon erected, in *Dover*

Street; and as to the Reſidue of the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and three thouſand Pounds, which ſhall remain unapplied for the ſeveral Purpoſes aforeſaid, in the erecting and building, and fitting up for Habitation a ſuitable and commodious Manſion-houſe, with all proper Out-buildings and Offices to be thereunto appertaining, in and upon the ſaid Piece of Ground, and Scite of the ſaid Houſe now ſtanding thereon in *Dover Street*, for the future Reſidence of the ſaid Lord Biſhop of *Ely*, and his Succeſſors, the Biſhops of the ſaid See for the Time being, and in furniſhing and providing all proper Fixtures thereto, (ſuch Fixtures to be ſcheduled, and to accompany and go along with the ſaid Houſe and Buildings as and in the Nature of Heir Looms, and the Schedule thereof to be inrolled in the High Court of Chancery, within Six Months after the ſaid Houſe ſhall be finiſhed and rendered fit for Habitation), according to ſuch Plan and Deſign, and under ſuch Proviſions, Regulations, and Agreements, as ſhall be for that Purpoſe approved by the Moſt Reverend the Archbiſhop of *Canterbury*, the Right Honourable the Lord High Chancellor of *Great Britain*, and the Right Honourable the Speaker of the Houſe of Commons for the Time being, by Writing, ſignifying ſuch Approbation, to be by them ſeverally ſigned, and to be inrolled as aforeſaid; and from and after ſuch Houſe, Offices, and Out-buildings, ſhall be ſo erected and rendered fit for Habitation, and ſuch Fixtures added thereto as aforeſaid, that then the Surplus (if any) which ſhall remain of the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, and of the Money to ariſe by the Sale of the Materials of the ſaid ancient Houſe and Offices now ſtanding in *Dover Street*, as next herein-after mentioned, ſhall be, and remain to and for the ſeveral further Uſes, Intents, and Purpoſes, herein-after expreſſed and declared concerning the ſame.

Houſe and Offices in Dover Street, to be taken down and rebuilt.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid *Edmund* Lord Biſhop of *Ely*, and *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, to take down the ſaid Houſe and Offices, and every of them, now ſtanding and being upon the ſaid Piece of Ground in *Dover Street*, for the Purpoſe of rebuilding the ſame, according to ſuch Plan and Deſign as aforeſaid, and to ſell and diſpoſe of all and ſingular the Materials of ſuch Houſe and Offices, or ſo much thereof as ſhall not be otherwiſe worked up and employed in the rebuilding ſuch new Houſe and Offices to be thereon erected, to the beſt Advantage, and in ſuch Manner, as to them ſhall ſeem fitting, ſo as that the Money to ariſe by the Sale and Diſpoſal of ſuch Materials, and every of them, be duly brought to account, and applied for the Purpoſe of ſuch Rebuilding, and for ſuch other the like Intent and Purpoſes, as are herein directed touching the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, and each of them.

In caſe the ſeveral Sums mentioned, ſhall be inſufficient,

X. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe it ſhall ſo happen that the ſaid ſeveral Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, to be ſo paid to the ſaid *Edmund* Lord Biſhop of *Ely*, and *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, and ſuch Money, (if any), which ſhall be produced by the Sale of ſuch Materials as aforeſaid, ſhall be found inſufficient for the Purchaſe of the ſaid Piece of Ground in *Dover Street*, and alſo for the erecting and building thereon, and fitting up for Habitation, with the proper Fixtures thereto, of ſuch commodious ſuitable Manſion-houſe, Offices, and Stables for the future Reſidence of the ſaid Lord Biſhop of *Ely*, and his Succeſſors, the Biſhops of the ſaid See, according to ſuch Plan and Deſign, and under ſuch Proviſions and Regulations as are herein-before directed touching the ſame; or if any Opportunity ſhall hereafter offer for the purchaſing and buying in of the ſaid yearly reſerved Rent of Eighteen Pounds ſo iſſuing out of the ſaid Houſe and Premiſes in *Dover Street*, at a fair and reaſonable Price, that then it ſhall and may be lawful to and for the ſaid *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the Survivor, of them, and the Heirs and Aſſigns of ſuch Survivor, with the Conſent in Writing of the ſaid Lord Biſhop of *Ely*, or his Succeſſors, the Biſhops of the ſaid See for the Time being, to apply for and receive from the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, who, or any Three of them, are hereby authoriſed and required to iſſue their Warrant for the Payment of the ſame accordingly, all ſuch further Sum and Sums of Money to be raiſed and taken in lieu and by way of Redemption of the ſaid Annuity or yearly Sum of Two hundred Pounds, or any Part thereof, at the Rate of Thirty Years Purchaſe for the ſame, as ſhall be found wanting to complete ſuch Purchaſe and Building, and other the Purpoſes aforeſaid, or for the purchaſing and buying of ſuch yearly reſerved Rent, at a reaſonable Price to be by them approved of, (ſo as that ſuch yearly Rent be for ever thereafter diſcharged and extinguiſhed), and to apply and diſpoſe of the ſame accordingly, and the Receipt or Receipts of the ſaid *Owen Saluſbury Brereton*, and *Thomas Hunt*, and the Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, and of the Biſhop of *Ely* for the Time being, ſhall be a full Diſcharge to the ſaid Lords Commiſſioners of the Treaſury, or ſuch other Perſon or Perſons who ſhall pay the ſame, for whatever Sum or Sums of Money ſhall be ſo paid in Redemption of the ſaid Annuity or yearly Sum, or any Part thereof; and the ſaid Annuity or yearly Sum of Two hundred Pounds from and after ſuch Payment, or ſo much thereof as ſhall be ſo redeemed as aforeſaid, ſhall be, and remain from thenceforth extinguiſhed, and for ever diſcharged; any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

On Application to the Treaſury, further Sums to be iſſued.

Such Part of the Annuity or yearly Sum, as ſhall not be redeemed, ſhall remain to the Biſhop of Ely.

XI. Provided moreover, and be it further enacted by the Authority aforeſaid, That all ſuch Part, Share, and Property, and ſo much of the ſaid Annuity or yearly Sum of Two hundred Pounds as ſhall not be ſo redeemed as aforeſaid, and the Whole of the ſame Annuity or yearly Sum of Two hundred Pounds, if no Part thereof ſhall be ſo redeemed, ſhall be, remain, and enure unto and to the Uſe of the ſaid Lord Biſhop of *Ely*, and his Succeſſors, the Biſhops of the ſaid See, as Part of the Revenues of the ſaid

ſaid See, in Truſt, nevertheleſs, and for the ſole End, Intent, and Purpoſe, and to be appropriated and ſet apart, from Time to Time, in the Firſt Place, to pay and diſcharge the ſaid yearly Rent of Eighteen Pounds, ſo payable to the ſaid Lord *Berkeley* of *Stratton*, his Heirs and Aſſigns, ſo long as the ſame ſhall continue payable, and the Reſidue thereof to be paid and applied in inſuring the ſaid Houſe and Offices to be ſo built as aforeſaid in the *Sun Fire Office*, or other proper publick Office, from Fire, to the full Value of the Money to be expended in building the ſame, and in keeping the ſame, from Time to Time, ſo inſured, (and which Inſurance the Lords Biſhops of the ſaid See are hereby required to make, from Time to Time, and at all Times hereafter), and afterwards in making ſuch Repairs, and other Works and Improvements in and about the ſaid Houſe, Offices, and Buildings, to be ſo erected and built as aforeſaid, from and after the ſame ſhall be ſo erected and built, as to the Biſhops of *Ely* for the Time being ſhall ſeem expedient and proper, and ſubject thereto, to defray and diſcharge from Time to Time, ſo far as the ſame will extend for that Purpoſe all Parliamentary and Parochial Aſſeſſments, Impoſitions, Taxes, and other Charges whatſoever to be impoſed or aſſeſſed upon the ſaid Houſe, Offices, and Buildings, or the Occupiers thereof, by Authority of Parliament, or otherwiſe, and the Surplus thereof, (if any), to and for the Uſe and Benefit of the ſaid Lord Biſhop of *Ely*, and his Succeſſors, as Part of the Revenues of the ſaid Biſhoprick, without any further Account to be rendered for the ſame.

Surplus of all Sums mentioned, to remain in the Hands of Meſſ. Brereton and Hunt.

XII. And be it further enacted, That in caſe there ſhall remain any Surplus of the before-mentioned Sums of Six thouſand five hundred Pounds, and Three thouſand Pounds, or either of them, or of the Money to ariſe by the Sale of ſuch Materials as aforeſaid, or any Part thereof reſpectively, unapplied for the Purpoſes before enacted and directed concerning the ſame, that then, and in ſuch Caſe, ſuch Surplus, and every Part thereof, ſhall remain and continue in the Hands of the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt*, and the Survivor of them, and of the Heirs and Aſſigns of ſuch Survivor, with Liberty to inveſt the ſame, from Time to Time, in Parliamentary Securities in Truſt, and to and for the Several Uſes, Intents, and Purpoſes, herein laſt enacted and declared touching the ſaid Annuity or yearly Sum of Two hundred Pounds, or ſo much thereof as ſhall not be redeemed as aforeſaid, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Houſe and Offices to be erected in Dover Street, to be called Ely Houſe.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Houſe, Offices, and Buildings, to be ſo erected and built in *Dover Street* aforeſaid, ſhall, from Time to Time, and at all Times thereafter, be called and diſtinguiſhed by the Name and Appellation of *Ely Houſe*, and ſhall be, and be deemed and taken as and for the Epiſcopal Houſe of the ſaid See of *Ely*, within the ſaid City of *Weſtminſter*, and ſhall be ſtyled and called *Ely Houſe* in all Deeds and Writings; and that from thenceforth all Rents reſerved in and by any Leaſe or other Writings heretofore granted or made by any other Biſhop of *Ely*, in Right of the ſaid See, which are made payable at the ſaid Manſion-houſe in *Holbourn*, ſhall be paid at the ſaid Houſe to be ſo erected and built, and herein-before directed to be called and ſtyled *Ely Houſe* as aforeſaid; and that it ſhall and may alſo from thenceforth be lawful to and for the Biſhop of *Ely* for the Time being to hear and determine all and all Manner of Appeals from all or any Colleges in the Univerſity of *Cambridge*, of which the ſaid Biſhop is Viſitor, or from any Member or Members thereof, at the before-mentioned Houſe to be ſo erected and built, and called and ſtyled *Ely Houſe* as aforeſaid, in the ſame Manner in which he may now hear the ſame at the ſaid Houſe in *Holbourn*, and in like Manner to cite all and ſingular the Parties concerned in ſuch Appeals to appear thereat, and there to do and perform all ſuch other Act, Matter, and Thing, relating to the viſitorial Power, in as full and ample a Manner as any Biſhops of *Ely* have heretofore been uſed to do and perform the ſame at the ſaid Houſe in *Holbourn*.

All Rents reſerved to be paid to the Biſhop at Ely, &c.

XIV. Provided always, and be it further enacted by the Authority aforeſaid, That in the mean Time, and until ſuch new Houſe, to be ſo erected and built as aforeſaid, ſhall be completed and become inhabited by the Biſhop of *Ely* for the Time being, the ſaid ſeveral Rents ſo reſerved and made payable as aforeſaid, ſhall, from and after the paſſing of this Act, be paid at the Manſion-houſe of the ſaid Biſhop of *Ely*, and his Succeſſors, ſituate at *Ely* in *Cambridgeſhire*, or to his or their Receiver-general in *London*, and the ſeveral viſitorial Powers aforeſaid; and all Matters and Things incident or relating thereto ſhall likewiſe, in the mean Time, be exerciſed, done, and performed, at the Dwelling-houſe of the Biſhop of *Ely* for the Time being, the ſame being within the Cities of *London* or *Weſtminſter*, or at any other Place within the ſaid Cities, or One of them, which ſuch Biſhop ſhall, from Time to Time, appoint.

Meſſ. Brereton and Hunt not to be accountable for Money received by virtue of the Truſts in them repoſed.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid *Owen Saluſbury Brereton* and *Thomas Hunt* ſhall not, nor ſhall either of them, or the Heirs, Executors, or Adminiſtrators, of either of them, be anſwerable or accountable for any Money to be received by virtue of the Truſts hereby in them repoſed, or any otherwiſe than each Perſon for ſuch Sum or Sums of Money as he ſhall reſpectively actually receive, and that no One of them ſhall be anſwerable or accountable for the Acts, Neglects, or Defaults of the others, or other of them; and alſo that the ſaid ſeveral Truſtees, their reſpective Heirs, Executors, and Adminiſtrators, ſhall and may, by and out of the Truſt-monies to be by them received as aforeſaid, retain to and reimburſe themſelves all Coſts, Charges, Damages, and Expences, which they ſhall be reſpectively put unto in and about the Execution of the Truſts hereby in them reſpectively repoſed.

All Right and Property of the Premiſes reſerved to His Majeſty, &c.

XVI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, (other than and except the ſaid *Edmund* Lord Biſhop of *Ely*, and his Succeſſors, the Lords Biſhops of *Ely* for the Time being, and all Perſons claiming, or to claim by, from, or under, or in Right of the Epiſcopal See of *Ely*; and other than and except the ſaid *Lucy Chetwynd* and *Eſther Chetwynd*, and all and

every Persons or Person claiming, or to claim by, from, or under them, any or either of them, or by, from, or under the said *William*, late Lord Viscount *Chetwynd*, deceased), all such Estate, Right, Title, Interest, Benefit, Property, Possession, Claim, and Demand whatsoever, either at Law or in Equity, of, in, to, or out of the said several Houses and Buildings thereto respectively belonging, and other the Premises herein-before respectively mentioned, or any Part thereof, as they, every, or any of them, had before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Publick Acts

XVII. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. XLIV.

An Act to enable His Majesty to grant the Reversion or Remainder in Fee-simple, now vested in His Majesty, of and in an Annual or Fee-farm Rent of One hundred and thirteen Pounds, One of the several Fee-farm Rents granted to the Right Honourable *Edward*, heretofore Earl of *Sandwich*, by His late Majesty King *Charles* the Second, unto the Honourable *James Archibald Stuart*, and his Heirs, upon a full and adequate Consideration to be given by him, or his Heirs, for the same.

CAP. XLV.

An Act for the Regulation of Carters, Carriages, and loaded Horses; and for removing Obstructions and Nuisances upon the Streets and Highways within that Part of *Great Britain* called *Scotland*.

Preamble.

'WHEREAS many Accidents happen, and great Mischief is frequently done upon the Streets and Highways within that Part of *Great Britain* called *Scotland*, by the Negligence or wilful Misbehaviour of Persons driving Carriages: And whereas the Law, as it now stands, is insufficient for correcting these Abuses, or punishing the Persons guilty of them; may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September*, One thousand seven hundred and seventy-two, no Person or Persons whatsoever shall drive any Cart, Car, with or without Ledges, or any Waggon, Sledge, or Dray, of any Kind, whatsoever, upon the High Roads or Streets within that Part of *Great Britain* called *Scotland*, unless the Master or Owner of such Cart, Car, with or without Ledges, or such Waggon, Sledge, or Dray, shall place upon some conspicuous Part of such Cart, Car, with or without Ledges, Waggon, Sledge, or Dray, the Name or Names of the real Owner or Owners of any such Carriage, and the Place of Residence of the real Owner or Owners of any such Carriage, or of the House or Farm where the Owner or Owners generally employ such Carriage, in different Colours from the Body of such Carriage; and also the Numbers (beginning Number One and so upwards) where more Carts, Cars, or other Carriages than One belong to the same Person, in order that the Driver may the more easily be convicted of any Disorder or Misbehaviour committed by him or her.

After Sept. 1, 1772, no Person shall drive any Cart, Car, or Waggon, without the Name of the Owner, and his Place of Residence, to be placed on a conspicuous Part of such Cart; and also the Number of such Carriage.

II. And be it also enacted by the Authority aforesaid, That if any Person shall drive any of the before-mentioned Carriages upon any of the said High Roads or Streets, not having the Name or Names of the Owner or Owners, and the Place of their Residence, or of the House or Farm where the Owner or Owners generally employ such Carriage, and where more Carriages than One belong to the same Person, the Number placed upon some conspicuous Part of the same; every such Person, offending in any of the Cases aforesaid, or the Owner or Owners of such Carriage respectively, shall forfeit a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling, for each Offence committed by him, her, or them.

Offenders driving Carts, &c. without such Names and Numbers, to forfeit not exceeding 20 s. nor less than 5 s. for every Offence.

III. And be it also enacted by the Authority aforesaid, That every Time the Property of any of the above Carriages shall be altered, the succeeding Owner or Owners thereof shall, from Time to Time, within Fourteen Days next after he, she, or they shall become Owner or Owners thereof and shall have used the same, cause the Name or Names and Residence of the former Owner or Owners, and Number thereof to be taken off from every such Carriage before-mentioned, and the Name or Names and Place of Residence of the succeeding and real Owner or Owners, and Number thereof, where more Carriages than One belong to the same Person, to be placed in Manner aforesaid, upon some conspicuous Part of such Carriage or Carriages; and every person or Persons who shall omit to do the same shall forfeit a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling, for each Offence.

Names of Carriages to be altered with the Property, by succeeding Owners, within 14 Days after they become Owners; on Penalty of 20 s. and not less than 5 s. for every Offence.

IV. And be it enacted by the Authority aforesaid, That if any Person or Persons shall place a false Name or Place of Residence upon any such Carriage belonging to him, her, or them, the Person or Persons so offending shall forfeit, for every such Offence, a Sum not exceeding Forty Shillings Sterling.

Persons placing false Names on Carriages to forfeit 40 s.

After Sept. 1, 1772, every Chaiſe Driver found ſitting in his Chaiſe, without another Perſon on One of the Horſes; or any Carter, &c. riding on his Carriage without a proper Perſon on Foot to guide it; within 6 Miles of Edinburgh, 4 of Glaſgow, or 2 of any other City, &c. or if any Driver ſhall negligently occaſion any Hurt or Damage, or prevent the Paſſage of any other Carriage; or ſhall not diſmount when required by any Perſon apprehending Danger;

'V. And, in order that the Inconveniencies ariſing from the Negligence of Chaiſe Drivers, Carters, 'Draymen, Sledgmen, Carmen, and Waggoners, and Drivers of any other Carriage whatſoever, may 'be the more eaſily prevented;' be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *September*, One thouſand ſeven hundred and ſeventy-two, if any Chaiſe Driver within that Part of *Great Britain* called *Scotland* ſhall be found ſitting in his Chaiſe without another Perſon on One of the Horſes driving the ſame; or if any Carter, Drayman, Carman, Sledgman, or Waggoner, or the Driver of any other Carriage whatſoever, (Coaches, Chaiſes, Phaetons, Curricles, Chairs, and ſuch other Carriages, which are uſually driven by a Perſon ſitting within or upon the Carriage, and ſuch Carriages as are reſpectively drawn by One Horſe only, or by two Horſes abreaſt, and are conducted by ſome Perſon holding the Reins of ſuch Horſe or Horſes excepted), ſhall ride upon any ſuch Carriage, (not having ſome other Perſon on Foot or on Horſeback to guide the ſame), on any Street of any City or Town, or on any Highway within ſix Miles of the City of *Edinburgh*, or four Miles of the City of *Glaſgow*, or two Miles of any other City, Burgh, Market Town, or Burgh of Regality, or Barony; or if the Driver of any Carriage whatſoever on any Part of any Street or Highway ſhall, by Negligence, or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage, paſſing or being upon ſuch Street or Highway, or ſhall, by Negligence, or wilful Miſbehaviour, prevent, hinder, or interrupt the free Paſſage of any other Carriage, or of His Majeſty's Subjects on the ſaid Highways; or if the Driver of any Cart, Car, Dray, or Waggon, on any Highway whatſoever, when riding on his Carriage, ſhall not diſmount (ſo as the better to guide his Horſe or Horſes and Carriage) when required by any Perſon apprehending Danger from ſuch Carriage; every ſuch Driver offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings Sterling, in caſe ſuch Driver ſhall not be the Owner of ſuch Carriage; and in caſe the Offender be Owner of ſuch Carriage, then any Sum not exceeding Twenty Shillings Sterling.

Offenders in any of the ſaid Caſes, ſhall forfeit 10 s. if not the Owners; and if the Owner, 20 s. for each Offence.

No Drivers of Carts, &c. to drive alongſide of other Carriages, ſo as to obſtruct the free Paſſage, but ſhall follow one after another, and have Bridles or Halters upon every Horſe, which the Driver ſhall have in his Hand, &c. on Penalty of 20 s. nor leſs than 5 s.

'VI. And whereas ſeveral Inconveniencies do ariſe, and many Accidents have happened by Carts, 'Cars, and other Carriages above mentioned, being drawn abreaſt or alongſide another, ſo as the 'Paſſage of the Streets and Highways in that Part of *Great Britain* called *Scotland* is entirely obſtructed, 'and alſo by the Drivers of ſuch Carriages not having Bridles or Halters upon their Horſes;' be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *September*, One thouſand ſeven hundred and ſeventy-two, no Driver or Drivers of Carts, Cars, or other Carriages abovementioned, ſhall drive their Carriage or Carriages abreaſt or alongſide of any other Carriage or Carriages, ſo as wilfully to obſtruct the free Paſſage of ſuch Streets and Highways reſpectively, but ſhall follow one after another upon the ſame, and ſhall have Bridles or Halters upon every Horſe in any of the above Carriages, which Bridles or Halters upon the foremoſt Horſe, ſhall (in all Carriages not drawn by more than Two Horſes) be tied with a Rope, or ſome other Thing of ſufficient Strength, to the Halter or Bridle of the Horſe behind; and which Rope or Bridle the Driver of every ſuch Carriage ſhall have in his or her Hand; and every Perſon ſo offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, nor leſs than Five Shillings Sterling, for every ſuch Offence.

No Drivers to drive their Horſes, &c. abreaſt, ſo as to obſtruct the free Paſſage, but ſhall drive them in a Line, one after another, with a Bridle affixed to the Head of each Horſe, &c. nor ſhall the Drivers of Carts, &c. leave ſuch upon any Street, &c unyoked, except when loading and unloading, nor ſhall any Perſon leave any Stones, &c. upon Streets, &c. on Penalty of 20 s. nor leſs than 5 s.

'VII. And whereas the free Paſſage of His Majeſty's Subjects is often obſtructed, and their 'Perſons put in Danger, from the preſent irregular and diſorderly Method of driving Horſes with 'or without Loads, and by leading Carts, Waggons, Sledges, Coaches, Chaiſes, and other Car'riages, after the Horſes have been unyoked and taken from the ſame; and alſo Stone, Lime, 'Timber, Rubbiſh, and the Bodies of dead Horſes, and other Animals, and other Articles which do 'obſtruct ſuch free Paſſage as aforeſaid, upon the Streets and Highways, within that Part of *Great* '*Britain* called *Scotland*;' be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *September*, One thouſand ſeven hundred and ſeventy-two, no Drivers of Horſes or other Beaſts of Burthen with or without Loads, ſhall drive their Horſes or other Beaſts of Burthen abreaſt, ſo as wilfully to obſtruct the free Paſſage of His Majeſty's Subjects, or to put their Perſons in Danger, but ſhall, as much as may be, drive them in a Line one after another in a regular Manner, having a Bridle or Halter affixed to the Head of each Horſe or Beaſt of Burthen; and that the Driver or Owner of any Cart, Waggon, Sledge, Coach, Chaiſe, or other Carriage, ſhall not be permitted to leave the ſame upon any Street or Highway within that Part of *Great Britain* called *Scotland*, after the Horſe or Horſes have been unyoked and taken from ſuch Cart, Waggon, Sledge, or other Carriage reſpectively, except only with reſpect to ſuch Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading; nor ſhall it be allowable to any Perſon or Perſons to leave Stones, Lime, Timber, Rubbiſh, the Bodies of dead Horſes, or of other Animals, or other Nuiſances, upon the Streets and Highways aforeſaid, ſo as to obſtruct the free Paſſage of the ſame; and that every Perſon offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling, and not leſs than Five Shillings Sterling, for each Offence.

Drivers of loaded Horſes, &c. and Drivers of Cars, Coaches, and Carriages, ſhall, on meeting

'VIII. And whereas many Diſputes frequently happen between the Drivers of loaded Horſes and 'other Beaſts of Burthen, and the Drivers of Carts, and ſuch other Carriages, and between the Drivers 'of Coaches, Chariots, Chaiſes, and ſuch like Carriages, travelling upon any Street or Highway with'in

other Horſes or Carriages, drive to the left Hand or near Side.

'in the Limits aforesaid, about giving the Way to, or making Way for one another;' be it enacted by the Authority aforesaid, That the Driver of every such loaded Horse, Horses, or other Beasts of Burthen, and the Driver of every Cart, Car, or such like Carriage, and every Coach, Chariot, Chaise, and such like Carriage, shall be obliged, upon meeting another loaded Horse, or other Beast of Burthen, or another Carriage, of whatever Kind, to make Way, by holding or driving to his own Left Hand, or what is commonly called *Holding to the near Side*, and that without distinction, whether the Carriages so meeting one another are loaded or unloaded; and that every Person offending in the Premises shall forfeit a Sum not exceeding Twenty Shillings Sterling, and not less than Five Shillings Sterling, for every such Offence.

Penalty not exceeding 20 s. nor less than 5 s.

IX. And be it further enacted by the Authority aforesaid, That Prosecutions against Offenders, in respect of the several Acts and Neglects which are made punishable by this Act, may be brought summarily before the Sheriff-depute or Substitute, or any Justice of the Peace of the County within which the Offence shall be committed, or before any of the Magistrates of Cities or Boroughs where the Offences have been committed within their Jurisdiction, or before any other Judge competent; and that Judgment shall proceed and be given against the Offender or Offenders, either upon his or their own Confession, or upon the Oath or Oaths of One or more credible Witnesses.

Prosecutions against Offenders to be brought before the Sheriff-depute, or Substitute, &c. of the County or Place where the Offence is committed; and Judgment to proceed on Confession, or by credible Witnesses.

X. And be it further enacted by the Authority aforesaid, That in all and every of the Neglects and Offences punishable by this present Act, it shall be lawful for any Person or Persons aggrieved, and intending to sue for the Recovery of the Penalties authorised by this Act, upon the Authority of the same, and without any other Warrant, to apprehend the Offender or Offenders, and either to carry him, her, or them, or cause him, her, or them to be carried, by the Assistance of any Peace-officer or other Person or Persons, before any Justice of the Peace, or other Judge competent, within the Bounds where the Offences shall be committed; which Judge is hereby impowered and required, upon Conviction of the Offender or Offenders, by his or their own Confession, or the Oath or Oaths of One or more credible Witnesses, to deal with him, her, or them, in manner as herein before directed; and any Person or Persons, who shall see any of the Offences before recited committed, shall and may, by the Authority of this Act, without any other Warrant, seize and detain the Horses, Carts, Cars, Sledges, Waggons, Drays, Coaches, Chariots, Landaus, and other such like Machines and Carriages, and the Horses belonging to the several Offenders, till such Time as Sentence shall be pronounced by the competent Judge concerning the Offence; and in case the Penalties adjudged by him in consequence of this Act shall not be paid, or Security found for the same, within Twenty-four Hours after Conviction and Sentence, then the Judge, before whom the Offender shall be convicted, is hereby authorised and required to issue his Warrant, directed to a Constable or other Peace-officer within his Jurisdiction, to cause Sale to be made of the Subject or Subjects detained, in case the same happens to be the Property of the Offender or Offenders, for raising the Money forfeited by him or them, rendering to such Offender or Offenders the Overplus, after deducting the Charges of Sale, and the Expence of keeping the Subject detained, both which shall be determined by the Judge before whom the Offender or Offenders are convicted; and in case the Subject or Subjects aforesaid do not happen to be the Property of such Offender or Offenders, that then the same shall be returned to the lawful Owner or Owners thereof, and it shall be lawful for the Judge aforesaid, and he is hereby required, in case the Fine shall not be instantly paid upon Conviction, or satisfactory Security given for the same, to commit the Offender or Offenders to Gaol, there to remain until such Time as the Fine shall be paid, or satisfactory Security found for the same, or until the Expiration of Two Months after such Commitment.

Offenders to be apprehended for Offences committed by Authority of the Act, and carried before any justice or Judge competent.

Persons who shall see Offences committed may by Authority hereof, detain Horses, Carts, &c. till Sentence is pronounced; and in case the Penalties adjudged shall not be paid, the Judge to cause Sale to be made of the Subjects detained.

Offenders may be committed, till satisfactory Security be found.

XI. And be it further enacted by the Authority aforesaid, That if any Person or Persons, charged with being guilty of any of the Offences made punishable by this Act, shall, upon the Seizure of, or an Attempt to seize, under the Authority of this Act, his or their Persons or Property, or the Property of others, under their Care as aforesaid, resist, abuse, or maltreat any Person or Persons whatsoever; or if any Person shall aid or assist him, her, or them, in so doing, he, she, or they shall respectively forfeit the Sum of Twenty Shillings Sterling for every such last-mentioned Offence; the Offence to be proved, and Judgment to proceed thereupon, in the same Way and Manner as herein-before provided for in the Case of the other before-mentioned Offences against this Act.

Offenders punishable by the Act for maltreating any Person whatever, to forfeit 20 s. for every Offence.

XII. And be it also enacted by the Authority aforesaid, That if any Person or Persons, who shall be apprehended for having committed any Offence against this Act, shall refuse to discover his or her Name and Place of Abode to any Judge competent before whom he or she shall be brought, such Person or Persons, so refusing, shall be committed by the Judge to any Gaol of the County, there to remain until such Time as he, she, or they, shall discover his, her, or their Name or Names, and Place or Places of Abode.

Persons apprehended for Offences, refusing to discover their Names to the Judge, to be committed.

XIII. And be it likewise enacted by the Authority aforesaid, That the Fines and Forfeitures arising from the Offences made punishable by this Act shall be applied, the One Half to the Informer or Prosecutor, and the other Half to the Collector of the Land-tax of the County within which the Offence shall have been committed, and by him to be accounted for as Part of the Funds established by Law for the Detection and Punishment of Vagrants within that Part of *Great Britain* called *Scotland*.

Forfeitures arising by the Act to be applied One Half to the Informer, and the other to the Collector of the Land-tax.

No Profecution to lie, unleſs brought within Three Months after the Offence was committed.

XIV. Provided always, That no Proſecution under this preſent Act ſhall lie againſt any Perſon or Perſons whatſoever, unleſs the ſame ſhall be brought within Three Months of the Time at which the Offences charged was or were actually committed: And that in all Caſes an Appeal ſhall lie againſt every Sentence or Judgment of One or more Juſtices of the Peace, made under and by virtue of the Powers given by this Act, to the next Quarter-ſeſſions of the Peace for the County within which the Offence was committed, whoſe Determination ſhall be final; and that the ſaid Appeal ſhall be competent to every Perſon and Perſons having an Intereſt, and apprehending him, her, or themſelves to be aggrieved by ſuch Sentence and Judgment.

Determination of the Quarter-ſeſſions to be final.

Nothing herein to leſſen the Juriſdiction of the Royal Boroughs.

XV. Declaring always, That nothing herein contained ſhall extend, or be conſtrued to extend, to limit, leſſen, or take away, any of the Juriſdictions, Powers, and Authorities, Rights, Privileges, and Immunities, of any of the Cities and Royal Boroughs within that Part of the United Kingdom called *Scotland*, or of the Magiſtrates and Town Council of the ſame, as contained in Acts of Parliament, or Charters and other Grants from His Majeſty and His Royal Predeceſſors; nor ſhall this preſent Act be any Way derogatory to, or in any reſpect whatſoever be underſtood to encroach, repeal, or take away the ſaid Juriſdictions, Rights, or Immunities; any Thing herein contained to the Contrary notwithſtanding.

CAP. XLVI.

An Act for the more effectual preventing of Frauds in the Revenues of Exciſe with reſpect to Tea, Soap, Low Wines, and Spirits.

Preamble. Act 10 Geo. I.

'WHEREAS by an Act of Parliament, made and paſſed in the Tenth Year of the Reign of His late Majeſty King George the Firſt, intitled, *An Act for repealing certain Duties therein mentioned, payable upon Coffee, Tea, Cocoa Nuts, Chocolate, and Cocoa Paſte, imported, and for granting certain Inland Duties in lieu thereof; and for prohibiting the Importation of Chocolate ready made, and Cocoa Paſte; and for better aſcertaining the Duties payable upon Coffee, Tea, and Cocoa Nuts, imported; and for granting Relief to* Robert Dalzell *late Earl of* Carnwath;' it was enacted, That no Tea exceeding the Quantity of Six Pounds Weight ſhould be removed or carried from any Part of this Kingdom by Land or Water, without ſuch Permit, or Certificate, as is therein expreſſed and required: And by the ſaid Act it was further enacted, That every Seller of and Dealer in Tea ſhould, each Night, enter into a Book, kept for that Purpoſe, an Account of the Groſs Quantity of Tea, which he ſhould retail or conſume in each Day in ſmall Quantities, under the Weight of Six Pounds, and in one other Book ſhould enter, every Night, every Parcel of Tea above the Weight of Six Pounds which he ſhould ſell in each Day: And whereas by the ſaid recited Act, no Proviſion is made for diſtinguiſhing in ſuch Permits or Certificates, or in ſuch Entries, the Quality or Colour of the Tea ſo permitted or certificated, or ſo entered, in the ſaid Books, whereby great Frauds and Abuſes have been committed, contrary to the true Intent and Meaning of the ſeveral Acts of Parliament relative to the Duties on Tea, and to the manifeſt Prejudice of the fair Trader in the ſaid Commodity; for Remedy whereof, and for the greater and more effectual Diſcouragement of the illegal and pernicious Practice of unlawfully importing and clandeſtinely Running of Tea,' be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, all Dealers in and Sellers of Tea, who ſhall then have, or from thenceforth receive into their Cuſtody any Bohea, Congo, Souchong, or Pekoe Tea, ſhall, and are hereby obliged and directed, from Time to Time, to mark each and every Caniſter, Bag, Jar, Tub, Box, Caſk, or other Package, in which they ſhall keep any Bohea, Congo, Souchong, or other Pekoe Tea, with the Word *Black*, and alſo to mark each and every Caniſter, Bag, Jar, Tub, Box, Caſk, or other Package, in which they ſhall keep any other Kind of Tea, not being Bohea, Congo, Souchong, or Pekoe Tea, with the Word *Green*, the ſaid Words *Black* and *Green* to be reſpectively marked on the moſt conſpicuous Part of ſuch Caniſter, Bag, Jar, Tub, Box, Caſk, and other Package.

After June 24, 1772, all Dealers in Tea ſhall mark each Caniſter, &c. with the Words Black or Green, according to the Contents of ſuch Caniſter, &c.

Black Tea, and Green Tea, how to be diſtinguiſhed.

'II. And, for avoiding all Doubts and Controverſies concerning the Two Kinds of Teas in this Act mentioned, and diſtinguiſhed by the Names of *Black Tea* and *Green Tea*,' it is hereby declared and enacted by the Authority aforeſaid, That by the Term or Name *Black Tea*, is meant all ſuch Teas as are uſually called or known by the Name of Bohea, Congo, Souchong, or Pekoe Tea; and that by the Term or Name *Green Tea*, is meant all Teas not being ſuch Bohea, Congo, Souchong, or Pekoe Tea.

Officers of Exciſe finding an Increaſe of Teas in the Cuſtody of Dealers, to ſeize ſuch Increaſe, unleſs the Owner produce a Certificate of the Payment of Duties.

III. And be it further enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, the Officer and Officers of Exciſe who ſhall, from Time to Time, ſurvey and take the Stock of Tea at the Warehouſes, Storehouſes, Rooms, Shops, Cellars, Vaults, and other Places made uſe of for keeping Tea by Dealers in and Sellers of Tea, ſhall keep a ſeparate and diſtinct Account of the Black Tea, and of the Green Tea, which ſhall at any Time be in their or any of their Cuſtody; and if ſuch Officer of Exciſe ſhall find any Increaſe either of Green Tea or of Black Tea in the Cuſtody of any ſuch Dealer or Seller, over and above the Quantity of each reſpective Sort which ſuch Officer found in ſuch Dealer or Seller's Cuſtody at the Time of ſuch Officer's laſt preceding Survey upon ſuch Dealer or Seller, ſuch Increaſe ſhall be deemed

and

and taken to be made by Tea for which no Duties were paid, and which had been privately brought in by such Dealer or Seller without Permit or Certificate, and so much of the Green Tea or Black Tea respectively as shall be found so increased shall be forfeited and lost, and shall and may be seized and carried away by such Officer of Excise who shall so find the same, unless the Owner thereof shall make it appear that the said Increase was made by such Green Tea or Black Tea respectively brought in with an authentick Permit or Certificate of the Payment of the Duties thereof.

Sellers of Tea in small Quantities, under 6 lb. Weight to keep distinct Accounts of what Quantity they retail of each Sort.

IV. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, all Dealers in and Sellers of Tea who shall sell or consume the same in small Quantities, under the Weight of Six Pounds, shall and are hereby obliged and directed to keep separate and distinct Accounts of all the Black Tea, and of all the Green Tea, which they or any of them shall so respectively sell or consume in small Quantities in each Day, and shall, every Night, enter into a Book, to be kept for that Purpose, an Account of the gross Quantities of the Black Tea, and also of the Green Tea, which have been by him, her, or them respectively so retailed or consumed in that Day in small Qantities under the said Weight of Six Pounds; and the said Dealers in and Sellers of Tea shall also keep One other Book, wherein they shall make separate and distinct Entries of all the Black Tea, and all the Green Tea, above the Weight of Six Pounds, which they shall respectively sell in each Day; which said Books shall be provided, and the Entries so to be made in the said Books, shall be under the same Directions, Rules, Regulations, Penalties, and Forfeitures, as are provided and enacted by the said above-recited Act of the Tenth of His late Majesty King *George* the First.

Such Entries to be under the Directions provided be Act 10 Geo. I.

No Tea, exceeding 6 lb. Weight, to be removed out of the Kingdom without a Permit; expressing the Quantity and Quality of such Tea, &c upon Pain of Forfeiture of such Tea.

V. And be it enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, no Tea, exceeding the Quantity of Six Pounds Weight, shall be removed or carried from any Part of this Kingdom by Land or by Water without a Permit or Certificate, signed by One or more of the Officers for the Inland Duties on Tea, signifying and certifying the Names and Places of Abode of the Buyer and Seller, and expressing the Quantity and Quality of the Tea; that is to say, if the Tea so to be removed or carried is Bohea, Congo, Souchong, or Pekoe Tea, then to express in the Permit or Certificate that the same is *Black* Tea; and if the Tea so to be removed and carried is neither Bohea, Congo, Souchong, or Pekoe Tea, then to express in the Permit or Certificate that the same is *Green* Tea, and also certifying that the Inland Duties chargeable upon Tea have been duly paid and satisfied, upon Pain of forfeiting the Tea which is so found removing or carrying from one Place to another without such Permit or Certificate, expressing the Quality as aforesaid, together with the Package in which the same shall be contained, which Permit or Certificate shall be left with the Officer of the Division to which the same shall be carried, to prevent the Seizure thereof, in which Permit or Certificate the Officer who grants the same shall express and limit the Time for which the same shall continue in Force.

No Tea to be sold by Wholesale or Retail, but out of the Warehouses and Shops approved of by Act 10 Geo. I.

'VI. And whereas by the said recited Act it is enacted, That no Tea should be sold, uttered, or 'exposed to Sale, but when the same should be in some Warehouse or Place entered for keeping the 'same, upon Pain of forfeiting all such Tea so sold, uttered, or exposed to Sale, and Treble the Va- 'lue thereof, together with the Package containing the same: And whereas the Penalty by the said 'Act provided has by Experience been found ineffectual, and ill-disposed Persons have thereby been 'induced to carry Tea which hath been clandestinely imported into this Kingdom, from House to 'House, in small Parcels, in Diminution of the Revenue, and to the great Discouragement of the fair 'Dealer in Tea; For Remedy whereof,' be it further enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, if any Tea shall be sold, uttered, or exposed to Sale, either by Wholesale or Retail, but when the same shall be in some or One of the Warehouses, Storehouses, Rooms, Shops, Cellars, Vaults, or other Places, entered and approved as by the said Act is directed, the Person or Persons so uttering, selling, or exposing to Sale such Tea, in any other Place or Places than those entered and approved as aforesaid, shall, for every such Offence, forfeit and lose the Sum of Ten Pounds, together with all the Tea which shall be so sold, uttered, or exposed to Sale.

Clause in Act 5 Geo. III.

'VII. And whereas by a Clause in an Act of Parliament, passed in the Fifth Year of the Reign of 'His present Majesty, intituled, *An Act for the better securing and further improving of the Revenues of 'Customs, Excise, Inland and Salt Duties*, it was enacted, That Makers of Hard Soap should provide 'Covers to their Coppers, Pans, and Utensils, wherewith they should boil or make Hard Soap; 'which Coppers, Pans, and Utensils, and also the Pipe or Pipes that conveyed the Waste or Salt 'Lees from such Copper, Pan, or Utensil, the Officers of Excise were to lock and seal down in Man- 'ner as in and by the said Act was particularly required and directed; and by the said Clause in the 'said Act it was enacted, That if by any Art, Device, or Contrivance whatsoever, any such Maker 'of Hard Soap should open any Copper, Pan, or Utensil, or any Pipe or Pipes, after the same should 'have been locked down and secured, and before the same had been unlocked and opened by the Of- 'ficer of Excise, or should wilfully break or damage any such Lock, Seal, or Fastning, that every 'such Maker of Hard Soap so offending should, for every such Offence, forfeit and lose the Sum of 'Twenty Pounds: And whereas the said Penalty of Twenty Pounds by the said Act provided hath, 'by Experience, been found ineffectual, and not sufficient to pevent and restrain Makers of Hard 'Soap from opening their Coppers, Pans, Utensils, and Pipes, in regard the Duties of One Boiling 'of Soap, may, and often do, amount to much more than the Sum of Twenty Pounds, whereby ill- 'disposed Persons have been encouraged and induced to open their Coppers, Pans, Utensils, and Pipes, 'to the great Diminution of the Revenue arising by the Duties laid upon Soap, and to the Prejudice of

'the fair Traders, who duly pay the full Duties for all Soap by them made: For Remedy whereof,' be it further enacted by the Authority aforesaid, That if at any Time after the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, any Maker of Hard Soap shall, by any Art, Device, or Contrivance whatsoever, open, or cause to be opened, any Copper, Pan, or Utensil, or any Pipe or Pipes, that convey the Waste or Salt Lees from such Copper, Pan, or Utensil, after the same shall have been securely locked and sealed down by the Officer of Excise, and before the same shall have been unlocked and opened by the Officer of Excise, or shall wilfully break or damage any such Lock or Seal, or other Fastning, every such Maker or Makers of Hard Soap, so offending in any of the said Cases, shall, for every such Offence, forfeit and lose the Sum of One hundred Pounds.

Makers of Hard Soap opening any Copper, &c. after being sealed by the Officer of Excise; or wilfully damaging any such Seal, shall forfeit 100l.

Act 33 Geo. II.

'VIII. And whereas by an Act of Parliament, passed in the Thirty-third Year of the Reign of His late 'Majesty King *George* the Second, intituled, *An Act for preventing the excessive Use of spirituous Liquors, 'by laying additional Duties thereon; for shortening the Prohibition of making Low Wines and Spirits 'from Wheat, Barley, Malt, or other Grain, and from Meal, Flour, and Bran; for encouraging the Ex-'portation of* British-*made Spirits; and for more effectually securing the Duties payable upon Spirits, and 'preventing the fraudulent Relanding or Importation thereof*,' it was enacted and declared, That Persons making or keeping any Wash, Cyder, or other Materials fit for Distillation, and having in their Possession or Occupation any Still or Stills, containing separately or together Ten Gallons or upwards, should be deemed and taken to be Common Distillers for Sale, and should be liable to the Rates and Duties of Excise, and be subject to the Surveyor of the Officer of Excise, and to the several Penalties and Forfeitures imposed by any Act of Parliament then in Force, in anywise relating to Distillers.

'IX. And whereas Doubts have arisen whether by the Word *Still*, in the said Clause mentioned, the 'Body of the Still, exclusive of the Head of such Still, is not to be understood; now to obviate all such 'Doubts,' be it declared and enacted by the Authority aforesaid, That every Still, the cubic Contents of which, when the Head is on, will amount to Ten Gallons or upwards, is a Still containing Ten Gallons or upwards, within the true Meaning of the last recited Act; and all and every Person or Persons, having or keeping any Wash, Cyder, or other Materials fit for Distillation, and having in his, her, or their Possession or Occupation, any such last-mentioned Still or Stills, containing separately or together Ten Gallons or upwards, Proof being thereof made as by the last recited Act is directed, shall be deemed and taken to be a common Distiller for Sale, and shall be liable to the several Rates, Duties, Penalties, and Forfeitures, in and by the last-recited Act mentioned or referred unto.

Cubic Contents of a Still, to be Ten Gallons, or upwards.

Persons using such Stills, to be deemed Common Distillers.

X. Provided always, and be it further enacted by the Authority aforesaid, That such Offender, who shall be prosecuted for any of the Penalties by this Act given, shall not be prosecuted again for the same Offence by any former Act; and that such Offender, who shall be prosecuted for the Penalty given by any former Act, shall not be prosecuted again, for the same Offence by virtue of this present Act, or any Thing herein contained.

Offenders prosecuted for Penalties by this Act given, not to be prosecuted again for the same Offence by any former Act.

'XI. And whereas great Frauds are committed by Corn Distillers charging their Stills, in the Absence of the Officers of Excise, with Worts or Wash, of which no Account has been taken by the 'said Officers, and the Provisions hitherto made have been found ineffectual to restrain such Practices; 'for Remedy whereof,' be it enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, every Corn Distiller, or Maker of Low Wines or Spirits from Corn or Grain, shall, at his, her, or their own Expence, find, provide, and affix sufficient Fastnings (to be approved of, in Writing, by and under the Hands of the respective Surveyors or Supervisors of Excise of the Division or District in which every such respective Distiller or Maker of Low Wines or Spirits from Corn shall reside) to the Heads of each and every Low Wine Still and Wash Still, Wash Pumps, and charging Cocks, through which Worts or Wash are conveyed into such Wash Still or Wash Stills belonging to, or used by, any such Distiller or Maker as aforesaid; which said Still Heads, and charging Cocks, and Wash Pumps, shall, and they are hereby required, from Time to Time, to be securely locked and sealed by the Officer of Excise who surveys such Distiller and Maker as aforesaid, in Manner as is herein-after directed; and such Locks and Keys, as shall be necessary for securing the said Still Heads, and Charging Cocks and Wash Pumps, shall be provided by the respective Surveyors or Supervisors of Excise of the Division or District in which such respective Distiller or Maker of Low Wines or Spirits shall reside, at the Expence of such Distiller or Maker; and whenever any such Distiller or Maker of Low Wines or Spirits from Corn, shall be desirous of charging his Still or Stills, or of using the Charge Cock or Wash Pump so locked and sealed, and shall have given Notice as herein-after is directed, the Officer of Excise shall attend to unlock and open the said Still Heads, Charging Cocks, and Wash Pumps.

Corn Distillers and Makers of Low Wines to provide and affix sufficient Fastnings to the Heads of every Low Wine Still, &c.

Locks and Keys to be provided by Surveyors or Supervisors of Excise.

XII. And be it further enacted by the Authority aforesaid, That when any such Distiller and Maker of Low Wines and Spirits, whose Still-house or Still-houses are under the Survey of the *London* Officers, or is or are situate in *London* or *Westminster*, or within any other City in *Great Britain*, shall be desirous of opening his Low Wines Still or Stills, or of charging his Wash Still or Wash Stills, he, she, or they shall give, or cause to be given, to One of the Officers of Excise, under whose Survey such Distiller or Maker of Low Wines or Spirits shall then be, a Notice in Writing at least Four Hours before the particular Hour or Time of the Day when he, she, or they intend to charge such Still or Stills.

Distillers when they intend to open Stills, to give Notice in Writing Four Hours previous to the Time to One of the Excise Officers.

XIII. Provided always, and be it further enacted, That if any Distiller or Maker of Low Wines or Spirits, so situate as aforesaid, shall be minded to open or to charge his Still or Stills at any Hour or Time between Twelve in the Night and Six in the Morning; then, and in every such Case, every such Distiller

Distillers intend to open their Stills between 12 at

Distiller or Maker of Low Wines or Spirits shall give the Notice in Writing, at least Twelve Hours before the particular Hour or Time of the Night when he intends so to open his Low Wine Still, or to charge his Wash Still or Wash Stills; and every other Corn Distiller or Maker of Low Wines or Spirits from Corn or Grain, whose Still-house or Still-houses is or are not situate in *London* or *Westminster*, nor under the Survey of the *London* Officers, nor in some other City in *Great Britain*, shall give or send at least Twelve Hours Notice, in Writing, at the next Office of Excise, or to the proper Officer under whose Survey such last-mentioned Distiller or Maker of Low Wines or Spirits shall then be, of such his or their Intention of opening or charging their Still or Stills: And in case any such Distiller or Maker of Low Wines or Spirits shall not begin to charge his Still or Stills at the Hour mentioned in such Notice, or within Two Hours next after the Expiration of such Hour and Time, then every such Notice shall be and is hereby declared void and null, and every such Distiller and Maker of Low Wines and Spirits shall be obliged to give a fresh Notice before the Officer shall be bound to open the Heads of any such Still or Stills, or the said Charge Cocks, or Wash Pumps, so locked as aforesaid. Night and 6 in the Morning, to give 12 Hours previous Notice.

XIV. And be it further enacted by the Authority aforesaid, That the Officers of Excise shall, from Time to Time, attend, agreeable to such Notices so to be given or left as before directed; and when and so soon as such Officer shall be at such Still-house, every such Distiller or Maker as aforesaid, or his or their Servants, shall, and they are hereby required to turn the Discharge Cocks of every Wash Still, that the Officer may be satisfied that the said Wash Still or Wash Stills are really empty; and then, and not before, such Officer shall open the Stills, Cocks, and Pumps, so locked and secured, and shall continue in the said Still-house all the Time that such Wash Still shall be charging; and when the same shall be fully charged, shall immediately lock and secure, as before, all the Still Heads, Wash Pumps, and Charging Cocks, to the Wash Stills belonging or affixed, and shall leave them so locked and secured at all Times. Officers of Excise to attend and inspect, agreeable to such Notices.

XV. Provided always, That when and so often as it shall be found necessary to have such Still Heads or Charge Cocks, or Wash Pumps open, for repairing or amending the same, or either of them; then, and in every such Case, it shall be lawful for the Officers of Excise so to do, for all the Time the Workmen shall be actually employed in repairing and mending the same; but the said Officers shall lock and secure all such Stills, Wash Pumps, and Charge Cocks, every Night, when and so soon as the said Workmen shall leave off their Work; and in such Case, such Officers shall attend at Six of the Clock each Morning, whilst such Repairs are doing, in order to open such Stills, Charge Cocks, and Pumps. Excise Officers to attend all the Time that Still Heads and Charge Cocks are repairing.

XVI. And be it further enacted by the Authority aforesaid, That no such Distiller or Maker of Low Wines, or Spirits as aforesaid, shall have any Pipe or Conveyance to the Low Wines Stills from any other Vessel or Utensil, except the known and entered Low Wine Cask, on Pain of forfeiting, for every such Conveyance, the Sum of One hundred Pounds. Distillers using other Pipes or Conveyances than those entered, to forfeit 100 l.

XVII. And be it enacted by the Authority aforesaid, That if any such Distiller or Maker of Low Wines or Spirits from Corn, shall, after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, presume to distil, or make Low Wines of Spirits, before he, she, or they shall have found, provided, and affixed sufficient Fastnings, to be approved as aforesaid, to every such Still Head, and to the Charge Cocks to each Wash Still and Wash Pump to him, her, or them belonging, or by him, her or them used, according to the Directions of this Act; or shall refuse to pay for the Locks and Keys to be provided in pursuance of the Directions of this Act; or shall neglect or refuse to turn the Discharge Cock of the Wash Stills as required by this Act; he, she, or they, shall, for every such Offence, forfeit Fifty Pounds. Distillers presuming to distil, before sufficient Fastnings are provided, to forfeit 50 l.

XVIII. And if by any Means, Device, or Contrivance whatsoever, any Person shall open any Still Head, or Charge Cock, or Wash Pump, after the same shall have been locked and secured as aforesaid, before the same shall have been opened by the Officer of Excise, or shall wilfully hurt or damage any such Lock, or other Fastning; every such Person shall, for every such Offence respectively, forfeit and lose the Sum of Two hundred Pounds. Persons opening Still Heads, &c. after being locked, to forfeit 200 l.

XIX. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall obstruct, hinder, or oppose any of the said Officers, in the Execution of any of the Powers given to him by this Act, the Person or Persons offending therein shall, for every such Offence, forfeit the Sum of One hundred Pounds. Penalty of obstructing Excise Officers in doing their Duty is 100 l.

XX. And be it further enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures, imposed by this Act, shall be sued for, recovered, levied, or mitigated, by such Ways, Means, and Methods, as any Fine, Penalty, and Forfeiture, is or may be recovered or mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of *Exchequer* in *Scotland*; and that One Moiety of every such Fine, Penalty, or Forfeiture, shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall discover, inform, or sue for the same. Forfeitures and Penalties recoverable by any Law of Excise, &c.

XXI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be sued, molested, or prosecuted for any Thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, in his or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his or their Action or Actions, or be nonsuited, or Judgment shall be given against him, her, or them, on Demurrer or otherwise, then such Defendant Persons molested for any Thing done in pursuance of the Act to plead the General Issue.

Treble Costs.

dant or Defendants shall have Treble Costs awarded to him or them against any such Plaintiff or Plaintiffs.

CAP. XLVII.

An Act to continue an Act made in the Fifth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act to prevent the Committing of Frauds by Bankrupts, and for making Provision for discharging Bankrupts, in certain Cases, from their Imprisonment.*

Preamble.

'WHEREAS the Law hereafter mentioned hath, by Experience, been found useful and beneficial, and is near expiring; may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Fifth Year of the Reign of His late Majesty King *George* the Second, (intituled, *An Act to prevent the Committing of Frauds by Bankrupts*), which was to continue in Force from the Twenty-fourth Day of *June*, One thousand seven hundred and thirty-two, for the Space of Three Years, and from thence to the End of the then next Session of Parliament; and which, by several subsequent Acts, made in the Ninth and Sixteenth Years of His said Majesty's Reign, was further continued until the Twenty-ninth Day of *September*, One thousand seven hundred and fifty; and by an Act made in the Twenty-fourth Year of the Reign of His said late Majesty, was amended and further continued until the First Day of *September*, One thousand seven hundred and fifty-seven; and which by Two subsequent Acts, made in the Thirty-first Year of His said late Majesty's Reign, and the Fourth Year of the Reign of His present Majesty, was further continued until the Twenty-ninth Day of *September*, One thousand seven hundred and seventy-one, and from thence to the End of the then next Session of Parliament; shall be, and the same is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of *September*, One thousand seven hundred and seventy-five, and from thence to the End of the then next Session of Parliament.

Act 5 Geo. II.

Acts 9 and 16 Geo. II. Act 24 Geo. II. Act 31 Geo. II. and Act. 4 Geo. III. further continued until Sept. 29, 1775, and until the End of the following Session.

All Persons against whom Commissions of Bankruptcy have been awarded, and who were in Custody before March 25, 1772, for Debts due before the Commissions were issued, on Proof not being produced of their having concealed their Effects, or of their not having conformed to the Laws against Bankrupts, to be discharged from Imprisonment, and all Debts due before the Commission of Bankruptcy issued.

'II. And whereas many Persons against whom a Commission of Bankruptcy hath issued are, nevertheless, confined in Prison, though they have delivered up all their Effects; for Relief therefore of 'such Persons,' be it enacted by the Authority aforesaid, That all and every Person or Persons, against whom a Commission of Bankruptcy has been awarded and issued, and who was or were in Custody on or before the Twenty-fifth Day of *March*, One thousand seven hundred and seventy-two, for any Debt due before such respective Commissions issued, and who have, or shall have, duly conformed themselves to the several Acts of Parliament relating to the Bankrupts, and are not, nor have been, committed by any Warrant of the Commissioners in such respective Commission named, for Contumacy, or Non-compliance with those Laws, that it shall and may be lawful for any One of the Judges of the Court wherein such Process has issued against such Bankrupt or Bankrupts, on Petition of such Bankrupt or Bankrupts, to summon his, her, or their Plaintiff or Plaintiffs to appear before him, to shew Cause why such Bankrupt should not be discharged from his, her, or their Imprisonment, (such Bankrupt or Bankrupts first making Oath that such Debt or Debts did accrue before the issuing out such Commission); and such Plaintiff or Plaintiffs not appearing, or appearing and not proving that such Bankrupt or Bankrupts has or have concealed any of his, her, or their Effects, or that he, she, or they has or have not conformed him, her, or themselves to the Laws against Bankrupts, such Judge shall and may, by Warrant or other Instrument under his Hand, discharge him, her, or them, from such his, her, or their Imprisonment for any Debt or Debts due before such Commission issued, and such Bankrupt or Bankrupts shall not be subject or liable to be arrested for any Debt or Debts due or contracted before such Commission issued; subject nevertheless, in every other Respect, to the Laws against Bankrupts: And all and every Sheriff or Sheriffs, Bailiff and Officer, Gaoler and Keeper, are hereby required, on the Delivery of such Warrant or Instrument of Discharge to such Sheriff or Sheriffs, Bailiff, or other Officer, Gaoler or Keeper, to discharge such Bankrupt or Bankrupts out of Custody accordingly; and they are hereby declared and enacted to be indemnified from any Action or Actions that shall or may be brought, commenced, or prosecuted against him, or them, for any Escape or Escapes for or on Account thereof.

Sheriffs, Bailiffs, Officers, &c indemnified for Escapes occasioned hereby.

Bankrupts against whom a Commission hath been awarded before March 25, 1772, and who have justly conformed to the Statutes in Force concerning Bankrupts, and who shall be hereafter arrested for Debts, may, by Petition, be discharged, in like Manner.

'III. And whereas many Bankrupts, from a Fear of being arrested and thrown under a long Imprisonment, do abscond and secrete themselves from their Homes, or go abroad into foreign Parts, to 'the great Distress of their Families, and the Detriment of this kingdom;' be it further enacted by the Authority aforesaid, That such Bankrupt or Bankrupts, against whom a Commission of Bankruptcy hath been awarded and issued on or before the said Twenty-fifth Day of *March*, One thousand seven hundred and seventy-two, who hath or have regularly submitted to the same, and justly conformed him, her, or themselves, to the several Statutes now in Force concerning Bankrupts, and who shall be hereafter arrested and held to Bail, or taken in Execution for any Debt or Debts due and accruing before the Date or Dates of such respective Commissions, shall and may, after the Expiration of Forty Days from the Time of such Arrest, in like Manner, petition any One of the Judges of the Court wherein such Process has issued; and such Judge is hereby authorised and required to discharge such Bankrupt or Bankrupts in like Manner, and on the like Terms and Conditions as are aforesaid, and directed; and if such Bankrupt or Bankrupts shall be afterwards arrested for any other Debt or Debts also accruing before such respective Commissions issued, any Judge of the Court wherein such Process

issued

iſſued ſhall, upon Summons of the proper Party or Parties, immediately diſcharge ſuch Bankrupt or Bankrupts from ſuch Arreſt; nevertheleſs ſuch Bankrupt or Bankrupts to be ſubject, in all other Reſpects, to the Laws relating to Bankrupts, as aforeſaid.

CAP. XLVIII.

An Act for the more effectual preventing of Frauds in the Stamp Duties upon Vellum, Parchment, Paper, and Cards.

Preamble.

'FOR the more effectual Prevention of ſeveral Frauds, whereby His Majeſty's Duties, granted by ſeveral Acts of Parliament in that Behalf, on ſtamped Vellum, Parchment, and Paper, have been very much diminiſhed the Penalties thereon preſcribed being found inſufficient to deter Offenders;' be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons, at any Time after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-two, ſhall write or engroſs, or cauſe to be written or engroſſed, either the Whole, or any Part of any Writ, Mandate, Bond, Affidavit, or other Writing, Matter, or Thing whatſoever, in reſpect whereof any Duty is or ſhall be payable by any Act or Acts made, or to be made, in that Behalf, on the Whole, or any Part of any Piece of Vellum, Parchment, or Paper, whereon there ſhall have been before written any other Writ, Bond, Mandate, Affidavit, or other Matter or Thing, in reſpect whereof any Duty was or ſhall be payable as aforeſaid, before ſuch Vellum, Parchment, or Paper, ſhall have been again marked or ſtamped, according to the ſaid Acts; or ſhall fraudulently eraſe or ſcrape out, or cauſe to be eraſed or ſcraped out, the Name or Names of any Perſon or Perſons, or any Sum, Date, or other Thing, written in ſuch Writ, Mandate, Affidavit, Bond, or other Writing, Matter, or Thing, as aforeſaid; or fraudulently cut, tear, or get off, any Mark or Stamp, in reſpect whereof, or whereby, any Duties are or ſhall be payable, or denoted to be paid or payable as aforeſaid, from any Piece of Vellum, Parchment, Paper, Playing Cards, Outſide Paper of any Parcel or Pack of Playing Cards, or any Part thereof, with Intent to uſe ſuch Stampt or Mark for any other Writing, Matter, or Thing, in reſpect whereof any ſuch Duty is or ſhall be payable, or denoted to be paid or payable as aforeſaid; then, ſo often, and in every ſuch Caſe, every Perſon ſo offending in any of the Particulars before mentioned, and every Perſon knowingly and wilfully aiding, abetting, or aſſiſting any Perſon or Perſons to commit any ſuch Offence or Offences as aforeſaid, ſhall be deemed and conſtrued to be guilty of Felony, and, being thereof convicted by due Courſe of Law, ſhall be tranſported to ſome of His Majeſty's Plantations beyond the Seas, for a Term not exceeding Seven Years, according to the Laws in Force for the Tranſportation of Felons: And if any ſuch Perſon or Perſons ſo convicted or tranſported ſhall voluntarily eſcape or break Priſon, or return from Tranſportation before the Expiration of the Time for which he, ſhe, or they ſhall be ſo tranſported as aforeſaid, ſuch Perſon or Perſons being thereof lawfully convicted, ſhall ſuffer Death as a Felon, without Benefit of Clergy, and ſhall be tried for ſuch Felony in the County where he, ſhe, or they ſhall be apprehended.

After Aug. 1. 1772, Perſons committing Frauds on ſtamped Vellum, &c.

to be deemed guilty of Felony, and, on Conviction, to be tranſported.

And if they break Priſon, or return within the limite Time, to ſuffer Death.

II. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-two, commit any of the Offences aforeſaid, and afterwards, being out of Priſon, diſcover One or more Perſons who ſhall, ſince that Time, have committed any of the Offences aforeſaid, ſo as ſuch Perſon or Perſons diſcovered ſhall be convicted of ſuch Offence or Offences, he, ſhe, or they, ſo diſcovering, ſhall have and be intitled to His Majeſty's gracious Pardon for all ſuch Offences by him or her committed at any Time or Times before ſuch Diſcovery made.

Perſons diſcovering Offenders, intitled to His Majeſty's Pardon.

CAP. XLIX.

An Act to explain and amend an Act, made in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act for altering the Stamp-duties upon Policies of Aſſurance; and for reducing the Allowance to be made in reſpect of the prompt Payment of the Stamp-duties on Licences for retailing Beer, Ale, and other exciſeable Liquors; and for explaining and amending ſeveral Acts of Parliament relating to Hackney Coaches and Chairs*; ſo far as the ſame relates to Hackney Coaches.

Preamble. Act 7 Geo. III.

'WHEREAS by an Act of Parliament, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intitled, *An Act for altering the Stamp-duties upon Policies of Aſſurance; and for reducing the Allowance to be made in reſpect of the prompt Payment of the Stamp-duties on Licences for retailing Beer, Ale, and other exciſeable Liquors; and for explaining and amending ſeveral Acts of Parliament relating to Hackney Coaches and Chairs*; it is, amongſt other Things, enacted, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſixty-ſeven, every Coachman, licenced by the Commiſſioners for regulating and licenſing Hackney Coaches, plying for Hire within the City of *London* or *Weſtminſter*, ſhould be obliged and compellable, on every Day of the Week, at ſeaſonable Times, to go any where, within the Diſtance of Ten Miles from the City of *London* or *Weſtminſter*; and in caſe of Refuſal ſo to do, ſhould be liable to the like Penalty or Puniſhment as might by Law then be inflicted in Caſes of Refuſal to carry for Hire by licenced Hackney Coachmen: And whereas a

'Doubt has arisen, whether Coachmen licenced by the said Commissioners, and who ply out of the said 'Cities, are by Law obliged, on every Day of the Week, at seasonable Times, to go any where 'within the Distance of Ten Miles from the said Cities; may it therefore please Your Majesty that it 'may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Clause in the said Act, and all the Powers and Authorities thereby granted, shall, from the Time of passing this Act, be deemed, construed, and taken to extend to all and every Person and Persons so licenced, who shall ply for Hire, as well within the Weekly Bills of Mortality and the Suburbs of the said Cities of *London* or *Westminster*, as within the said respective Cities.

To extend to all licenced Persons in London and Westminster.

Commissioners not to fine or punish any Stage Coach Renter or Driver.

'II. And whereas a great Number of Persons, licenced by the said Commissioners to use and keep 'for Hire Hackney Coaches, regularly use and employ the same as Stated Stages to and from different 'Towns and Places in the Neighbourhood of the Cities of *London* and *Westminster*, and the Borough 'of *Southwark*, which is of great publick Utility and Convenience, some of which Towns and Places 'are within, and others without the Weekly Bills of Mortality: And whereas a Doubt has arisen, 'whether by the Laws now in Force relating to Hackney Coaches, such Persons being licenced in the 'usual and general Form, are not compellable to do the ordinary Work of Hackney Coaches, and to 'carry Fares for Hire, to any Parts or Places within the Cities of *London* or *Westminster*, or within the 'Distance of Ten Miles thereof, which would be attended not only with great Inconvenience to the 'Inhabitants of such Towns and Places, but might also be a great lessening to His Majesty's Revenue 'arising from Hackney Coaches;' be it further enacted by the Authority aforesaid, That from and after the passing of this Act, the said Commissioners for licensing and regulating Hackney Coaches, or any other Person or Persons having Authority to put any of the Laws in Execution concerning licenced Hackney Coachmen, their Renters, or their Drivers, shall not be compelled or compellable to fine or punish any licenced Hackney Coachman, his Renter or Driver, for refusing to carry a Fare out of the ordinary Course of his Stage-work or Duty, who shall regularly use and employ his Coach, so licenced, as a Stage Coach to and from any of the Towns or Places in the Neighbourhood of the said Cities of *London* and *Westminster*; and who shall also, by Painting in legible Characters on the Door of such Coach, or by a Board, to be painted in legible Characters, and affixed on the Door of every such Coach, plainly denote and distinguish the same to be a Stage Coach to and from any such Town or Place; any Thing in the above recited Act, or in any other Act relating to Hackney Coaches, to the Contrary notwithstanding.

CAP. L.

An Act for encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of Bark shall exceed a certain Rate for a limited Time.

Preamble.

'WHEREAS the Manufacture of Leather is of Importance to the Trade of this Kingdom: And 'whereas Oak Bark has of late risen greatly in its Price, and the present Duties upon the Importation of Foreign Bark amounts to a total Prohibition of the same; may it please Your Majesty 'that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *June*, in this present Year, One thousand seven hundred and seventy-two, all Subsidies, Customs, Duties, and Impositions whatsoever imposed, and now payable by virtue of any Act or Acts of Parliament on the Importation of Oak Bark into *Great Britain*, shall cease, determine, and be no longer paid or payable.

After June 25, 1772, all Customs payable by former Acts to cease.

Duty of 1 d. per Cwt. to be paid on Importation of foreign Bark.

II. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-fifth Day of *June*, there shall be paid on the Importation of Oak Bark a Duty of One Penny for each Hundred Weight of Oak Bark so imported into this Kingdom; which shall and may be raised, levied, collected, and recovered by such Ways and Means, and under such Rules, Regulations, Penalties, and Forfeitures as the Duty for any Goods or Merchandise imported into *Great Britain*, may be raised, levied, collected, or recovered by any Act of Parliament now in Force, as fully and effectually to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures relating thereto, were particularly repeated and re-enacted in the Body of this present Act.

When the Price is under 10 l. per Load; or in the Rind, 2 l. 10 s.

III. Provided always, That at all Times hereby, when the Price of Oak Bark shall be under Ten Pounds for the Load of Hatch Bark, containing Forty-five hundred Weight, delivered at the Buyers Warehouses in the City of *London*, or within the Weekly Bills of Mortality, or when the Price of Oak Bark in the Rinds shall be under Two Pounds Ten Shillings for the Load of Rinds, containing Thirty Yards, when the same are set Three Rinds thick with Two Skirts and a Cover, delivered at the Buyers Warehouses within the City of *London*, or Weekly Bills of Mortality; then, and in either of these Cases, no Oak Bark whatsoever shall be allowed to be imported into *Great Britain*, any Thing in this Act, or any other Act of Parliament, to the contrary notwithstanding.

no Oak Bark to be imported.

IV. And

IV. And be it further enacted, That if any Perſon or Perſons ſhall import, or cauſe to be imported, any Oak Bark, when the Price of the Load of Hatch is in *London*, and within the Weekly Bills of Mortality, delivered at the Buyers Warehouſes under the Price of Ten Pounds *per* Load of Hatch, or when the Price of the Load of Rinds ſhall be under Two Pounds Ten Shillings for the Load of Rinds, when the ſame are ſet, and containing as aforeſaid, delivered at the Buyers Warehouſes within the City of *London*, or Weekly Bills of Mortality, ſuch Oak Bark ſo imported ſhall be forfeited, and the Importer thereof ſhall, over and above, forfeit and pay the Sum of Twenty Pounds for each Load of Hatch or Rinds ſo imported; to be recovered and applied in Manner herein-after directed.

Perſons importing Oak Bark, when the Price is as laſt mentioned, ſhall forfeit the ſame, and 20 l. Penalty each Load.

V. And, in order to aſcertain the Price of Oak Bark in *London*, and within the Weekly Bills of Mortality, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of *June*, One thouſand ſeven hundred and ſeventy-two, a Regiſter or Regiſters ſhall be kept by the Clerk of the Tanners Company of the Prices at which Oak Bark is bought by all and every Perſon or Perſons reſiding in *London*, or within the Weekly Bills of Mortality, or by any other Perſon or Perſons, for the Uſe of any ſuch Perſon or Perſons.

To aſcertain the Price within the Bills of Mortality, Regiſters to be kept by the Clerk of the Tanners Company.

VI. And be it further enacted, That all and every Perſon or Perſons who ſhall have purchaſed, or cauſed to be purchaſed, Five Loads of Hatch Bark, each Load containing Forty-five hundred Weight, ſhall, within Ten Days after ſuch Bargain or Purchaſe, give, or cauſe to be given in to the Clerk of the Tanners Company, a Note in Writing, ſpecifying the Date of ſuch Bargain or Purchaſe, the Name or Names of the Purchaſer or Purchaſers, the Name or Names of the Seller or Sellers, and their reſpective Places of Abode, and alſo the Quantity of Hatch ſo purchaſed, together with the Price paid, or to be paid for the ſame, and ſhall deliver and pay to the Clerk, with every ſuch Note One Shilling; and the Clerk of the ſaid Company ſhall, within Twenty-four Hours after receiving ſuch Note in Writing as aforeſaid, enter the ſame in a Book or Books to be kept for that Purpoſe; and in caſe any Tanner or other Perſon or Perſons reſiding in *London*, or within the Weekly Bills of Mortality, ſhall purchaſe any Oak Bark in the Rinds, or by any other Mode or Manner whatſoever, amounting in Quantity to Twenty Loads of Rinds, each Load containing Thirty Yards of Rinds, when the ſame are ſet Three Rinds thick as aforeſaid, ſuch Perſon or Perſons ſo purchaſing ſhall, within Ten Days after ſuch Purchaſe, give, or cauſe to be given in to the Clerk of the Tanners Company, a Note in Writing, ſpecifying the Date of ſuch Bargain or Purchaſe, the Name or Names of the Purchaſer or Purchaſers, and Seller or Sellers, and their reſpective Places of Abode, and the Quantity of Rinds or Bark ſo purchaſed by the Load, each Load containing Thirty Yards of Rinds, when the ſame are ſet Three Rinds thick as aforeſaid, the Price paid or to be paid for the ſame, together with the County at which ſuch Bark was taken off the Trees; and ſhall alſo deliver and pay to the Clerk, with every ſuch Note, the Sum of One Shilling; and the Clerk of the ſaid Company ſhall in like Manner, within Twenty-four Hours after receiving ſuch Note in Writing, as aforeſaid, enter the ſame in a Book or Books to be kept for the Purpoſe.

Perſons purchaſing Five Loads, ſhall, within Ten Days after the Bargain, give in to the ſaid Clerk a Note, ſpecifying the Date, &c. to be entered by the ſaid Clerk, &c. and to pay 1 s. to the Clerk.

VII. And be it further enacted, That ſuch Regiſter and Regiſters Book or Books, ſo to be kept as aforeſaid, ſhall and may be inſpected, at all convenient Times, by any Perſon or Perſons whatſoever, without any Fee or Reward to be demanded or taken for the ſame.

Regiſter may be inſpected without Fee.

VIII. And be it further enacted, That when it ſhall appear, from the Entries to be made as aforeſaid, that the average Price of the Hatch Bark does amount to Ten Pounds *per* Load, each Load containing Forty-five hundred Weight, or that the average Price of Rind Bark does amount to two Pounds Ten Shillings *per* Load, each Load containing Thirty Yards of Rinds when the ſame are ſet Three Rinds thick as aforeſaid, delivered at the Buyers Warehouſes; then, or in any of theſe Caſes, it ſhall and may be lawful for Three or more of the ſaid Purchaſers of Hatch or Rind Bark as aforeſaid, within the City of *London*, or Weekly Bills of Mortality, and they are hereby required to certify to the Lord Mayor of the City of *London*, or any Two of the Aldermen thereof, the average Price of the Load of Hatch or Rind Bark, (each Load reſpectively containing as aforeſaid), for the Space of One Month preceding; and the ſaid Three or more Purchaſers ſhall reſpectively make Oath, that the Note given in by them to the Clerk of the Tanners Company, contain a true Account of the Price paid for the Bark; and the ſaid Clerk of the Tanners Company ſhall make Oath of the Truth of his Entries agreeable to the Notes in Writing ſo delivered in to him as aforeſaid, whereupon the ſaid Mayor or Aldermen ſhall, and they are hereby required to ſign the ſame, and to deliver the ſame, as ſoon as conveniently may be, to the Collector or Receiver of His Majeſty's Cuſtoms at the Port of *London*, who ſhall, and is hereby required to publiſh the ſame in the *London Gazette*; from and after which Publication, no more than One Penny *per* Hundred Weight ſhall be demanded or taken by any Officer of his Majeſty's Cuſtoms, or any other Perſon whatſoever, on the Importation of any Oak Bark into *Great Britain*.

The average Price for One Month preceding the Date of the Purchaſe, to be certified to the Lord Mayor, &c. and by him ſigned, and delivered to the Officer of the Cuſtoms; who ſhall publiſh the ſame in the Gazette; and then no more than 1 d. per Cwt. to be demanded.

IX. And be it further enacted, That on the Firſt *Tueſday* of every Month, after the Importation of Oak Bark ſhall be permitted in Manner aforeſaid, the Clerk of the ſaid Tanners Company ſhall, in Writing, certify upon Oath to the Lord Mayor of the City of *London*, or any Two of the Aldermen thereof, the average Price of Oak Bark by the Load of Hatch or Rinds, each Load reſpectively containing as aforeſaid; for which Certificate the ſaid Clerk ſhall receive a Fee of Six Shillings and Eightpence; and if from ſuch Certificate it ſhall appear that the Price of Oak Bark is under Ten Pounds the Load of Hatch, or that the Price of Rind Bark is under Two Pounds Ten Shillings the Load, each Load of Hatch and Rind containing reſpectively as aforeſaid, then the ſaid Certificate ſhall be ſigned and tranſmitted to the Collector of the Cuſtoms as aforeſaid, and ſhall be publiſhed in the next *London Gazette*; from and after which Publication no Oak Bark ſhall be imported into this Kingdom till the

On the Firſt Tueſday of every Month the ſaid Clerk to certify to the Lord Mayor, &c. the average Price, to be ſigned and publiſhed in the Gazette.

Price ſhall amount to Ten Pounds *per* Load of Hatch Bark, or to Two Pounds Ten Shillings *per* Load of Rind Bark, each Load containing reſpectively as aforeſaid, and the Importation thereof be again permitted in Manner above directed. Provided always that no Certificate to be produced to the Lord Mayor or Aldermen as aforeſaid ſhall affect the Importation of Oak Bark, unleſs it ſhall appear that the Quantities purchaſed within the Space of One Month, and duly regiſtered as directed by this Act, ſhall exceed One hundred Loads of Hatch, or Three hundred Loads of Rind Bark, each Load containing reſpectively as aforeſaid.

Proviſo.

X. And be it further enacted, That if any Perſon or Perſons purchaſing Bark within the Limits aforeſaid ſhall neglect, for the Space of Fourteen Days, to give a Note in Writing to the Clerk of the Tanners Company of his or their Purchaſe or Purchaſes, purſuant to the Directions of this Act, or ſhall give in a falſe Note, or a Note deficient in any of the Particulars aforeſaid, every Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; to be recovered and applied in Manner herein after directed: And if the Clerk of the ſaid Tanners Company ſhall refuſe or neglect, for the Space of Three Days, to enter the ſaid Note or Notes, after the ſame ſhall be delivered to him as aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; to be recovered and applied in Manner herein-after directed.

Perſons neglecting to give in Notes as directed, to forfeit 20l.

Clerk neglecting to enter ſuch to forfeit 10l.

XI. Provided always, That if any Perſon or Perſons ſhall *bona fide* give any Order or Orders for the Importation of Oak Bark, during the Time that ſuch Bark was allowed to be imported, on Payment of the Duty of One Penny *per* Hundred Weight, but which Bark ſhall not arrive till after the Importation thereof was ſtopped in Manner aforeſaid, ſuch Oak Bark ſhall and may, (upon ſufficient Proof being made to the Collector of the Cuſtoms, by producing Copies of the Orders and Affidavits to verify the ſame, that the Orders for ſuch Bark were given while the ſame was allowed to be imported upon Payment of the ſaid Duty), be entered and imported upon Payment of the Duty aforeſaid.

Orders given during the Time allowed hereby to be valid.

XII. And be it further enacted, That if the ſaid Lord Mayor or Aldermen ſhall, within the Space of Ten Days after ſuch Certificate has been made and delivered as aforeſaid, have Reaſon to ſuſpect, or if Affidavit ſhall be made before him or them that the ſaid Certificate was not truly or *bona fide* made, or that the ſame does not contain the true Particulars of the Bargains therein ſpecified; then, and in any ſuch Caſe, it ſhall be lawful for the ſaid Mayor or Aldermen, and he or they are hereby required, to ſummon before him or them reſpectively any Perſon or Perſons, and to examine them reſpectively upon Oath, which Oath the ſaid Mayor or Aldermen are hereby authoriſed to adminiſter, touching the Rates and Prices of Oak Bark, or any other Matter or Thing contained in the ſaid Certificate.

Lord Mayor, &c. to ſummon and examine Offenders upon Oath.

XIII. And be it further enacted, That if any Perſon or Perſons ſwearing to the Certificates, or to the Entries and Notes as above directed, or who ſhall be examined on Oath, purſuant to the Directions of this Act, ſhall wilfully forſwear him or herſelf, or themſelves, every ſuch Perſon or Perſons ſhall be ſubject and liable to be proſecuted as for Perjury, by Indictment or Information, by due Courſe of Law; and, if convicted, ſhall be liable to the Pains and Penalties that Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Perſons guilty of Perjury, liable to legal Penalties.

XIV. And be it further enacted, That all ſuch Oak Bark which ſhall be ſeized and condemned in purſuance of this Act, and all Penalties and Forfeitures whatſoever by this Act inflicted, ſhall and may be ſued for, proſecuted, and recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majeſty's Attorney-general, or in the Name or Names of the Officer or Officers of the Exciſe or Cuſtoms, who ſhall ſeize the ſaid Oak Bark; and One Moiety of the clear Produce ariſing from the Sale of all ſuch Goods, and of the Penalties and Forfeitures inflicted by this Act, after all Charges deducted, ſhall belong to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to the Perſon or Perſons who ſhall ſeiſe, inform, or proſecute for the ſame.

Condemned Bark, and all Penalties inflicted, recoverable by Action of Debt, &c.

and to belong to His Majeſty.

XV. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue and be in Force for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament.

Act to continue in Force for Five Years.

CAP. LI.

An Act for continuing an Act, made in the Tenth Year of the Reign of His preſent Majeſty, to prevent the further ſpreading of the contagious Diſorder among the Horned Cattle in *Great Britain*, till *September* 29th One thouſand ſeven hundred and ſeventy-four.

CAP. LII.

An Act to enable the Lords Commiſſioners of His Majeſty's Treaſury to order and allow, out of the Money ariſing by the Coinage Duty, a certain Sum therein mentioned, for the Expences of proſecuting Offenders againſt the Laws relating to the Coin, in the Year One thouſand ſeven hundred and ſeventy, over and above the Sum yearly allowed for that Service.

CAP.

CAP. LIII.

An Act to enable the Lords of the Treasury to discharge the Executors of Lady *Anne Jekyll* from a Debt due to His Majesty, for the Use of the Sinking Fund, upon Payment of the same into the Exchequer.

CAP. LIV.

An Act for the more effectually securing a Quantity of Oak Timber for the Use of the Royal Navy.

Preamble.

'WHEREAS the Tonnage of the Ships employed, and of those now building, in order to be employed in the Service of the United Company of Merchants in *England*, trading to the *East Indies*, doth greatly exceed the Tonnage of Shipping requisite to carry on the Trade of the said United Company, to and from the *East Indies*: And whereas the building any more Ships for the Service of the said United Company, until those which are now employed, or building to be employed as aforesaid, shall be reduced in Tonnage to the Quantity requisite for carrying on the said Trade, will occasion an unnecessary Consumption of Oak Timber, fit for building large Ships; for Remedy whereof, and for the more effectually securing a Quantity of Oak Timber of a proper Growth for the Use of the Royal Navy;' be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Eighteenth Day of *March*, in the Year of our Lord One thousand seven hundred and seventy-two, the said United Company of Merchants trading to the *East Indies*, or any Person or Persons employed by the said Company, or any of their Directors, or any of them, shall not build, or begin to build, or cause any Person or Persons whatsoever to build, or begin to build, any new Ship (except those now building), for the Service of the said United Company, until the Tonnage of the Ships employed, or to be employed in the Trade of the said Company, on Freight to and from the *East Indies*, shall be reduced to Forty-five thousand Tons, Builders Measurement, on Pain that the said Company, and every other Person and Persons so offending shall, for every Ship which shall be built, or begun to be built, contrary to the true Intent and Meaning hereof, forfeit and pay the Sum of Five thousand Pounds of lawful Money of *Great Britain*; One Moiety whereof shall be for the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof, together with full Costs of Suit, for the Use of such Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

After March 18, 1772, the East India Company not to build new Ships, (those now building excepted), till the Tonnage be reduced to 45,000 Tons.

II. And be it further enacted by the Authority aforesaid, That from and after the said Eighteenth Day of *March*, One thousand seven hundred and seventy-two, until the Tonnage of all the Ships employed, or to be employed, in the Service of the said United Company trading to the *East Indies*, on Freight to and from the *East Indies*, shall be reduced to Forty-five thousand Tons, Builders Measurement, the said United Company, or any Person or Persons employed by the said Company, or any of their Directors, or any of them, shall not in any Manner whatsoever charter, contract for, or hire any Ship for the Use of the said Company, unless such Ship have been built, or begun to be built, on or before the said Eighteenth Day of *March*, One thousand seven hundred and seventy-two, on Pain that the said Company, and every other Person or Persons so offending shall, for every Ship which shall be so chartered, contracted for, or hired as last mentioned, forfeit and pay the Sum of Five thousand Pounds of like lawful Money; One Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof, together with full Costs of Suit to the Use of the Person or Persons who shall sue for the same; to be recovered in Manner aforesaid.

The East India Company not to charter or hire Ships, unless built before March 18, 1772.

on Penalty of 5000 l. for each Offence.

III. Provided nevertheless, and be it further enacted by the Authority aforesaid, That nothing hereinbefore contained shall be deemed, or construed to extend, to prohibit the said United Company from building, contracting for, or hiring, from Time to Time, during the Continuance of this Act, any Ship or Ships whatsoever in *India*, or in any of His Majesty's Colonies in *America*, for their Use or Service; or from building, contracting for, or hiring within this Kingdom, during the Continuance of this Act, any Ship or Ships, not exceeding Six in Number in the Whole, nor in Burthen Three hundred Tons respectively, to be employed as Packets, or Advice Boats, in the said United Company's Service, and that all such last-mentioned Ships which shall be built in *India*, or in any of his Majesty's Colonies in *America*, shall be, to all Intents and Purposes, considered and deemed to be *British*-built Ships; any Law, Usage, or Custom to the contrary notwithstanding.

Nothing herein contained to prohibit the East India Company to build Ships in the Colonies, or in India.

IV. And be it further enacted by the Authority aforesaid, That where any Person shall be sued by Action of Debt for any pecuniary Forfeiture or Penalty imposed by this Act, it shall be sufficient for the Plaintiff in such Action to declare that the Defendant is indebted to him in the Sum of Five thousand Pounds, being forfeited by an Act passed in the Twelfth Year of the Reign of His present Majesty, *For the more effectually securing a Quantity of Oak Timber for the Use of the Royal Navy.*

If Persons are sued by Action of Debt, the Act to be given in Evidence.

Limitations of Actions.

V. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, or of any Matter or Thing herein contained, such Act or Suit shall be commenced within the Space of Six Months next after the Fact committed, and not afterwards; and shall be laid in the County or Place where the Cause of Action shall arise; and such Person or Persons shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial thereupon, for his and their Defence; and if upon such Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action or Suit, or if Judgment be given for the Defendant or Defendants upon Demurer or otherwise, then such Defendant or Defendants shall have Treble Costs to him or them awarded against the Plaintiff or Plaintiffs.

General Issue.

Treble Costs.

Publick Act.

VI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and allowed to be a Publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

CAP. LV.

An Act for preventing Frauds and Abuses, in relation to the Trade carried on between *Great Britain* and *Ireland*.

Preamble.

Act 12 Car. II.

'WHEREAS by an Act of Parliament, made in the Twelfth Year of the Reign of King *Charles* the Second, (intituled, *An Act for the encouraging and increasing of Shipping and Navigation*) no Goods or Commodities, the Growth, Production, or Manufacture of *Africa*, *Asia*, or *America*, can be imported into this Kingdom from any other Place or Places, Country or Countries, but only from those of the said Growth, Production, or Manufacture, or from those Ports where such Goods can only, or are, or have usually been first shipped for Transportation: And whereas, notwithstanding the said recited Act, Rum, Sugar, Coffee, and other *American* and *Asiatic* Goods have been entered outwards for Exportation in the Kingdom of *Ireland*, to be imported into *Great Britain*, and have been clandestinely and illegally landed in this Kingdom, contrary to the said recited Act, to the great Prejudice of the Revenue of Customs, and the Detriment of the fair Trader: For Remedy whereof, may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That, from and after the Fifth Day of *July*, One thousand seven hundred and seventy-two, no Rum, Sugar, Coffee, or any other Goods whatsoever, which are prohibited to be imported from *Ireland* into *Great Britain*, or which are liable to Forfeiture upon being so imported, by any Act or Acts of Parliament made in this Kingdom, shall be exported or entered for Exportation from *Ireland* to *Great Britain*; nor shall any Cocket or Clearance be granted in *Ireland* for the Exportation of such Goods to *Great Britain*, any Custom or Usage to the Contrary notwithstanding.

After July 5, 1772, no Rum, Sugar, &c. prohibited from Ireland to Britain by former Acts, shall be exported.

Merchants entering Goods for Exportation to foreign Ports, and landing them in Britain, shall forfeit the Drawback; and Treble the Value, with the Ship and Apparel.

II. And it is hereby further enacted by the Authority aforesaid, That if any Merchant, or other Person, shall enter any such Goods for Exportation to any foreign Ports, or other Place whatsoever, and such Goods shall, nevertheless, be carried to *Great Britain*, and landed there, contrary to the true Intent and Meaning of this Act; that then, and in every such Case, the Drawback paid, or to be paid, for the same shall be forfeited; and the Exporter of such Goods, and the Master of the Ship or Vessel on Board which the same were loaden and exported, and every Person concerned or assisting in the Exportation or Landing of the said Goods, whether any Drawback has been or is to be paid for the same or not, shall forfeit Treble the Value of the said Goods, and the Ship or Vessel, on Board which such Goods were laden and exported, with all her Tackle, Furniture, and Apparel, shall also be forfeited; and shall and may be seized and prosecuted by any Officer of the Customs in *Great Britain or Ireland*: And the several Penalties and Forfeitures herein-before mentioned shall and may be sued for and recovered in such and the like Manner as any Forfeiture incurred by any Law of the Revenue may be sued for and recovered in the Kingdom of *Great Britain* or *Ireland* respectively; One Moiety of which Penalties and Forfeitures, (after deducting the Charges of Prosecution), shall be to the Use of his Majesty, His Heirs and Successors, and the other Moiety to such Officer of the Customs as shall sue and prosecute for the same.

Forfeitures recoverable by any Law of the Revenue.

The Exporter, &c. to obtain a Drawback, shall swear upon the Debenture, &c.

III. And be it further enacted by the Authority aforesaid, That from and after the said Fifth Day of *July*, One thousand seven hundred and seventy-two, the Exporter or Person having the Direction of the Voyage, and the Master or Person having the Charge or Command of the Ship or Vessel on Board which any Goods shall be entered for Exportation to foreign Parts, in order to obtain a Drawback thereon, shall swear upon the Debenture that the said Goods are really and *bona fide* intended to be exported to the Port or Place mentioned in the Entry, and to no other; and that no Part thereof is relanded, or intended to be relanded in any Part of *Ireland*, or in *Great Britain*, or the *Isle of Man*, or the Islands of *Faro*, or *Ferro*; nor to be transhipped or put on Board any Ship or Vessel, unless in case of real Distress, to save the said Goods from perishing.

No Drawback to be allowed, till a Certificate is produced by the Collector, &c.

'IV. And, for the better preventing Frauds in relanding in *Ireland* any Goods which are intitled to 'a Drawback or Bounty on Exportation from thence to this Kingdom,' be it further enacted by the Authority aforesaid, That from and after the Fifth Day of *July*, One thousand seven hundred and seventy-

venty-two, no Drawback or Bounty shall be allowed or paid for any Goods exported or entered for Exportation from *Ireland* to *Great Britain*, until a Certificate shall be produced under the Hands and Seals of Office of the Collector and Comptroller, or other principal Officer of the Customs for the Port where such Goods shall be landed in *Great Britain*, testifying the landing thereof; which Certificate shall also express the exact Weight, Measure, or Quantity of the Goods so landed, with the Number and Marks of the Casks, Bales, or other Packages, in which such Goods shall be contained.

'V. And the better to prevent the clandestine importing and landing of foreign Brandy, Rum Strong Waters, or other Spirits in small Vessels, which hover upon the Coasts of *Ireland*,' be it further enacted by the Authority aforesaid, That from and after the Twenty-ninth Day of *September*, One thousand seven hundred and seventy-two, if any Rum or Spirits of the Growth, Produce, or Manufacture of the *British* Colonies or Plantations in *America* shall be imported or brought into the Kingdom of *Ireland*, either from the said Colonies or Plantations, or from *Great Britain*, in any Ship or Vessel whatsoever under the Burthen of Seventy Tons; or if any foreign Brandy, Strong Waters, or other Spirits, shall, from and after the Fifth Day of *July*, One thousand seven hundred and seventy-two, be imported or brought from any other Port or Place whatsoever, in foreign Parts, into the said Kingdom of *Ireland*, in any Ship or Vessel under the Burthen of One hundred Tons, except only for the Use of the Seamen then belonging to and on Board such Ships or Vessels respectively, not exceeding Two Gallons for each such Seaman, every such Ship or Vessel, with all her Tackle, Furniture, and Apparel, and also all such Brandy, Rum, Strong Waters, or other Spirits, shall, in each and every such Case, be forfeited; and shall and may be seized by any Officer or Officers of the Revenue in *Ireland*, and prosecuted, tried, determined, recovered, and disposed of, in such and the like Manner as any Forfeitures incurred by the Laws now in Force in the said Kingdom of *Ireland* against the running, or intending to run, Goods into that Kingdom, may, by any Act or Acts of Parliament now in Force in that Kingdom, be prosecuted, tried, determined, recovered, and disposed of. Clandestine importing of foreign Brandy, &c. how to be prevented.

VI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in Pursuance of this Act, the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law. General Issue. Treble Costs.

CAP. LVI.

An Act to continue several Laws relating to the Allowance upon the Exportation of *British*-made Gunpowder; to the giving further Encouragement for the Importation of Naval Stores from the *British* Colonies in *America*; to the further encouraging the Manufacture of *British* Sail Cloth, and to the Duties payable on Foreign Sail Cloth; to the granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies, directly into Foreign Parts, in Ships built in *Great Britain*, and navigated according to Law; to the free Importation of Cattle from *Ireland*; and to the regulating the Fees of Officers of the Customs, and Naval Officers in *America*.

'WHEREAS the Laws herein-after mentioned have, by experience, been found useful and beneficial, and are near expiring; may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Fourth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for granting an Allowance upon the Exportation of* British-*made Gunpowder*, which was to continue in Force for Five Years, from the Twenty-fourth Day of *June*, One thousand seven hundred and thirty-one, and from thence to the End of the then next Session of Parliament; and which, by several subsequent Acts, made in the Tenth, Sixteenth, Twenty-fourth, and the Thirty-first Years of His said Majesty's Reign, and the Fourth Year of His present Majesty's Reign, was further continued until the Twenty-ninth Day of *September*, One thousand seven hundred and seventy-one, and from thence to the End of the then next Session of Parliament, shall be, and the same is hereby further continued, from the Expiration thereof, until the Twenty-ninth Day of *September*, One thousand seven hundred and seventy-eight, and from thence to the End of the then next Session of Parliament. Preamble. Act 4 Geo. II. Acts 10, 16, 24, and 31 Geo. II. and Act 4 Geo. III. continued till September 29, 1778, and to the End of the then next Session.

II. And be it further enacted by the Authority aforesaid, That so much of an Act, made in the Eighth Year of the Reign of King *George* the First, intituled, *An Act for giving further Encouragement for the Importation of Naval Stores, and for other Purposes therein mentioned*, as relates to the Importation of Wood and Timber, and of the Goods commonly called *Lumber*, therein particularly enumerated, from any of His Majesty's *British* Plantations or Colonies in *America*, free from all Customs and Impositions whatsoever, Acts 8 Geo. I.

ſoever, which was to be in Force for Twenty-one Years, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and twenty-two, and which by ſeveral ſubſequent Acts made in the Sixteenth, Twenty-fourth, and Thirty-firſt Years of the Reign of His late Majeſty King *George* the Second, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued from the Expiration thereof, until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

and 16, 24, and 31 Geo. II. and 4 Geo. III. further continued till Sept. 29, 1773, and till the End of the then next Seſſion.

III. And be it further enacted by the Authority aforeſaid, That an Act, made in the Ninth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for further encouraging and regulating the Manufacture or* Britiſh *Sail Cloth, and for the more effectually ſecuring the Duties now payable on Foreign Sail Cloth imported into this Kingdom*, which was to continue in Force from the Twenty-fourth Day of June, One thouſand ſeven hundred and thirty-ſix, for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Thirteenth, Twenty-fourth, and Thirty-firſt Years of His ſaid Majeſty's Reign, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſexenty-one, and from thence to the End of the then next Seſſions of Parliament, ſhall be, and the ſame is hereby further continued, from the Expiration thereof until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 9 Geo. II.

Acts 13, 24, and 31 Geo. II. and 4 Geo. III.

further continued till Sept. 29, 1778.

IV. And be it further enacted by the Authority aforeſaid, That an Act made, in the Twelfth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture of any of His Majeſty's Sugar Colonies in* America, *from the ſaid Colonies directly to foreign Parts, in Ships built in* Great Britain, *and navigated according to Law*, which was to continue in Force for Five Years, from the Twenty-ninth Day of *September*, One thouſand ſeven hundred and thirty-nine, and from thence to the End of the then next Seſſion of Parliament; and which, by ſeveral ſubſequent Acts, made in the Seventeenth, Twenty-fourth, and Thirty-firſt Years of his ſaid Majeſty's Reign, and the Fourth Year of His preſent Majeſty's Reign, was further continued until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-one, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued from the Expiration thereof, until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 12 Geo. II.

and Acts 17, 24, and 31 Geo. II. and Act 4 Geo. III. continued till September 29, 1778, and to the End of the then next Seſſion.

V. And be it further enacted by the Authority aforeſaid, That an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act to permit the free Importation of Cattle from* Ireland, which was to continue in Force for Seven Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued from the Expiration thereof, until the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament.

Act 5 Geo. III. further continued as above mentioned.

VI. And be it further enacted by the Authority aforeſaid, That ſo much of an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing ſo much of an Act, made in the Third Year of His preſent Majeſty's Reign*, intituled, *An Act to continue and amend Two Acts, made in the Twenty-firſt and Twenty-eight Years of His late Majeſty's Reign, for encouraging the Making of Indico in the* Britiſh *Plantations in* America; *and for extending the Proviſions of an Act of the Thirtieth Year of His late Majeſty's Reign, with reſpect to bringing Prize Goods into this Kingdom, to* Spaniſh *Prize Goods taken ſince the late Declaration of War with* Spain, as relates to the encouraging the making of Indico in the *Britiſh* Plantations in *America*, and for explaining ſo much of an Act, made in the Fifth Year of His preſent Majeſty's Reign, as relates to the regulating the Fees of the Officers of the Cuſtoms in *America*, and for extending the ſame to the naval Officers there, as relates to the ſaid Act of the Fifth Year of the Reign of His preſent Majeſty, and which was to continue in Force from the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy, for the Term of Two Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued from the Expiration thereof, until the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-four, and from thence to the End of the then next Seſſion of Parliament.

Act 10 Geo. III.

further continued till Aug. 1, 1774.

CAP. LVII.

An Act to explain and amend ſo much of an Act made in the Sixth Year of the Reign of His late Majeſty King *George* the Second, as relates to the Eſtabliſhment of Lazarets.

Preamble. Act 26 Geo. II. c. 6.

'WHEREAS by an Act, made in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to oblige Ships more effectually to perform their Quarantine; and for the better preventing the Plague being brought from foreign Parts into* Great Britain *or* Ireland, *or the Iſles of* Guernſey, Jerſey, Alderney, Sark, *or* Man) it is, (amongſt other Things) 'enacted, That whenever His Majeſty, His Heirs and Succeſſors, by and with the Advice and Conſent of Parliament, ſhall direct Houſes or Lazarets to be provided for the receiving and entertaining of Perſons obliged to perform Quarantine, or for the depoſiting, opening, and airing of Goods

'and Merchandiſes liable as aforeſaid; it ſhall and may be lawful to erect the ſame in ſuch Places, 'for ſuch Time as His Majeſty ſhall judge neceſſary, for the Purpoſes aforeſaid, paying ſuch Rate, 'Rent, or other Conſideration, as ſhall be agreed upon, or aſſeſſed and adjudged, in ſuch Manner as 'therein preſcribed in that Behalf: And whereas in the Fifth Year of the Reign of His preſent Ma- Act 5 Geo. III. 'jeſty a Sum was granted by Parliament, not exceeding Five thouſand Pounds, towards building a 'Lazaret, but Doubts have ariſen, whether His Majeſty is ſufficiently enabled, by the Powers in the 'ſaid recited Act contained, to contract and agree for the abſolute Purchaſe of Lands, Meſſuages, 'Tenements, and Hereditaments, to be ſettled unalienably in the Town, for the Purpoſe of making, 'erecting, and eſtabliſhing ſuch Lazarets;' be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and Lords of the Treaſury to purchaſe any Tenement conveniently ſituated, for the Purpoſe of the Act; for the Lords Commiſſioners of His Majeſty's Treaſury, now or for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, on the Behalf of His Majeſty, His Heirs and Succeſſors, from Time to Time, and at all Times hereafter, to treat, contract, and agree for the abſolute Purchaſe or Sale, Releaſe, or Surrender, to or for the Uſe of His Majeſty, His Heirs and Succeſſors, of any Eſtate or Eſtates of Inheritance, in any Lands, Meſſuages, Tenements, and Hereditaments, which they ſhall judge to be by their Situation, and in other Reſpects, convenient and fit for the Purpoſes intended by this Act, with the Owner and Owners of ſuch reſpective Eſtate or Eſtates of Inheritance, for ſuch Sum or Sums of Money, or upon ſuch other Terms or Conditions as they ſhall think fitting; and that upon the executing of ſuch Contracts or Agreements, by or on the Behalf of ſuch Owner or Owners as aforeſaid, or upon executing ſuch other Conveyances, Aſſignments, Releaſes, or Surrenders, as in ſuch Contract or Contracts ſhall be agreed on for that Purpoſe, it ſhall and may be lawful to and for the ſaid Commiſſioners of the Treaſury now or for the Time being, and to order Payment to be made for ſuch Purchaſe. or any Three or more of them, or the Lord High Treaſurer for the Time being, and they are hereby impowered to order and direct the Payment of the ſaid Sum of Five thouſand Pounds; and likewiſe, in caſe that Sum ſhall not be ſufficient, then by and out of any Monies ariſing, or to ariſe to His Majeſty, his Heirs or Succeſſors, of or for any Cuſtoms, Subſidies, Impoſitions, or other Duties, upon the Importation or Exportation of any Goods or Merchandiſes whatſoever, already granted or payable or hereafter to be granted or payable to His Majeſty, His Heirs or Succeſſors, in *Great Britain*, *Wales*, or *Berwick upon Tweed*, to order and direct the Payment of ſuch Sum or Sums of Money from Time to Time, as ſhall be ſo contracted or agreed on for ſuch Purchaſe or Purchaſes, to ſuch Perſon or Perſons as, according to the Terms of ſuch Contracts or Agreements, ſhall be intitled to have and receive the ſame.

II. And be it further enacted by the Authority aforeſaid, That from and immediately after ſuch Payment of the Purchaſe-money to the Perſon or Perſons ſo intitled to receive the ſame as aforeſaid, the ſeveral Lands, Meſſuages, Tenements, Hereditaments, and Premiſes, and ſuch Contracts or Agreements mentioned or compriſed, or intended ſo to be, together with all Rights, Members, Eaſements, and Appurtenances whatſoever, to the ſame, or any Part thereof, belonging and uſually held and enjoyed therewith, ſhall be, and are hereby declared to be, from Time to Time, unalienably, veſted in the Crown, for the Purpoſes of making, erecting, or eſtabliſhing there a Lazaret or Lazerets; and His Majeſty, His Heirs, and Succeſſors, ſhall for ever have, hold, and enjoy the ſame, againſt ſuch Vendor and Vendors reſpectively; and all and every Perſon and Perſons, claiming or to claim, by, from, or under them, or any of them, freed and diſcharged of and from all former Entails, and from all Incumbrances whatſoever made or granted of the Premiſes, or any Part thereof: And the Receipt or Receipts of ſuch Perſon or Perſons, as ſhall be intitled or authoriſed to receive ſuch Purchaſe-money as aforeſaid, under his or their Hands reſpectively, teſtifying the Payment of the ſame, or any Part thereof, by the ſaid Commiſſioners of the Treaſury, or ſuch Perſon or Perſons as they, or any Three of them, ſhall order and direct to pay the ſame, ſhall be a ſufficient Diſcharge to His Majeſty, His Heirs and Succeſſors, for all ſuch Sum and Sums of Money as ſuch Receipt or Receipts ſhall be given for: And His Majeſty His Heirs and Succeſſors, ſhall be abſolutely acquitted and diſcharged of and from the ſaid Monies, notwithſtanding any Miſapplication of the ſame, or any Part thereof.

The Meſſuages ſo to be purchaſed to be veſted in the Crown, for erecting a Lazaret.

Receipts of Perſons authoriſed to receive the Purchaſe money to be a ſufficient Diſcharge to His Majeſty.

III. And be it further enacted by the Authority aforeſaid, That as often as any Difference ſhall ariſe concerning ſuch Purchaſe, or the Price or Conſideration between the ſaid Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, and the Owner or Owners of ſuch Lands, Meſſuages, Tenements, and Hereditaments, as aforeſaid, their Guardians or Truſtees, (not being the Dwelling-houſe of ſuch Owner or Owners, or Park, Garden, Orchard, Park, Yard, or planted Walk, or Avenue to ſuch Houſe), it ſhall and may be lawful for any One or more Perſon or Perſons, to be appointed for that Purpoſe by His Majeſty, His Heirs or Succeſſors, under His or Their Sign Manuel, and ſuch Perſon or Perſons are hereby authoriſed, Thirty Days at the leaſt before any General Quarter Seſſion of the Peace to be held for the reſpective Counties or Diviſions where ſuch Premiſes as aforeſaid ſhall reſpectively lie, to give, or cauſe to be given, to ſuch reſpective Owner or Owners, or to be left at their laſt Places of Abode reſpectively, a Notice in Writing, deſcribing the ſaid Premiſes, and purporting, that the Price or Conſideration of ſuch Premiſes will be adjuſted and ſettled by a Jury at the ſaid Seſſions: And the Juſtices, at their ſaid Seſſions, upon Proof to them made of ſuch Notice or Notices given, ſhall, and they are hereby authoriſed and required to charge the Jury which ſhall attend at the ſaid Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, (to be then and There impanelled and returned by the Sheriff of the County, without Fee or Reward), and cauſe to be ſworn well and truly

Price of ſuch Premiſes may be ſettled by a Jury at the General Quarter Seſſions.

truly on their Oaths, to assess the Value of the Premises comprised in such Notices, and the Price or Consideration to be given for the same, to the respective Owner or Owners thereof, according to their respective Interests therein, which Oath the said Justices are hereby authorised and required to administer to the said Jury; and to which said Jury, the said Person or Persons so to be appointed by His Majesty, His Heirs and Successors, and the Parties interested in such Premises, shall have their lawful Challenges; and the said Jury, being so sworn and charged as aforesaid, after proper Evidence, on Oath, given to them, shall, by their Verdict, assess the Price or Consideration to be given for such Premises to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and Judgment of the said Justices thereupon, shall be conclusive, and finally bind all Parties; and from and after such Verdict and Judgment, and paying such Price or other Consideration, the said Premises shall vest in and be held by His Majesty, His Heirs and Successors, in Manner and for the Purposes aforesaid.

Verdict of the Jury, and Judgment of Justices, to be conclusive.

CAP. LVIII.

An Act for the further Encouragement of the Herring Fishery on the Coasts of the *Isle of Man*; and for obviating a Doubt which has arisen with respect to the allowing the Bounties upon the *British* White Herring Fishery, in the Year One thousand seven hundred and seventy-one.

Preamble.

'WHEREAS it is necessary that some further Encouragement should be given to the Inhabitants 'of the *Isle of Man*, to engage in and carry on the Herring Fishery on the Coasts thereof; 'may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, it shall and may be lawful to import, and bring into any Part of *Great Britain*, any Sort of Herrings caught upon the Coasts of the *Isle of Man*, and cured there, upon Payment of the Duties herein-after mentioned; any Law, Custom, or Usage, to the Contrary notwithstanding; that is to say, For every Barrel of White Herrings, containing Thirty two Gallons, Three Shillings and Four-pence, and for every thousand of Red Herrings One Shilling and Eight-pence, and after those Rates for any greater or less Quantities of such Herrings respectively.

After June 24, 1772, any Sort of Herrings, caught and cured near the Isle of Man, may be brought into Great Britain, on Payment of the Duties mentioned.

II. And be it further enacted by the Authority aforesaid, That the Duties which shall be charged upon such Herrings, in pursuance of this Act, shall be raised, levied, and recovered by such Ways and Means, and under such Penalties and Forfeitures, and applied to the same Uses and Purposes, as are directed and prescribed by any former Act or Acts of Parliament, which are now in Force, respecting the Duties upon Fish brought or imported into *England*, from that Part of the United Kingdom called *Scotland*; and the said Herrings so imported from the *Isle of Man*, in pursuance of this Act, shall, in all Respects, be subject and liable to the same Rules and Regulations, as such Herrings brought from *Scotland* are liable to by Law, except in such Cases where any Alteration is made by this Act.

Herrings from the Isle of Man liable to the same Duties as those brought from Scotland.

III. Provided always, and it is hereby further enacted by the Authority aforesaid, That the Master or other Person, having the Charge of the Ship so importing such Herrings, shall bring with him a Certificate or Certificates from the Governor, Lieutenant Governor, Commander in Chief, or Chief Magistrates for the Time being, that Oath has been made before him or them, in the Presence of the Officer of the Customs for the Port or Place where such Herrings shall be put on Board, that the same were *bona fide* taken on the Coasts of the *Isle of Man* and cured there; which Certificate or Certificates shall also be attested by the said Officer of the Customs, and shall express the Number of Barrels, and Quantity, of such Herrings respectively, and the Marks of the Package expressed in the Bill or Bills of Lading, with the Name or Names, Place or Places of Abode of such Person or Persons as shall have made the Oath herein-before directed, and where and to whom such Herrings shall be consigned in *Great Britain*; and the Master or Person taking Charge of the Ship or Vessel importing the same shall also make Oath before the Collector or Principal Officer of the Salt Duties, at the Port or Place of Importation in *Great Britain*, that the said Herrings are the same that were taken on Board, by virtue of the said Certificate or Certificates, so to to be produced; on Failure whereof, or of any of the Requisites herein-before mentioned, the Herrings shall be liable to the same Duties, Penalties, and Forfeitures, as such Herrings would have been liable to by Law, if this Act had not been made.

Certificate to be brought by the Master of the Ship, from the Governor, &c. that the Herrings were taken on the Coasts of the Isle of Man; to be attested by an Officer of the Customs, expressing the Number of Barrels, &c.

IV. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, it shall and may be lawful for any of His Majesty Subjects, inhabiting and residing in the *Isle of Man*, to export from thence, and import into any *British* Colonies or Plantations in *America*, in *British* Ships or Vessels, manned and navigated according to an Act of Parliament made in the Twelfth Year of the Reign of King *Charles* the Second, (intituled, *An Act for the encouraging and increasing of Shipping and Navigation*). Herrings caught and cured by them in the same Manner as Victuals of and from *Ireland* may be imported into the said Colonies or Plantations, by an Act made in the Fifteenth Year of the Reign of the said King *Charles* the Second, (intituled, *An Act for the Encouragement of Trade*); any Law, Custom, or Usage to the Contrary notwithstanding.

After June 24, 1772, Inhabitants of the Isle of Man may export Herrings to the British Colonies.

V. And be it further enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, it shall and may be lawful for any Fisherman inhabiting the *Isle of Man*, to load there, on Board any Vessel or Boat employed in the Fishery on the Coasts of the said Island, any Quantity of Salt which shall be sufficient and necessary for curing the Cargo of Herrings taken by such Vessel or Boat, Bond being first given to His Majesty, His Heirs and Successors, with One sufficient Surety besides the Master, to be approved of by the Collector, or other Principal Officer of His Majesty's Revenue, at the Port or Place from whence such Vessel or Boat shall depart, in the Penalty of Fifty Pounds for every Ton of Salt which shall be so taken on Board, with Condition that the same shall be used only in the curing of such Herrings, and shall not be landed in any Part of *Great Britain*, or transhipped, or put on Board any other Ship or Vessel; and on Return of such Vessel or Boat from the Fishery into any Port or Place in the said *Isle of Man*, the Master and One of the Crew belonging to and employed on Board such Vessel or Boat, during the whole Voyage, shall make Oath before the Collector, or other Principal Officer of His Majesty's Revenue, at the nearest Port where they shall arrive, (which Oath such Collector or other Officer is hereby impowered and required to administer), that the Salt so laden in such Vessel or Boat (excepting such Part thereof, as may remain unused on Board) has been really and truly expended in curing the Herrings caught and taken by them, and that no Part thereof had been landed in any Part of *Great Britain*, or transhipped, or put on Board any other Ship or Vessel; which Bond shall continue in Force for One Year from and after the Completion of the Voyage: And in case no Fraud appears within that Time, it shall and may be lawful for the Receiver-general of His Majesty's Revenue in the *Isle of Man*, or his Deputy, to direct the said Bond to be cancelled and delivered up.

Quantity of Salt necessary for curing such Herrings may be loaded on Board any Vessel, Bond being given, &c.

'VI. And whereas by an Act made in the Twenty-third Year of the Reign of His late Majesty King 'George the Second, (intituled, *An Act for the Encouragement of the* British *White Herring Fishery*), a 'Bounty of Thirty Shillings *per* Ton was granted to the Owners of such decked Vessels as should be fitted out and employed in the said Fishery, in the Manner, and under the several Regulations and Restrictions, in the said Act mentioned, to be paid yearly, during the Space of Fourteen Years, from the 'Commencement of the said Act, and no longer: And whereas by another Act, made in the Twenty-'eighth Year of the Reign of His said late Majesty, (intituled, *An Act for further explaining, amending, 'and rendering more effectual, an Act made in the Twenty-third Year of the Reign of His present Majesty,* 'intituled, *An Act for the Encouragement of the* British *White Herring Fishery; and for giving further En-'couragement for the carrying on the said Fishery; and for other Purposes therein mentioned)*, the said Bounty 'was continued for the further Term of Three Years, to be computed immediately from and after the 'Expiration of the term for which the same was granted as aforesaid: And whereas by another Act, 'made in the Thirtieth Year of the Reign of His said late Majesty, (intituled, *An Act for allowing a fur-'ther Bounty on Vessels employed in the White Herring Fishery; for giving Liberty to alter the present Form and 'Size of the Nets used in the said Fishery; and for other Purposes therein mentioned)*, it was, amongst other 'Things, enacted, That the said Bounty of Thirty Shillings, by the said Two several Acts granted and 'continued for the respective Terms of Years therein respectively mentioned, should cease, determine, 'and be at an End; and in lieu thereof, a Bounty of Fifty Shillings *per* Ton, on the Vessels employed in the said Fisheries, was granted for such Term and Terms of Years, to be paid in such 'Manner as the said Bounty of Thirty Shillings *per* Ton was by the said Two several Acts, or either 'of them, directed to be paid: And whereas by another Act, made in the Fifth Year of the Reign of 'His present Majesty, (intituled, *An Act for the further Encouragement of the* British *White Herring 'Fishery)*, it was, amongst other Things, recited, That the Terms for which the said Bounty was 'granted, would expire on the Twenty-second Day of *October*, One thousand seven hundred and sixty-'seven; and, by the said last-mentioned Act, it was also enacted, That the said Bounty of Fifty Shillings *per* Ton, granted by the said Act of the Thirtieth Year of the Reign of His said late Majesty, 'should be further continued for the further Term of Four Years, to be computed from and immediately after the Expiration of the Terms for which the same was granted as aforesaid: And whereas by 'another Act, made in the Eleventh Year of the Reign of His present Majesty, (intituled, *An Act for 'the Encouragement of the White Herring Fishery)*, a Bounty of Thirty Shillings *per* Ton is to be paid 'annually, in the Manner as in the said Act is provided, to the Owner or Owners of all decked Vessels, from Twenty to Eighty Tons Burthen, which shall be fitted out and employed in the said Fisheries, in Manner and under the Regulations in the said last-recited Act mentioned, for the Space 'and Term of Seven Years, from and after the Twenty-second Day of *October*, One thousand seven 'hundred and seventy-one, and to the End of the then next Session of Parliament: And whereas it was 'intended by the said last recited Act, That the said Bounty of Thirty Shillings *per* Ton, thereby 'granted, should commence and take place immediately after the Expiration of the Term for which 'the former Bounty of Fifty Shillings *per* Ton was granted and continued by the several Acts hereinbefore recited: And whereas several Vessels have been fitted out and employed upon the Summer and 'Winter Fisheries, for the Year One thousand seven hundred and seventy-one, upon a Presumption that 'the Bounty of Fifty Shillings *per* Ton, granted and continued by the before-recited Act of the Fifth 'Year of His present Majesty, did not expire till the Twenty-second Day of *October*, One thousand 'seven hundred and seventy-one, agreeably to the Recital of the said Act; but Doubts having arisen, 'whether the Term of Twenty-one Years, for which the said Bounty was first granted and continued, 'as herein-before mentioned, should not have been computed from the First Day of the Session of Parliament, in the Twenty-third Year of the Reign of His late Majesty, which began upon the Sixteenth 'Day of *November*, One thousand seven hundred and forty-nine, and which Term, from that Date, by

Act 23 Geo. II. c. 24.

Act 28 Geo. II. c. 14.

Act 30 Geo. II. c. 30.

Act 5 Geo. III. c. 22.

Act 11 Geo. III. c. 31.

'the Alteration of Stile, expired on the Twenty-seventh Day of *November*, One thousand seven hundred and seventy; and, according to which Computation, the Owners of the Vessels so fitted out and employed in the Fisheries for the Year One thousand seven hundred and seventy-one are not intitled to any Bounty: Now, to obviate these Doubts, and for the Relief of the Owners of such Vessels as have been so fitted out and employed as aforesaid,' it is hereby further enacted by the Authority aforesaid, That the Owner or Owners of such Ships or Vessels as were fitted out and employed in the First or Summer Fishery, for the Year One thousand seven hundred and seventy-one, shall be allowed a Bounty of Fifty Shillings *per* Ton for such Vessel so employed; and the Owner or Owners of such Ships or Vessels as were fitted out and employed in the latter or Winter Fishery, for the said Year One thousand seven hundred and seventy-one, shall be allowed a Bounty of Thirty Shillings *per* Ton, for such Ships or Vessels as were so fitted out and employed in that Fishery: Which said respective Bounties hereby allowed shall be paid in the same Manner as, and shall in all other respects be subject to all the Restrictons and Regulations which were directed and prescribed by the before-recited Acts, or any other Act of Parliament, with respect to the former Bounty of Fifty Shillings *per* Ton, which was granted by the said recited Act, made in the Fifth Year of His present Majesty's Reign; any Thing in the before-recited Acts, or any other Act, to the Contrary notwithstanding.

Owners of Summer Fishery 1771, to be allowed a Bounty of 50 s. per Ton; and Owners of Winter Fishery to be allowed 30 s. per Ton.

CAP. LIX.

An Act for vesting in His Majesty certain Hereditaments at *Richmond*, in the County of *Surrey*, belonging to *Catharine* Viscountess *Fitzwilliam*, and held by Lease from the Crown; and for vesting the Freehold and Inheritance of certain Leasehold and Copyhold Hereditaments at *Richmond* aforesaid in Trustees, and their Heirs, in Trust for the said *Catharine* Viscountess *Fitzwilliam*, as a Part of the Compensation for the same, and for other Purposes therein mentioned.

Preamble, reciting Letters Patent of Geo. II.

'WHEREAS His late Majesty King *George* the Second, by His Letters Patent, bearing Date the Twenty-fourth Day of *January*, in the Fifth Year of His Reign, granted and demised unto Sir *Matthew Decker* Baronet, since deceased, all that Messuage or Tenement, called or known by the Name of *The Bakehouse* at *Richmond*, in the County of *Surrey*, together with Two Gardens to the said Tenement belonging. One of which Gardens is therein mentioned to be inclosed with a Brick Wall, and to abut upon the North-west Side of a Piece of Land or Yard, then or late in the Tenure or Occupation of *Grimes*, Widow; and the other Garden is therein mentioned to be inclosed with Pales, and to adjoin to the aforesaid Tenement, then or late in the Occupation of *John Stevens*, theretofore demised to him by *Edward Villars* Esquire, for a Term of Years then expired; and also all that Piece or Parcel of Land, Orchard, or Garden, with the Appurtenances, containing by Estimation One Acre, or thereabouts, being, or reputed to be, Part of the Park called *Richmond Old Park*, theretofore in the Tenure of *Gilbert Grimes*, deceased, and then or late in the Occupation of *William Beaumond*, theretofore demised to him by the said *Edward Villars* for a Term of Years then expired, with free Way and Passage to and from the said Piece of Land by and through the aforesaid Yard, late in the Occupation of the said *Gilbert Grimes*; and also all those Three Closes of Land or Pasture Ground, situate at *Richmond* aforesaid, called *Bentley Park*, containing by Estimation Twenty Acres, more or less, Parcel also of the aforesaid Park called *Richmond Old Park*, then late in the Possession or Occupation of Sir *Charles Hedges* Knight, or his Assigns; and also all those Two Tenements adjoining to the Premises therein above mentioned and demised, then or late in the Possession of *Rowland Corbet* and *William Watts*, Tenants at the Will of the Lord, by several yearly Rents, amounting together to the Sum of Five Pounds and Fifteen Shillings a-year, together with a small Building or Stable adjoining to the Tenement of the said *William Watts*; and also all that small Piece of Land then lately recovered and inclosed by the aforesaid Sir *Charles Hedges* Knight, out of the Waste there, by the common Consent of the Inhabitants of *Richmond* aforesaid, and the Tenants of the Manor there, abutting upon Part of the Premises there above demised towards the East, upon a Way leading from a Place called *Richmond Green* to the River *Thames* towards the South, upon the said River towards the West, and upon the Land or Meadow then or late in the Tenure of *John Buckworth* towards the North, together with all Manner of Appurtenances to the said Premises belonging; all which Premises are therein mentioned to have been demised by His late Majesty King *William* the Third on the Fourth Day of *March*, in the Thirteenth Year of His Reign, for a Term of Fifty Years, at the Rent of Thirty-one Pounds Fifteen Shillings; and to have afterwards been demised by His late Majesty King *George* the First to the said Sir *Matthew Decker* Baronet, on the Twenty-fourth Day of *September*, in the Fourth Year of His Reign, for a Term of Sixteen Years, from the Fourth Day of *March*, One thousand seven hundred and fifty, at the same Rent of Thirty-one Pounds Fifteen Shillings, to hold the said Premises thereby demised to the said Sir *Matthew Decker*, his Executors, Administrators, and Assigns, from the Fourth Day of *March*, in the Year of our Lord One thousand seven hundred and sixty-six, for and during the Time and Term of Fourteen Years from thenceforth next ensuing, yielding and paying therefore for the said Premises the ancient yearly Rent or Sum of Thirty-one Pounds Fifteen Shillings, during the Term thereby granted, as therein mentioned: And whereas the said Sir *Matthew Decker*, by his last Will and Testament, bearing Date the Nineteenth Day of *January*

'*nuary*, One thouſand ſeven hundred and forty-ſeven, after giving a Legacy of Five hundred Pounds, 'gave, deviſed, and bequeathed all the Reſt of His Eſtate, as well Real as Perſonal, unto his Wife *Henrietta* '*Decker*, her Heirs, Executors, and Adminiſtrators, for ever, and appointed his ſaid Wife ſole Execu- 'trix of his ſaid Will, who duly proved the ſame in the Prerogative Court of the Archbiſhop of *Can-* 'terbury, on the Twelfth Day of April, One thouſand ſeven hundred and forty-nine: And whereas 'His ſaid Majeſty King *George* the Second, afterwards, by His Letters Patent, bearing Date the Se- 'venth Day of *November*, in the Twenty-fifth Year of His Reign, granted and demiſed unto the ſaid 'Dame *Henrietta Decker* all and ſingular the Meſſuage or Tenement, Lands, Hereditaments and Premiſes, 'which, in and by the ſaid herein-before recited Letters Patent, were granted and demiſed to the ſaid 'Sir *Matthew Decker*, with their Appurtenances, to hold unto the ſaid Dame *Henrietta Decker*, her 'Executors, Adminiſtrators, and Aſſigns, from the Fourth Day of *March*, which will come in the 'Year of our Lord One thouſand ſeven hundred and eighty, for and during the Term and Time of 'Nineteen Years and an Half, from thenceforth next enſuing, yielding and paying therefore for the 'ſaid Premiſes the ancient yearly Rent or Sum of Thirty-one Pounds fifteen Shillings, during the 'Term thereby granted, as therein mentioned: And whereas, at a Special Court Baron of His late 'Majeſty King *George* the Second, held for His Manor of *Richmond*, otherwiſe *Weſt Sheene*, on *Friday* 'the Seventh Day of *July*, in the Twenty-third Year of His ſaid Majeſty's Reign, the ſaid Dame *Hen-* 'rietta Decker was duly admitted Tenant to all that Cuſtomary Half Acre of Land, with the Appur- 'tenances, ſituate, lying, and being in a Field called *The Upper Field* of *Richmond* aforeſaid, in a Shot 'called *Marſh Furze Shot*, adjoining on the Eaſt and Weſt to Land then late of '*Jones*, Gentleman, but then of and alſo to all that Cuſtomary Capital Meſſuage 'or Tenement ſituate and being in *Richmond* aforeſaid, near the Green there, and formerly in the 'Poſſeſſion of Sir *Charles Hedges*, Knight, and then late in the Poſſeſſion of the ſaid Sir *Matthew Decker*, 'together with the Outhouſes, Edifices, Coach-houſes, Stables, Gardens, and other the Appurte- 'nances to the ſaid Meſſuage or Tenement belonging or in anywiſe appertaining, or formerly enjoyed 'therewith; and alſo to all that Piece or Parcel of Land, with the Appurtenances, formerly Part of 'the Waſte of the ſaid Manor, lying on the Eaſt Angle of the Garden Wall, formerly of *William* '*Finch*, containing in Length Fourteen Feet, or thereabouts, and in Breadth Twelve Feet, or there- 'abouts, to hold to the ſaid Dame *Henrietta Decker*, her Heirs and Aſſigns, for ever, at the Will of the 'Lord, according to the Cuſtom of the ſaid Manor, by Fealty Rent of Thirteen Shillings and Four-pence, 'Suit of Court, and other Service, firſt due and of Right accuſtomed; and at the ſame Court the ſaid Dame 'Henrietta Decker ſurrendered the ſaid Copyhold Premiſes, with the Appurtenances, according to the 'Cuſtom of the ſaid Manor, to the Uſe of ſuch Perſon or Perſons, and to and for ſuch Truſts, Uſes, In- 'tents, and Purpoſes, as ſhe ſhould, in and by her laſt Will and Teſtament, in Writing, give, deviſe, be- 'queath, direct, limit, or appoint, at the Will of the Lord, according to the Cuſtom of the ſaid Manor: 'And whereas the ſaid Dame *Henrietta Decker* being poſſeſſed of the ſaid Leaſehold Premiſes above 'mentioned by the ſeveral Letters Patent and Will above recited and referred to, and being alſo poſ- 'ſeſſed of and intitled in Fee to the ſaid Copyhold or Cuſtomary Premiſes, and having ſurrendered the 'ſame in Manner aforeſaid, duly made and publiſhed her laſt Will and Teſtament, bearing Date the 'Thirteenth Day of *April*, One thouſand ſeven hundred and forty-nine, whereby ſhe gave and be- 'queathed all her Freehold, Copyhold, Leaſehold, and Perſonal Eſtates unto her Son-in-law the 'Honourable *John Talbot*, and *Gerard Van Neck*, Eſquire, their Heirs, Executors, and Adminiſtrators, 'upon Truſt, to raiſe and pay thereout the ſeveral Sums of Money thereby directed; and in further 'Truſt, to ſtand ſeized and poſſeſſed of all the Reſt and Reſidue of the ſaid Freehold, Copyhold Leaſe- 'hold, and Perſonal Eſtates in Truſt, for the ſole and ſeparate Uſe of her Daughter *Catharine Fitzwil-* 'liam, whoſe Directions, as far as it concerned her Share, the ſaid Teſtatrix deſired her ſaid Truſtees 'would purſue, either in continuing or altering the Situation her ſaid ſeveral Eſtates ſhould be in at 'the Time of her Death, in ſuch Manner as ſhe ſhould moſt approve; and the ſaid Teſtatrix did alſo 'expreſs her Will to be, that if her ſaid Daughter ſhould at any Time be diſpoſed to preſent, ſell, or 'diſpoſe of to her Huſband, the Right Honourable the Lord Viſcount *Fitzwilliam*, or to any other 'Perſon or Perſons, the Whole, or any Part of what the Teſtatrix thereby gave unto her, that it 'ſhould be lawful for her ſaid Truſtees, notwithſtanding any Thing in her ſaid Will contained, to 'transfer and aſſign the ſame upon Requeſt made to them by her ſaid Daughter, by any Writing or 'Writings under her Hand, to ſuch Perſon or Perſons, and for ſuch Eſtates and Intereſts, and in ſuch 'Manner and Form as her ſaid daughter ſhould appoint, and which Writing or Writings the ſaid 'Teſtatrix declared ſhould be to her Truſtees a full Diſcharge for their ſo doing; and the ſaid Teſtatrix 'appointed her ſaid Daughter, the ſaid *Catharine* Viſcounteſs *Fitzwilliam*, her ſole Executrix; and the 'ſaid Teſtatrix afterwards, by a Codicil to her ſaid Will, made the Ninth Day of *March*, One thou- 'ſand ſeven hundred and fifty-two, after taking Notice that the ſaid *Gerard Van Neck* was dead, no- 'minated and appointed *John Page* of *Water Gate Houſe*, in the County of *Suſſex*, Eſquire, and *John* '*Daniel Dreyer* of *London*, Merchant, in the Room of the ſaid *Gerard Van Neck*, Co-truſtees with the 'ſaid *John Talbot*; and thereby did deviſe and bequeath unto them the ſaid *John Talbot*, *John Page*, 'and *John Daniel Dreyer*, their Heirs, Executors, and Adminiſtrators, all her ſeveral Eſtates in her ſaid 'Will mentioned, upon the ſeveral Truſts in her ſaid Will ſet forth, and therein alſo gave ſeveral other 'pecuniary Legacies: And whereas the ſaid Dame *Henrietta Decker* died not long after the making her 'ſaid Will and Codicil, and the ſaid *Catharine* Viſcounteſs *Fitzwilliam* duly proved the ſame in 'the Prerogative Court of the Archbiſhop of *Canterbury*, on the Ninth Day of *May*, One thouſand 'ſeven hundred and fifty-nine, And whereas at a ſpecial Court Baron of His ſaid late Majeſty King

'*George*

'*George* the Second, for His ſaid Manor of *Richmond*, otherwiſe *Weſt Sheene*, held on *Saturday* the 'Twenty-ſeventh Day of *October*, in the Thirty-third Year of the Reign of His ſaid Majeſty, the 'ſaid *John Page* and *John Daniel Dreyer* (the ſaid *John Talbot* being then dead) were duly admitted 'Tenants to all and ſingular the ſaid Copyhold or Cuſtomary Meſſuage or Tenement, Lands, Tene-'ments, Hereditaments, and Premiſes, with their Appurtenances, whereunto the ſaid Dame *Henrietta* 'Decker had been admitted as aforeſaid, to hold the ſaid Premiſes, with the Appurtenances, unto the 'ſaid *John Page* and *John Daniel Dreyer*, their Heirs and Aſſigns, for ever, at the Will of the Lord, 'according to the Cuſtom of the ſaid Manor, upon the Truſts, and to and for the Uſes, Intents, and 'Purpoſes, in and by the ſaid Will and Codicil of the ſaid Dame *Henrietta Decker* mentioned, expreſſed, 'and declared, of and concerning the ſame: And whereas the ſaid *John Daniel Dreyer* afterwards died, 'and the ſaid *John Page* being then the ſurviving Truſtee under the ſaid Will and Codicil of the ſaid 'Dame *Henrietta Decker*, and the ſeveral Sums charged by her ſaid Will and Codicil on her ſaid Eſtates 'having been paid and diſcharged, by Indenture of Three Parts, bearing Date the Tenth Day of '*November*, which was in the Year of our Lord One thouſand ſeven hundred and ſixty-eight, and 'made between the ſaid *John Page* of the Firſt Part; the Right Honourable *Richard* Lord Viſcount '*Fitzwilliam*, and the ſaid *Catharine* Lady Viſcounteſs *Fitzwilliam* his Wife, of the Second Part; 'and *Maurice Dreyer* and *John Daniel Dreyer*, both of *London*, Merchants, the Sons of the ſaid *John* '*Daniel Dreyer* deceaſed, of the Third Part; the ſaid *John Page*, by the Direction of the ſaid *Richard* 'Viſcount *Fitzwilliam* and *Catharine* Viſcounteſs *Fitzwilliam*, did aſſign and ſet over all and ſingular the 'Meſſuage or Tenement, Lands, Hereditaments, and Premiſes, in and by the aforeſaid recited Let-'ters Patent granted and demiſed, with their Appurtenances, unto the ſaid *Maurice Dreyer* and *John* '*Daniel Dreyer* the Sons, their Executors, Adminiſtrators, and Aſſigns, for and during all the Reſidue 'and Remainder then to come of the aforeſaid Term of Fourteen Years, and for the Whole of the ſaid 'Term of Nineteen Years and an Half, upon ſuch and the ſame Truſts, and to and for ſuch and the 'ſame Intents and Purpoſes, as in and by the ſaid Will of the ſaid Dame *Henrietta Decker* are declared 'and expreſſed, of and concerning the Reſt and Reſidue therein mentioned of her Freehold, Copyhold, 'Leaſehold, and Perſonal Eſtates: And whereas at a General Court Leet and Court Baron of His 'preſent Majeſty, held for the ſaid Manor of *Richmond*, otherwiſe *Weſt Sheene* on *Saturday* the Firſt Day 'of *April*, which was in the Year of our Lord One thouſand ſeven hundred and ſixty-nine, the ſaid '*Maurice Dreyer* and *John Daniel Dreyer*, the Sons, were duly admitted upon the Surrender of the ſaid '*John Page*, to all and ſingular the ſaid Copyhold or Cuſtomary Meſſuage or Tenement, Lands, Tene-'ments, Hereditaments, and Premiſes, with their Appurtenances, whereunto the ſaid Dame *Henrietta* 'Decker had been admitted as aforeſaid, to hold the ſaid Premiſes, with their Appurtenances, unto the 'ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Heirs and Aſſigns, for ever, at the Will 'of the Lord, according to the Cuſtom of the ſaid Manor, upon the Truſts, and to and for the ſeveral 'Uſes, Intents, and Purpoſes, in and by the ſaid Will and Codicil of the ſaid Dame *Henrietta Decker* 'mentioned, expreſſed, and declared of and concerning the ſame: And whereas it hath been agreed, 'by and on the Behalf of the ſaid *Catharine* Viſcounteſs *Fitzwilliam*, in conſideration of the Sum of 'Two thouſand one hundred and fifty Pounds, to be paid her by His moſt Excellent Majeſty, and of 'the Enfranchiſement and Releaſe herein-after mentioned, that all and ſingular the ſaid Leaſehold 'Premiſes, except a certain Part thereof, containing in Quantity about One Acre and an Half, 'and herein-after more particularly deſcribed, ſhall be ſurrendered up and veſted in His Majeſty, His 'Heirs and Succeſſors, diſcharged of the ſaid ſeveral Terms for Years ſo granted thereof, as aforeſaid, 'and of all other Terms, Incumbrances, and Demands; but the ſaid Agreement cannot be effectually 'eſtabliſhed and carried into Execution without the Authority of Parliament: And whereas the Pay-'ment of the ſaid Sum of Two thouſand one hundred and fifty Pounds hath been ſecured to the Satiſ-'faction of the ſaid Lady Viſcounteſs *Fitzwilliam*, and of the ſaid *Maurice Dreyer* and *John Daniel* 'Dreyer, the Sons;' be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the Copyhold or Cuſtomary Meſ-ſuages, Lands, Tenements, Hereditaments, and Premiſes herein-before mentioned and deſcribed, to which the ſaid *Maurice Dreyer* and and *John Daniel Dreyer* the Sons were admitted Tenants, as aforeſaid, ſhall be, and are hereby enfranchiſed, and ſhall from henceforth be and remain in the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Heirs and Aſſigns, for ever, to hold unto them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Heirs and Aſſigns, of His ſaid Majeſty's Manor of *Richmond*, otherwiſe *Weſt Sheene*, in free and common Soccage, freed and diſcharged, and abſolutely acquitted and exonerated of, from, and againſt all Fines, Heriots, Cuſtoms, Duties or other Tenures or Services whatſoever, any Law or Statute to the Contrary thereof in anywiſe notwithſtanding.

Cuſtomary Meſſuages of His Majeſty's Manor of Richmond, tenanted by Meſſ. Dreyers, &c. to be enfranchiſed, and freed of common Soccage, &c.

II. And be it further enacted by the Authority aforeſaid, That a certain Part of the ſaid Leaſehold Premiſes, compriſed in the Letters Patents herein-before mentioned, containing One Acre and an Half, and bounded in Manner following; that is to ſay, On the South in Part by the ſaid Copyhold, Meſ-ſuage, and Premiſes; in other Part by a Meſſuage, with the Appurtenances, in the Occupation of *Ewer*, and in other Part by the Lane which leads from *Richmond Green* to the River *Thames*; on the Eaſt by ſuch Part of the Lane leading from *Richmond Green* to *Weſt Sheene*, as meaſures from the South-eaſt Corner of the ſaid Copyhold Premiſes next to *Richmond Green* Northwards, Three hundred and ſeventeen Feet and Eight Inches; on the North by a Line (already ſtaked out by the Orders of His Majeſty, and of the ſaid Viſcounteſs) running from the Northern Extremity of the ſaid Eaſtern Boundary towards the Weſt, Nine hundred and fifteen Feet, and Six Inches; on the Weſt by another Line

How the Lands are bounded that are to be veſted in Meſſ. Dreyers.

Line (already ſtaked out in Manner aforeſaid) running from the Weſtern Extremity of the ſaid Northern Boundary towards the South, Sixty-five Feet, and terminating in the ſaid Lane which leads from *Richmond Green* to the River *Thames*; ſhall be, and the ſame are hereby releaſed, and ſhall from henceforth veſt, remain, and be in and to the ſaid *Maurice Dreyer* and *John Daniel Dreyer* the Sons, their Heirs and Aſſigns for ever, to have and to hold the ſame to the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Heirs and Aſſigns, for ever, in free and common Soccage of His Majeſty's ſaid Manor of *Richmond*, otherwiſe *Weſt Sheene*, and by no other Rent or Service whatſoever.

The Reſidue of the Lands to be veſted in His Majeſty.

III. And be it further enacted by the Authority aforeſaid, That all the Reſt and Reſidue of the ſeveral Leaſehold Premiſes, compriſed in the ſeveral Letters Patents herein-before recited, or referred to, and containing Eighteen Acres and an Half, ſhall be, and the ſame are hereby ſurrendered to His Majeſty, and ſhall from henceforth veſt, remain, and be in His Majeſty, His Heirs and Succeſſors, freed and diſcharged of all Eſtates, Terms of Years, or other Intereſts, Claims, or Demands whatſoever, of them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, or of the ſaid Lord and Lady *Fitzwilliam*, or either of them, or of any other Perſon whatſoever.

Lands veſted in Meſſ. Dreyers to be veſted alſo in their Heirs, &c.

IV. And be it further enacted by the Authority aforeſaid, That all and ſingular the ſaid Meſſuages, Lands, Tenements, and Hereditaments, hereby veſted in them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Heirs and Aſſigns, as aforeſaid, ſhall from henceforth be and remain veſted in them, their Heirs and Aſſigns; and alſo that the ſaid Sum of Two thouſand one hundred and fifty Pounds, to be paid by His ſaid Majeſty, His Heirs and Succeſſors, immediately upon the paſſing of this Act, to them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, ſhall, from and immediately after ſuch Payment thereof, be and remain veſted in them the ſaid *Maurice Dreyer* and *John Daniel Dreyer*, the Sons, their Executors, Adminiſtrators, and Aſſigns, upon ſuch reſpective Truſts, and to and for ſuch reſpective Uſes, Intents, and Purpoſes, and in ſuch Manner, for the ſole and ſeparate Uſe, Benefit, and Diſpoſal of the ſaid *Catharine* Viſcounteſs *Fitzwilliam*, as in and by the aforeſaid Will of the ſaid Dame *Henrietta Decker* is and are directed, declared, and expreſſed, of and concerning the Reſt and Reſidue of the Freehold and Perſonal Eſtate of the ſaid Dame *Henrietta Decker*, by her ſaid Will and Codicil deviſed and bequeathed to the Truſtees therein named, for the Benefit of the ſaid *Catharine* Viſcounteſs *Fitzwilliam* her Daughter, or as near thereto as Circumſtances will admit of.

CAP. LX.

An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to *Ireland*, and the *Britiſh* Dominions in *America*; for altering the Drawback upon foreign Sugars exported from *Great Britain* to *Ireland*; for continuing the Bounty on the Exportation of *Britiſh* made Cordage; for allowing the Importation of Rice from the *Britiſh* Plantations into the Ports of *Briſtol*, *Liverpoole*, *Lancaſter*, and *Whitehaven*, for immediate Exportation to foreign Parts; and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate required by Law, upon the Removal of certain Goods to *London*, which have been ſent into the Country for Sale.

Preamble. Act 7 Geo. III. c. 56.

'WHEREAS the Drawback allowed by an Act of Parliament, made in the Seventh Year of the Reign of His preſent Majeſty, (intituled, *An Act for taking off the Inland Duty of One Shilling per Pound Weight upon all Black and Singlo Teas conſumed in* Great Britain, *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company *as is therein mentioned; for permitting the Exportation of Teas, in ſmaller Quantities than One Lot, to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas, ſeized and condemned, from being conſumed in* Great Britain), upon the Exportation of Tea into *Ireland*, and the *Britiſh* Plantations in *America*, from this Kingdom, will ceaſe on the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two: And whereas it may tend to promote and encourage the Importation of Tea into *Ireland*, and the *Britiſh* Colonies and Plantations in *America*, from this Kingdom, and prevent the illicit Trade carried on with Foreigners for that Commodity, if a Drawback of Part of the Cuſtoms paid here was allowed upon the Exportation thereof to thoſe Places: May it therefore pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That for and during the Space of Five Years, to be computed from and after the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, there ſhall be drawn back and allowed for all Teas which ſhall be ſold after the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, at the publick Sale of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or which after that Time ſhall be imported by Licence, in purſuance of an Act of Parliament made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for repealing the preſent Inland Duty of Four Shillings* per *Pound Weight upon all Tea ſold in* Great Britain, *and for granting to His Majeſty certain other Inland Duties, in lieu thereof; and for better ſecuring the Duty upon Tea, and other Duties of Exciſe; and for purſuing Offenders out of one County into another*); and which ſhall be exported from this Kingdom as Merchandize to *Ireland*, or any of the *Britiſh* Colonies or Plantations in *America*, Three-fifth Parts of the ſeveral Duties of Cuſtoms which were paid upon the Importation of ſuch Teas; which

During Five Years, from July 5, 1772, a Drawback of Three-fifth Part of Duties of Cuſtoms to be allowed on Teas exported to Ireland or America.

which Drawback or Allowance, with reſpect to ſuch Teas as ſhall be exported to Ireland, ſhall be made to the Exporter in ſuch Manner, and under ſuch Rules, Regulations, Securities, Penalties, and Forfeitures, as any Drawback or Allowance is now payable out of the Duty of Cuſtoms upon the Exportation of foreign Goods to *Ireland*; and with reſpect to ſuch Teas as ſhall be exported to the *Britiſh* Colonies and Plantations in *America*, the ſaid Drawback or Allowance ſhall be made in ſuch Manner, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as any Drawback or Allowance, payable out of the Duty of Cuſtoms upon foreign Goods exported to foreign Parts, was, could, or might be made, before the paſſing of this Act, (except in ſuch Caſes as are otherwiſe provided for by this Act.)

Drawback not to be allowed if not purſuant to Act 10 Geo. 1.

II. Provided always, and it is hereby further enacted by the Authority aforeſaid, That the Drawback allowed by this Act ſhall not be paid or allowed for any Teas which ſhall not be exported directly from the Warehouſe or Warehouſes wherein the ſame ſhall be lodged, purſuant to the Directions of an Act, made in the Tenth Year of the Reign of His late Majeſty King *George* the Firſt, and the before-recited Act, made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second.

After July 5, 1772, no Tea to be exported to Ireland, &c. in Ships of leſs Burthen than 80 Tons, &c. under Penalty of Forfeiture of ſuch Tea, and the Package.

III. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, no Tea ſhall be exported, or laden on Board any Ship or Veſſel in order to be exported, to the Kingdom of *Ireland*, or to any of the *Britiſh* Colonies or Plantations in *America*, in any Ship of leſs Burthen than Eighty Tons, nor in any Cheſt, Caſk, Tub, or Package whatſoever, other than that in which it was originally imported into *Great Britain*, nor in any leſs Quantity than the whole and entire Quantity contained in any Cheſt, Caſk, Tub, or Package, in which the ſame was ſold at the publick Sale of the ſaid *Eaſt India* Company, or in which the ſame was imported by Licence, as aforeſaid, under the Penalty of the Forfeiture of ſuch Tea, and the Package containing the ſame, or the Value thereof.

Merchants entering Tea for Ireland, or America, and landing it in other Ports, to forfeit the Drawback, and Treble the Value of the Cargo.

IV. And it is hereby further enacted by the Authority aforeſaid, That if any Merchant, or other Perſon, ſhall enter any Tea for Exportation to *Ireland*, or any of the *Britiſh* Colonies or Plantations in *America*, in order to obtain the Drawback allowed by this Act, and ſuch Tea ſhall be carried to any other Part or Place beyond the Seas, and landed there; then, and in every ſuch Caſe, the Drawback paid, or to be paid for the ſame, ſhall be forfeited, and the Exporter of ſuch Tea, and the Maſter of the Ship or Veſſel on Board which the ſame was loaden and exported, and every Perſon concerned or aſſiſting in the Exportation, or landing of the ſaid Tea, whether any Drawback hath been or is to be paid for the ſame or not, ſhall forfeit Treble the Value of ſuch Tea.

Manner of Proſecutions.

V. And be it further enacted by the Authority aforeſaid, That the ſeveral Penalties and Forfeitures, as well ſpecifick as pecuniary, by this Act inflicted, ſhall and may be ſued for, proſecuted, and recovered, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action, Bill, Plaint, or Information, in the Name of His Majeſty's Attorney-general, or in the Name or Names of ſome Officer or Officers of the Cuſtoms, in ſuch and the like Manner and Form, and by the ſame Rules and Regulations, as other Penalties and Forfeitures for Offences againſt the Laws relating to the Cuſtoms may, by any Act or Acts of Parliament now in Force, be ſued for, proſecuted, and recovered; and that One Moiety of every ſuch Penalty and Forfeiture ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Officer or Officers of the Cuſtoms as ſhall inform and proſecute for the ſame.

After July 5, 1772, no Part of the old Subſidy ſhall be repaid, for Sugars the Growth of foreign Colonies.

'VI. And whereas by an Act of Parliament made in the Sixth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in America*, and other Acts of Parliament which are now in Force, no Sort of Sugars can be imported into the Kingdom of *Ireland*, but ſuch only as ſhall be fairly and *bona fide* loaden and ſhipped in *Great Britain*, and carried directly from thence in Ships navigated according to Law: And whereas Sugars, the Growth and Manufacture of foreign Plantations, not under the Dominion of His Majeſty, exported from this Kingdom to *Ireland*, do draw back all the Duties paid down or ſecured upon the Importation of ſuch Sugars, except One Half of the old Subſidy, amounting only to One Shilling and Ten pence, and Sixteen-twentieth Parts of a Penny, *per* Hundred Weight; and it will tend to promote the Exportation of *Britiſh* Sugars from this Kingdom to *Ireland*, and improve and increaſe the Trade of His Majeſty's Sugar Colonies, if the Whole of the old Subſidy was retained upon the Exportation of foreign Sugars to *Ireland* from this Kingdom;' be it therefore enacted by the Authority aforeſaid, That from and after the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, no Part of the Rate or Duty commonly called *The Old Subſidy*, ſhall be repaid or drawn back for any Sugars, the Growth, Produce, or Manufacture, of any foreign Colony or Plantation, not under the Dominion of his Majeſty, His Heirs and Succeſſors, or for any Sugars which are to be deemed and taken to be foreign Sugars, by any Act or Acts of Parliament now in Force, which ſhall be exported from this Kingdom to *Ireland*; any Law, Cuſtom, or Uſage to the Contrary notwithſtanding.

Bounty allowed by 6 G. III. c. 45. continued for 3 Years.

'VII. And whereas by an Act made in the Sixth Year of the Reign of His preſent Majeſty, (intituled, *An Act for allowing a Bounty on the Exportation of* Britiſh-*made Cordage*; *and for diſcontinuing the Drawbacks upon Foreign Rough Hemp exported*), a Bounty was granted upon the Exportation of *Britiſh*-made Cordage, under certain Limitations and Reſtrictions in the ſaid Act mentioned; which Bounty will ceaſe and determine at the End of this preſent Seſſion of Parliament: And whereas it is expedient that the ſaid Bounty ſhould be continued under ſome further Reſtrictions;' be it therefore enacted by the Authority aforeſaid, That the ſaid Bounty allowed by the ſaid recited Act, ſhall be, and the ſame is hereby continued from the Expiration thereof, for the further Term of Three Years, under the ſeveral Regulations and Reſtrictions herein-after provided and expreſſed.

No Bounty allowed for Cordage to Asia, Africa, America, or the Isle of Man.

VIII. Provided always, and it is hereby further enacted by the Authority aforesaid, That no Bounty shall be allowed or paid by virtue of this Act for any Cordage, which shall be exported, or entered for Exportation, to any Part of *Asia*, *Africa*, or *America*, the *Isle of Man*, or the Islands of *Faro* or *Ferro*; and that, instead of the Oath required by the before-recited Act to be made by the Exporter or Manufacturer of such Cordage, on the Entry or Debenture, such Exporter or Manufacturer shall swear, that the said Cordage is of *British* Manufacture, and made from Hemp imported from foreign Parts, or from Hemp of the Growth of *Great Britain*, and not from Hemp of the Growth or Produce of the *British* Colonies or Plantations in *America*; and that the same is really and truly exported, or intended to be exported to, and landed in some foreign Part of *Europe*, as expressed in the Entry, by Way of Merchandise, and not for the Use of the Ship in her Voyage nor relanded, or intended to be relanded, in any Part of *Great Britain*, or landed, or intended to be landed, in *Asia*, *Africa*, or *America*, the *Isle of Man*, or the Islands of *Faro* or *Ferro*.

Regulations and Restrictions of Act 5 Geo. III. to extend to Cordage exported in pursuance of this Act.

IX. And it is hereby further enacted, That, in all other respects, the several regulations, Restrictions, Securities, Penalties, and Forfeitures, mentioned and prescribed in and by the said recited Act, shall extend and be applied to Cordage exported in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the several Clauses relative thereto had been repeated and again enacted in this present Act.

Like Liberty of importing Rice from America by Act 5 Geo. III. c. 45.

X. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, the like Liberty which is granted by an Act, made in the Fifth Year of the Reign of His present Majesty, (intituled, *An Act for more effectually securing and encouraging the Trade of His Majesty's American Dominions; for repealing the Inland Duty on Coffee imposed by an Act made in the Thirty-second Year of His late Majesty King George the Second, and for granting an Inland Duty on all Coffee imported, (except Coffee of the Growth of the* British *Dominions in* America*), for altering the Bounties and Drawbacks upon Sugars exported; for repealing Part of an Act made in the Twenty-third Year of His said late Majesty, whereby Bar Iron, made in the said Dominions, was prohibited to be exported from* Great Britain*, or carried Coastwise; and for regulating the Fees of the Officers of the Customs in the said Dominions*), to import Rice from any of the *British* Plantations in *America* into the Port of *Plymouth*, and several other Ports of this Kingdom in the said Act mentioned, for immediate Exportation into foreign Parts, upon Payment of One Half of the old Subsidy, shall be extended to the Ports of *Bristol*, *Liverpoole*, *Lancaster*, and *Whitehaven* under the same Rules, Regulations, and Restrictions, in all Respects, as are prescribed and directed by the said recited Act, with respect to Rice so imported into the several Ports in the said Act particularly mentioned.

extended to Bristol, Liverpoole, Lancaster, and Whitehaven.

Oath required by Act 9 Geo. III. c. 41.

'XI. And whereas by an Act, made in the Ninth Year of the Reign of His present Majesty, (intituled, *An Act for better securing the Duties of Customs upon certain Goods removed from the Out-ports, and other Places, to* London; *for regulating the Fees of the Officers of his Majesty's Customs in the Province of* Senegambia *in* Africa; *for allowing to the Receivers-general of the Duties on Offices and Employments in* Scotland *a proper Compensation for their Trouble and Expences; for the better Preservation of Hollies, Thorns, and Quicksets, in Forests, Chaces, and private Grounds, and of Trees and Underwoods in Forests and Chaces; and for authorising the Exportation of a limited Quantity of an inferior Sort of Barley called* Bigg *from the Port of* Kirkwall, *in the Islands of* Orkney), it is (amongst other Things) enacted, That if any foreign Bast, or Straw, Chip, Cane, or Horse-hair Hats or Bonnets, foreign Platting, or other foreign Manufacture of Bast, Straw, Chip, Cane, or Horse-hair, proper for making of Hats or Bonnets, *Succus Liquoritiæ*, commonly called *Spanish Juice*, of foreign Produce or Manufacture, foreign Snuff, *Nanquin* Cloth, Muslin, foreign Callico, foreign Dimity, or *China* Earthen-ware, exceeding the Quantities therein respectively mentioned, shall have been imported or seised within the Port of *London*, and sent from thence to any Out-port for Sale, such Goods shall not be removed to any Out-port into the Port of *London*, or the Members thereof, or to any Place whatsoever within the Distance of Twenty Miles from the *Royal Exchange* of *London*, without a Certificate from the Collector, or other proper Officer of His Majesty's Customs, at or nearest to the Port or Place from whence such Goods are intended to be removed, certifying that the Owner or Proprietor of such Goods hath made Oath before him that the said Goods, and every Part thereof, had been sent to such Owner or Proprietor from *London* for Sale, in the lawful Way of Trade, referring to the Time when, with the Name and Residence of the Person from whom such Goods were sent, and that such Owner or Proprietor verily believed the Duties payable upon the Importation of such Goods had been duly paid and satisfied, or that the said Goods had been before compounded for or condemned; and that the said Certificate shall express the Quantity and Quality of the said Goods with the Marks of the Package thereof, to what Places, and to whom the same are consigned, and by what Carriage the same are intended to be removed; and if the said Goods are removed by Land, the said Certificate shall also express and limit the Time for which the same shall continue in Force: And whereas such Goods are frequently sent from *London* for Sale to several Inland Parts of this Kingdom, very distant and remote from any Out-port or Place where any Collector, or other Officer of the Customs is resident, and the Proprietors of such Goods cannot, without great Inconvenience and Expence, make the Proof, and obtain the Certificate required by the said recited Act upon the Return of such Goods: Now, for Remedy thereof,' be it enacted by the Authority aforesaid, That from and after the Fifth Day of *July*, One thousand seven hundred and seventy-two, if any of the said Goods, exceeding the Quantities in the before-recited Act mentioned, which shall have been imported or seised within the Port of *London*, and sent from thence into the Country for Sale, shall be afterwards removed by Land from any Place in this Kingdom, which shall exceed the Distance of Five Miles from any

Port or Place where any Custom-house is established, or any Collector or other Officer of the Customs shall reside, in order, and with an Intent, to be brought into the Port of *London*, or the Members thereof, or to any Place whatsoever within the Distance of Twenty Miles from the *Royal Exchange* of *London*, the said Oath required by the said recited Act shall and may be administered by the Chief Magistrate of any Corporation at or nearest to the Place from whence such Goods are intended to be removed, who is hereby authorised and required to administer the same, and to grant a Certificate thereof, in the Form and to the Effect required by the said recited Act, under his Hand, and the publick Seal of such Corporation; any Thing in the said recited Act to the Contrary notwithstanding.

to be administered by the Chief Magistrate of any Corporation.

XII. Provided always, and it is hereby further enacted by Authority aforesaid, That the several Forfeitures, Pains, and Penalties, inflicted and incurred by the said recited Act upon the Removal of any such Goods, without the Certificate therein directed, or falsely making Oath to any of the Facts by the said Act required to be sworn, or for counterfeiting, raising, or falsifying any such Certificate, or for knowingly or willingly making use of any such Certificate so counterfeited, raised, altered, or falsified, shall extend to this Act, and be in full Force against every Person who shall act contrary thereto, in as full and ample Manner as if the same had been again particularly repeated and re-enacted in the Body of this Act.

Forfeitures of the last recited Act to extend to this.

XIII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

General Issue.

Treble Costs.

CAP. LXI.

An Act to regulate the making, keeping, and Carriage of Gunpowder, within *Great Britain*; and to repeal the Laws heretofore made for any of those Purposes.

Preamble.

'WHEREAS the Manufacture of Gunpowder within *Great Britain*, though necessary to be encouraged in respect of the Value of Gunpowder, as an Article of Defence and Commerce, yet ought to be regulated by Law, in order to prevent the great Mischiefs which may arise from Explosions occasioned by the improper Construction and Use of the Mills, Engines, and Buildings, employed in the making of Gunpowder, and for keeping and carrying Gunpowder in too great Quantities, or in an improper Manner: And whereas the Act passed in the last Session of Parliament, intituled, *An Act for reducing into one Act of Parliament the several Laws relating to the keeping and Carriage of Gunpowder, and for more effectually preventing Mischiefs, by keeping or carrying Gunpowder in too great Quantities*, contains no Provision for regulating the making of Gunpowder, and is in other Respects defective, on which account it may be convenient to repeal the said Act, and, in the Room thereof to have a new Law for regulating, as well the making as the keeping and Carriage of Gunpowder;' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons shall use, or cause to be used, any Mill or Mills, or other Engine or Engines, for the making of Gunpowder, or in any Manner manufacture Gunpowder in any Place or Places within *Great Britain*, except in Mills and other Places where the Manufacture of Gunpowder shall be actually carrying on at the Time of the Commencement of this Act, or where it shall afterwards become lawful to carry on such Manufacture, by obtaining a Licence for that Purpose, under the Provisions herein-after contained, upon Pain of forfeiting all Gunpowder manufactured contrary to the aforesaid Provision, and also Two Shillings for every Pound of such Gunpowder.

No Persons to manufacture Gunpowder, except in Mills where it is carrying on at the passing hereof, without a Licence for that Purpose.

II. And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall, for the making of Gunpowder, employ, work or use, any Mill or Engine, worked with a Pestle or Pestles, and commonly called a *Pestle Mill*, upon Pain of forfeiting all Gunpowder manufactured therein, and also Two Shillings for every Pound of such Gunpowder.

No Person hereafter to use a Pestle Mill.

III. And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall, in or with any Mill or Engine used for the making of Gunpowder, make or cause to be made, at any One Time under any single Pair of Mill Stones, any Quantity of Gunpowder, or Materials to be made into Gunpowder, exceeding Forty Pounds, upon Pain of forfeiting all Gunpowder so made at One Time, and exceeding the said Quantity of Forty Pounds, and also Two Shillings for every Pound of such Gunpowder.

Not exceeding 40 lb. to be made at any Time under a single Pair of Mill Stones.

IV. Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to any Prosecution under this Act, for using any Pestle Mill or Mills in the making of Gunpowder, or for making above the Quantity of Forty Pounds of Gunpowder at a Time, under every single Pair of Mill Stones in any One Mill, till after the Expiration of One Year from the Time of the Commencement of this Act.

No Person liable to Prosecution for using Pestle Mills, &c. till One Year after the Commencement of this Act.

V. Pro-

V. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to the Powder Mills at this Time erected in the Parishes of *Battle*, *Crowhurst*, *Seddelscomb*, and *Brede*, in the County of *Sussex*, so far as relates to the making such fine Fowling Gunpowder only, as is known and distinguished by the Name of *Battle Powder*. Nothing herein to extend to the Mills of Battle, Crowhurst, Seddelscomb, and Brede.

VI. And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall dry, or cause to be dried, at any One Time, in any One Stove or Place, used for the drying of Gunpowder, any Quantity of Gunpowder exceeding Forty hundred Weight, upon Pain of forfeiting all Gunpowder above the said Quantity of Forty hundred Weight, and the Sum of Two Shillings for every Pound of such Gunpowder. Not exceeding 40 Cwt. to be dried at One Time.

VII. And be it further enacted by the Authority aforesaid, That it shall not be lawful for any Person or Persons whatsoever to keep in any Corning-house, Drying-house, Dusting-house, or other Place, used for or in the making of Gunpowder, or in any Building adjoining or belonging thereto, (except Magazines or Store-houses constructed with Stone or Brick, and situate Fifty Yards at least from the Gunpowder Mill or Mills), any greater Quantity of Gunpowder than shall be necessary for the immediate Work then carrying on in such Corning-house, Drying-house, Dusting-house, or other Place used for or in the making of Gunpowder, upon Pain of forfeiting all the Gunpowder kept above such necessary Quantity, and the Sum of Two Shillings for every Pound of such Gunpowder. No greater Quantity than necessary for immediate Use to be kept in any Drying-house.

VIII. And be it further enacted by the Authority aforesaid, That all and every Person or Persons, keeping or using any Mill or Mills, or other Engine or Engines, for the making of Gunpowder, shall, besides the Magazine or Magazines, and Storehouses, near their Mills, have or provide a good and sufficient Magazine or Magazines, remote from their respective Mills, for the Purpose of receiving and safe-keeping all the Gunpowder made at such Mill or Mills, as soon as the same can, from Time to Time, be conveniently removed thereto, (which last-mentioned Magazine or Magazines shall be well and substantially built with Brick or Stone, near the River *Thames*, and below *Blackwall*, or in some other convenient Place to be licensed by the Justices of the Peace, in Manner herein-after mentioned), upon Pain that all and every Person or Persons making Gunpowder, without having such Magazine or Magazines remote from their Mills, or other Places of making Gunpowder, shall forfeit the Sum of Twenty-five Pounds for every Month during which such Person or Persons shall make Gunpowder without having such Magazine or Magazines, and the Sum of Five Pounds for every Day during which he, she, or they (not being hindred by Stress of Weather, or other just Impediment) shall wilfully neglect or delay removing, with due Diligence, the Gunpowder made at such Mill or Mills, from thence, or from the Magazine or Magazines, and Storehouses adjoining thereto, to the Magazine or Magazines so to be situate remote from the Mill. Sufficient Magazines, remote from the Mills, to be provided; on Penalty of 25 l. per Mensem for every Month such Magazine shall be wanting.

IX. Provided always, and be it further enacted by the Authority aforesaid, That no Maker or Makers of Gunpowder shall be liable to any Prosecution under this Act, for not having a Magazine or Magazines remote from their respective Gunpowder Mill or Mills, till after the Expiration of One Year, from the Time of the Commencement of this Act. No Prosecutions for last Penalty to take Place, till One Year from the Commencement thereof.

X. And be it further enacted by the Authority aforesaid, That all and every Maker and Makers of Gunpowder, who shall keep, or permit to be kept, any Charcoal within Twenty Yards of any Mill or Mills, or other Engine or Engines, for making Gunpowder, or of any Drying, Corning or Dusting-house, or Magazine or Storehouse thereto belonging, shall forfeit the Sum of Five Pounds for every Week during which such Charcoal shall be so kept. No Charcoal to be kept within 20 Yards of any Mill.

XI. And be it further enacted by the Authority aforesaid, That no Person or Persons shall have or keep, at any One Time, being a Dealer or Dealers in Gunpowder, more than Two hundred Pounds of Gunpowder; and not being such, more than Fifty Pounds of Gunpowder, in any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the same Person or Persons, (all Buildings and Places adjoining to each other, and occupied together, being to be deemed One House or Place within this Act), or on any River or other Water, (except in Carriages loading or unloading or passing on the Land, or in Ships, Boats, or Vessels, loading or unloading, or passing on any River, or other Water, or detained there by the Tide or bad Weather), within the following Limits; (that is to say), Within the Cities of *London* or *Westminster*, or within Three Miles of either of them, or within any City, Borough, or Market Town of *Great Britain*, or One Mile of the same, or within Two Miles of any Palace or House of Residence of his present Majesty, His Heirs or Successors, or of Her present Majesty the Queen, or any Queen Consort, or Dowager, or within Two Miles of any Gunpowder Magazine, belonging to His Majesty, His Heirs or Successors, or within Half of a Mile of any Parish Church, or in any other Part of *Great Britain*, (except in Mills or other Places which at the Commencement of this Act shall be used for the making of Gunpowder, and the Magazines, Storehouses, and Offices thereto adjoining and belonging, and in the Places where it shall be lawful to make Gunpowder, or to keep greater or unlimited Quantities of Gunpowder, by Force of the Provisions herein-after contained), on Pain of forfeiting all the Gunpowder beyond the Quantity hereby allowed to be kept, and the Barrels in which such Gunpowder shall be; and also Two Shillings for every Pound of Gunpowder beyond such allowed Quantity. Dealers not to keep more than 200 lb. of Gunpowder, at one Time; Magazines used before the Commencement hereof excepted.

XII. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons to keep, for the Use of any Mine or Colliery, any Quantity of Gunpowder, not exceeding Three hundred Pounds Weight, in any Magazine or Warehouse, so as such Magazine or Warehouse be within Two hundred Yards of the respective Mine or Colliery for the 300 lb. of Powder may be kept for the Use of Mines.

Use of which such Gunpowder shall be kept, and also that such Magazine or Warehouse be not within any of the Limits herein-before particularly described.

Manner of giving Notice for constructing new Mills.

'XIII. And whereas it may be necessary to have some Places appointed, in which it may be lawful 'to erect new Mills, or other Engines, for making Gunpowder, with proper Magazines and Offices 'adjoining thereto, and to have Magazines for keeping unlimited Quantities of Gunpowder in Places 'where there are no Mills,' be it therefore enacted, That it shall be lawful for the Justices of the Peace for each County, or other Division, within *Great Britain*, at their General Quarter Sessions of the Peace, upon Application made to them by any Person or Persons, (such Person or Persons having given Notice in Writing of the Intention to make such Application, as also of the Place or Places proposed for such Purposes respectively, Fourteen Days before making it, to an Overseer or Churchwarden of the Parish or Place in which it is proposed to erect or make any such new Mill, and Offices or Magazine, or of an adjoining Parish, if the Place shall be extraparochial; which Overseer or Churchwarden is hereby required to cause such Notice to be publickly read on the *Sunday* next ensuing, in the Parish Church after Divine Service), from Time to Time, to licence the erecting or having such Mills for making Gunpowder, and proper Offices adjoining thereto, or such Magazines for keeping unlimited Quantities of Gunpowder in such Places not being within *London* or *Westminster*, or any other Limits within *Great Britain*, herein-before particularly described.

Proceedings may be removed from Quarter sessions to King's Bench.

'XIV. And whereas it would be proper that the Determination of the said Court of Quarter-sessions, 'on any such Application, should not be final, but that any Person or Persons who shall be refused 'such Licence or Appointment by the said Court of Quarter Sessions, should have an Opportunity of 'bringing his or their Case before the Court of *King's Bench*, in order that the said Court may finally 'hear and determine the same;' be it therefore enacted by the Authority aforesaid, That in every Case where the said Court of Quarter-sessions shall, on such Application made as aforesaid, refuse to licence any such new Mills and Magazines for making and keeping Gunpowder, or to appoint Pieces of Ground for Magazines of Gunpowder, remote from any Mills, it shall be lawful for all Persons who may think themselves aggrieved by such Refusal, to apply to such Court of Quarter-sessions, for a Special Case thereupon; and the Justices then present shall, and are hereby required, to certify the Special Circumstances of the Case in question, together with the Proofs offered for and against the Application, in order that the said Case and Proceedings may be removed, by Writ of *Certiorari*, into the Court of *King's Bench*; and the said Justices shall, and they are hereby required, in their Return to such Writ of *Certiorari*, to state such Special Case, to the End that the said Court of *King's Bench* may judge of the real Merits thereof; and if upon the whole Matter it shall appear to the Satisfaction of the said Court of *King's Bench*, that the Justices ought not to have refused the said Licence or Appointment, then, and in such Case, the said Court shall have Power, and is hereby directed to make an Order upon the said Justices to grant such Licence, or make such Appointment, without any fresh Application, at their next General Quarter-sessions of the Peace; and the Costs to be incurred by reason of such Writ of *Certiorari*, shall be awarded according to the Discretion of the said Court of *King's Bench*.

No Person liable to pay any Penalty, till Six Months after an Adjudication by the Justices.

XV. Provided nevertheless, and be it further enacted, That no Person shall be liable to pay any Penalty or Prosecution under this Act, for keeping unlimited Quantities of Gunpowder, without such Licence of the Justices, in any Magazine apart and remote from any Gunpowder Mill, and already built and used for that Purpose, in any Place not being within *London* and *Westminster*, and the other limits within *Great Britain* herein-before particularly described, until the Expiration of Six Calendar Months, after an Adjudication by the Justices of the Peace for the County or other Division, in which any such Magazine shall be, at their General Quarter Sessions of the Peace, that the same is dangerous; it being hereby declared that they shall not have Authority to make any such Adjudication, except on Complaint made to them of any such Magazine, by some Householder of the Parish or Place in which the Magazine shall be, and after due Summons of the Owner or Owners of the Magazine complained of, to answer such Complaint; and after such Examination on Oath of the Witnesses produced, to suport or invalidate such Complaint; and also that no Person shall be liable, at any Time, to any Penalty or Prosecution whatsoever, for keeping unlimited Quantities of Gunpowder, without such Licence of the Justices of the Peace, in any Magazine erected by Appointment of the Justices of the Peace, under the Power given to them by any of the former Acts regulating the keeping and Carriage of Gunpowder.

Justices to appoint proper Ground for erecting Magazines.

'XVI. And whereas by this Act the Makers of Gunpowder will be liable to Penalties for not having 'Magazines remote from their Mills, and in some Cases they may not be able to agree for the Purchase 'of Pieces of Ground proper for such Magazines;' be it therefore enacted by the Authority aforesaid, That the Justices of the Peace for each County or other Division, within *Great Britain*, shall, on Application made to them, at their General Quarter Sessions of the Peace, by any Maker or Makers of Gunpowder, from Time to Time, appoint proper and convenient Pieces of Ground, (not being within *London* or *Westminster*, or any other Limits of *Great Britain*, herein-before particularly described, and not exceeding One Acre in any One Place), with the Use of convenient Roads thereto, on which Pieces so to be appointed, such Makers of Gunpowder may erect Magazines for keeping Gunpowder, in any Quantity, after having agreed with the Owners of such Grounds for the Purchase of the same; and if any such Owner shall not agree, or by reason of any Impediment cannot so agree, such Justices shall issue a Warrant to the Sheriff of the County, or other Officer having Return of Writs within their Jurisdiction, to impanel and return before them, at such Times and Places as shall be appointed by such Warrant, a sufficient Jury, who, upon their Oaths, to be administered by the said Justices, shall inquire into the true Value of the said Pieces of Ground, with the Use of such convenient Roads

thereto,

thereto, and their Verdicts shall be kept with the Records of the said Sessions respectively; and the Judgment of the said Justices thereon shall be final and conclusive to all Parties: And for that End the said Justices shall have Power to send for any Persons interested, and to examine any Parties or Witnesses upon Oath; and the Sums of Money so to be assessed and adjudged not exceeding Thirty Years Purchase, shall be paid to the Owners of the said Ground, according to their respective Interests therein, in such Proportions as shall be adjudged by the said Justices; and upon such Payment, or in case of Refusal to accept the Money, then upon leaving the same with the Justices for the Benefit of the Owners, the Inheritance of the said Ground, and the Use of the said Roads thereto, shall be vested in the Purchasers thereof, their Heirs and Assigns, for the Purpose aforesaid, and not otherwise.

Judgment of Justices to be final.

'XVII. And whereas Leases or Agreements for Leases may have been made of Magazines or other 'Places for keeping Gunpowder, and, in Consequence of this Act, it may become unlawful to keep 'unlimited Quantities of Gunpowder in some such Magazines or Places;' be it therefore enacted, That in every such Case it shall and may be lawful for the Lessee or Tenant of any such Magazine or Place for keeping Gunpowder, to make void any such Lease or Agreement, upon giving Three Calendar Months Notice in Writing to the Lessor or Owner of such Magazine or Place, of the Desire of the Tenant to have such Lease or Agreement determined, and upon paying to such Lessor or Owner all Rents and Sums of Money which shall become due for the same, to the Time of Determination limited in such Notice, and upon performing all Covenants and Agreements on the Part of the Lessee or Tenant to that Time.

Lessee or Tenant to make void former Leases or Agreements, on giving Three Months Notice to the Lessor.

XVIII. And be it further enacted, That no Person or Persons shall have or convey at any One Time within *Great Britain* more than Twenty-five Barrels of Gunpowder, in any Waggon, Cart, or other Carriage by Land, or more than Two hundred Barrels of Gunpowder, in any Barge, Boat, or other Vessel by Water, (except in Vessels with Gunpowder imported from, or to be exported to, any Place beyond the Sea, or going Coastwise), and all Gunpowder conveyed on Land or Water, (excepting such Vessels for Importation or Exportation of Gunpowder, or going Coastwise), shall be in Barrels close joined and hooped, without any Iron about them, and so secured that no Part of the Gunpowder be scattered in the Passage; and each Barrel shall contain no more than One hundred Pounds of Gunpowder; and when conveyed by Land shall be entirely inclosed in a Leather Bag, or a Bag commonly called *A Salt Petre Bag*; and every Carriage in which Gunpowder shall be conveyed by Land, shall have a complete Covering of Wood, painted Cloth, Tarpaulin, or Wadmill Tilts, over all the Gunpowder therein contained: And also no Gunpowder shall be conveyed in any Barge, Boat, or other Vessel by Water, (except in Vessels by Gunpowder imported, or to be exported in Manner aforesaid, or going Coastwise), that hath not a close Deck; and as soon as any Gunpowder is put on Board such Vessel, all such Gunpowder shall be covered with raw Hides or Tarpaulins; and all Gunpowder, which shall be carried or conveyed, (except in such Vessels with Gunpowder for Importation or Exportation as aforesaid, or going Coastwise), within any Part of *Great Britain*, in greater Quantity, or in other Manner than is herein-before prescribed; and the Barrels in which such Gunpowder shall be, may be seized by any Person or Persons who shall have the same Authority to remove such Gunpowder and Barrels, and to use for that Purpose, during the Space of Twenty-four Hours after Seizure, the Carriage or Vessel in which such Gunpowder shall be seized, and the Tackling, Beasts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Use thereof; and to detain such Gunpowder and Barrels as is herein after given to Persons searching under a Warrant of a Justice of the Peace; and such Seizure shall be for his, her, or their own Use, on Conviction of the Offender or Offenders.

No greater Quantity to be conveyed at One Time than 25 Barrels, by Land, and not exceeding 200 Barrels by Water.

XIX. And be it further enacted by the Authority aforesaid, That when any Barge, Boat, or Vessel, having stale, condemned, or returned Gunpowder on Board, arrives at the Wharf, Key, or other Place where the same is intended to be landed, no Person or Persons shall begin to unload, or shall bring down to such Wharf, Key, or other Place, with Intent to load in such Vessel any other Gunpowder, until the Whole, or a Part of such stale, condemned, or returned Gunpowder, be first unloaded and carried away from such Wharf, Key, or other Place of landing; and after such unloading and carrying away of Part of such Gunpowder, no Person or Persons shall begin to load, or shall so bring down, with Intent to load, any greater Quantity of other Gunpowder than the Part unloaded and carried away, on Pain of forfeiting all such Gunpowder as shall be so brought down or loaded contrary to the aforesaid Provision.

No Gunpowder to be loaded, till that condemned be unloaded.

XX. And be it further enacted by the Authority aforesaid, That if any Person or Persons, having the Care or Management of any Barge, Boat, or other Vessel whatsoever, (except Ships or Vessels with Gunpowder on Board imported from, or to be exported to Places beyond Sea, or going Coastwise), loaded with Gunpowder, or any other Person on Board the same, shall bring, have, or use, or permit any Person or Persons to bring, have, or use any Charcoal or other combustible Matter, or any Fire or lighted Candle, or shall smoak, or wittingly permit any Person to smoak, on Board the same, all and every such Person and Persons shall forfeit the Sum of Five Pounds.

Persons smoaking on Board Vessels loaded with Powder, to forfeit 5 l.

XXI. And be it further enacted by the Authority aforesaid, That no Person or Persons having the Care of any Waggon, Cart, or other Carriage, used for the Conveyance of Gunpowder by Land, shall, after beginning to place or load therein any Quantity of Gunpowder, or beginning to unload the same thereout, stop or stay at any Place of loading, or in the Loading or Unloading, suffer any longer Time to pass than with the Use of all due Diligence shall be reasonably necessary for the Purpose of loading or unloading; and no Person or Persons having the Charge or Care of any Barge, Boat, or other Vessel used for the Conveyance of Gunpowder by Water, (except in the Case of Vessels loading for Importation or Exportation of Gunpowder to or from Places beyond Sea, or going Coastwise), shall, after beginning

20 l. Penalty for Persons protracting Time, in loading or unloading Powder by Land or Water Carriage.

ginning to load or unload any Quantity of Gunpowder, ſtop or ſtay at any Wharf, Key, or other Place of loading, or in the Loading or Unloading thereof ſuffer any longer Time to paſs than with the Uſe o all due Diligence ſhall be reaſonably neceſſary for the Purpoſe of loading or unloading, not exceeding Eighteen Hours, unleſs hindered by the Weather; and every ſuch Barge, Boat, or Veſſel, (except ſuch Veſſels as aforeſaid), having ſo completed her Loading, ſhall depart from the Place of loading on her Courſe the firſt enſuing Tide, unleſs hindered by Streſs of Weather, or other juſt Impediment; and no Perſon ſhall load, take in, carry, or convey, in any Waggon, Cart, or other Land Carriage laden with Gunpowder, or in any Barge, Boat, or Veſſel laden with Gunpowder, on any River, (except in the Caſe of Veſſels laden with Gunpowder for Importation from, or Exportation to, Places beyond Sea, or going Coaſtwiſe), any other Lading of any Kind whatſoever; and all and every Perſon and Perſons offending againſt any of the aforeſaid Proviſions for Loading and Unloading, ſhall, for each Offence, forfeit the Sum of Ten Pounds.

No Proviſion mentioned to extend to other Carriages than thoſe laden with Gunpowder.

XXII. Provided always, and be it further enacted by the Authority aforeſaid, That none of the aforeſaid Proviſions for, or relative to, the Conveyance of Gunpowder, or the Loading or Unloading thereof, ſhall extend to any other Waggon, Cart, or Land-carriage, or any other Barge, Boat, or Veſſel, than ſuch as ſhall be loaded with, or employed in, conveying a Quantity of Gunpowder exceeding One hundred Pounds Weight.

Juſtices to iſſue a Warrant to to ſearch for Powder made contrary to this Act,

'XXIII. And, for the more eaſy Diſcovery of the making, keeping, and Carriage of Gunpowder 'contrary to the Proviſions herein before made,' be it further enacted, That it ſhall be lawful for any Juſtice of the Peace of any County, or other Diviſion within *Great Britain*, in which Gunpowder is ſuſpected to be made, kept, or carried, contrary to this Act, on Demand made, and a reaſonable Cauſe aſſigned upon Oath by any Perſon or Perſons, to iſſue a Warrant or Warrants, under his Hand and Seal, for ſearching, in the Day-time, any Houſe, Mill, Magazine, Storehouſe, Warehouſe, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Ship, Boat, or Veſſel, in which Gunpowder is ſuſpected to be made, kept, or carried, contrary to this Act; and that all Gunpowder found upon ſuch Search to be made, kept, or carried, contrary to this Act, and alſo the Gunpowder Barrels, ſhall be immediately ſeized by the Searcher or Searchers, who ſhall, with all convenient Speed after the Seizure, remove ſuch Gunpowder, and the Barrels in which it ſhall be, to ſuch proper Places as they, in Conformity to the Reſtrictions of this Act, ſhall think fit: And in the Caſe of any ſuch Gunpowder ſeized in any Carriage or Veſſel, may uſe for the Purpoſe of Removal, during the Space of Twenty-four Hours after Seizure, ſuch Carriage or Veſſel, with the Tackling, Beaſts, and Accoutrements belonging thereto, (paying afterwards to the Owner or Owners thereof a ſufficient Recompence for the Uſe thereof, to be ſettled by the Juſtices before whom the Complaint ſhall be heard, after the Seizure; and in caſe of Nonpayment, immediately after Settlement by ſuch Juſtices, to be recoverable by Diſtreſs and Sale of the Parties Goods and Chattels, as is herein-after directed concerning the pecuniary Penalties of this Act); and may detain ſuch Gunpowder, and the Barrels in which it ſhall be, till it ſhall be adjudged, on a Hearing before any Two or more ſuch Juſtices, whether the ſame ſhall be forfeited; and ſuch Searcher or Searchers, Seizer or Seizers, ſhall not be liable to any Suit for ſuch Detainer, or for any Loſs of or Damage which may happen to the ſaid Gunpowder or Barrels, other than by wilful Acts or Neglects of them, or the Perſons with whom they ſhall intruſt the Keeping thereof.

Searchers to ſeiſe all which they find, and remove it.

Seizers not liable to Damage occaſioned by Detainer.

Regulation for Security of the Veſſels in the River Thames.

'XXIV. And, for Security of the great Number of Ships and Veſſels lying in the River *Thames*, 'and of the Dock Yards, Wharfs, and Buildings, on the Sides of the *Thames* above *Blackwall*,' be it further enacted, That no Maſter or Commander of any Ship or other Veſſel lying in the *Thames*, and outward bound, ſhall receive, or permit to be received, on Board any ſuch Ship or Veſſel more than Twenty-five Pounds of Gunpowder, (except for the King's Service) before the Arrival of ſuch Ship or Veſſel at, over-againſt, or below *Blackwall*; and that the Maſter or Commander of every Ship or Veſſel coming into the River *Thames*, ſhall (except in the Caſe of Gunpowder for the King's Service) put on Shore in proper Places, in Conformity to the Reſtrictions of this Act, all the Gunpowder on Board ſuch Ship or Veſſel above the Quantity of Twenty-five Pounds, either before the Arrival of ſuch Ship or Veſſel at *Blackwall*, or within Twenty-four Hours, (if the Weather ſhall permit), after coming to an Anchor there, or to the Place of unloading there, and ſhall not afterwards have on Board more than Twenty-five Pounds of Gunpowder, (except for the King's Service), on Pain of forfeiting, for every Offence in any of the ſaid Caſes, all the Gunpowder found on Board above the Weight of Twenty-five Pounds, and the Barrels in which ſuch Gunpowder ſhall be, and alſo Two Shillings for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.'

Maſter, Warden, &c. of the Trinity Houſe to appoint Searchers.

'XXV. And, for the better Diſcovery of Maſters or Commanders of inward or outward-bound 'Ships, who ſhall have Gunpowder in their Ships or Veſſels in the *Thames* contrary to this Act,' be it further enacted, That the Maſter, Warden, and Aſſiſtants of the Corporation of the *Trinity Houſe* of *Deptford Strond*, in the County of *Kent*, for the Time being, ſhall, from Time to Time, appoint One or more Perſon or Perſons, a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Veſſels in the *Thames*, which Perſon or Perſons, ſo appointed, are hereby authoriſed, at any Time between Sunriſing and Sunſetting, to enter any Ship or Veſſel (except His Majeſty's Ships) in the River *Thames* above *Blackwall*, and to ſearch the ſame for unlawful Quantities of Gunpowder, and alſo ſhall have the ſame Powers of ſeizing, removing to proper Places, and detaining all ſuch unlawful Quantities of Gunpowder found on Board any ſuch Ship or Veſſel, and the Barrels in which ſuch Gunpowder ſhall be, as are herein-before given to Perſons ſearching for unlawful Quantities of Gunpowder under a Warrant of a Juſtice of the Peace.

XXVI. And be it further enacted, That all Penalties created by this Act, shall be recoverable before Two or more Justices of the Peace for the County or other Division in which the Offence shall be committed, on Proof of the Offence, by the Oath or Oaths of One or more credible Witness or Witnesses, or on Confession of the Offender; and One Moiety of each Penalty shall belong to His Majesty, His Heirs or Successors, and the other Moiety thereof to the Informer or Informers prosecuting for the same; and where the Penalty shall be pecuniary, in case of Nonpayment, it shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and the Overplus of the Money raised, after deducting the Penalty, and the Expences of the Distress and Sale, shall be rendered to the Owner; and for Want of sufficient Distress, the Offender shall be sent, by such Justices, to the House of Correction, there to be kept to hard Labour for any Time not exceeding Six Months, nor less than Three Months, as such Justices shall think most proper. Penalties and Forfeitures how to be recovered and applied.

XXVII. And be it further enacted, That no Person shall be liable to any Prosecution for any Offence against this Act, unless such Prosecution shall be commenced within Fourteen Days after Seizure of the Gunpowder, or Commission of the Offence, where there shall not be any Seizure; and that if any Suit or Action shall be prosecuted in *England*, against any Person or Persons for any Thing done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act, or the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action or Actions, after issue joined, or if on Demurrer, or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same, as any Defendants have by Law in other Cases. Prosecution to be commenced within 14 Days after Seisure. General Issue. Treble Costs.

XXVIII. And be it further enacted, That all Actions, Suits, and Prosecutions, to be commenced in *England*, against any Person or Persons, for any Thing to be done in pursuance of this Act, shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise. Limitation of Actions.

XXIX. Provided always, and be it further enacted, That this Act shall not extend, or be any Ways construed to extend, to any Mills or other Buildings erected, or which may hereafter be erected, for the Purpose of making Gunpowder, in any Lands belonging to His Majesty, His Heirs or Successors, or to the keeping of Gunpowder at any Storehouse or Magazine belonging to His Majesty, His Heirs or Successors, or to hinder the Trial of Gunpowder by His Majesty's Officers, as is usual, for the Service of His Majesty, His Heirs or Successors, or to the keeping of Gunpowder at the Magazines now erected for that Purpose, of *Barking Creeksmouth*, in the County of *Essex*, and *Erith Level*, in the County of *Kent*, or to the keeping of Gunpowder at the Magazines or Storehouses now erected near *Liverpoole*, in the County of *Lancaster*, or the City of *Bristol*, or to the Carriage of Gunpowder, to or from the King's Magazines, under a special and express Order of the King's Board of Ordnance; such Order to contain the Quantity of Gunpowder so to be carried, and the Time for which such Order shall be in Force; or to the Carriage of Gunpowder with Forces on their March, or with the Militia, during their annual Exercise; or which shall be sent for the Use of such Forces or Militia. Not to extend to Mills to be erected on His Majesty's Lands, &c. nor to those now erected.

XXX. Provided also, and be it further enacted, That this present Act shall not extend to hinder any Person or Persons from carrying or conveying any unlimited Quantity of Gunpowder, in such close-decked Vessels, in Manner as herein-before is directed, from any Ships or Vessels lying below *Blackwall*, to any of the Magazines for Gunpowder, so situate below *Blackwall*, or from such Magazines to any Ships or Vessels lying below *Blackwall*, and going to any Place beyond Sea, or Coastwise. Not to extend to hinder unlimited Quanitties to be conveyed from Ships below Blackwall.

XXXI. And be it further enacted by the Authority aforesaid, That this Act shall commence, and begin to be in Force, on the First Day of *July*, One thousand seven hundred and seventy-two; and from and immediately after the Commencement thereof, an Act made in the last Session of this present Parliament, (intituled, *An Act for reducing into One Act of Parliament the several Laws relating to the keeping and Carriage of Gunpowder, and for more effectually preventing Mischiefs, by keeping or carrying Gunpowder in too great Quantities*), and all former Statutes, so far as they relate to the Keeping and Carriage of Gunpowder, shall be, and the same are hereby repealed. The Act to commence on July 1, 1772. Act 11 Geo. III. c. 35, &c. hereby repealed.

CAP. LXII.

An Act to enable the Lord Bishop of *Durham*, and his Successors, to raise a competent Sum of Money, to be applied for the repairing, improving, or rebuilding, such Part of *Tyne Bridge* as belongs to the See of *Durham*.

'WHEREAS the Right Reverend Father in God *John* Lord Bishop of *Durham* is intitled, in 'Right of his See, to One-third Part of an ancient Bridge extending across the River *Tyne*, be-'tween the Town of *Gateshead*, in the County Palatine of *Durham*, and the Town and County of the 'Town of *Newcastle upon Tyne*: And whereas, by the Violence and Rapidity of a most extraordinary 'Flood, which happened on the Seventeenth Day of *November*, One thousand seven hundred and se-'venty-one, in the River of *Tyne*, the said Bridge was very much damaged, broken down in several 'Places, and rendered utterly impassable: And whereas, in order to restore an easy and safe Commu-'nication between the Counties of *Durham* and *Northumberland*, it is highly expedient that the said 'Bridge should be rebuilt, or effectually repaired, with all possible Expedition: And inasmuch as the Preamble.

'necessary

'neceſſary Repairs of the One-third Part of the ſaid Bridge, belonging to the ſaid Lord Biſhop of *Durham* in Right of his See, and extending from Two Blue Marble or Boundary Stones, on the South Side of the ſaid Bridge, to the ſaid Town of *Gateſhead*, will be attended with a great Expence; and however reaſonable or proper it may be, that the entire Sum neceſſary to be appropriated for, and employed in, that uſeful and neceſſary Work, ought to be raiſed out of, or ſecured upon, the Revenues and Poſſeſſions of the ſaid See of *Durham*, and that the Lord Biſhop of *Durham* for the Time being, ought not to bear any greater Burthen than ſhall ariſe from the Intereſt or annual Charge to be paid in reſpect of the Principal Money to be raiſed for the Purpoſe aforeſaid; yet the ſaid *John* Lord Biſhop of *Durham* is conſenting that a reaſonable and adequate Sum of Money may be raiſed by the Authority of Parliament, by granting Annuities for Lives, which will not only be ſpeedy and effectual, but may be a Method leſs burthenſome to the Succeſſors in the ſaid See than to the ſaid *John* now Lord Biſhop of *Durham*, by the eventual Dropping of Lives, and the Decreaſe of ſuch temporary Charge: Wherefore, may it therefore pleaſe Your Majeſty that it may be it enacted,' and be enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Chancellor of the Biſhoprick and County Palatine of *Durham* and *Sadberge*, the Sheriff of the County Palatine of *Durham* and *Sadberge*, the Vicar-general and principal Official of the Dioceſe of *Durham*, the Attorney and Solicitor-general to the Lord Biſhop of *Durham*, the principal Regiſter or Regiſtrar of the Dioceſe of *Durham*, the Auditor to the Lord Biſhop of *Durham*, the Keeper of *Auckland Caſtle*, the Steward of the Halmote Courts of the Lord Biſhop of *Durham*, the Clerk of the Halmote Courts of the Lord Biſhop of *Durham*, the Clerk of the Great Receipt of the Exchequer of *Durham*, the Regiſter of the Court of Chancery of *Durham*, the Clerk of the Chancery of *Durham*, and the Keeper of the Rolls of the Chancery aforeſaid, the Clerk of the Itinerant Juſtices, and other Juſtices whomſoever in the County Palatine of *Durham* and *Sadberge*, and the Bailiff of the Borough of *Auckland* for the Time being, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution, by and under the Direction of the ſaid *John* Lord Biſhop of *Durham*, and his Succeſſors.

Truſtees appointed for putting this Act in Execution.

No Truſtee to accept of a Place of Profit.

II. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Office or Appointment, to which any Salary or pecuniary Profit ſhall be annexed, by virtue or in purſuance of this Act; nor ſhall any ſuch Truſtee, on his own private Account, enter into any Contract, or have any Share or Intereſt in any Contract, relating to the Execution of any of the Powers contained in this Act.

Truſtees authoriſed to contract for Ground, &c. for improving the Bridge and the Avenue thereto.

'III. And whereas it may be neceſſary to open a more convenient Avenue and Paſſage to that Part of the ſaid Bridge which belongs to the ſaid See of *Durham*, and to remove the Erections and Buildings on the ſame,' be it therefore enacted, That the ſaid Truſtees, or any Three or more of them, ſhall, and they are hereby authoriſed, by and under ſuch Direction of the ſaid Lord Biſhop of *Durham* and his Succeſſors, as aforeſaid, to treat, contract, and agree with any Perſon or Perſons, for the abſolute Purchaſe of any Eſtate or Intereſt in any Buildings or Ground, which ſhall be deemed neceſſary to be appropriated, for the better and more effectually repairing, rebuilding, or improving, ſuch Part of ſaid Bridge as belongs to the ſaid See of *Durham*, and for making more convenient the Avenue and Paſſage leading on the ſame, or to appropriate any Building or Ground which the ſaid Biſhop is intitled unto in Right of his See, for the Purpoſes aforeſaid.

To ariſe any Sum not exceeding £12,000 l. for the Purpoſes of this Act, by granting Annuities.

'IV. And, foraſmuch as the raiſing an adequate Sum of Money upon the Credit of this Act, by granting Annuities for Lives, will be a ſpeedy and effectual Method of carrying the Intentions of the ſaid *John* Lord Biſhop of *Durham* into complete Execution;' be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay, to ſuch Treaſurer or Treaſurers as the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, ſhall, in Manner herein after mentioned, authoriſe and impower to receive the ſame, for the Uſes herein-after expreſſed, any Sum or Sums of Money, not exceeding in the Whole the Sum of Twelve thouſand Pounds, for the abſolute Purchaſe of Twelve or more Annuities for Lives, to be paid and payable, and the ſame are hereby directed to continue and be paid, during the full Term of the natural Life of each ſuch Contributor reſpectively, or the natural Life of ſuch other Perſon as ſhall be nominated by or on the Behalf of each Contributor reſpectively, at the Time of Payment of their reſpective Purchaſe or Contribution-money; which Annuity or Annuities ſhall not reſpectively exceed the Rate of Ten Pounds *per Annum* for every One hundred Pounds advanced and actually paid, and ſo in proportion for any greater or leſs Sum ſo to be advanced and paid as aforeſaid; and the ſaid ſeveral Annuities, ſo to be purchaſed, ſhall be charged upon, and be paid and payable out of the Rents, Revenues, and Profits, of the ſaid See, which from Time to Time, during the Continuance of the ſaid Annuities, or any of them, ſhall be received by the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, or ſhall come to the Hands of, or be received by the Receiver-general for the Time being of the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, by ſuch Receiver-general, or his Succeſſors, at ſuch Place in the City of *Durham*, by equal Half-yearly Payments, as in the Order or Orders herein-after mentioned for Payment thereof ſhall be reſpectively expreſſed; and ſuch Receiver-general for the Time being ſhall be credited, or have an Allowance in his Accounts of or for all ſuch Sums of Money, as he ſhall actually pay by virtue or in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if ſuch Payments had reſpectively been really and *bona fide* made to the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors; and the ſaid ſeveral Annuities ſhall commence from the Receipt of any Sum or Sums of Money reſpectively; and ſuch Annuity or Annuities ſhall not be ſubject or liable to any Deduction or Abatement for or in reſpect of any Tax, Charge, or Aſſeſſment, impoſed or to be impoſed by Authority

of Parliament, or otherwiſe howſoever, upon the Lands, Tenements, or Perſons, by this Act charged therewith, or by whom, or out of which the ſame are to be anſwered and paid; nor ſhall any ſuch Annuitant or Annuitants, their Executors, Adminiſtrators, or Aſſigns, or any of them, be anſwerable or accountable for the Miſapplication or Nonapplication of, or liable to make good any Loſs that ſhall or may happen in, or of any ſuch Purchaſe or Conſideration-money that ſhall be ſo advanced or paid as aforeſaid, or any Part thereof; and the Receipt or Receipts of the ſaid ſeveral Annuitants, their reſpective Executors, Adminiſtrators, or Aſſigns, for all and every ſuch Sum and Sums of Money as ſhall be paid to them, or any of them reſpectively, by the ſaid Receiver-general for the Time being, in purſuance of this Act, ſhall be as good and effectual Diſcharges to ſuch Receiver-general, as if the ſame Sum and Sums had been actually paid to the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors.

Previous to Sale of ſuch Annuities, Notice to be given in the London Gazette.

V. Provided always, and it is hereby further enacted and declared, That, previous to the Sale of ſuch Annuities, in order to raiſe the ſaid Sum of Twelve thouſand Pounds, or any Part thereof, One Calendar Month's Notice at the leaſt ſhall, Four or more different Days, be given in the *London Gazette*, expreſſing the Intention of the Sale of ſuch Annuity or Annuities, ſo as to raiſe the ſaid Sum of Twelve thouſand Pounds, or any Part thereof, in order that any Perſon may have an Opportunity to deliver in Propoſals for what annual Income or Payment *per Centum* they are willing to advance their Money; and the ſaid Truſtees, or any Three or more of them, ſhall, (if the ſaid Lord Biſhop of *Durham*, or his Succeſſors, ſhall think any ſuch Propoſals reaſonable) give the Preference to the loweſt Propoſer, Regard being had to the Circumſtances of Age and Health; and the ſaid Annuities ſhall be ſold by the ſaid Truſtees, or any Three or more of them, ſubject to the Approbation of the ſaid Lord Biſhop of *Durham*, to be ſignified by any Writing under his Hand, to the beſt Advantage they can.

Power of Diſtreſs and Entry.

VI. And, for the more effectual ſecuring to the ſaid Annuitants the regular and full Payment of their reſpective Annuities, be it further enacted, That the ſaid ſeveral Annuities ſhall be alſo charged upon and iſſuing out of, and the ſame are hereby charged upon and directed to be iſſued out of all or any ſuch Part of the Temporalities and Poſſeſſions belonging to the ſaid See of *Durham*, as ſhall, from Time to Time, and at any Time hereafter, during the Life or Lives of any ſuch Annuitant or Annuitants, be held in Demeſne, or be in the immediate Poſſeſſion or Holding of the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors: And if it ſhall happen that the ſaid ſeveral Annuities, or any of them, or any Part thereof reſpectively, ſhall be behind and unpaid for Twenty-one Days after any of the Feaſts or Days which ſhall be limited and appointed for Payment thereof; then, and ſo often, and from Time to Time as it ſhall ſo happen, it ſhall and may be lawful to and for the ſaid Annuitants, or Perſons intitled to ſuch Annuities reſpectively, and his and their reſpective Executors, Adminiſtrators, and Aſſigns, into and upon the Premiſes ſo hereby charged, for more effectually ſecuring the Payment of the ſaid Annuity or Annuities, or into and upon any Part thereof, to enter and diſtrain; and the Diſtreſs and Diſtreſſes then and there found to take, lead, drive, carry away, and impound, or otherwiſe diſpoſe of, according to Law, until the ſaid Annuity or Annuities, and all Arrears thereof, and all Coſts and Charges attending ſuch Entry and Diſtreſs, and all Damages to be ſuſtained by Reaſon of the Nonpayment thereof, ſhall be fully ſatisfied and paid; and moreover, that if the ſaid Annuity or Annuities, or any Part thereof, ſhall be behind or unpaid for Forty Days after any of the Feaſts or Days which ſhall be limited or appointed for Payment thereof; then, and ſo often, from Time to Time, as it ſhall ſo happen, it ſhall and may be lawful to and for the ſaid Annuitants, or Perſons intitled to ſuch Annuities reſpectively, and his and their reſpective Executors, Adminiſtrators, and Aſſigns, into the ſame Premiſes to enter, and to take and receive the Rents, Iſſues, and Profits thereof to his, her, and their own Uſe and Benefit, until thereby or therewith, or otherwiſe, all Arrears of the ſaid Annuity or Annuities then grown due, or that, during ſuch Poſſeſſion ſhall grow due, and all Coſts and Charges attending ſuch Entry upon, and Perception of the Rents and Profits of the ſame Premiſes, and all Damages that he, ſhe, or they ſhall then have ſuſtained by reaſon of the Nonpayment of the ſaid Annuity or Annuities, or yearly Sums, ſhall be fully ſatisfied and paid.

A Treaſurer to be appointed by the Biſhop of Durham.

'VII. And, to the Intent that ſome proper Perſon or Perſons may be appointed to receive the Price or Conſideration-money to be paid for the ſaid Annuities, and to apply and diſpoſe of the Money ſo received, for the Purpoſes of this Act,' be it further enacted, That it ſhall and may be lawful to and for the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, by any Writing or Writings under his or their Hand, or reſpective Hands, to appoint a Treaſurer, who ſhall give ſuch Security for the due and faithful Execution of his Office, as the ſaid Lord Biſhop of *Durham*, or his Succeſſors, ſhall think reaſonable; and alſo to appoint ſuch One or more fit and ſkilful Perſon or Perſons (if he or they ſhall think proper ſo to do) as may be neceſſary and proper, either to inſpect the Works, or to execute any Rules, Orders, or Regulations to be made or done in purſuance of this Act, with ſuch Allowances to the Treaſurer for the Time being, and ſuch other Perſon or Perſons as aforeſaid, as by the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, and the ſaid Truſtees, or any Three or more of them, ſhall be judged reaſonable, for, and in Conſideration of his and their Employment and Service reſpectively; and likewiſe, that it ſhall and may be lawful to and for the ſaid Lord Biſhop of *Durham*, and his Succeſſors, from Time to Time, to remove or diſcontinue ſuch Treaſurer, or other Perſon or Perſons, and appoint another or others in the Place of ſuch of them as ſhall be ſo removed, or as ſhall happen to die before the ſeveral Intents and Purpoſes mentioned in, or intended by this Act, ſhall be completely performed and carried into Execution.

Upon Payment of the Purchase-money, an Order to be signed by the Truſtees for the Payment of the Annuity.

VIII. And be it further enacted, That every Purchaſer of ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe-money for the ſame, or any Part or Proportion thereof, into the Hands of ſuch Treaſurer ſo to be appointed as aforeſaid, ſhall have One or more Receipt or Receipts, importing the Receipt of ſo much Purchaſe-money as ſhall be ſo paid; and upon Payment of all the Purchaſe-money for any ſuch Annuity or Annuities, every Contributor, his, her, or their Aſſigns reſpectively, ſhall have an Order, fairly written upon Parchment, for Payment of the ſaid Annuity or Annuities, which Order ſhall be ſigned by the ſaid Truſtees, or any Three or more of them; and, after ſigning thereof, the ſame ſhall be good, valid, and effectual in the Law, according to the Purport and true Meaning thereof, and of this Act.

Books to be kept for entering the Names, Ages, and Places of Abode of the Annuitants.

IX. And be it further enacted, That there ſhall be provided by the Treaſurer a Book or Books, wherein ſhall be fairly written, in Words at Length, the Names, proper Additions, Ages, and Places of Abode, of all Perſons who ſhall be Purchaſers of any of the ſaid Annuities, and the Names and Places of Abode of all Perſons, by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act; and alſo the Sum and Sums actually paid for the Purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof; a Duplicate of which ſaid Book or Books ſhall be delivered to the ſaid Receiver-general of the ſaid Lord Biſhop of *Durham* for the Time being, who ſhall enter therein the ſeveral Payments, from Time to Time, to the ſaid Annuitants, or their Aſſigns, and the reſpective Days when any of the ſaid Annuitants ſhall happen to die; to which Book or Books it ſhall and may be lawful, as well to and for the ſaid *John* Lord Biſhop of *Durham*, and his Succeſſors, and the ſaid Truſtees, as to and for the ſaid reſpective Annuitants, and their Aſſigns, from Time to Time, and at all ſeaſonable Times, to have Recourſe and inſpect the ſame, without Fee or Reward.

Annuities aſſignable.

X. And be it further enacted, That it ſhall and may be lawful to and for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, and their Executors, Adminiſtrators, and Aſſigns, at any Time or Times, by any Writing under their reſpective Hands and Seals, or by Indorſement on the ſaid Order, to aſſign ſuch Annuity or Annuities to any Perſon or Perſons whomſoever, and ſo *toties quoties*; and a Memorandum or Entry of all ſuch Aſſignments ſhall be made in a Book, which is hereby required to be kept for that Purpoſe by the ſaid Receiver for the Time being, at the Charge of the ſaid Lord Biſhop of *Durham*, or his Succeſſors; which Entry or Memorandum ſhall be made *gratis*.

Aſſignments to be entered.

XI. Provided always, That no Aſſignment ſhall be deemed good or effectual, until the ſame ſhall be left at the Office, in *Durham*, of the Receiver-general for the Time being of the ſaid Lord Biſhop of *Durham*, or his Succeſſors, in order that ſuch Entry or Memorandum may be made of every Aſſignment, in ſuch Book as aforeſaid.

Truſtees to contract and receive Propoſals for rebuilding the Bridge.

'XII. And, to the end that all and every the Sum and Sums of Money, ſo to be raiſed in purſuance 'of, and upon the Credit of this Act, may, with all poſſible Expedition, be applied in or towards the 'rebuilding, improving, or effectually repairing of ſuch Part of the ſaid Bridge over the River *Tyne*, as 'belongs to the See of *Durham*, and other the Purpoſes of this Act,' be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to receive Propoſals from, and contract with any Perſon or Perſons, Surveyor, Architect, Builder, or Builders, or with Workmen, for the rebuilding, improving, or otherwiſe effectually repairing of ſuch Part of the ſaid Bridge over the River *Tyne* as belongs to the See of *Durham*; and to make Contracts for, or purchaſe or provide any Materials, Matters, or Things, neceſſary and proper for the rebuilding, improving, or effectually repairing the ſame: All which Contract or Contracts ſhall be ſigned and approved of by the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, or by ſuch Surveyor as the ſaid Lord Biſhop of *Durham*, or his Succeſſors, ſhall appoint; and ſhall ſpecify the ſeveral Works to be done, the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Quantity and Quality of the Materials to be delivered, and the Penalties to be ſuffered or ſuſtained in caſe of Nonperformance of ſuch Contract or Contracts; and that all and every Contract and Contracts, ſo to be made, ſhall be ſigned by the ſaid Truſtees, or any Three or more of them, and alſo by the Perſon or Perſons ſo reſpectively contracting; and all ſuch Contracts ſo to be made, as aforeſaid, ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Treaſurer or his Clerks; but previous to the making any ſuch Contract, Twenty-one Days Notice, at leaſt, ſhall be given in the *London Gazette*, expreſſing the Intention of making ſuch Contract, in order that any Perſon or Perſons may, at their Election, have an Opportunity of ſending Propoſals, under Seal, to any of the ſaid Truſtees, or to any other Perſon to be named in ſuch publick Notice for that Purpoſe, or of making ſuch Propoſals, at a certain Time and Place in ſuch Notice to be mentioned; and it ſhall and may be lawful to and for the ſaid Truſtees, to take ſuch Security in the Name of the Treaſurer to be from Time to Time appointed in purſuance of this Act, from any Perſon or Perſons, for the Performance of any Contract or Contracts for the Purpoſes aforeſaid, as to the ſaid Truſtees ſhall ſeem neceſſary.

The Works to be inſpected by a Surveyor,

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, and they are hereby directed to cauſe all and every the Works to be done in purſuance of this Act to be inſpected by ſuch Surveyor, or by ſuch other ſkilful Perſon or Perſons as the ſaid Lord Biſhop of *Durham*, or his Succeſſors, ſhall, by any Writing, direct or appoint: And in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed or completed at or within the Time or Times that the ſame is or are agreed to be completed; ſuch Surveyor, or other Perſon or Perſons, ſhall report the ſame to the ſaid *John* Lord Biſhop of *Durham*, or his Succeſſors, and to the ſaid Truſtees, or any

Three or more of them, who shall and may, in their own Name or Names, or in the Names of any Two or more of them, or in the Name of the Treasurer for the Time being, to be appointed by the said Lord Bishop of *Durham*, or his Successors, bring an Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas at *Durham*, against any Person or Persons so contracting and neglecting to perform the same, in the Manner, or in the Time, set forth in any such Contract, for the Penalty or Penalties which shall be contained in any such Contract or Security, or for any Breach of the Covenants or Agreements therein respectively to be contained; and the said Trustees or Treasurer shall be intitled to, and shall recover such Penalty or Penalties, or Damages sustained or occasioned by such Breach of Covenants or Agreements; and the same, when recovered, shall be applied for the Purposes of this Act.

and if the Contracts should not be performed, Trustees to commence Actions.

XIV. And be it further enacted and declared, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, with the Approbation, in Writing, of the said Lord Bishop of *Durham*, or his Successors, from Time to Time, according to the best of their Judgment, and without Partiality, to compound for and agree with any such Person or Persons so contracting, and who shall so neglect to perform the Contract in Manner, or within the Time, therein expressed, for any Penalty or Penalties contained in any Contract or Contracts, Security or Securities, or Damages, for such Sum or Sums of Money as the said *John* Lord Bishop of *Durham*, his Successors, and the said Trustees, or any Three or more of them, shall think reasonable.

Trustees compound with any Person contracting.

XV. And be it further enacted, That the Treasurer for the Time being, so to be appointed as aforesaid, shall, from Time to Time, by and out of the Money which shall come to his or their Hands, or be received by him or them in pursuance of this Act, pay, by Instalments, or otherwise, as in any such Contract or Contracts shall be expressed, all such Sum and Sums of Money as shall therein respectively be stipulated or agreed to be paid for the due Performance, or in respect of any of the Works or Repairs to be made or done in pursuance of this Act, or in anywise relating thereto; and all such other Charges and Expences as shall be necessarily incurred by, or anywise relate to the Execution of the Trusts reposed, or to be reposed in the said Trustees, by or in pursuance of this Act; and in case any Surplus shall remain in the Hands of the said Treasurer for the Time being, after the said One-third Part of the said Bridge, so belonging to the said See of *Durham* as aforesaid, shall be rebuilt, improved, or effectually repaired, the same shall be charged with, and shall be applied in and towards the Payment of the said Annuities.

Treasurer, out of Money received by him, to pay for due Performance of all Works &c.

and in case of Surplus, to be applied to the Payment of Annuities.

XVI. And be it further enacted, That all the Costs, Charges and Expences incident to, or attending the obtaining and passing this Act, shall be paid and discharged out of the First Monies which shall be received by the Treasurer so to be appointed as aforesaid, and by virtue or in pursuance of this Act.

Expences of the Act how to be paid.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges and Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

CAP. LXIII.

An Act for redeeming One Million five hundred thousand Pounds of the Capital Stocks of Three Pounds *per Centum* Annuities, in the Manner, and on the Terms therein mentioned; and for establishing a Lottery.

CAP. LXIV.

An Act for building Two new Chapels, and providing Burial Places thereto, within the Town of *Birmingham*, in the County of *Warwick*.

Preamble.

'WHEREAS the Town of *Birmingham*, in the County of *Warwick*, is a large and populous trading Place, the Inhabitants whereof are of late Years greatly increased in Number: And whereas there are but Two Churches, and One small Chapel, in the said Town, which together are not capable of containing One Sixth Part of the Inhabitants professing the Doctrine of the Church of *England*, to the great Reproach of civil Society, and Contempt of Holy Religion: And whereas the Inhabitants of the said Town are desirous that Two new Chapels may be erected, and Chapel-yards or Cœmeteries annexed thereto, as also Dwelling-houses erected for the Residence of the Ministers officiating therein, and have entered into a voluntary Subscription for those Purposes, but the Sums subscribed will not be sufficient to raise Fabricks large enough: And whereas *Dorothy Weaman*, of *Sutton Coldfield*, in the County of *Warwick*, Widow, and *Mary Weaman*, of the same Place, Spinster, Proprietors of certain Closes or Parcels of Land adjoining to the said Town, being desirous of promoting so pious a Design, have voluntarily offered to give Three Acres and Eight square Yards of the said Lands, as the same is now marked or set out, to build One of such Chapels upon, in order to be consecrated and set apart for the publick Worship of Almighty God, according to the Usage of the Church of *England*, and for making a Chapel-yard or Cœmetery thereto, and for building a House thereupon, for the Residence of the officiating Clergyman; and also to lay out proper Roads or Avenues thereto, as herein-after mentioned: And whereas *George Davis*, *Joseph May*, *James Baker*, *William Mason*, *Robert Moor*, *John Bedford*, *William Walsingham*, *Joseph Smith*, *Joseph Webster*, *William May*, *Michael Lakin*,

'*Lakin*, *Stephen Bedford*, *James Jackson*, *Samuel Ray*, *Joseph Tindall*, *Thomas Colmore*, and *Benjamin* '*May*, surviving Feoffees of certain Lands and Premiſes in and near to *Birmingham* aforeſaid, (given 'for paving the Streets and other charitable and needful Purpoſes in the ſaid Town), being, as Feoffees 'as aforeſaid, poſſeſſed of certain Lands adjoining to the Lands of the ſaid *Dorothy Weaman* and *Mary* '*Weaman*; and being deſirous to aſſiſt in promoting ſo pious a Deſign, and apprehending that the Build- 'ing of a Chapel upon the Land of the ſaid *Dorothy Weaman*, and *Mary Weaman*, will increaſe the Va- 'lue of ſuch of their Lands as lie adjacent to the ſaid intended Chapel, are willing to give, and have (ſo 'far as in them lay, and they lawfully could) conveyed to the ſaid *Mary Weaman*, a certain Part of 'their Land adjoining to hers, as the ſame is now marked out, containing in Width, at one End there- 'of, Twenty-eight Yards, and in Length on each Side thereof, One hundred and ſixteen Yards, and 'at the other End terminating in an acute Point, as a Conſideration for the ſaid *Dorothy Weaman* and '*Mary Weaman*'s having given One Third of an Acre of Land extraordinary, to render the ſaid Cœ- 'metery, or Burial Ground, more uſeful and commodious: And whereas *Charles Colmore* Eſquire, a 'Proprietor of certain Lands in and adjoining to the ſaid Town, being deſirous alſo to promote ſo good 'and pious a Work, hath voluntarily offered alſo to give Three Acres of the ſaid Lands, as the ſame 'is now marked or ſet out, to build the other of the ſaid Chapels upon, in order to be conſecrated and 'ſet apart for the publick Worſhip of Almighty God, according to the Uſage of the Church of *Eng-* '*land*, for making a Chapel-yard or Cœmetery thereto; and alſo the further Quantity of Twelve Yards 'in Front, and Fifty Yards in Depth, other Part of his Lands, for building a Houſe for the Reſidence 'of the officiating Clergyman; and alſo ſuch other Parcels of the ſaid Land as ſhall be ſufficient for 'making a proper Road or Avenue thereto, as herein-after is mentioned: And whereas the ſaid *Mary* '*Weaman* and *Charles Colmore* being deſirous ſtill further to promote ſo neceſſary and pious a Work, have 'ſeverally agreed to ſubſcribe the reſpective Sums following: *(to wit)*, The ſaid *Mary Weaman*, the 'Sum of One thouſand Two hundred Pounds, and the ſaid *Charles Colmore*, the Sum of One thouſand 'Pounds, towards erecting a Chapel upon each of their reſpective Eſtates, upon Condition that they 'and their Heirs for ever ſhall be reſpectively inveſted with the Right of Nomination and Preſentation 'of the reſpective Miniſters, to perform Divine Service in the reſpective new-intended Chapels, to be 'built upon their Eſtates reſpectively: And whereas the ſeveral Subſcribers to the ſaid pious Under- 'taking, with the Conſent of the Right Reverend Father in God *Brownlow* Lord Biſhop of the Dio- 'ceſe of *Litchfield* and *Coventry*, and of *William Tennant* Eſquire, who is Patron of the Pariſh and Pa- 'riſh Church of *Saint Martin* in *Birmingham* aforeſaid, and of *William Chaſe*, Rector of the ſaid Church, 'have propoſed and agreed, as far as in them lies, that the Right of Preſentation to the ſaid Chapel 'or Curacy, ſo intended to be erected upon the Land of the ſaid *Dorothy Weaman* and *Mary Wea-* 'man, ſhall be veſted in the ſaid *Mary Weaman*, and her Heirs for ever; and that the Right of Preſen- 'tation to the ſaid Chapel or Curacy ſo intended to be erected upon the Land of the ſaid *Charles Col-* 'more Eſquire, ſhall be veſted in the ſaid *Charles Colmore* Eſquire, and his Heirs for ever, in Conſide- 'ration of their being the largeſt Contributors to the ſaid charitable Deſigns: But the ſame cannot be 'effectually done, or the ſaid ſeveral other Matters be carried into Execution, ſo as to anſwer the In- 'tention of the Parties intereſted therein, without the Aid of an Act of Parliament; therefore, may 'it pleaſe Your moſt Excellent Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Biſhop of

Truſtees. *Litchfield* and *Coventry* for the Time being; *Mary Weaman*, *Charles Colmore*, and their Heirs for ever; the Right Honourable the Earl of *Dartmouth*, the Right Honourable the Earl *Denbigh*, the Right Honourable the Earl of *Aylesford*, the Right Honourable the Earl of *Hertford*, the Right Honourable the Earl of *Hartwich*, the Right Honourable Lord Viſcount *Dudley* and *Ward*, the Right Honourable the Earl of *Donnegal* in the Kingdom of *Ireland*, the Right Honourable Lord *Irnham* in the Kingdom of *Ireland*, the Right Honourable *Grevile*, commonly called *Lord Grevile*; Sir *Francis Skipwith*, Sir *Charles Holte*, Sir *Henry Gough*, Sir *Henry Bridgman*, the Honourable *John Ward*, *Thomas Skipwith*, *Fervoice Clarke Richard Whitworth*, Sir *Thomas Gooch*, Sir *William Bagot*, *William Inge*, and *Jennens*, and all and every other Perſon and Perſons who ſhall, at any Time hereafter, ſubſcribe or contribute the Sum of Thirty Pounds or upwards, towards building and finiſhing the ſaid new-intended Chapels, or either of them, ſhall be, and they are hereby conſtituted and appointed Truſtees for executing the Powers and Authorities of this Act, for the Ends, Intents and Purpoſes herein-after mentioned.

Lands veſted in the Truſtees. II. And be it further enacted by the Authority aforeſaid, That ſuch Part of certain Lands of the ſaid *Dorothy Weaman* and *Mary Weaman*, ſituate in or adjoining to the ſaid Town of *Birmingham*, as are marked or ſet apart for the Purpoſes herein-after mentioned, the ſame containing in Length One hundred and ſixty-ſeven Yards, and in Breadth Eighty-four Yards, fronting and adjoining up to a certain Street in *Birmingham* aforeſaid, called *Whitall Street*, and alſo the further Quantity of Ten Yards in Front, and Fifty Yards in Depth, other Part of their Lands, for building a Houſe for the Reſidence of the officiating Clergyman; and alſo ſuch Part of certain Lands of the ſaid *Charles Colmore*, adjoining or lying near to the ſaid Town of *Birmingham*, where the ſame is now ſtaked or marked out, containing in the whole Three Acres, for the Purpoſe of Building the ſaid Chapel and Cœmetery, being Part of certain Cloſes of Land called *Harpur's Hills*, and alſo certain other Part of the ſaid Land called *Harpur's Hills*, containing Twelve Yards in Width, and Fifty Yards in Depth, for the Sole Purpoſe of building a Parſonage Houſe for the Uſe of the ſaid Chapel, ſhall be, and are hereby declared to be, veſted in the ſaid Truſtees, and their Succeſſors for ever; in Truſt, nevertheleſs,

vertheleſs, for building the ſaid reſpective Chapels, upon making the ſaid Chapel yards or Cœmeteries, for building Houſes thereon for the Reſidence of the officiating Clergymen, and for other the Uſes and Purpoſes herein-after, by this Act, directed and appointed.

Roads. III. And be it further enacted by the Authority aforeſaid, That, from and immediately after the paſſing of this Act, a Road, Way, or Street, on the South East Side of the ſaid Land or Chapel-yard, and another Road, Way, or Street on the North Weſt Side of the ſaid Land or Chapel-yard, of the Width of Ten Yards each, acroſs other Part of the Lands of the ſaid *Dorothy Weaman* and *Mary Weaman*, ſhall be reſpectively opened and ſet out, leading from *Whitall Street* aforeſaid, by the reſpective Sides of the ſaid Chapel-yard, into, and to communicate with an intended Continuation of a certain other Street called *Loveday Street*; and alſo a Road, Way, or Street, from the preſent Termination of the ſaid *Loveday Street*, all along the Land of the ſaid *Dorothy Weaman* and *Mary Weaman*, at the Back Part, or Extremity of the ſaid Chapel-yard, of the Width of Twelve Yards at leaſt, and ſo that the laſt-mentioned Road, Way, or Street, ſhall open into, and communicate with, the ſaid Two other Roads, Ways, or Streets; and alſo that from and and immediately after the Conſecration of the ſaid Chapel, ſo to be built upon the Land of the ſaid *Charles Colmore*, a Road, Way, or Street, of the Width of Twenty Yards, ſhall be opened and ſet out upon the Lands of the ſaid *Charles Colmore*, from and to be leading out of a certain new-laid-out Street, called *Great Charles Street*, in a ſtraight Line from thence up to the Center of the Front of the ſaid Chapel-yard, ſo to be made upon the Land of the ſaid *Charles Colmore*; which ſaid ſeveral Roads, Ways, and Streets, in caſe the ſaid reſpective Chapels ſhall be built and completed on the Lands of the ſaid *Dorothy Weaman*, *Mary Weaman*, and *Charles Colmore* reſpectively, within the Time herein-after limited for building and completing the ſame reſpectively, but not otherwiſe, ſhall be, and are hereby declared to be, for ever hereafter, publick and common Highways, Roads, and Streets.

A Part veſted in Mrs. Weaman that was in the Feoffees. IV. And be it further enacted by the Authority aforeſaid, That the ſaid Plot, Piece or Parcel of Land, as the ſame is now marked out, and herein-before mentioned to have been given and conveyed by the ſaid Feoffees to the ſaid *Mary Weaman* as aforeſaid, ſhall be, and the ſame is hereby veſted in the ſaid *Mary Weaman*, her Heirs and Aſſigns for ever.

Not to prejudice Title of Feoffees. V. Provided always, That nothing in this Act, or the ſaid Conveyance contained, ſhall extend, or be conſtrued to extend, to prejudice, impeach, or defeat the Right, Title, or Intereſt of the ſaid Feoffees, or any of them, or their Succeſſors reſpectively, of, in, or to any Meſſuages, Lands, Tenements, or Hereditaments, belonging to, or veſted in, the ſaid Feoffees, or to annul or make void any of the Uſes or Truſts in them repoſed, except only to the ſaid Land ſo by them given and conveyed to the ſaid *Mary Weaman*, for the Purpoſes aforeſaid; but the ſame ſhall remain, continue, and be to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes, as they were reſpectively before the making of the ſaid Conveyance, and the paſſing of this Act; any Thing in the ſaid Conveyance, or this Act contained to the Contrary notwithſtanding.

Chapels to be built, and Pews erected. The Chapel yards to be incloſed, and the ſeveral Roads leading thereto. Houſes to be built. Expences not to exceed the Subſcription. VI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, or ſuch Perſon or Perſons as they, or any Nine or more of them, for that Purpoſe, ſhall order, direct, or appoint, to erect and build Two reſpective Chapels in the ſeveral Places abovementioned, in ſuch Manner as to the ſaid Truſtees, or any Nine or more of them, ſhall ſeem proper or convenient; and to make, erect, and ſet up Pews and Seats, and other Ornaments and Conveniencies, in the ſaid reſpective Chapels, in order that the ſame may be conſecrated and ſet apart for Divine Service, according to the Rites and Ceremonies of the Church of *England*; and alſo to take in and incloſe, with proper Walls or Fences, the ſaid reſpective Chapel-yards or Cœmeteries, to belong to the ſaid reſpective Chapels; and alſo to take in and incloſe the ſeveral Roads and Avenues before mentioned leading to the ſaid Chapels; and alſo to erect and build the ſaid Houſes for the Reſidence of the officiating Clergymen, ſo as the Charges and Expences of building and completing the ſaid ſeveral Works do not exceed the Sum of Money which is or ſhall be ſubſcribed for that Purpoſe.

First and other Meetings of the Truſtees. They may receive Propoſals and contract for building, &c. the Chapel. Notice to be given of receiving Propoſals. Contracts and other Proceedings to be entered in Books. VII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, to meet together at the *Swan Inn* in *Birmingham* aforeſaid, on or before the Thirtieth Day of *June*, One thouſand ſeven hundred and ſeventy-two, and to adjourn themſelves from Time to Time, and to meet there, or in any other convenient Place or Houſe, as the ſaid Truſtees, or any Nine or more of them, ſhall think convenient for putting this Act in Execution: And that it ſhall be lawful for the ſaid Truſtees, or the major Part of them, aſſembled at ſuch Meeting or Meetings, to receive Propoſals from, and contract with, any Surveyor or Surveyors, Builder or Builders, or Workmen, for the building and finiſhing of the ſaid reſpective Chapels and Houſes, and providing proper Materials for that Purpoſe; and alſo for purchaſing proper Materials for erecting Pews and Seats, and other proper Ornaments, and for completing and finiſhing the ſame: And that Six Days Notice be given in Writing, fixed up at the Church Doors in *Birmingham*, or in ſome other publick Place or Places, of the Place and Time of receiving ſuch Propoſals; and ſuch Contract or Contracts to be made for the ſaid intended Buildings, and all other Proceedings of the ſaid Truſtees, ſhall be entered in a Book or Books, to be kept for that Purpoſe, and ſigned by the Truſtee impowered to make ſuch Contract; and the ſaid Truſtees, or the major Part of them, ſo aſſembled, ſhall alſo nominate and appoint a fit and able Perſon or Perſons to inſpect the ſaid reſpective intended new Buildings, and ſhall allow him or them, and all other Perſons employed in the ſaid Work, ſuch reaſonable Recompence for their Trouble, Expences, and the Purchaſe of Materials, as to the ſaid Truſtees, or the major Part of them, ſhall ſeem meet.

VIII. And

Chapels to be consecrated, and the same to be perpetual Cures.

VIII. And be it further enacted by the Authority aforesaid, That after the said intended respective new Chapels shall be erected, built, and finished, and made fit for the Performance of Divine Service therein, the same shall and may be consecrated, and shall after Consecration thereof be two respective perpetual Cures and Benefices; and that the said new-intended Chapel so to be built upon the Land of the said *Mary Weaman*, shall be called and distinguished by the Name of *Saint Mary* in *Birmingham*; and the said Chapel so to be built upon the said Land of the said *Charles Colmore*, shall be called and distinguished by the Name of *Saint Paul* in *Birmingham*; and that it shall be lawful for the said *Mary Weaman* and *Charles Colmore* respectively, or their respective Heirs, immediately after the said intended respective Chapels shall be consecrated, to nominate and appoint a Minister or Curate to each of the said respective Chapels, duly qualified according to Law, to officiate and perform Divine Service therein; and that such Ministers or Curates shall, after such Nomination and Appointment, be deemed and taken, by virtue of this Act, to be respectively incorporated and made Two respective Bodies Politick and Corporate, by the Names of *The Chaplains or Curates of the Chapels of* Saint Mary *and* Saint Paul, *in the Town of* Birmingham, *in the County of* Warwick; and shall have perpetual Succession, and be enabled respectively to sue and be sued by that Name in all Courts of this Realm; and the said respective Chapels, and the Cœmeteries inclosed and belonging to the same, shall, after the Consecration of the said respective new Chapels, be vested in the said respective Chaplains or Curates, so to be first nominated and appointed, and their Successors respectively, Chaplains or Curates of the said respective Chapels for ever; and the said respective Chaplains or Curates of the said respective Chapels shall respectively have Capacity, and they are hereby respectively authorised and enabled to purchase, and take in perpetuity to them and their Successors respectively, any other Lands, Tenements, or Hereditaments, not exceeding in the Whole the yearly Value of One hundred Pounds, the Statute of Mortmain, or any other Law or Statute whatsoever, to the Contrary notwithstanding: And the said Chapels, and the Chaplains or Curates thereof for the Time being, as also the Persons who shall act as Chapelwardens thereof, shall be under and subject to the ordinary Jurisdiction of the Bishop of *Litchfield* and *Coventry*, and shall be visited in such Manner as other Churches in the Diocese of *Litchfield* and *Coventry* are visited.

Mrs Weaman and Mr. Colmore to appoint a Curate to their respective Chapels; who are to be incorporated.

Chapels liable to Visitation.

Right of Presentation in Mrs Weaman and Mr. Colmore respectively.

IX. And it is hereby further enacted and declared, That the Advowson, Right of Patronage, and Presentation of, in, and to the said new Chapel or Curacy, so to be built upon the Land of the said *Mary Weaman*, shall, immediately after the Consecration of the said Chapel, be vested in and settled upon the said *Mary Weaman*, and her Heirs; and that the Advowson, Right of Patronage, and Presentation of, in, and to the said new Chapel or Curacy, so to be built upon the Land of the said *Charles Colmore* Esquire, shall, immediately after the Consecration thereof be vested in, and settled upon, the said *Charles Colmore*, his Heirs and Assigns, for ever.

Ministers Duty in their respective Chapels.

X. And be it further enacted by the Authority aforesaid, That the Ministers of the said respective new Chapels, in consideration of the Salaries or Stipends herein-after provided for and allowed to them respectively, shall, and they are hereby required and enjoined to read Prayers and preach a Sermon both Morning and Evening on every *Sunday* or *Lord's Day* throughout the Year; and shall, and they are hereby required to, administer the Sacrament or Lord's Supper every *Christmas Day*, *Easter Sunday*, *Whitsunday*, and upon the Fourth *Sunday* in every Month, immediately after Divine Service in the Morning; and shall also read Prayers upon all Holy Days, and every *Wednesday* and *Friday* throughout the Year, according to the Liturgy of the Church of *England*, as by Law established; and shall likewise, from Time to Time, assist the Rector or Rectors for the Time being in performing the necessary and occasional Duties within the Parish or Parishes in which the said Chapels shall be respectively situated; and it shall be lawful for such respective Ministers to perform the Office of burying at their respective Chapels.

Chapelwardens to be chosen by the Ministers of the Chapels, and Inhabitants of Birmingham.

XI. And be it further enacted by the Authority aforesaid, That the respective Chaplains or Curates of the said intended Chapels, with the Inhabitants of the Town of *Birmingham*, assembled in the Vestries of the said respective new Chapels, or the major Part of them, shall and may annually, upon *Easter Tuesday*, elect and appoint Four Persons, being Inhabitants of the said Town, to be Chapelwardens of the said respective new Chapels, not being of the People commonly called *Quakers*, Two of whom shall be chose by the respective Chaplains or Curates, and the other Two by the major Part of the Inhabitants so assembled; which said respective Chapelwardens, so to be from Time to Time elected, shall have the like Powers and Authorities relating to the said respective Chapels as the Chapelwardens of any other Chapel within the Diocese of *Litchfield* and *Coventry* do or lawfully may exercise.

Treasurers to be appointed by Trustees.

XII. And be it further enacted by the Authority aforesaid, That the said Trustees, or the major Part of them, at their First Meeting to be held after the passing of this Act, shall and may, by Writing under their Hands, appoint One or more Person or Persons as Treasurer or Treasurers for receiving and paying the Monies subscribed, or to be subscribed, towards building and finishing the said intended respective Chapels, and for other the Purposes of this Act; which said Monies shall be paid by the several Subscribers thereto into the Hands of such Treasurer or Treasurers, at such Times as the said Trustees, or the major Part of them assembled at any Meeting, shall think fit and appoint, no Two of such Payments being within a less Space than Six Calendar Months of each other; and the said Treasurers shall, and they are hereby required to keep One or more Book or Books of Account of all and every Sum and Sums of Money which shall be received or paid by them by virtue of this Act; which Book or Books shall be open to the Inspection of the said Trustees, or any Five or more of them, at all reasonable Times without Fee or Reward.

XIII. Pro-

XIII. Provided always, That a major Part of the said Truſtees, at any publick Meeting aſſembled for that Purpoſe, ſhall have Power and Authority to remove or diſplace any Treaſurer or Treaſurers ſo to be appointed, and to appoint any other Perſon or Perſons as Treaſurer or Treaſurers in Room of him or them ſo removed or diſplaced; which ſaid Treaſurer or Treaſurers ſhall give ſuch Security for the due Application of all Monies which ſhall be ſo by him or them received, as the major Part of the ſaid Truſtees, at the ſaid Firſt or any other Meeting aſſembled, ſhall think neceſſary. Truſtees may remove Treaſurers; and appoint others, who are to give Security.

XIV. And be it further enacted by the Authority aforeſaid, That the Freehold and Inheritance of the ſaid reſpective Chapels and Chapel-yards, except the Vaults to be made under the ſaid Chapels as herein-after mentioned, ſhall, after Conſecration thereof, be veſted in the reſpective Miniſters of the ſaid reſpective Chapels, and their reſpective Succeſſors. Chapels veſted in the Miniſters, except the Vaults.

XV. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the Miniſter or Chaplain for the Time being, of the ſaid intended reſpective Chapels, to nominate and appoint ſuch Perſons, from Time to Time, as he ſhall think fit, to officiate as Clerk and Sexton in the ſaid Chapel; and alſo, from Time to Time, to diſplace and remove ſuch Clerk and Sexton reſpectively, as he the ſaid Miniſter ſhall ſee Cauſe. For Appointment of Clerk and Sexton.

XVI. And be it further enacted by the Authority aforeſaid, That the Right, Property, and Intereſt, of the ſeveral Pews within the ſaid reſpective new Chapels, ſhall and are hereby declared to be veſted in the reſpective Miniſters of the ſaid reſpective Chapels, and their Succeſſors, for ever, to be let out by them to any Perſon or Perſons, being Inhabitants of the ſaid Town of *Birmingham* only, (ſubject to the Proviſo herein-after contained), who ſhall be willing to contract and agree for the ſame, at ſuch Rent as ſhall be ſettled at a General Meeting of the ſaid Truſtees to be held for that Purpoſe, within One Month after Conſecration of the ſaid reſpective Chapels, or the major Part of ſuch Truſtees at ſuch Meeting aſſembled; ſuch Truſtees having, and they are hereby declared to have, a Power of altering the Rents of ſuch Pews and Sittings every Three Years, if they think proper, ſo that they do not raiſe the ſame to exceed the Sums herein-after mentioned, and obſerving an Equality in raiſing the ſame according to the firſt fixed Rent. Pews veſted in the Miniſters.

XVII. And be it further enacted by the Authority aforeſaid, that the ſaid Truſtees or any Nine of them ſhall, and they are hereby required, to cauſe the ſeveral Pews to be erected or ſet up in the ſaid reſpective Chapels to be numbered, and the ſeveral Numbers of the ſaid Pews or Seats in each Chapel to be entered in Two ſeparate Books, and alſo the annual Rent at which the ſame ſhall be ſet or let by the ſaid reſpective Miniſters as aforeſaid; which Books ſhall be preſerved in the reſpective Veſtries of the ſaid reſpective Chapels, and ſhall be open to the Inſpection of all Perſons renting or occupying any of the ſaid Pews or Seats, at all ſeaſonable Times, without any Fee or Reward: And if any of the Rents agreed to be paid for any of the ſaid Pews ſhall remain in Arrear and unpaid for by the Space of Two Months after the ſame ſhall become due, that then it ſhall and may be lawful for the reſpective Miniſters of the ſaid reſpective Chapels for the Time being, to re-enter upon ſuch Pews or Seats, and to ſue for and recover the ſaid Rent ſo in Arrear, by Action of Debt, or on the Caſe, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, wherein no Eſſoin, Privilege, Protection, Wager of Law, or more than one Imparlance ſhall be allowed, or to levy and recover ſuch Rent by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame, by Warrant under the Hands and Seals of any Two or more Juſtices of the Peace for the ſaid County of *Warwick*; which Warrant ſuch Juſtices are hereby impowered and required to grant, upon Proof being made before them, upon Oath, that ſuch Rent has been demanded and remains unpaid; which Oath ſuch Juſtices are hereby impowered and required to adminiſter, without Fee or Reward. Pews to be numbered. Recovery of Pew-rent.

XVIII. And be it further enacted by the Authority aforeſaid, That the Rents to be fixed and ſet upon the ſaid Pews or Seats by the ſaid Truſtees, in Manner aforeſaid, ſhall not amount in the Whole to more than the Sum of Two hundred Pounds by the Year, nor leſs than the Sum of One hundred and Sixty-five Pounds by the Year, at each of the ſaid intended Chapels; and that the ſaid Rents to be fixed by the ſaid Truſtees ſhall not be altered or alterable, (except as is herein-before mentioned), out of which annual Rents the Miniſters of the ſaid intended reſpective Chapels ſhall pay to the Clerks officiating in the ſame, the Sum of Fifteen Pounds each by the Year; and in letting or ſetting the ſaid Pews or Seats, Preference ſhall be given in the Choice of ſuch Pews or Seats to Perſons ſubſcribing the largeſt Sums of Money for building and completing the ſaid reſpective Chapels as aforeſaid; and if any Diſpute ſhall ariſe between Two or more Subſcribers of equal Sums of Money, the ſame ſhall be determined at a Meeting of the ſaid Truſtees by way of Ballot. Limitation of Pew-rent.

XIX. Provided always, That it ſhall and may be lawful to and for ſuch of the Subſcribers to the ſaid intended Chapels, who ſhall, by Ballot as aforeſaid, be intitled to any Pews or Sittings therein, and their reſpective Heirs and Aſſigns, ſo long as they and their reſpective Heirs and Aſſigns ſhall reſpectively pay the Rent for the ſame as is herein before required, and be reſident in the ſaid Pariſh of *Birmingham*, (but no longer) to hold and enjoy ſuch Pews and Sittings, ſo to be allotted to them without any Diſturbance or Moleſtation whatſoever, at the reſpective Rents ſo to be from Time to Time fixed by the ſaid Truſtees. Renters to hold Pews without Moleſtation;

XX. Provided further, That in order to give an Opportunity to Perſons of all Ranks and Situation in Life to attend Divine Worſhip, and that no pecuniary Advantages may be derived to the firſt Poſſeſſors or Occupiers of the Pews and Sittings, that no ſuch Poſſeſſor or Occupier of ſuch Pews or Sittings ſhall ſet, let, or demiſe the ſame, or any of them, to any Perſon or Perſons whomſoever, for a larger or greater Rent than he, ſhe, or they, ſhall reſpectively pay for the ſame, upon Pain of forfeiting the Occupation of ſuch Sittings, in which Caſe the ſame ſhall become forfeited; and the reſpective Miniſters nor to let them again for larger Sums.

Ministers of the said Chapels shall have Power, immediately after such Event shall happen, to let the same Sittings to such Person or Persons as they shall think proper, subject to the Provisions aforesaid.

Penalty on Ministers taking larger Rents than those settled by the Trustees.

XXI. And be it further enacted by the Authority aforesaid, That if the respective Ministers of the said respective Chapels, or his or their respective Successors, shall at any Time take, demand, or receive, any greater Rent for such Pews or Seats, or any of them, than shall be settled by the said Trustees, in Manner aforesaid, or shall receive or take, or permit to be received or taken, any Fine, Gratuity, Fee, or Reward, from any Person or Persons, as a Consideration for letting such Sittings, such Minister or Ministers so offending, shall, upon Complaint made thereof by the said Trustees residing within the Town of *Birmingham*, or any Five or more of them, to the Bishop of the Diocese for the Time being, and upon Proof of such Demand, taking or receiving, or permitting to be taken or received upon the Oath of a credible Person or Persons not interested in the said Pews or Seats, (which Oath the said Bishop is hereby required and impowered to administer), forfeit a Sum not exceeding Five Pounds, at the Discretion of the said Bishop; which Penalty shall and may be recovered by Action at Law, with full Costs of Suit, in which Action no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Ministers of the other Churches in Birmingham not capable of being Minister of either of the new Chapels.

XXII. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That no Person or Persons who are or shall be Rector, Curate, or Reader, of either of the Parish Churches, or the Chapel of *Saint Bartholomew*, of *Birmingham* aforesaid, shall be capable of holding the Office of Minister of either of the respective new Chapels, during such Time as they shall hold any of the Offices or Cures aforesaid; nor shall one Minister be capable of holding both the said Chapels.

Trustees may build Vaults,

XXIII. And, for raising Money to carry the said Design into Execution, be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall, and they are hereby authorised and impowered, if they think fit, to build Vaults under the said respective new Chapels, to be applied and made use of as Repositories for the Dead, which Vaults may be so subdivided into so many Parts or lesser Vaults, as the said Trustees shall order and direct; and the said Trustees, or any Nine or more of them, may, and they are hereby authorised and impowered to grant, sell, or dispose of such Vaults, or any of them, as well before as after Consecration of the said respective Chapels, to such Person or Persons who shall be willing or desirous of purchasing the same for Burial-places; and the Money arising by Sale thereof, before Consecration, shall be applied towards building and finishing the said respective Chapels; and the Money arising by such Sale, after Consecration thereof, shall be applied towards the ornamenting and beautifying the said respective Chapels, or in any other Manner relating to the said respective Chapels, as the said Trustees, or any Nine or more of them, by Writing under their Hands, shall direct and appoint, and to no other Use or Purpose whatsoever.

and sell them.

No Vaults to be set apart.

XXIV. Provided always, That no Vaults or separate Places of Burial shall be set apart or appropriated to the particular Use of any Person or Persons in the said respective Chapel-yards or Cœmeteries.

No Graves in the Chapels.

XXV. Provided also, That the Floors of the said respective Chapels shall not be broken or taken up for the Burial of any Corpse.

Fees for Burials.

XXVI. Provided always, and be it further enacted by the Authority aforesaid, That if the Representative or Representatives of any deceased Person or Persons shall be desirous of having the Corpse of such deceased Person or Persons buried in the Vaults of the said respective new Chapels, or in the said new Chapel-yards or Cœmeteries, by the Minister or Ministers of the said respective new Chapels, such Person or Persons shall pay to the Minister or Ministers of the said respective new Chapels double the Fees usually paid for Burials at the Church of *Saint Martin*; out of which the Ministers of the said respective new Chapels shall be answerable and accountable for, and shall pay, or cause to be paid, to the Rector, Curate, and Clerk of the said Parish Church of *Saint Martin*, their ancient and accustomed Fees.

Reservation of Rights.

XXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, impeach, or defeat, any Right, Title, Interest, Claim, or Demand, of the Rectors of either of the said Parish Churches of *Birmingham* aforesaid, or the Curates or other Officers of the said Churches, or their Successors respectively, of any Tithes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, or Advantages, arising within the said Parishes, and belonging to them, or any of them respectively; but the said Tithes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, and Advantages, shall be paid and payable in the same Manner as they were respectively before the passing of this Act, or would or ought to have been, in case the same had not been made; any Thing in this Act contained to the Contrary notwithstanding.

New Trustees to be elected in the Room of such as shall die, &c.

'XXVIII. And, for continuing a sufficient Number of Trustees to put this Act in Execution,' be it further enacted by the Authority aforesaid, That when and as often as the Trustee or Trustees, to be appointed by virtue of this Act, shall be reduced to the Number of Twenty, it shall be lawful for any Nine or more of the said Trustees to call a Meeting, and to elect, by Majority, Five or more Persons to act as Trustees; and such of the said Trustees as shall survive or remain, shall, and they are hereby authorised and required, by Writing under their Hands, to elect, nominate, and appoint, Five or more fit Persons in the Room of such Trustees so dying or refusing to act as aforesaid, so and in

such Manner as that there shall never be less than Twenty Trustees existing to put in Execution the Powers of this Act; and such Persons so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees in the Execution of and every the Powers in them reposed by virtue of all this Act; and Notice shall be given of the Time and Place of Meeting for the Election of such new Trustee or Trustees, by fixing the same, One Week at least before the Election, on the Doors of the said Parish Churches, and likewise on the Doors of the said respective new Chapels; and all and every such Person or Persons, as shall be so chosen and appointed to be joined with such surviving and remaining Trustees, shall and may, and they are hereby authorised and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees are by this Act authorised and impowered to act and do.

Qualification of Trustees.

XXIX. Provided always, and it is hereby declared, That such Election of a Trustee or Trustees shall be made out of such Persons as have been, or shall be, Subscribers to the said Undertaking of the Sum of Ten Pounds, or upwards, so long as any such Subscribers shall remain; and, for Want of such Subscribers, then such Election shall be made out of the Inhabitants of the said Town of *Birmingham*.

Recovery of Subscription money.

XXX. And be it further enacted by the Authority aforesaid, That in case of Failure of Payment of any Money subscribed, or to be subscribed, for or towards the Purposes of this Act, or of any Part or Portion thereof, for the Space of Twenty Days after Demand thereof made by the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, for that Purpose, by Writing under their Hands, or under the Hands of any Five or more of them, authorise and appoint; that then it shall and may be lawful for any Two or more Justices of the Peace of the said County of *Warwick*, upon Complaint made to them by the said Trustees, or any Five or more of them, to summon the Party or Parties so making Default before them, by Writing under their Hands and Seals, and after his, her, or their Appearance, or in Default of such Appearace, the said Warning or Summons being proved before the said Justices upon Oath, (which they are hereby authorised to administer), the said Justices, or any Two or more of them shall proceed to hear and determine the said Complaint; and upon the Proofs, Evidences, and Testimonies produced before them, shall, in Writing under their Hands and Seals, adjudge the Case, and give such reasonable Allowance and Compensation of and for the Sum and Sums of Money so due and in Arrear, as they shall adjudge to be just, and also such Costs and Charges, not exceeding Ten Shillings, as shall to them appear reasonable; and in case any Person or Persons shall refuse to comply with the Order of such Justices, that then the said Justices shall, and they are hereby impowered to levy the said Money awarded by them, with such Costs as aforesaid, by Distress and Sale of the Goods of such Person or Persons so refusing or making Default of Payment, by Warrant under their Hands and Seals, upon any of the Goods or Chattels of such Person or Persons so refusing or making Default of Payment; which Warrant or Warrants such Justices of the Peace are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justices, or either of them, is and are hereby impowered and required to administer), without Fee or Reward; and such Goods and Chattels so distrained to sell, after the Space of Twenty-one Days, rendering the Overplus to the Owner or Owners of such Goods and Chattels, after deducting the said Money so due, together with the Costs awarded by such Justices, and the Charges of keeping, distraining, and selling the same.

Application of Money subscribed or bequeathed.

XXXI. Provided always nevertheless, and be it further enacted, That all such separate Sums of Money as have already been subscribed, given, or bequeathed, or shall be subscribed, given, or bequeathed, to the intended Chapel of *Saint Mary*, shall be expended and laid out by the said Trustees, or any Nine or more of them, in erecting, finishing, and completing such Chapel of *Saint Mary*, the Burial-ground thereto, and the House for the Residence of the Minister who shall be appointed to do Duty in the said Chapel; and no Part of such separate Subscriptions, Donations, or Bequests, shall be appropriated to, or applied for or towards the building, completing, or finishing the said intended Chapel of *Saint Paul*, or the Cœmetery, or any other Matter appertaining thereto; and that all such separate Sums of Money as have already been subscribed, given, or bequeathed, or shall be subscribed, given, or bequeathed, to the said intended Chapel of *Saint Paul*, shall be expended and laid out by the said Trustees, or any Nine or more of them, in erecting, finishing, and completing such Chapel of *Saint Paul*, the Burial-ground or Cœmetery thereto, and the House for the Residence of the Minister who shall be appointed to do Duty in the said Chapel; and no Part of such separate Subscriptions, Donations, or Bequests, shall be appropriated to, or applied for or towards the building, completing, or finishing, the said intended Chapel of *Saint Mary*, or Cœmetery, or any other Matter appertaining thereto; and that all such Sum or Sums of Money as are now devised, given, or bequeathed, by any Person or Persons whomsoever, for the Purpose of, or towards building or erecting a Church, Chapel, or other Place of publick Worship of Almighty God, (according to the Doctrine of the Church of *England*), in the Parish of *Birmingham* aforesaid, and which are not devised, or bequeathed to some intended Place of Worship particularly by Name, or some certain Description, whereby the Intention of the Party giving or bequeathing may indisputably appear, shall be divided equally, and be applied by the said Trustees, or any Nine or more of them, in equal Moieties, towards building, finishing, and completing, both the said Chapels of *Saint Mary* and *Saint Paul*.

Chapels to be repaired by general Levy.

XXXII. And be it further enacted by the Authority aforesaid, That when and so soon as the said new Chapels shall be built and completed by virtue of this Act, the same respectively shall thenceforth for

for ever be ſupported and kept in Repair by a general Rate or Levy upon the Inhabitants of the ſaid Town of *Birmingham*, in like Manner as the other Churches in the ſaid Town are ſupported and kept in Repair.

If Chapels not conſecrated in a certain Time, Lands to be reconveyed.

XXXIII. Provided always nevertheleſs, That in caſe either of the ſaid Chapels, ſhall not, by virtue of the Authority of this Act, be erected, or ſhall be begun to be erected, and not ſufficiently finiſhed for Divine Service, and conſecrated within the Space of Seven Years from the Time of paſſing this Act, in ſuch Caſe the ſaid Truſtees, or any Nine or more of them, ſhall, and they are hereby required to reconvey back the Land upon which ſuch Chapels and Houſes were intended to be built, and given for the Purpoſes of this Act, to the Perſon or Perſons who (if this Act had not been made) would be intitled to the Freehold and Inheritance thereof; and in caſe any ſuch Chapel ſhall be begun to be built, and not ſo ſufficiently finiſhed as aforeſaid, and conſecrated, then the ſaid Truſtees, or any Nine or more of them, ſhall, and they are hereby alſo required to ſell and diſpoſe of the Materials of ſuch unfiniſhed Building, and pay and apply the Money ariſing by Sale thereof, or ſuch Part thereof, as ſhall be neceſſary for that Purpoſe, to the ſaid *Mary Weaman*, or *Charles Colmore*, (as the Caſe may happen to be), or to the Perſon or Perſons who ſhall at that Time be intitled to the Freehold and Inheritance of the Land upon which ſuch Chapel ſhall fail to be built, in Diſcharge of their Subſcriptions to the ſame; and after ſuch Reconveyance and Refunding ſuch Subſcriptions, then do and ſhall refund and pay back all the Reſidue of the Money ariſing by Sale of ſuch Materials, to all and every the other Subſcribers to ſuch Chapel, (which ever it may be) in Proportion to what they ſhall have ſeverally ſubſcribed and paid towards the ſame; any Thing herein-before contained to the Contrary notwithſtanding.

Money ſubſcribed towards Expences of the Act, deemed Part of Subſcription Money.

XXXIV. And be it further enacted by the Authority aforeſaid, That all ſuch Monies as are or have been ſubſcribed by any Perſon or Perſons whomſoever, towards defraying the Expences of this preſent Act, ſhall be conſidered, deemed, and taken as Part of their ſeveral Subſcriptions towards building the ſaid Chapels and Houſes; and that as well all ſuch Subſcriptions for or towards the obtaining this Act, as alſo all Subſcriptions towards erecting and finiſhing the ſaid intended Chapels, ſhall, in the firſt Place, be liable to, and applied towards the paying and defraying the Charges and Expences attending the obtaining and paſſing of this preſent Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXV. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful to and for him, her, or them, to appeal to the Juſtices of Peace, at their next General Quarter-ſeſſions, to be held in and for the ſaid County of *Warwick*; or in caſe the ſaid Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter-ſeſſions of the Peace, to be held for the ſaid County, then ſuch Appeal may be to the ſaid Juſtices, at the Second General Quarter-ſeſſions of the Peace, to be held for the ſaid County, who are hereby authoriſed and required to take Cognizance thereof, and to hear and determine the Complaint and Complaints of any Perſon or Perſons ſo aggrieved; and if they ſee Cauſe, ſhall and may, by Order of the ſaid Seſſions, mitigate, at their Diſcretion, any Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or otherwiſe, may ratify and confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and to levy by their Order or Warrant, ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall refuſe to obey the ſame; but the Perſon or Perſons ſo appealing as aforeſaid, ſhall, and they are hereby reſpectively directed to give Notice in Writing to the ſaid Truſtees for the Time being, or any Five or more of them, of ſuch their Intentions of bringing or proſecuting any Appeal, Fourteen Days before the ſaid Quarter-ſeſſions, and ſhall, within Five Days after ſuch Notice given, enter into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Warwick*, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the next Quarter-ſeſſions of the Peace, or the Second Quarter-ſeſſions of the Peace, which ſhall be held in and for the ſaid County, next and immediately after bringing ſuch Appeal reſpectively; and alſo, in caſe ſuch Appeal ſhall be diſallowed, to pay ſuch Coſts and Charges as the ſaid Juſtices ſhall direct in that Behalf; and every ſuch Appeal, ſhall, at the ſaid next, or Second General Quarter-ſeſſions, be there heard and finally determined.

Proceedings not to be quaſhed for want of Form.

XXXVI. Provided always, and be it further enacted by the Authority aforeſaid, That no Order made touching or concerning any of the Matters aforeſaid, or any of the Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this preſent Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law, Statute, or Cuſtom, to the Contrary thereof in anywiſe notwithſtanding.

Limitation of Actions.

XXXVII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed; and

General Iſſue.

the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action, after the Defendant or Defendants ſhall have appeared; or if Judgment ſhall be given upon

Treble Coſts.

any Verdict or Demurrer, againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble

Treble Costs, and have the like Remedy for the same, as any Defendants have in other Cases by Law.

XXXVIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

CAP. LXV.

An Act to extinguish the Right of Common upon an Acre of Ground called *White Lyon*, or *Hangman's Acre*, in *Saint George's Fields*, in the County of *Surrey*.

'WHEREAS the Prison called *The House of Correction*, in the Borough of *Southwark*, in the County of *Surrey*, is too small, unhealthy, inconvenient, and unsafe, and Persons committed to the said Prison for Felony cannot be kept separate from those committed for small Misdemeanors, which greatly tends to the Ruin and entire Corruption of the latter: And whereas it has, upon Inquiry, been found absolutely necessary to rebuild the said Prison in a more convenient Situation: And whereas the County of *Surrey* is seised or possessed of an Acre of Ground in *Saint George's Fields*, called *White Lyon*, or *Hangman's Acre*, situate near the *King's Bench* Prison, which is a proper Place for erecting the said House of Correction: And whereas the Justices of the Peace, at the Quarter-session of the Peace held for the said County, on the Fourteenth Day of *January*, One thousand seven hundred and seventy-two, did unanimously agree to build a new House of Correction on the said Ground; but as the Owners of certain Lands in *Saint George's Fields* have a Right of Common for their Cattle, at certain Times of the Year, upon the said Acre, promiscuously with other Lands, (though such Right is of no real Value with respect to the said Acre), the Building cannot be erected unless such Right be extinguished, which cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all Right of Common, or Common of Pasture, in, over, and upon the said Acre of Land called *White Lyon*, or, *Hangman's Acre*, shall cease, determine, and be for ever extinguished. Preamble. After the passing hereof, all Right of Common upon White Lyon Acre shall cease, and be extinguished.

II. And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed, in all Courts, as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof, without specially pleading the same. Publick Act.

CAP. LXVI.

An Act for the more easy and speedy Recovery of Small Debts within the Borough and Foreign of *Kidderminster*, in Parish of *Kidderminster*, in the County of *Worcester*.

'WHEREAS in the Borough and Foreign of *Kidderminster*, in the Parish of *Kidderminster*, in the County of *Worcester*, there is carried on a large and extensive Manufactory, which employs several thousand people, many of whom contract Small Debts, which in the Whole amount yearly to a great Sum of Money; and although such Debtors are well able to pay their respective Debts, yet they often refuse so to do, presuming on the Discouragements their Creditors lie under from the great Expence they are unavoidably put unto, and the Delays they meet with in suing for the same: And as an easy and speedy Method of recovering Small Debts within the Borough and Foreign of *Kidderminster*, in the Parish of *Kidderminster* aforesaid, will greatly contribute to promote Industry, and support and encourage Trade and Credit therein; may it therefore please Your most Excellent Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Bailiff, Recorder, High Steward, Lord of the Manor, Justice, Aldermen, and Common Council of the Borough of *Kidderminster* for the Time being, and the Persons herein-after named, residing or having Estates within the Parish of *Kidderminster* aforesaid; that is to say, The Reverend *Robert Job Charlton* Doctor of Laws, *Abraham Turner*, *James Johnstone*, M.D. *Adam Hough*, the Reverend *John Martin* Clerk, *Francis Clare*, *John Folliott*, *William Williams*, *Thomas Newnham*, *William Wheeler*, the Reverend *Job Orton* Clerk, *Joseph Harper*, the Reverend *Benjamin Fawcett* Clerk, *William Wallis*, *Joseph Callow*, *Daniel Best*, *Richard Colley*, *John Butler*, *Gregory Watkins*, *Francis Best*, *John Watson*, *Pochin Lister*, *John Jefferyes*, *Joseph Austin*, *Joseph Lea*, *Matthew Jefferyes*, *Timothy Dobson*, *Josiah Lea*, *William Lea*, *John Cowper*, *William Best* *William Roberts*, *Edward Crane*, *Christopher Hunt*, *Samuel Crane*, *Serjeant Crane*, *John Crane*, *William Yate*, *Thomas Crane*, *William Doolittle*, *Nicholas Pearsall*, *George Boraston*, *Benjamin Pearce*, *Nicholas Pearsall* junior, *John Brecknell*, *Joseph Jones*, *Joseph Brecknell*, *Benjamin Brecknell*, *John Spencer* of *Hurcot*, *Timothy Brookes*, *Thomas Woodward*, *John Mole*, *Mathew Wilson*, *John White*, *Andrew Cooper*, *John Cooper*, *Thomas Cooper*, *Joseph White*, *Joseph Patrick*, *John Spencer* Preamble. Who are to be Commissioners.

Spencer of *Kidderminſter*, *Benjamin Cottrell*, *Benjamin Lea*, *Samuel Lea*, *John Ingram*, *Francis Lea*, *Samuel Read*, the Reverend *Thomas Wiggan* Clerk, *William Watſon*, *Ralph Powell*, *Henry Darby*, *John Hinton*, *James Hilman*, *Samuel Harris*, *Stephen Miles*, *Samuel Stokes*, *John Davies*, *John Cartwright*, *Stephen Miles* junior, *John Cole*, *Thomas Wright*, *Henry Chellingworth*, *Joſeph Hancocks*, *Joſeph Baker*, *Thomas Jones*, *Henry Bird*, *John Newcomb*, *John Read*, *Joſeph Child*, *William Taylor*, *Joſeph Baker* junior, *Joſiah Patrick*, *George Hallen*, *Abraham Thomas*, *John Pearſall*, *John Acton*, *Henry Perrins*, *Matthew Thomas*, *Jefferey Jolly*, *Thomas Fry*, *William Banks*, *Francis Hornblower*, *John Broom* junior, *Joſeph Broom*, *Samuel Crane*, *Edward Griffiths*, *John Griffiths*, *John Richardſon*, *John Stringer*, *Thomas Richardſon*, *Joſeph Orton*, *Thomas Jones*, *Serjeant Hornblower*, *Benjamin Hanbury*, *William Hornblower*, *Richard Colley* junior, *Alexander Patrick*, *Jacob Eſthope*, *John Yearſley*, *Samuel Talbot*, *Thomas Beck*, *Edward Bellamy*, *Samuel Hill*, *Nicholas Penn*, *John Steynor* junior, *Henry Penn*, *Richard Barford*, *Samuel Southall*, *Samuel Evans*, *John Pearſall* junior, *Henry Matthews* Clerk, *John Wallis*, *James Wynde*, ſhall be, and are hereby declared, conſtituted, and appointed Commiſſioners, to hear and determine all ſuch Cauſes and Matters of Debt, to be brought before them, as are herein-after mentioned; and ſuch Commiſſioners and their Succeſſors ſhall be, and are hereby conſtituted a Court of Juſtice, by the Name and Style of *The Court of Requeſts for the Borough and Foreign of* Kidderminſter, *in the Pariſh of* Kidderminſter, *and the County of* Worceſter; and they the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and Authority, and are hereby authoriſed, impowered, and required, to meet and aſſemble Once in every Fortnight; that is to ſay, On *Tueſday*, or oftener, if there ſhall be Occaſion, and hold the ſaid Court in the *Guildhall* of the Borough of *Kidderminſter* aforeſaid, or ſome other convenient Place to be approved and fixed on by the major Part of the ſaid Commiſſioners, who ſhall be aſſembled at ſome General Meeting to be held for that Purpoſe; the Firſt of which ſaid Meetings ſhall be on the *Tueſday* Month next after the paſſing of this Act.

Commiſſioners conſtituted a Court of Requeſts.

For Want of ſufficient Number of Commiſſioners to act, Court to be adjourned to another Day.

II. Provided always, That in caſe Three or more of the ſaid Commiſſioners, appointed or to be appointed by virtue of this Act, ſhall neglect or refuſe to aſſemble on any of the Days appointed for holding the ſaid Court, that then it ſhall and may be lawful to and for the Clerk of the ſaid Court hereinafter named for the Time being, or his Deputy, to adjourn the ſaid Court to ſome other convenient Day, within One Week from the Day on which the ſaid Court ought to have been held, or to the next General Court Day to be held by virtue of this Act.

On Death, &c. of Commiſſioners, others to be elected.

III. And be it further enacted by the Authority aforeſaid, That from Time to Time, and as often as it ſhall be neceſſary, either by the Death of any of the ſaid Commiſſioners herein-before particularly named, or of any of their Succeſſors, to be choſen in Manner herein-after mentioned, or by his or their refuſing or neglecting, for the Space of One whole Year, to act herein, it ſhall and may be lawful to and for the ſaid Commiſſioners hereby appointed, and their Succeſſors, or any Nine or more of them, to meet and aſſemble together, at any Time after ſuch Death, Refuſal, or Neglect to act, and to elect and appoint One or more Perſon or Perſons reſiding within the ſaid Pariſh, or having Eſtate there, to be a Commiſſioner or Commiſſioners, in the Stead and Place of ſuch Commiſſioner or Commiſſioners dying, refuſing, or neglecting to act; and every ſuch Commiſſioner and Commiſſioners, ſo elected and appointed, ſhall be, and is and are hereby enabled to act in the Execution of the Powers granted to the Commiſſioners hereby appointed, as fully and effectually, to all Intents and Purpoſes, as if he or they had been particularly named in this Act.

Proviſo.

IV. Provided always, That before any ſuch Election ſhall be made, Twenty-one Days Notice, in Writing, ſhall be given by the Clerk of the ſaid Court, by affixing the ſame on the Town Hall, and on the Door of the Pariſh Church of *Kidderminſter* aforeſaid.

The Firſt Nine Commiſſioners, and ſo in Rotation, to be ſummoned to attend the Court every Two Months.

'V. And, for the more orderly and regular Proceeding in the aforeſaid Court, and to make the Buſineſs 'thereof as eaſy as may be to the ſaid Commiſſioners,' be it further enacted by the Authority aforeſaid, That the Clerk of the ſaid Court for the Time being ſhall, and is hereby authoriſed and required, to cauſe the firſt Nine of the ſaid Commiſſioners, as they ſtand in Order in this Act, reſiding within the ſaid Pariſh, to be ſummoned by the Beadle of the ſaid Court to attend and do the Buſineſs of the ſaid Court, for Two Calendar Months then next following; and after the Expiration thereof, ſhall cauſe the like Number of Commiſſioners, reſiding within the ſaid Pariſh, as they ſtand next to the former in Order and Rotation, to do the like Duty for the Two then next ſucceeding Calendar Months, till the whole Number of Commiſſioners, reſident as aforeſaid, ſhall have been ſummoned; and ſhall then begin again, and continue to ſummon Nine Commiſſioners every Two Calendar Months, in like Rotation, in all ſucceeding Times, ſo as the ſaid Commiſſioners may take upon themſelves, in Rotation, the Execution of this Act.

Commiſſioners, although not in Rotation or ſummoned, may ſit in Court.

VI. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to exclude or debar any of the ſaid Commiſſioners from ſitting in the ſaid Court, although they be not in Rotation, or ſummoned as aforeſaid; but that all ſuch Commiſſioners ſhall and may, as often as they reſpectively ſhall think fit, ſit and give Judgment therein.

Their Power.

VII. And be it enacted by the Authority aforeſaid, That the Commiſſioners ſo named and appointed, and their Succeſſors, to be choſen in Manner herein-before mentioned, or any Three or more of them, from Time to Time aſſembled as aforeſaid, ſhall have Power and Authority, by virtue of this Act, to hear and determine all ſuch Cauſes and Matters of Debt as ſhall be brought before them, in Manner as hereafter mentioned; and to give ſuch Judgments, and to make ſuch interlocutory and final Orders and Decrees therein, and to award ſuch Execution thereupon, with Coſts, both againſt the Bodies and the Goods and Chattels of all and every the Perſon and Perſons againſt whom they ſhall give or make any

ſuch

such Judgment, Order, or Decree, as to them shall seem just and most agreeable to Equity and good Conscience; and if the Commissioners, so assembled, shall happen to be equally divided upon any Question that may come before them, the Commissioner present, whose Name stands first on the List of the Commissioners herein-after directed to be kept in the Court-house or Place where they shall respectively meet, shall have the casting Vote.

Clerk and Beadle appointed.

VIII. And be it further enacted by the Authority aforesaid, That in the said Court of Requests there shall be One Officer called a *Clerk*, and another Officer called a *Beadle*, and that *Thomas Jacob White* Gentleman shall be, and is hereby constituted and appointed Clerk of the said Court of Requests; and that *John Steynor* the younger, shall be, and is hereby constituted and appointed the Beadle of the said Court of Requests; which said Officers of Clerk and Beadle shall execute their respective Offices by themselves respectively, or their lawful Deputy or Deputies, so long as they shall behave themselves well in their respective Offices.

Commissioners and Victuallers not to hold any Place of Profit.

IX. Provided always, That no Commissioner, nor any Person or Persons who shall keep any Victualling-house, Alehouse, or other public Place of Entertainment, or who shall sell any Wine, Cyder, Beer, Spirituous or other strong Liquors, by Retail, shall be capable of holding any Place or Profit belonging to the said Court.

Appointment of Clerk and Beadle upon a Vacancy.

X. And be it further enacted by the Authority aforesaid, That whenever it shall happen that the Office of Clerk or Beadle of the said Court shall become vacant, either by Death, Resignation, or Misbehaviour, the said respective Offices shall be executed by such Person or Persons as shall, in that Behalf, be nominated and appointed by the Lord or Lords, Lady or Ladies, of the Manor of the Borough of *Kidderminster*, aforesaid for the Time being; who is and are hereby authorised, impowered, and required, to nominate and appoint, under his, her, or their Hand and Seal, or Hands and Seals, such Clerk and Beadle, in Consideration of, and as a Compensation for the Prejudice or Damage to, or Diminution of the Business of the Court Baron of or belonging to the Lord of the Manor; and until such Nomination and Appointment shall be made, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, assembled as aforesaid, to appoint such Officers respectively.

Clerk to fix up Lists of Commissioners in the Court-house,

and to issue Summonses, and register Orders, &c.

XI. And be it further enacted by the Authority aforesaid, That the Clerk herein before-named and chosen, and his Successor, from Time to Time, to be appointed as aforesaid, or his or their lawful Deputy, shall make, and cause to be fixed up, in some convenient Part of the Court-house, fair and complete Lists, in Writing, of the Commissioners herein named and appointed, or to be elected and appointed as aforesaid; and shall also issue, or cause to be issued out, all Summonses, Attachments, Warrants, Subpœnas, and Precepts, and register and enter, or cause to be registered and entered, all Causes, Orders, Decrees, and Judgments, and other Acts and Proceedings of the said Court, in proper Books to be from Time to Time provided by him, and kept for that Purpose; and that the Beadle herein-before named, or from Time to Time to be appointed as aforesaid, or his Deputy, shall, and he is hereby impowered and required, to serve and execute, or cause to be served and executed, all such Summonses, Orders, Attachments, Warrants, Subpœnas, Executions, and Precepts, and to do and perform all such Acts, Matters, and Things, as are herein directed and appointed to be done by him.

Beadle to serve Precepts.

Persons may sue for Debts under 40 s.

XII. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for all and every Person and Persons whatsoever, who now hath or have, or hereafter shall or may have, any Debt or Debts arising or accruing within the said Borough or Foreign of *Kidderminster*, not amounting to the Sum of Forty Shillings, and due or owing to him, her, or them, by or from any Person or Persons whatsoever, inhabiting or residing within the Borough or Foreign of *Kidderminster*, in the Parish of *Kidderminster* aforesaid, or any Part thereof, to apply to the Clerk of the said Court, or his Deputy, for the Time being, who shall immediately make an Entry in his Book of the Cause, expressing the Names of the Parties, and the Sum demanded; and shall thereupon make out and deliver a Summons, in Writing, under his Hand, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and the Name or Names of such Party or Parties demanding the same, thereby requiring and commanding such Debtor or Debtors to appear at the next Court to be held before the Commissioners of the said Court, to answer such Demand; and the Beadle of the said Court shall forthwith serve, or cause to be served, such Summons on such Debtor or Debtors, either personally, or by leaving the same at the Dwelling-house or Place of Abode, Lodging, Shop, Shed, Stall, Stand, or other Place of Dealing or Working of such Debtor or Debtors, within the Borough or Foreign of *Kidderminster* aforesaid; and the said Commissioners, or any Three or more of them, shall, upon Proof made of the Service of such Summons, have full Power and Authority by virtue of this Act, to make due Inquiry, upon Oath, of any legal Witness or Witnesses, or by Confession of the Party summoned concerning such Demand, and to pronounce and give such final Sentence or Judgment, and to make such interlocutory or final Orders and Decrees therein, as to them shall seem most just and equitable.

Acting Commissioners may make Orders for regulating the Practice of the Court,

'XIII. And, for the better regulating the Proceedings of the said Court, and rendering this Act effectual for the Purpose thereof,' be it enacted by the Authority aforesaid, That the said Commissioners for the Time being, or any Nine or more of them, shall have full Power and Authority by virtue of this Act, from Time to Time, and as often as they shall see Occasion, at any of the said Courts, to make such Rules or Orders for the better regulating the Practice of the said Court, as to them shall seem necessary and conducive to the Purposes of this Act, so as they shall be consistent with Equity, and not tend to alter the Fees herein-after allowed by this Act to be taken by the Clerk and Beadle of the said Court for the Time being, or to the Exercise of any Jurisdiction inconsistent with the true Intent and Meaning

Meaning of this Act, and do relate to the Proceſs, Practice, and Method of Proceeding of and in the ſaid Court only; according to which Rules or Orders, ſo from Time to Time to be made, the ſaid Commiſſioners, or any Three or more of them, ſhall have Power and Authority, by virtue of this Act, to proceed upon, and to hear and determine all Matters of Debt ariſing within the ſaid Borough or Foreign, not amounting to the ſaid Sum of Forty Shillings, which ſhall be brought before them by virtue of this Act, and to make and pronounce ſuch Judgments and Decrees concerning the ſame, together with ſuch Coſts of Suit, as to them ſhall ſeem agreeable to Equity and good Conſcience.

and adminiſter Oaths.

'XIV. And, for the better Diſcovery of the Truth, and for the more ſolemn Determination of all 'the Cauſes and Matters which ſhall be depending in the ſaid Court,' be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them aſſembled in Court, and they are hereby impowered to adminiſter an Oath to ſuch Witneſs or Witneſſes as ſhall be produced by either Party, and alſo to the Officers of the Court, and to any Perſon or Perſons whatſoever, whoſe Evidence ſhall, to the ſaid Commiſſioners, or to the major Part of them aſſembled at the ſaid Court, appear neceſſary to aſcertain the Truth of the Matter in Litigation between the Parties; and for that Purpoſe to iſſue out a Summons or Summonſes, at the Inſtance of either of the Parties, to all and every ſuch Witneſs or Witneſſes, to be and appear at ſuch Court Day whereon the ſaid Matter is appointed to be heard.

On Nonappearance of Defendant, Commiſſioners may proceed ex parte.

XV. And be it further enacted by the Authority aforeſaid, That if any Debtor or Debtors, who ſhall have been duly ſummoned as aforeſaid, ſhall, without ſome good Cauſe to be allowed by the ſaid Court, refuſe or neglect to appear in the ſaid Court at the Time mentioned in the ſaid Summons, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, upon Proof being made upon Oath of the Service of the ſaid Summons in Manner before directed, to proceed to hear the Cauſe on the Part of the Plaintiff or Plaintiffs only, and to make ſuch Order, Decree, or Judgment therein, and to award ſuch Coſts of Suit as to them ſhall ſeem meet.

On Nonappearance or Nonſuit of Plaintiff, may award Coſts.

XVI. And be it further enacted by the Authority aforeſaid, That if upon the Day of the Return of the Summons, or at any Continuation or Adjournment of the ſaid Court, the Plaintiff or Plaintiffs ſhall not appear, or appearing, ſhall not make Proof of his, her, or their Debt or Demand, to the Satisfaction of the ſaid Court, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, upon due Proof upon Oath having been firſt made before them of the Service of ſuch Summons, or, in caſe the Plaintiff ſhall fail in making due Proof of ſuch his Debt, (as the Caſe may be), to award to the Defendant or Defendants reaſonable Coſts, and to order and compel the Plaintiff or Plaintiffs to pay the ſame by ſuch Ways and Means as are herein provided for enforcing the Payment of Debts and Coſts ordered and decreed to be paid by the ſaid Court.

Commiſſioners may award Execution,

XVII. And be it further enacted by the Authority aforeſaid, That in any Caſe where the ſaid Commiſſioners, or any Three or more of them, ſhall have made any Order or Decree for the Payment of Money, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to award Execution either againſt the Body or Goods of the ſaid Party or Parties againſt whom ſuch Order or Decree ſhall be made; and thereupon it ſhall and may be lawful to and for the Clerk of the ſaid Court, or his Deputy, and he is hereby authoriſed and required, at the Requeſt and Election of the Party or Parties proſecuting ſuch Order or Decree, to iſſue a Precept or Precepts in Execution under his Hand and Seal, and, from Time to Time to renew the ſame, againſt the Body or Bodies of ſuch Party or Parties againſt whom ſuch Order or Decree ſhall be made, directed to the Beadle of the ſaid Court, or his Deputy, who, by virtue thereof, ſhall and may, and he is hereby impowered and required to take and apprehend, or cauſe to be taken and apprehended, ſuch Party or Parties, being within the Borough or Foreign and Pariſh of *Kidderminſter* aforeſaid, and convey him, her, or them, to ſuch Gaol within the ſaid Pariſh as ſhall be appointed by the ſaid Commiſſioners, or any Nine or more of them, for that Purpoſe, there to remain until he, ſhe, or they ſhall perform and obey ſuch Order, Decree, and Judgment, ſo as no Perſon ſhall remain in Confinement for any longer Space of Time than Forty Days, or for leſs than Ten Days; and that it ſhall, in like Manner, be lawful to and for the Clerk of the ſaid Court, or his Deputy, and he is hereby authoriſed and required, at the like Requeſt and Election of the Party or Parties proſecuting ſuch Order or Decree, to iſſue a Precept or Precepts in Execution under his Hand and Seal, and, from Time to Time, to renew the ſame, againſt the Goods of ſuch Party or Parties againſt whom ſuch Order or Decree ſhall be made, directed to the ſaid Beadle, or his Deputy, who, by virtue thereof, ſhall and may, and is hereby impowered and required to levy, by Diſtreſs and Sale of the Goods and Chattels of ſuch Party or Parties, being within the Borough or Foreign and Pariſh of *Kidderminſter* aforeſaid, ſuch Sum and Sums of Money, and Coſts, as ſhall be ſo ordered and decreed.

and, from Time to Time, to renew the ſame.

Court may order Debts to be paid at ſeveral Times.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners, or any Three or more of them, ſhall, at any Time, upon the Requeſt, and for the Eaſe and Convenience of the Defendant or Defendants, order and decree the Debt due to the Plaintiff or Plaintiffs to be paid at ſeveral Payments, or by Inſtalments, which they are hereby authoriſed and impowered to order and decree, at their Diſcretion, then upon the Firſt Default or Failure of any of the ſaid Payments or Inſtalments ſo ordered and decreed, the ſaid Commiſſioners, or any Three or more of them aſſembled in Court, ſhall and may, at the Inſtance of the Plaintiff or Plaintiffs, and upon due Proof of the ſaid Default or Failure, award Execution for the whole Debt, or ſuch Part thereof as ſhall then remain unpaid,

paid, together with ſuch further Coſts as to them ſhall ſeem reaſonable; to be recovered by the ſame Proceſs or Precept, and in like Manner as is herein before provided for Recovery of the Debt and Coſts firſt decreed; the former Order or Decree to the Contrary notwithſtanding

Proceſs not iſſuable againſt Goods and Chattels, where Warrant is granted againſt the Body of the Perſon, unleſs he ſhall eſcape or abſconds.

XIX. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the Clerk of the ſaid Court to iſſue any Proceſs againſt the Goods and Chattels of any Perſon or Perſons, where the Party intitled to the Benefit of any ſuch Order, Judgment, or Decree as aforeſaid, ſhall have obtained any Warrant or Proceſs as aforeſaid againſt the Body or Bodies of the ſame Perſon or Perſons, unleſs ſuch Perſon or Perſons ſhall eſcape out of Cuſtody, or ſhall abſcond or depart out of the ſaid Borough, Foreign, and Pariſh of *Kidderminſter*, to avoid being apprehended and taken by virtue of ſuch laſt-mentioned Warrant or Proceſs.

On Execution Clerk to indorſe Debt and Coſts.

In what Caſes Execution may be ſuperſeded.

XX. And be it further enacted by the Authority aforeſaid, That in every Precept to be iſſued upon any Execution awarded againſt the Body or Goods of any Perſon or Perſons whatſoever, the Clerk who iſſues the ſame ſhall expreſs and ſet down in Writing the Sum or Sums of Money, and Coſts, ſo ordered and decreed to be paid; and if the Party or Parties againſt whom ſuch Execution ſhall be awarded ſhall, before any actual Sale of his, her, or their Goods, or before he, ſhe, or they is, are, or ſhall be taken and apprehended, or before the Expiration of the Term of his, her, or their Impriſonment, pay, or cauſe to be paid or tendered unto the Clerk of the Court who ſhall iſſue ſuch Precept, ſuch Sum or Sums of Money, and Coſts, together with One Shilling, as a Reward for his Trouble in receiving and paying over ſuch Debt and Coſts to the Plaintiff or Plaintiffs, and entering Acknowledgments or Satisfaction in the Book or Regiſter of the ſaid Court for ſuch Debt and Coſts, and alſo the Sum of Two Shillings to the Beadle for Fees, in caſe ſuch Party or Parties ſhall have been committed to Priſon, or his Goods ſhall be diſtrained upon, and not ſold; then, and in ſuch Caſe or Caſes the Execution ſhall be ſuperſeded, and the Body or Bodies, and Goods of ſuch Party or Parties, ſhall be diſcharged and ſet at Liberty.

Beadle ſuffering an Eſcape, or Goods to be removed, or cauſing Defendants to abſcond, to pay Debt and Coſts.

XXI. And be it further enacted by the Authority aforeſaid, That if the Beadle of the ſaid Court, or his Deputy, who ſhall be employed to ſerve or levy any Execution, ſhall, by wilful or notorious Neglect or Connivance, cauſe or ſuffer the Party againſt whom ſuch Execution ſhall be awarded to eſcape, or the Goods of ſuch Party or Parties ſo diſtrained upon to be carried away, embezzled, or ſecreted, ſo that ſuch Execution ſhall not have its due Effect, it ſhall and may be lawful to and for the ſaid Commiſſioners or any Three or more of them, aſſembled in Court, upon Complaint and due Proof made upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to order ſuch Beadle to pay ſuch Sum or Sums of Money for which the ſaid Execution was awarded to the Party complaining, and to inforce the Payment thereof by the ſame Method and Means as are herein-before provided for the Payment of other Debts.

Qualification of Commiſſioners.

XXII. And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs at the Time of his ſo acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes, or poſſeſſed of a perſonal Eſtate to the Value of Four hundred Pounds: And if any Perſon or Perſons made incapable to act for the Cauſes aforeſaid, ſhall, nevertheleſs, preſume to act in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor or Plaintiff than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Penalty on Acting if not qualified.

XXIII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be capable of acting as a Commiſſioner in the Execution of this Act, until he ſhall have taken an Oath to the following Effect:

Commiſſioners Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Judgment, hear and determine all ſuch Matters and Cauſes as ſhall be brought before me by virtue of an Act of Parliament, "for the more eaſy and ſpeedy Recovery of Small Debts within the Borough and Foreign of *Kidderminſter*, in the Pariſh of *Kidderminſter*, in the County of *Worceſter*," without Favour or Affection, Prejudice or Malice, to either Party.

'*So help me* GOD.'

Memorial thereof to be regiſtered.

Which Oath the Clerk of the ſaid Court hereby named, is hereby, at the Firſt Court or Meeting to be held by the ſaid Commiſſioners, or any Three of them, in purſuance of this Act, impowered and required to adminiſter to all and every Commiſſioner and Commiſſioners in open Court, and in the Preſence of Three or more of ſuch Commiſſioners, and in like Manner, at any ſubſequent Court, the Clerk of the ſaid Court, or any of the Commiſſioners who ſhall have taken ſuch Oath, is, and are hereby impowered and required to adminiſter the ſaid Oath in open Court, to all and every ſuch other Commiſſioner and Commiſſioners, not having qualified himſelf as aforeſaid, at ſuch Firſt Court or Meeting; of all ſuch Oath and Oaths ſo taken as aforementioned, the ſaid Clerk of the ſaid Court ſhall cauſe a Memorial to be entered in the Regiſter of the ſaid Court amongſt the Proceedings of ſuch Days reſpectively.

XXIV.

XXIV. And be it further enacted by the Authority aforeſaid, That the ſeveral Fees herein-after limited and expreſſed, and no other, ſhall be taken by the ſaid Clerk and Beadle, or their Succeſſors, for their ſeveral and reſpective Services in the Execution of this Act; that is to ſay,

To the Clerk,

The Fees.

For entering every Clauſe, Threepence.
For iſſuing every Summons, Threepence.
For every Subpœna, Threepence.
For calling every Plaintiff or Defendant, Threepence.
For every Hearing or Trial, Sixpence.
For ſwearing every Witneſs, Threepence.
For every Order, Judgment, or Decree, Sixpence.
For a Nonſuit, Threepence.
For every Search in the Books, Twopence.
For paying Money into Court, Fourpence.
For taking Money out of Court, and acknowledging of Satisfaction in the Clerks Books, Fourpence.
For every Attachment, Sixpence.
For every Execution, Sixpence.
For every Warrant of Commitment, Threepence.

To the Beadle,

For the Service of every Summons, Order, or Subpœna in the Borough of *Kidderminſter*, Threepence; if in the Foreign, Four-pence.
For calling every Plaintiff or Defendant before the Court, Twopence.
For executing every Attachment, Execution, or Warrant againſt the Body or Goods in the Borough of *Kidderminſter*, aforeſaid, One Shilling; if in the Foreign, One Shilling and Sixpence.

A Table thereof to be hung up in the Court-houſe.

A Table of which Fees ſhall, from Time to Time, be hung up by the Clerk of the ſaid Court, in ſome conſpicuous Part of the ſaid Court-houſe, or Place, where the ſaid Commiſſioners ſhall meet, ſo that all Perſons concerned may ſee and examine the ſame.

Penalty on taking greater Fees.

XXV. And be it further enacted by the Authority aforeſaid, That if the Clerk or Beadle of the ſaid Court for the Time being ſhall take any greater or other Fees or Rewards than what are herein-before mentioned for his or their Service in the Execution of this Act, he or they ſhall, for every ſuch Offence, forfeit and pay ſuch Fine (not exceeding Five Pounds, nor leſs than Forty Shillings), as the ſaid Commiſſioners, or any Three or more of them, upon due Proof upon Oath firſt made before them of the Truth of ſuch Complaint, ſhall order, aſſeſs, and impoſe, to be applied to the Relief of ſuch Debtor or Debtors, who ſhall be then, or at any Time after, in the Priſon or Gaol of the ſaid Court of Requeſts, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall order and direct, or otherwiſe to be paid to the Overſeers of the Poor of the Borough of *Kidderminſter* aforeſaid, at the Diſcretion of the ſaid Commiſſioners impoſing ſuch Fine or Fines as aforeſaid; the ſame to be levied (if not paid on Demand) by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of ſuch Commiſſioners, or any Three or more of them, by whom ſuch Complaint ſhall be heard, rendering to the Owner the Overplus, after the Charges of ſuch Diſtreſs and Sale are deducted.

Clerk or Beadle may be diſplaced for Miſbehaviour.

XXVI. And be it further enacted by the Authority aforeſaid, That if the ſaid Clerk or Beadle ſhall be guilty of any Miſbehaviour, either by Neglect or Breach of Duty, or in taking greater Fees than before mentioned, or otherwiſe in the Execution of their reſpective Offices, that then, upon Complaint, and due Proof thereof made upon Oath in open Court, the ſaid Commiſſioners then ſitting are hereby directed and required to cauſe the whole Number of Commiſſioners to be ſummoned, by a Notice in Writing, to be affixed at the Town Hall, and alſo at the Door of the Pariſh Church of *Kidderminſter* aforeſaid, to meet at ſome convenient Time and Place, and the Commiſſioners then preſent, not being leſs than Nine in Number, ſhall and may examine and conſider the Merits of ſuch Complaint; and if it ſhall appear to ſuch Commiſſioners ſo aſſembled or met, or to the major Part of them, that the ſaid Clerk or Beadle hath been guilty of any ſuch Miſbehaviour or Breach of Duty as aforeſaid in his Office, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the major Part of them then aſſembled, to ſuſpend or remove ſuch Clerk or Beadle from his ſaid Office, and another Perſon or Perſons ſhall be thereupon appointed in his Room, in ſuch Manner as is by this Act directed for ſuch Appointment.

Commiſſioners, Clerk, or Beadle, not to act where intereſted.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Commiſſioner of the ſaid Court for the Time being ſhall be Party to, or intereſted in any Cauſe, Matter, or Thing, depending in the ſaid Court, ſuch Perſon ſhall not be capable of acting as a Commiſſioner in the hearing and determining the ſame, or making any Order, Decree, or Judgment therein, but, after being heard in the ſaid Cauſe, ſhall withdraw from the ſaid Court until the ſame is finally determined; and if the Clerk or Beadle of the ſaid Court for the Time being ſhall be a Party to, or intereſted in any Cauſe depending in the ſaid Court, ſuch Clerk or Beadle ſhall not exerciſe his ſaid Office in the ſaid Cauſe, or in any Thing relating thereto; but the ſaid Commiſſioners, or any Three or more of them aſſembled at

such Court, shall and may, and are hereby authorised to depute and appoint another Person to exercise the said Office of Clerk or Beadle respectively, in all things relating to such Cause.

'XXVIII. And, for the better enforcing the Orders and Decrees, from Time to Time, to be 'made by the said Commissioners, and that the Commissioners of the said Court may be invested 'with proper Power and Authority, and be free and exempt from Insult and Abuse,' be it enacted by the Authority aforesaid, That if any Person or Persons shall affront, insult, or abuse all or any of the Commissioners during their sitting in the said Court, or shall interrupt the Proceedings of the said Court, or shall obstruct the Process thereof, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to cause a Warrant to be issued by the Clerk of the said Court, or his Deputy, directing such Beadle to apprehend and take, or cause to be apprehended and taken, such Person or Persons so offending as aforesaid, before One of His Majesty's Justices of the Peace for the Borough of *Kidderminster* aforesaid, if the Offence shall be committed within the said Borough, or before One of His Majesty's Justices of the Peace for the County of *Worcester* aforesaid, if the Offence shall be committed in the said Foreign; and upon the Fact alledged being proved by the Oath of One credible Witness, the said Justice is hereby impowered and directed to punish such Person or Persons so offending as aforesaid, by Fine, not exceeding Five Pounds, nor less than Ten Shillings, which shall be immediately paid into the Hands of the said Justice before whom the said Offender or Offenders shall be convicted, and be paid and applied by such Justice in like Manner as the Fines herein-before mentioned are directed to be applied; and if the said Offender or Offenders shall not pay the said Fine in Manner aforesaid, it shall and may be lawful to and for the said Justice, by Warrant under his Hand and Seal, to cause the same to be levied by Distress and Sale of the Offender's Goods; or in Default thereof, to commit such Person or Persons so offending as aforesaid to the Common Gaol or House of Correction for the said County of *Worcester*, there to remain for any Space of Time not exceeding Three Months, or until, he, she, or they, shall pay the said Fine. Penalty on insulting the Court.

XXIX. Provided always, and be it further enacted by the Authority aforesaid, That the Clerk of the said Court shall fix, or cause to be fixed up, in some publick Part of the said Court-house, or Place where the said Commissioners shall meet, a true Copy of the last preceding Clause of this Act, to the Intent that no Person shall or may plead Ignorance thereof. Copy of preceding Clause to be hung up in the Court-house.

XXX. And be it further enacted by the Authority aforesaid, That if any Action of Debt, or Action upon the Case, upon an *Assumpsit* for Recovery of any Debt to be sued or prosecuted against any Person or Persons aforesaid, in any of the King's Courts at *Westminster*, or elsewhere out of the said Court of Requests, the Plaintiff shall declare for any Sum of Money, not amounting to the Sum of Forty Shillings, the Defendant may plead generally in Bar of such Action, that at the Time of commencing such Action the Defendant was inhabiting and resiant within the Jurisdiction of the said Court of Requests, and was liable to be warned or summoned before the said Court of Requests, without pleading any other Matter specially; and in case the Plaintiff in any such Action shall declare for Forty Shillings, or any Sum of Money exceeding Forty Shillings, the Defendant may plead generally, over and above such Matters as aforesaid, that the Defendant was not at the Time of commencing such Action indebted unto the Plaintiff in any Sum or Sums of Money amounting to the Sum of Forty Shillings, without pleading any other Matter specially; whereto the Plaintiff shall or may reply generally, and deny the Matters pleaded as aforesaid; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgment be given on Demurrer, the Defendant or Defendants shall have Full Costs. Defendants may plead generally in bar of Actions of Debt.

XXXI. Provided always, That it shall and may be lawful to and for the Plaintiff or Plaintiffs, in such Action, afterwards to prosecute the said Defendant or Defendants, for the Recovery of the said Debt or Debts in the said Court of Requests; any Thing herein-before contained to the Contrary in anywise notwithstanding. Proviso.

XXXII. And be it further enacted by the Authority aforesaid, That no Attorney at Law or Solicitor, being served with the Process of the said Court of Requests, or appearing in the same Court, shall be allowed to plead or maintain any Privilege against the Process, Authority, Jurisdiction, or Judgment thereof. No Attorney to have Privilege or Practice in this Court.

XXXIII. And be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to any Debt for Rent upon any Lease or Contract where the Title of any Lands, Tenements, or Hereditaments, can or may come in Question, or in or upon any real Contract, nor to any Debt that shall arise upon or by reason of any Cause concerning any Last Will and Testament, or Matrimonial Contract, or the Breach thereof, or any Thing properly belonging to the Ecclesiastical Court; nor for Money won at or by Means of any Horse-race, Cock-match, Wager, or any Kind of Gaming or Play; nor for any Forfeiture of any Penal Statute or Bye-law; nor to any Debt contracted upon a *Sunday*, for Ale, Beer, Cyder, Spirituous or other Liquors; nor to any Debt whereof there hath not been a Contract, Acknowledgment, Undertaking, or promise to pay, within Six Years before the taking out of the Summons for the same, although such Debt shall not amount to Forty Shillings. To what Debts this Act shall not extend.

XXXIV. And be it further enacted by the Authority aforesaid, That in case any Person or Persons making Oath, or giving Evidence in any Cause or Matter whatsoever, depending in the said Court of Requests, shall commit wilful and corrupt Perjury, and be thereof duly convicted according to Law, such Person and Persons shall incur and suffer the like Pains and Penalties as any other Person or Persons Penalty on wilful Perjury.

ſons convicted of wilful and and corrupt Perjury is or are liable to, or ſhall be ſubject to by the Laws and Statutes of this Realm.

Penalty on not obeying a Subpœna.

XXXV. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon reſiding within the Juriſdiction of the ſaid Court of Requeſt, who ſhall be duly ſerved with a Subpœna or Summons to be iſſued out of the ſaid Court, to give Evidence on Behalf of any Plaintiff or Defendant, ſhall neglect or refuſe to appear purſuant to ſuch Subpœna or Summons, at the Time and Place therein mentioned, and due Proof ſhall be made of the Service of ſuch Subpœna or Summons, and no Cauſe of Abſence be ſhewn or aſſigned to the Satisfaction of the Commiſſioners preſent at the ſaid Court to which ſuch Perſon ſhall be by ſuch Subpœna or Summons required to appear, and Oath ſhall be made before the ſaid Commiſſioners, that the Perſon ſerved therewith was a material Witneſs for the Party at whoſe Inſtance ſuch Subpœna or Summons iſſued, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any three or more of them, aſſembled in open Court, and weighing the Cauſe ſo ſhewn, and adjudging the ſame to be inſufficient, to impoſe and lay a Fine, not exceeding Forty Shillings, nor leſs than Five Shillings; to be levied (if not immediately paid on Demand) by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them; which Fine, when paid or levied, ſhall be paid over to the Party at whoſe Inſtance ſuch Subpœna or Summons iſſued.

The Juriſdiction of the Court Baron reſerved.

XXXVI. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued, adjudged, deemed, or taken to be or extend to extinguiſh, reſtrain, alter, annul, take away, or otherwiſe prejudice the Juriſdiction of an ancient Court Baron held by the Lord of the Manor of the Borough of *Kidderminſter* aforeſaid, and his Predeceſſors, Time immemorial, within the ſaid Borough, or any of the Rights, Privileges, and Franchiſes thereto belonging, but that Plea ſhall and may be held in the ſaid Court of all Debts, Matters, and Things within the ſaid Borough, and all Perſons ſhall and may ſue and be ſued in the ſame Court, in like Manner as if this Act had never been made; any Thing herein contained to the Contrary in anywiſe notwithſtanding.

Limitation of Actions.

XXXVII. And be it further enacted, That no Action at Law ſhall be brought againſt any Perſon or Perſons for any thing done by virtue of this Act, till after Twenty Days Notice thereof in Writing ſhall be given to, or left at the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, thereby ſetting forth the Cauſe of ſuch Action, and in Default only of any Tender of ſufficient Amends being made within that Time, by ſuch Perſon or Perſons to the Party ſo aggrieved, and cauſing ſuch Notice to be given; and that every Action brought for any Thing done as aforeſaid ſhall be commenced within the Space of Three Months next after the Cauſe thereof ſhall ariſe, and ſhall be laid in the County of *Worceſter*, and not elſewhere; and the Defendant or Defendants therein ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, and that the ſame was done by virtue thereof: And if, on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of Twenty Days after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Three Months next after the Cauſe thereof ſhall ariſe; or if ſuch Action ſhall be brought or laid in any other County than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved; then, and in every the Caſes aforeſaid, the Jury on the Trial of ſuch Action ſhall find for the Defendant or Defendants therein; and in all Caſes where any Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited; or if upon Demurrer Judgment ſhall be given againſt ſuch Plaintiff or Plaintiffs, the Defendant or Defendants in ſuch Action ſhall have and recover Treble Coſts, and ſhall have the like Remedies for recovering the ſame as any Defendant or Defendants can or may have in other Caſes where Coſts are given by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XXXVIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LXVII.

An Act for Incorporating the Members of a Society, commonly called *The Marine Society*, and their Succeſſors, to be elected as therein is mentioned, and for the better impowering and enabling them to carry on their charitable and uſeful Deſigns.

Preamble.

'WHEREAS, in *June* One thouſand ſeven hundred and fifty-ſix, a Society was inſtituted under 'certain Regulat ons for fitting and placing out Men and Boys to the Sea Service, and other chari-'table Purpoſes, commonly called *The Marine Society*, which ſaid Society, during the late War with *France* 'and *Spain*, and at different Times ſince the Concluſion thereof, by the voluntary Donations and Subſcrip-'tions of charitable and well-diſpoſed Perſons (amongſt other Charities) clothed and fitted out Five thou-'ſand four hundred and fifty-one Landmen, to ſerve as Seamen on Board His Majeſty's Ships; and alſo 'clothed, fitted, and placed out as Servants or Apprentices to Officers in the King's Ships, and to the 'Merchants Service at Sea, Six thouſand three hundred and ſix Boys, who had no viſible Means of Sup-'port, and who voluntarily offered themſelves: And whereas Experience hath ſhewn, that the ſaid So-'ciety hath been hitherto of conſiderable Uſe, and an Advantage to the Nation, and it is apprehended

'that

'that the said Society, if countenanced and supported by the Laws of this Realm, and established upon 'a respectable and permanent Foundation, and vested with proper Powers for enabling them to carry 'into Execution their charitable Designs, (that is to say), the fitting out and apprenticing, or placing 'out, poor distressed Boys, to and for the Service of the Royal Navy, and to and for the Service of 'other Ships and Vessels, the Property of, and belonging to, Subjects of the King of *Great Britain*, 'would be of much more extensive Use, and a still greater Benefit and Advantage to these Kingdoms, 'as being a Means of supplying His Majesty's Ships, in Time of War, with Seamen properly bred up 'and qualified for that Service, and contributing to the commercial Interests of the Nation in Time of 'Peace; and also by assisting the inward Police thereof, in providing for the Idle, and consequently most 'dangerous Members of Society: But as it is apprehended that these salutary Measures cannot be con-'ducted with any Degree of Vigour, nor these useful Ends attained in their full Extent, without the 'Aid and Authority of Parliament; may it therefore please Your most Excellent Majesty that it may 'be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Robert* Lord *Romney* Baron of *Romney*, the Right Honourable *Robert* Lord *Clive* Baron of *Plassey*, in the Kingdom of *Ireland*, Knight of the most Honourable Order of the Bath, Sir *William Dolben* Baronet, Sir *George Pococke* Knight of the most Honourable Order of the Bath, *Barlow Trecothick*, *Beeston Long*, *Thomas Nash*, *John Thornton*, Esquires; the Right Honourable *Thomas Harley*, Sir *William Mayne* Baronet, the Honourable *Charles Marsham*, the Reverend Doctor *Glasse*, *Charles Gray*, *Richard Oliver*, *Anthony Bacon*, *John Julius Angerstein*, *Michael Adolphus*, *Philip Affleck*, *John Blackburn*, *Frederick Bull*, *Thomas Bennett*, *Lewis Cheauvett*, *John Campbell*, *John Cornwall*, *John Dorrien*, *John Elliot*, *Freeman Flower*, *Jacob Gonsales*, *Francis Gregg*, *Jonas Hanway*, *Thomas Hanway*, *Robert Hunter*, *Michael James*, *John Lodge*, *John Levy*, *James Matthias*, Doctor *Thomas Manningham*, *Timothy Mangles*, *Robert Nettleton*, *Gregory Olive*, *George Peters*, *George Paterson*, *John Anthony Rucker*, *William Stead*, *John Smith*, *Robert Sherson*, *Andrew Thomson*, *Harry Verelst*, *William Wood*, *Thomas Walker*, *James Warner*, and *Fowler Walker*, Esquires; shall, and they are hereby declared to be Governors; and that they, and their Successors, to be elected and named in Manner herein-after directed and appointed, shall be, and they are hereby declared and adjudged to be One Body Corporate and Politick, in Deed and in Name, by the Name of *The Marine Society*: And that by the same Name they shall have perpetual Succession, and a common Seal, with Power to change, alter, break, and make new the same, when, and as often as they shall judge the same to be expedient, and that they and their Successors, by the same Name, may sue, and be sued, implead, and be impleaded, answer, and be answered unto, in all or any Court or Courts of Record and Places of Judicature within this Kingdom; and that they and their Successors, by the Name aforesaid, shall be able and capable in Law to have, hold, receive, enjoy, possess, and retain, for the Ends and Purposes of this Act, all such Sum and Sums of Money as have been given, devised, or bequeathed, or shall, at any Time or Times hereafter, be paid, given, devised, or bequeathed, by any charitable or well-disposed Person or Persons, to and for the charitable Ends and Purposes in this Act mentioned; and that they and their Successors, by the Name aforesaid, shall and may, at any Time hereafter, without Licence in Mortmain, purchase, take, or receive, hold, and enjoy, any Lands or Tenements, which shall or may, at any Time or Times, be found necessary for erecting Buildings, and making other Conveniencies for the Purposes of assembling and holding the Courts and Meetings, and of executing and transacting other the Affairs and Business of the said hereby-erected Corporation for any Estate or Interest.

Governors incorporated; their Title.

To have perpetual Succession, and a common Seal, &c.

and may purchase Lands.

II. And be it further enacted by the Authority aforesaid, That the said Corporation may, and they are hereby impowered to clothe and fit out, and bind out Apprentice or Apprentices, or place out, as Servants to any of the commissioned or warrant Officers of His Majesty's Navy, or to any other of His Majesty's Subjects, from Time to Time, any poor or distressed Boy or Boys that shall voluntarily offer him or themselves, not being then legally an Apprentice or Apprentices to any other Person or Persons whomsoever, with the Consent of the respective Parents, when known, of such Boys respectively, for such Term and Time, and upon such Conditions, as the said Corporation shall think proper, so as no such Boy, so to be bound or placed out as aforesaid shall be obliged to serve, or continue in such Apprenticeship or Service, longer than Seven Years.

Corporation to fit and bind out Apprentices.

III. And be it further enacted by the Authority aforesaid, That the Right Honourable *Robert* Lord *Romney*, Baron of *Romney*, shall be, and he is hereby appointed President of the said Corporation; and that the said *Robert* Lord *Clive*, Sir *William Dolben*, Sir *George Pococke*, *Barlow Trecothick*, *Beeston Long*, and *Thomas Nash*, shall be, and they are hereby appointed the Vice Presidents; and that the said *John Thornton* shall be, and he is hereby appointed Treasurer of the said Corporation; and that the said Sir *William Mayne*, *Charles Marsham*, Doctor *Glasse*, *Charles Gray*, *Anthony Bacon*, *Michael Adolphus*, *Philip Affleck*, *John Blackburn*, *Thomas Bennett*, *John Dorrien*, *Freeman Flower*, *Jacob Gonsales*, *Jonas Hanway*, *Robert Hunter*, *Michael James*, *John Lodge*, *John Levy*, *James Matthias*, *Timothy Mangles*, *Gregory Olive*, *George Peters*, *John Smith*, *Robert Sherson*, *Andrew Thomson*, *Harry Verelst*, *William Wood*, *Thomas Walker*, and *Fowler Walker*, shall be, and they are hereby appointed a Committee for transacting and managing the Affairs of the said Corporation: And the said Vice Presidents, Treasurer, and Committee, shall continue for the Space of One Year only, unless respectively re-elected to the said respective Offices; and the said President, or, in his Absence, One or more of the Vice Presidents, or the Treasurer, with any Six or more of the other Members of the said Corporation, or, in the Absence of the President, and of all the Vice Presidents and Treasurer, any Seven or more of the said Governors, shall compose a Ge-

President, Vice Presidents, Treasurer and Assistants Names.

Vice Presidents, Treasurer, and Committee to be elected annually.

The first General Court.

a General Court: And the first General Court shall be held on the Twenty-fifth Day of *June*, One thousand seven hundred and seventy-two, at their Office over the *Royal Exchange*; and shall then, and, from Time to Time, be adjourned to such Times and Places as the Court shall think necessary for the due Execution of this Act: And a General Court of the Members of the said Corporation shall be held Four Times, at the least, in every Year; (that is to say) On the Twenty-first Day of *January*, on the Twenty-first Day of *April*, on the Twenty-first Day of *July*, and on the Twenty-first Day of *October*, unless such respective Days shall happen to fall on a *Sunday*, and in that Case on the Day following, or oftener, if Occasion shall require; upon Notice thereof given, by the Order of any Five or more of the Members of the said Corporation, assembled at some Weekly Meeting, by publishing the same in the *London Gazette* Five Days at least before the holding every such Court: And a General Court shall be held in the Month of *February* in every Year, a like Notice whereof shall be given; at which Court Six Vice Presidents, a Treasurer, and a Committee, (such Committee to consist of such Number of the Governors of the said Corporation as such General Court shall think necessary), and the Officers and Servants of the said Corporation shall be elected for the ensuing Year; and the Governors of the said Corporation, assembled at any such General Court as aforesaid, or the major Part of them so assembled, but not less than Seven such Governors, shall have full Power and Authority, in the Name of the said Corporation, and on their Account, to apply and dispose of the Monies already given, and which shall from Time to Time be contributed and given by any Persons or Person on the Account of any such Charity, and all other Monies belonging or to belong to the said hereby-erected Corporation, to and for the Purposes aforesaid, and to, for, or in any other Purpose, Way, Matter, or Thing, relating to the said Charity, and for the Benefit thereof, at their Discretion; and with and under their Common Seal, to enter into any Covenants and Contracts for the Purposes aforesaid, or for any other Purpose or Purposes for the better effecting and carrying on the Charitable Uses and Designs aforesaid; and to do, manage, and transact, and determine all such other Matters and Things, as shall to them appear necessary and convenient for the effecting or carrying on the Purposes aforesaid; and shall and may delegate such Powers and Authorities to the said Committee as they shall think necessary, for the more easy, speedy, and effectual Execution of this Act: And it shall and may be lawful to and for the Governors of the said Corporation, in a General Court assembled only, or the major Part of them so assembled, but not less than Seven such Governors, to order and dispose of the Custody of the said Common Seal, and the Use and Application thereof; and to make, ordain, and constitute such and so many Bye-laws, Constitutions, and Ordinances, as to them, or the greatest Part of them then and there present, but not less than Seven such Governors, shall seem necessary and convenient, touching, or in anywise concerning the Affairs and Business of the said hereby-erected Corporation; and the same Bye-laws, Constitutions, and Ordinances so made, to put in Use and enforce accordingly, and at their Will and Pleasure to revoke, change, and alter the same, or any of them; which said Bye-laws, Constitutions, and Ordinances so as aforesaid made, shall be duly kept and observed, provided the same be reasonable, and not contrary or repugnant to the Statutes, Customs, or Laws, of this Kingdom, or any of the express Regulations of this Act.

A general Court to be held quarterly.

Business of the annual general Courts.

Power to apply Charity Money,

and to do all the Matters necessary, and delegate proper Powers to Committee: And to order and dispose of the Use of the common Seal, and to make Bye-laws.

No Bye-laws to be binding, unless confirmed by a a succeeding general Court.

IV. Provided nevertheless, That no such Bye-law, Rule, Order, or Ordinance, shall be binding, or have any Force or Effect, until the same shall have been agreed to, and confirmed by, the next succeeding General Court, whether annual, quarterly, or extraordinary; and that the same Method shall be observed in altering or repealing any such Bye-laws Rules, Orders, or Ordinances.

Power for the Treasurer, with Consent of the Committee, to invest all or any Sum or Sums of Money to be given for the Purposes in this Act mentioned, except so much as the Exigencies of the Corporation shall require in any of the publick Funds.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Treasurer for the Time being of the said hereby-erected Corporation, and he is hereby authorised and required, from Time to Time, by and with the Consent and Approbation of the Committee thereof for the Time being, or the major Part of such Committee, to be testified in Writing under their Hands, to lay out and invest all or any such Sum or Sums of Money, as hath or have been given, devised, or bequeathed, or shall, at any Time or Times hereafter, be paid, given, devised, or bequeathed, by any charitable or well-disposed Person or Persons, to and for the charitable Ends, Intents, and Purposes in this Act mentioned, or any Part thereof, other than and except such and so much thereof as the Exigencies of the said Corporation shall call for the immediate Application or Expenditure of, in any of the Publick Funds, in his own Name, and, from Time to Time, with such Consent and Approbation as aforesaid, to alter and transfer such Funds, and make Sale thereof.

Monies arising by such Sales, Dividends, &c. to be applied for the Purposes of this Act.

VI. And it is hereby enacted and declared, That the Monies arising from or by such Sale or Sales, or so much thereof as shall not be again laid out and invested with such Consent and Approbation as aforesaid, in some other of the Publick Funds, and also all the Dividends, Interest, and annual Proceed, which shall, from Time to Time, arise from such Funds, shall from Time to Time, be applied to and for the Uses, Ends, Intents, and Purposes, in this Act mentioned.

Vacancies to be filled up at a general Court.

VII. Provided always, and be it further enacted by the Authority aforesaid, That in case of the Death or Resignation of the President, or of a Vice President, or Treasurer, of the said Corporation, it shall and may be lawful to and for the Governors of the said Corporation, at any General Court, or the major Part of them then there present, but not less than Seven such Governors, to nominate and appoint a President, Vice President or Vice Presidents, or Treasurer, in the Room of the President, Vice President or Vice Presidents, or Treasurer, so deceased, or having resigned.

Direction touching the Election of Members.

VIII. And, to the Intent that there never may be wanting a competent Number of Governors of the said hereby-erected Corporation, and for perpetuating the Succession thereof, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Governors of the said Corporation,

poration, at such General Court, or the greater Part of them that shall be present at any such General Court to be held as aforesaid, but not less than Seven such Governors, to elect and choose some other fit and able Person or Persons to be a Governor or Governors of the said hereby-erected Corporation, in the Room or Place of such of the Persons before mentioned, or to be from Time to Time elected Governors as aforesaid, as shall happen to depart this Life, or shall refuse to continue and remain, to be a Governor or Governors.

Questions at a General Court, or Committee, to be decided by Vote, unless Members demand a Ballot, and there to be determined accordingly.

IX. And be it further enacted, That all Questions upon the Proceedings of the said Corporation, at any General Court or Committee, shall be decided by Vote; and in case of an Equality of Voices, the President or Chairman shall have the casting Vote; and upon Demand of any Five Governors of the said Corporation present at such General Court or Committee respectively, the same shall be determined by Ballot, to be immediately proceeded upon and completed.

General Court impowered to fill up Vacancies in Committee, and appoint such Officers, &c. as shall be necessary, and to remove or suspend them: And to allow them reasonable Salaries. Committee at their weekly or other Meetings, impowered to suspend or remove Officers, &c. and appoint others, till a General Court be held.

X. And be it further enacted, That the Governors of the said Corporation, at a General Court, or the major Part of them present at such General Court, but not less than Seven such Governors, shall have Power, from Time to Time, and at all Times, to fill up any Vacancy or Vacancies in the Committee, and appoint such other Officers and Persons as they shall think necessary to employ for the Purposes, and in the Execution of this Act, and from Time to Time, to suspend or remove all such Officers and other Persons, or any of them, as they shall think fit, and appoint others in case of Death, or such Suspension or Removal; and may, out of the Monies to be received for the Purposes of this Act, make reasonable Allowances to such Officers and other Persons for their Services: And it shall and may be lawful to and for the said Committee so to be appointed, or any Five or more of them, at any weekly or other Meeting, to suspend or remove any such Officers and other Persons, and to appoint others in case of Death, or such Suspension or Removal, until a General Court shall be held; and the Governors of the said Corporation, at any such General Court, or the major Part of them then present, but not less than Seven, may confirm such Appointment or Appointments, or may remove such Officers or other Persons, and appoint others in their Room, as they shall think fit; and all and every such Officers and other Persons shall, from Time to Time, when thereunto required by the said Committee, or any Five or more of them, make and render to the said Committee, or any Five or more of them, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before Two or more of the said Committee, (which Oath any Two of the said Committee are hereby impowered to administer), of all Monies which he, she, or they, and every of them respectively, shall to that Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Committee, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; and in case any such Officer, or other Person, shall not make and render, or shall refuse to verify, upon Oath, any such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County of *Middlesex*, or for the City of *London*, shall and may, upon Complaint to him or them, make Inquiry of and concerning such Default in a summary Way, (as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath the said Justice or Justices is and are hereby impowered and required to administer); and if any such Officer or Person shall be convicted of any such Offence, such Justice or Justices shall, upon such Conviction, commit the Party offending to the Common Gaol of the County of *Middlesex*, or of the City of *London*, there to remain, without Bail or Mainprize, until he or she shall have made a true and perfect Account and Payment as aforesaid, or until he or she shall have compounded and agreed with the said Committee, or any Five or more of them, and have paid such Composition-money; which Composition the said Committee, or any Five or more of them, are hereby impowered to make.

Treasurer to account at a General Court.

XI. Provided always and it is hereby further enacted and declared, That the Treasurer for the Time being of the said Corporation shall not be obliged to account with such Committee, or any of them, but shall give in his Accounts, from Time to Time, when required, at a General Court, there to be examined, and allowed or disallowed, and shall pay over all the Monies remaining in his Hands, and transfer all the Funds standing in his Name, as Treasurer aforesaid, to the Treasurer immediately succeeding him, on Demand.

Persons giving 12 l. 12 s. at any One Payment, or subscribing 2 l. 2 s. per Annum, to have Preference of being Governor, and have equal Powers with those inserted in this Act.

XII. And for the Encouragement of such as shall be Benefactors to the said Charity, be it enacted by the Authority aforesaid, That if any Person shall, at One Payment, pay into the Hands of the Treasurer of the said Corporation for the Time being, or such Person as shall be deputed for receiving the same, the full Sum of Twelve Pounds Twelve Shillings, or shall subscribe and pay the yearly Sum of Two Pounds Two Shillings for the Space of Eight Years, for the Use of the said Corporation, every such Person shall be capable of being elected a Governor of the said Corporation.

XIII. And it is hereby enacted and declared, That every Person and Persons who, in consequence of such Payment as aforesaid, or in pursuance of any Bye-law hereafter to be made, shall be duly chosen and elected a Governor of the said Corporation, shall, from and after such Election, be, to all Intents and Purposes, a Governor of the said Corporation, as fully and effectually as if the Name or Names of such Person and Persons was or were inserted and included in this Act.

XIV. And

Indenture to be one ſingle Stampt Piece of Paper or Parchment.

Boys Age to be mentioned.

XIV. And be it enacted by the Authority aforeſaid, That every Indenture whereby any Child or Children reſpectively ſhall, from and after the Twenty-fifth Day of *June*, One thouſand ſeven hundred and ſeventy-two, be bound an Apprentice or Apprentices, or otherwiſe placed out by the ſaid Corporation, ſhall be good and valid to all Intents and Purpoſes, although the ſame be not ſtamped with any other Stamp than a ſingle Sixpenny Stamp; and that the Age of every ſuch Child or Children ſhall be mentioned in their Indentures, which Age ſhall be taken to be their true Age, ſo far as regards this preſent Act, or any Matter or Thing herein contained, without any further Proof thereof; any Law, Cuſtom, or Uſage, to the Contrary thereof in anywiſe notwithſtanding.

No ſuch Apprentice, or Servant, to be impreſſed, &c. until 18 Years old.

XV. And be it further enacted by the Authority aforeſaid, That on ſuch Apprentice or Apprentices, Servant or Servants, ſo to be bound or placed out as aforeſaid, ſhall be impreſſed into His Majeſty's Service at Sea, or into the Sea Service of His Majeſty's Heirs or Succeſſors, until ſuch Apprentice or Apprentices, Servant or Servants reſpectively, ſhall arrive to the Age of Eighteen Years.

Perſons ſerving ſuch Apprenticeſhips, or Servants, may exerciſe Trades.

XVI. And be it further enacted by the Authority aforeſaid, That all ſuch Perſon and Perſons as ſhall be bound out an Apprentice or Apprentices to the Sea Service, and ſhall ſerve out their reſpective Apprenticeſhips, not being for a leſs Time than Four Years, may ſet up and exerciſe ſuch Trade or Buſineſs as they are apt and able for, in any Town or Place within the Kingdoms of *Great Britain* or *Ireland*, without any Let, Suit, or Moleſtation of any Perſon or Perſons whomſoever, for or by reaſon of the uſing of ſuch Trade or Buſineſs: And if any ſuch Perſon or Perſons who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective Apprenticeſhips as aforeſaid, ſhall be ſued, impleaded, or indicted in any Court whatſoever within the ſaid Kingdoms, or either of them, for uſing or exerciſing any ſuch Trade or Buſineſs as aforeſaid, then ſuch Perſon or Perſons who ſhall have been ſo bound as aforeſaid, and ſhall have ſerved out their reſpective Apprenticeſhips as aforeſaid, making it appear to the ſame Court where they are reſpectively ſo ſued, impleaded, or indicted, that they reſpectively have been ſo bound as aforeſaid, and have ſerved out their reſpective Apprenticeſhips as aforeſaid, ſhall upon the General Iſſue pleaded, be found not guilty in any Plaint, Bill, Information or Indictment, exhibited againſt them reſpectively; and ſuch Perſons reſpectively, as notwithſtanding this Act, ſhall proſecute their ſaid Suit by Bill, Plaint, Information, or Indictment, and ſhall have a Verdict paſs againſt them reſpectively, or become nonſuit therein, or diſcontinue the ſaid Suit, ſhall pay unto ſuch Perſon or Perſons reſpectively who ſhall have been ſo bound aforeſaid, and ſhall have ſerved out their reſpective Apprenticeſhips as aforeſaid, and ſhall be ſo ſued, impleaded, or indicted, Double Coſts of Suit; to be recovered as any other Coſts at common Law may be recovered; and all Judges and Jurors before whom any ſuch Suit, Information, or Indictment ſhall be brought, and all other Perſons whomſoever, are to take Notice of this preſent Act, and ſhall conform themſelves thereunto, any Statute, Law, Ordinance, Cuſtom, or Proviſion, to the Contrary in anywiſe notwithſtanding.

For preſerving the Privileges of Oxford and Cambridge.

XVII. Provided always, That this Act ſhall not in anywiſe be prejudicial to the Privileges of the Univerſities of *Cambridge* and *Oxford*, or either of them, or extend to give Liberty to any Perſon to ſet up the Trade of a Vintner, or to ſell any Wine, or other Liquors, within the ſaid Univerſities, or either of them, without Licence firſt had and obtained from the Vice Chancellors of the ſame reſpectively.

Juſtices to determine Complaints between Maſters and Apprentices.

XVIII. And be it further enacted by the Authority aforeſaid, That Two or more Juſtices of the Peace, in their reſpective Counties, and dwelling in or near any of the Ports aforeſaid, and all Mayors, Aldermen, Bailiffs, and other Chief Officers and Magiſtrates of any City, Borough, or Town-corporate, in or near adjoining to ſuch Port or Ports to which any ſuch Ship or Veſſel aforeſaid, having any ſuch Apprentice or Servant on Board, ſhall at any Time arrive, ſhall have full Power and Authority, and are hereby authoriſed and impowered to inquire into and examine, hear and determine, all Complaints of hard and ill Uſage from the ſeveral and reſpective Maſters to ſuch their Apprentice and Apprentices, Servant and Servants, ſo to be bound and placed as aforeſaid, and reſpectively to make ſuch Orders therein as now they are, and hereafter may be enabled by Law to do in other Caſes between Maſters and Apprentices, or Servants, in this Act.

The Society to recover the Money bequeathed by Mr. Hickes's Teſtament.

'XIX. And whereas, under and by virtue of the Laſt Will and Teſtament of *William Hickes*, late a Member of the Company of Merchants Adventurers of *England*, reſiding in the City of *Hamburgh*, and of a Decree or Decretal Order of the High Court of Chancery of *Great Britain*, bearing Date the Twenty-third Day of *June*, One thouſand ſeven hundred and ſeventy, made in a certain Cauſe, wherein His Majeſty's Attorney General, at the Relation of the ſaid *John Thornton* Eſquire, on the Behalf of himſelf and the other Members of the ſaid *Marine Society*; and alſo the ſaid other Members and Informants and Plaintiffs, and *Charles Johnſtone* and others, are Defendants; the ſaid Society is intituled to Eleven full and equal Twentieth Parts, (the Whole unto Twenty equal Parts to be divided), of the Sum of Twenty thouſand Pounds, in caſe the Eſtate and Effects of the ſaid *William Hickes* will extend to pay the ſame: And whereas, in reſpect of what the ſaid Society are ſo intitled unto, there is now ſtanding in the Books of the Governor and Company of the Bank of *England*, in the Name of the Accomptant General of the ſaid Court of Chancery, and to the Credit of the ſaid Cauſe, in Truſt for ſaid *Marine Society* the Sum of Five thouſand five hundred and ſeventy-one Pounds, Twelve Shillings and Four-pence, Bank Three *per Centum*, Conſolidated Annuities, the Dividends of which are applied to effect the charitable Deſigns of the ſaid Society, purſuant to the ſaid Will and Decree: Now,' it is hereby enacted and declared by the Authority aforeſaid, That the ſaid Sum of Five thouſand five hundred and ſeventy-one Pounds, Twelve Shillings and Four-pence, Bank Three *per Centum* Conſolidated Annuities, and all and every Sum and Sums of Money to which the ſaid *Marine Society* is or may be intitled, under, or by virtue of the ſaid Will and Decree, or Decretal

Order, together with the Intereſt, Dividends, and Produce thereof, ſhall be, and is and are hereby fully and abſolutely veſted in the ſaid hereby-erected Corporation; and that the ſaid Corporation, at any General Court or Courts, to be held in purſuance of this Act, ſhall have, and the ſame is hereby veſted with, full Power and Authority, from Time to Time, to apply and diſpoſe thereof, and of every or any Part thereof, to and for the charitable Purpoſes of the ſaid Corporation, purſuant to the Will of the ſaid *William Hickes*.

Limitation of Actions.

XX. And be it further enacted, That if any Action ſhall be brought, or Suit commenced, againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in relation to the Premiſes, or any of them, every ſuch Action or Suit ſhall be laid or brought within Six Months next after, in the County or Place where the Fact was done, and not elſewhere; and the Defendant or Defendants, in ſuch Action, may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance, and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought within the Time before limited, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become non-ſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions; or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the ſaid Defendant ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

General Iſſue.

Double Coſts.

Publick Act.

XXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without ſpecially pleading the ſame.

CAP. LXVIII.

An Act for the better Relief and Employment of the Poor within that Part of the Pariſh of *Saint Sepulchre*, which is in the County of *Middleſex*; and for paving, cleanſing, lighting, watching, and regulating the Squares, Streets, Lanes, Alleys, Courts, Yards, and open Paſſages and Places, within the ſame; and for removing Annoyances therefrom; and for making the Communication between *Charter-houſe Square* and *Saint John Street*, through *Charter-houſe Lane*, more convenient.

Preamble.

'WHEREAS the Poor of that Part of the Pariſh of *Saint Sepulchre* which lieth in the County of *Middleſex* are become very numerous, and are maintained and ſupported at a very great Expence: And whereas the giving proper Powers for the governing, regulating, employing, and maintaining the ſaid Poor, would be a Means of their being more effectually relieved and provided for; and be of great Eaſe and Convenience to the Pariſhioners: And whereas the Squares, Streets, Lanes, Alleys, Courts, Yards, and open Paſſages and Places within that Part of the ſaid Pariſh, are not properly paved, nor ſufficiently cleanſed, lighted, or watched; and ſeveral of the Houſes in ſome of the ſaid Streets or Places are frequently annoyed by Water, for want of proper Sewers or Drains, and it would tend greatly to the Safety, Preſervation, and Benefit of the Inhabitants of that Part of the ſaid Pariſh, and all other Perſons having Occaſion to reſort thereto, if the ſame were properly paved, cleanſed, drained, and lighted, and the Obſtructions and Annoyances removed therefrom, and an able Watch kept therein in the Night-time: And whereas the Paſſage leading from *Charter-houſe Square* to *Saint John's Street*, known by the Name of *Charter-houſe Lane*, is very narrow and incommodious to Paſſengers, and the widening thereof would be a great Advantage thereto, and to all Perſons paſſing through the ſame; may it therefore pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the Vicar of the ſaid Pariſh Church, and the Churchwardens and Overſeers of the Poor for the Time being, of that Part of the ſaid Pariſh which lieth in the County of *Middleſex*, and all other Inhabitants of the ſaid Part of the ſaid Pariſh who ſhall rent a Meſſuage, Lands, or Tenements, of Ten Pounds a Year, or upwards, therein, and none others, ſhall be Veſtrymen of the ſaid Part of the ſaid Pariſh for the Time being; and the ſaid Veſtrymen are hereby authoriſed and required to aſſemble and meet together in the Veſtry-room belonging to the ſaid Part of the ſaid Pariſh, for the Firſt Time, on the Second *Tueſday* after paſſing this Act, and afterwards annually on *Eaſter Tueſday*, or within Ten Days after, and, they being Twelve in Number at the leaſt, the major Part of them then preſent ſhall then and there make out a Liſt of Eight fit and proper Perſons, being Veſtrymen, and inhabiting within the ſaid Part of the ſaid Pariſh, to be Overſeers of the Poor there, which Liſt ſhall be returned to any Two or more Juſtices of the Peace for the County of *Middleſex*, at a petty Seſſions to be held for that Purpoſe; and publick Notice ſhall be given in the Pariſh Church, on the *Sunday* next preceding the holding of ſuch Petty Seſſions, of the Time and Place of holding the ſame; and out of which Liſt the Juſtices of the Peace, or the major Part of them then preſent, ſhall nominate and appoint Four Perſons to be Overſeers of the Poor for the ſaid Part of the ſaid Pariſh, for the Year then next enſuing; and in caſe ſuch Petty Seſſions ſhall not be held within Fourteen Days after ſuch Liſt ſhall have been ſo made out as aforeſaid, or the Juſtices at ſuch Petty Seſſions

A Liſt of Eight Veſtrymen to be made out by the Veſtrymen.

and returned to a Petty Seſſions, out of whom Juſtices are to appoint Four Overſeers.

Seſſions ſhall neglect or refuſe to act in the Premiſes, then the ſaid Veſtrymen ſhall make ſuch Nomination and Appointment as aforeſaid.

Veſtrymen to aſcertain the Money to be raiſed for the Relief of the Poor;

II. And be it further enacted by the Authority aforeſaid, That at the ſaid Firſt Meeting of Veſtrymen, or at their future Annual or other Meetings, appointed as aforeſaid, or at any other Meeting or Meetings which they ſhall think proper to hold for the following Purpoſes; of all which reſpective Meetings, Eight Days Notice ſhall be given, on a *Sunday*, in the Pariſh Church; the ſaid Veſtrymen, or the major Part of them, ſo aſſembled, ſuch major Part not being leſs than Nine, ſhall, and they are hereby required, then and there, and from Time to Time, to ſettle and aſcertain what Monies ſhall be aſſeſſed within the Limits of that Part of the ſaid Pariſh, for the Relief and Employment of the Poor therein, and for carrying this Act into Execution, with relation thereto: And at ſome Meeting, to be held within Fourteen Days after ſuch Monies ſhall have been ſo aſcertained, the ſaid Veſtrymen, or the major Part of them, ſo met, ſuch major Part not being leſs than Seven, ſhall, and are hereby required to make One general equal Pound-rate, for the Relief and Employment of the Poor in the ſaid Part of the ſaid Pariſh, upon all and every Perſon or Perſons who do and ſhall inhabit, hold, occupy, or enjoy, any Land, Houſe, Shop, Warehouſe, Coach-houſe, Stable, or any other Building, Tenement, or Hereditament, within that Part of the ſaid Pariſh, and on every other Perſon who by Law is chargeable and aſſeſſable for and towards the Relief of the Poor within that Part of the ſaid Pariſh; all which Rates ſhall be entered in a Book or Books to be provided for that Purpoſe, wherein there ſhall be Four diſtinct Columns for the Four Quarters of the Year, and a Fifth for the Sum Total of the ſaid Four Quarters, over againſt the Name of every Perſon charged to the ſaid Rate, for the more eaſy Collection thereof; which ſaid Rate, together with all Arrears then due, ſhall be collected Quarterly from the ſaid Inhabitants and Occupiers by the Overſeers of the Poor for the ſaid Part of the ſaid Pariſh for the Time being; and in caſe of any Deficiency, the ſame ſhall be made good by a Reaſſeſſment to be rated and collected in Manner as herein directed.

and within 14 Days after to meet again, and to make One general Pound-rate for that Purpoſe.

Notice to to be given of the Rates, and of the Time and Place of hearing Appeals.

III. And be it further enacted by the Authority aforeſaid, That when any ſuch Rate ſhall have been ſo made, Notice thereof, and alſo of the Time and Place for hearing Appeals, ſhall be given in the ſaid Pariſh Church on the *Sunday* next after the making thereof; and in caſe any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by ſuch Rate, he, ſhe, or they, may, upon the Day expreſſed in ſuch Notice, appeal therefrom to Two or more Juſtices of the Peace reſiding in the County of *Middleſex* aforeſaid; and ſuch Juſtices are hereby impowered and required to hear every ſuch Appeal, and to determine the ſame in ſuch Manner as to them ſhall ſeem juſt.

Perſons diſſatisfied with the Determination of the Juſtices, may appeal to the Quarter-ſeſſions.

IV. Provided nevertheleſs, That if any Perſon or Perſons ſhall be diſſatisfied with the Determination of ſuch Juſtices, it ſhall be lawful for him, her, or them, upon giving Notice to ſuch Juſtices within Six Days then next following, to appeal from ſuch Determination to the then next General or Quarter-ſeſſions of the Peace to be holden for the ſaid County of *Middleſex*; and the Juſtices, at their ſaid General or Quarter-ſeſſions, ſhall make ſuch order therein as to them ſhall ſeem meet.

Where Houſes are let in ſeparate Apartments, the Landlord to be charged with the Rate.

'V. And whereas there are divers Houſes within the ſaid Part of the ſaid Pariſh which are let in ſeparate Apartments, and other Houſes let ready-furniſhed to Lodgers, and others let to the poorer Sort of People, at Rents under Ten Pounds a Year, whereby the Payment of the ſaid Rate may be evaded; for Remedy whereof,' be it further enacted by the Authority aforeſaid, That every Perſon, whether Landlord or Tenant, who ſhall let out his or her Houſe or Houſes in ſeparate Apartments, or ready-furniſhed, to a Lodger or Lodgers, or under the Rent of Ten Pounds a Year, ſhall be deemed and taken to be the Occupier or Occupiers of ſuch Houſe or Houſes, and may be rated and aſſeſſed accordingly, and ſhall be liable and ſubject to the Payment of the Sum ſo rated or aſſeſſed.

The Occupier is to pay the Rate,

and deduct it out of the Rent.

'VI. And, for the more eaſy Recovery of the ſaid Rate,' be it further enacted by the Authority aforeſaid, That each and every Perſon and Perſons, ſo renting or occupying any ſeparate Apartment in ſuch Houſe or Houſes, or renting or occupying any ready-furniſhed Houſe, or any Houſe under the Rent of Ten Pounds a Year, ſhall be liable and compellable to the Payment of the ſame, to be recovered in Manner herein-after directed; and all and every ſuch Occupier, who ſhall pay ſuch Rate, or from whom the ſame ſhall be recovered, in the Manner herein-after directed, ſhall and may deduct the ſame from and out of the next Rent due and payable from him or her to the reſpective Landlord or Owner; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſo much Money as he or ſhe ſhall have ſo paid, or as ſhall have been levied on his or her Goods and Chattels in purſuance of this Act.

No other Poors Rate to be made.

Landlords not to be aſſeſſed for increaſed Rents on that Account.

VII. Provided always, That no Rate ſhall be made for the Relief or Employment of the Poor within the ſaid Part of the ſaid Pariſh, other than is in and by this Act directed and authoriſed.

VIII. Provided alſo, That no ſuch Landlord or Owner ſhall be charged with, or liable to pay for any increaſed Rent reſerved or made payable to him for or on account of his paying ſuch Poors Rates.

Rates may be levied by Diſtreſs.

'IX. And for the better and more effectual raiſing and recovering the Rates directed to be made by this Act for the Purpoſes of the Poor,' be it further enacted by the Authority aforeſaid, That in caſe any of the Inhabitants, Occupiers, Leſſees, or Owners of any ſuch Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, or other Buildings, Tenements, or Hereditaments, within the ſaid Part of the ſaid Pariſh of *Saint Sepulchre*, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears thereof, it ſhall be lawful for the Overſeer or Overſeers of the Poor, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Middleſex*, (which Warrant the ſaid Juſtice or Juſtices is and are hereby authoriſed and required to grant, in any Place within the ſaid County, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty, where the

the Rate is to be recovered, which Warrant ſuch Magiſtrate is hereby required to back or counterſign without Fee or Reward), to collect and levy ſuch Rates, and all Arrears due thereon, by Diſtreſs of the Goods and Chattels of the Party ſo neglecting or refuſing to pay the ſame, whereſoever the ſame ſhall or may be found; and if within Four Days next after ſuch Diſtreſs ſhall be made, the ſaid reſpective Rates, and all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking and keeping the ſame, the ſaid Overſeer or Overſeers ſhall cauſe the Goods and Chattels to be ſold, or ſuch Part thereof, as ſhall be ſufficient to pay the ſaid Rates, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs and Sale, rendering the Overplus, and the Goods and Chattels remaining (if any be) unto the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Majority of Veſtrymen at publick Meetings, to act.

X. And be it further enacted and declared by the Authority aforeſaid, That no act, Order, or Determination of the ſaid Veſtrymen, ſhall be valid, unleſs done or made at a publick Meeting to be held by virtue of this Act, in the Workhouſe, or ſome other Place within the ſaid Part of the ſaid Pariſh, to be from Time to Time appointed by the ſaid Veſtrymen; at which Meetings, all the Powers and Authorities by this Act veſted in ſuch Veſtrymen ſhall and may, from Time to Time, be exerciſed by the major Part of them who ſhall attend any ſuch Meeting, the Number of ſuch Veſtrymen preſent not being leſs than Five, (except where a greater Number is declared neceſſary by this Act); and all the Orders and Proceedings of the major Part of ſuch Veſtrymen, preſent at ſuch publick Meetings, ſhall have the ſame Force and Effect as if done or made by all ſuch Veſtrymen for the Time being; and all Veſtrymen ſhall, at all their Meetings, defray their own Expences.

Veſtry to make Bye-laws for Government of the Poor, which are not to be in Force till confirmed. Not to be altered afterwards but in Veſtry, which ſhall be afterwards approved at a ſubſequent Meeting.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Veſtrymen ſhall and may, from Time to Time, make ſuch Rules, Orders, and Regulations, for the better Diſpoſition of ſuch Monies as ſhall be raiſed and received for the Relief of the Poor of that Part of the ſaid Pariſh, and for the better maintaining, governing, employing, and regulating ſuch Poor, as to them the ſaid Veſtrymen ſhall appear neceſſary or expedient; but no ſuch Rules, Orders, or Regulations, ſhall be in Force until confirmed by the ſaid Veſtrymen at a ſubſequent Meeting, or the major Part of them who ſhall ſo aſſemble ſuch major Part of them not being leſs than Seven, and if at Time any ſuch Rules, Orders, and Regulations, when made and confirmed, ſhall be repealed or altered by the ſaid Veſtrymen, ſuch Repeal or Alteration ſhall not be valid or take Place until approved and confirmed by the Majority of Veſtrymen at a ſubſequent Meeting to be held for that Purpoſe, ſuch Majority not being leſs than Nine.

No Rules to be repugnant to Law.

XII. Provided always, That no ſuch Rules, Orders, and Regulations, ſhall be repugnant to the Laws of this Realm.

Veſtrymen may employ the Poor, and apply the Profits in Aid of the Rates, and contract for Proviſions, &c. or for their Keeping and Work.

XII. And be it further enacted by the Authority aforeſaid, That the ſaid Veſtrymen ſhall, and are hereby impowered to keep, maintain, and employ, all ſuch Poor of that Part of the ſaid Pariſh in any Workhouſe or Workhouſes erected, or to be erected, in that Part of the ſaid Pariſh; and to take the Benefit of the Work, Labour, and Service, of every ſuch Perſon or Perſons who ſhall be kept and maintained in ſuch Houſe or Houſes, to be applied towards the Relief and Maintenance of the Poor of that Part of the ſaid Pariſh; and the ſaid Veſtrymen, or any Seven or more of them, are hereby impowered to purchaſe, or contract and agree, from Time to Time, as they ſhall think fit, with any Perſon or Perſons, for all Proviſions, Neceſſaries, and Materials, of what Kind ſoever, which ſhall be uſed or brought into the ſaid Workhouſe, or for the lodging, keeping, maintaining, or employing all or any ſuch Poor.

Overſeers of the Poor ſhall pay what ſhall become due on ſuch Contracts.

XIV. And be it further enacted by the Authority aforeſaid, That the Overſeer or Overſeers of the Poor for the Time being, of the ſaid Part of the ſaid Pariſh, is and are hereby authoriſed and required, from Time to Time, to diſburſe and pay, out of the Monies to be raiſed and collected by Authority of this Act, all ſuch Sum and Sums of Money as ſhall be neceſſary for the Purpoſes aforeſaid, or which ſhall become due or payable upon ſuch Contracts or Agreements; which Sum or Sums, ſo paid, ſhall be allowed him or them in his or their Accounts reſpectively.

Veſtrymen to puniſh the Poor who are idle, or misbehave themſelves.

'XV. And whereas many Perſons, maintained in publick Workhouſes, refuſe to work, or are 'guilty of profane curſing and Swearing, Drunkenneſs, or other Miſbehaviour, and by the Laws now 'in being no Puniſhment can be inflicted upon them without committing them to the Houſe of Cor-'rection or Common Gaol, which Commitments have not been found to anſwer the Purpoſe thereby 'intended;' be it therefore further enacted by the Authority aforeſaid, That if any poor Perſon, maintained in any Workhouſe or Workhouſes belonging to that Part of the ſaid Pariſh, ſhall embezzle or purloin any Part of the Apparel provided for the Poor, or of the Goods or Proviſions provided for or belonging to the ſaid Workhouſe or Workhouſes, or any Materials for Work, or be guilty of profane Curſing, Swearing, Drunkenneſs, or of any lewd, immoral, or indecent Behaviour, or refuſe or neglect to perform the Work or Service which he or ſhe ſhall be required to do, or ſhall be remiſs therein, it ſhall be lawful for the ſaid Veſtrymen to cauſe ſuch Perſon or Perſons ſo offending to be puniſhed in ſuch Workhouſe, either by moderate Correction, Confinement, diſtinguiſhed in Dreſs, or ſuch other Method as may beſt tend to remedy ſuch Offences for the future, without committing ſuch Offenders to the Houſe of Correction or other Priſon; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Children found begging to be taken up,

'XVI. And whereas divers Children, deſerted by their Parents, are frequently wandering and beg-'ging, and not able to give any Account of themſelves, or the Place of their legal Settlement, which 'Children, if properly employed and inured to a habit of Induſtry, might be furniſhed with Means

' for their future Maintenance, and inſtead of being a Nuiſance, be rendered uſeful to the Publick;' be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful for the Veſtrymen, or any One or more of them, to cauſe ſuch Child or Children as he or they ſhall judge to be under the Age of Twelve Years, who ſhall be found wandering or begging in the ſaid Part of the ſaid Pariſh, to be taken and ſent to any of the Workhouſes belonging to the ſaid Part of the ſaid Pariſh, there to be detained and employed until he or ſhe ſhall attain, (or in caſe his or her Age cannot be aſcertained) until he or ſhe ſhall be adjudged by the ſaid Veſtrymen to have attained the Age of Twenty-one Years, or be married, unleſs ſooner diſcharged by the ſaid Veſtrymen, or by due Courſe of Law; and it ſhall alſo be lawful for the ſaid Veſtrymen, or any One or more of them, to cauſe ſuch Perſon or Perſons as ſhall be found wandering or begging, or miſbehaving themſelves in the ſaid Part of the ſaid Pariſh, to be ſent to the Workhouſe, there to be detained and employed for ſo long Time as the ſaid Veſtrymen ſhall think proper, or until they ſhall be diſcharged by due Courſe of Law; and in caſe of any Miſbehaviour of any ſuch Perſon or Perſons ſo ſent as aforeſaid, it ſhall be lawful to puniſh ſuch Offenders in Manner here-in-before mentioned, with reſpect to the Poor within the ſaid Workhouſe.

and kept until of Age, or till married;

and Perſons, till diſcharged by Law;

and puniſhed for Miſbehaviour.

Laws to be in Force, where not altered by this Act.

XVII. And be it further enacted by the Authority aforeſaid, That the ſeveral Laws relating to the Overſeers of the Poor, and for the Relief and providing for the Poor, ſhall continue in Force within the ſaid Part of the ſaid Pariſh of *Saint Sepulchre*, except where the ſame are altered by this preſent Act; any Thing in this preſent Act contained to the Contrary notwithſtanding.

Perſons buying or taking in pawn Clothes or Materials,

XVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall knowingly buy or receive into Pawn any of the Clothes or Wearing Apparel of any of the Poor who ſhall hereafter be received into, and maintained, in ſuch Workhouſe, or who ſhall knowingly buy or receive into Pawn any of the Goods or Materials carried into the ſaid Workhouſe, or any other Houſe or Place, in order to be wrought up, manufactured, or uſed by the Poor of the ſaid Part of the ſaid Pariſh, or any of the Goods and Furniture of the ſaid Workhouſe, the Perſon or Perſons ſo offending, and being thereof convicted by his, her, or their own Confeſſion, or by the Oath of any One or more credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace for the ſaid County of *Middleſex*, (which Oath ſuch Juſtice or Juſtices is and are hereby authoriſed and required to adminiſter) ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof ſhall go to the Informer, and the other Moiety to the Uſe of the Poor: And if any Offender ſhall not, upon ſuch Conviction pay the ſame, the ſaid Juſtice or Juſtices ſhall cauſe the Money ſo forfeited, by Warrant under his or their Hand and Seal, or Hands and Seals, to be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, and the Overplus, (if any), after ſuch Forfeiture, and Charges of the Diſtreſs and Sale are deducted and paid, ſhall be returned upon Demand to the Owners of ſuch Goods and Chattels; and in caſe ſufficient Diſtreſs cannot be found, it ſhall be lawful for ſuch Juſtice or Juſtices, or one or they is and are hereby authoriſed and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Houſe of Correction for the County of *Middleſex*, there to be kept to hard Labour for any Time not exceeding One Month, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

to forfeit 40s. to be levied by Diſtreſs.

For want of Diſtreſs to be

Accounts to be entered in Books,

XIX. And be it further enacted by the Authority aforeſaid, That an Account of the total Sums aſſeſſed, collected, and received, within the ſaid Part of the ſaid Pariſh for the Purpoſes of the Poor, and of all Monies paid and diſburſed for all or any of thoſe Purpoſes, ſhall be fairly entered in a Book or Books, to be provided for that Purpoſe by the Veſtry Clerk of the ſaid Pariſh for the Time being, or ſuch other Perſon as the ſaid Veſtrymen ſhall appoint; and, on or before the Fifteenth Day of *June* yearly, ſhall be examined, adjuſted, and ſigned, at a Meeting of the Veſtry duly aſſembled, or a Committee appointed by the Veſtry for that Purpoſe, the Perſon or Perſons paſſing ſuch Accounts being previouſly ſworn to the Truth of his or their Accounts; which ſaid Book or Books, and Accounts, ſhall be lodged in ſuch proper Place as ſhall be appointed by the ſaid Veſtrymen, under the Care of the ſaid Veſtry-clerk, or ſuch other Perſon as aforeſaid; and all which Books, and alſo the Book or Books containing the Rates herein-before authoriſed to be made, ſhall and may, at all ſeaſonable Times, be inſpected and peruſed by any of the Inhabitants of the ſaid Part of the ſaid Pariſh, who ſhall deſire the ſame, without Fee or Reward.

and to be inſpected without Fee.

Commiſſioners Names.

XX. And be it further enacted by the Authority aforeſaid, That *John Morſe*, *Philip Jackſon*, *Thomas Barclay*, *John William Anderſon*, *Joſeph Barr*, *John Harriſon*, Eſquires; the Reverend *Edward Pickard*, *Thomas Roberts*, *William Stagg*, *Samuel Hawkins*, *Joſeph Smith*, *Richard Smith*, *William Lilley*, *William Loveday*, *George Fillingham*, *Benjamin Ollive*, *George Stow*, *Thomas Hurford*, *Paul Cauldwell*, *William Dunkley*, *William Pardoe Allat*, *John Steele*, *James Lucas*, *Matthew Boyle*, *Pierce Hall*, *Joſeph Nightengale*, *Richard Ivory*, *William Beſt*, *Joſeph Clark*, *Bernard Bedwell*, *John Yates*, *Thomas Milward*, *William Hilliker*, *Appſley Pallet*, *John Watſon*, *Edward Gueſt*, *William Hudſon*, *Eardley Norton*, *Henry Hurford*, *John Clay*, *James Draper*, *John Williams*, *John Scollough*, *John Willſhire*, *Edward Broughton*, *Thomas Bickerdyke*, *Joſeph Loft*, *John Blower*, *James Townſend*, *Samuel Ware*, *David Dean*, and *Matthew Robinſon*, together with the Maſter, Regiſter, Receiver, Phyſician, and Schoolmaſter of the *Charter-houſe*, ſhall be, and be called Commiſſioners for paving, repairing, cleanſing, draining, lighting, and watching, that Part of the ſaid Pariſh of *Saint Sepulchre*, that is and lieth in the County of *Middleſex*, and for removing Obſtructions and Annoyances therefrom, and preventing the like for the future; and for widening the Lane called *Charter-houſe Lane*; and for other the Purpoſes of this Act, ſave and except ſo much thereof as relates to the governing, regulating, employing, and maintaining the Poor of the ſaid Part of the ſaid Pariſh.

XXI. And

Commissioners, how to be elected.

XXI. And be it further enacted by the Authority aforesaid, That as often as any Commissioner by this Act appointed, (except such as are Commissioners by virtue of their Offices), or to be elected, shall die, remove out of the said Part of the said Parish, or shall neglect to act for the Space of Two Years, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, by Writing under their Hands and Seals, to elect and appoint One other Person to be a Commissioner in the Room of the Commissioner so dying, removing, or neglecting to act, but Notice in Writing, or printed, and signed by the Clerk or Clerks, shall be given to or left for such Commissioners, at their last or usual Place of Abode, One Day at least before such Election; and all Persons who shall be so elected and appointed, (being qualified as herein-after mentioned), are hereby vested with the same Powers and Authorities as any Commissioner or Commissioners hereby appointed is or are vested with.

Qualification of Commissioners.

XXII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents, Issues, or Profits, of Freehold Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds, or shall be Heir-apparent to some Person having such Estate, of the clear yearly Value of One hundred Pounds, or shall be possessed of, or intitled unto, a Personal Estate, to the Amount or Value of One thousand Pounds: And if any Person not being so qualified shall presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Commissioner in the Execution of this Act.

Penalty on Acting if not qualified.

Commissioners to hold a Place of Profit.

XXIII. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time he shall hold any Place of Profit, or enter into any Contract, or have any Share or Interest in any Contract relating to the Execution of any of the Powers of this Act; but such Commissioners as are Justices of the Peace for the County of *Middlesex*, may nevertheless act as Justices in the Execution of this Act, except in such Cases where they shall be personally interested; and in all Cases where Cognizance is given by this Act to any Justice or Justices of the Peace, it shall be lawful for such Justice and Justices to administer an Oath to any Person or Persons, for more certain Information in the Matter depending; and in all Cases where the Commissioners are hereby authorised or impowered to bring or institute any Action or Actions at Law, the same shall and may be brought and instituted in the Name or Names of the Treasurer or Treasurers appointed by the said Commissioners by virtue of this Act.

Justices may act, unless interested; and administer Oaths.

All Actions to be brought in the Name of the Treasurer.

First Meeting of Commissioners; who have Power to adjourn;

XXIV. And be it further enacted, That the said Commissioners shall meet together in the Vestry-room belonging to the said Part of the said Parish, on the Second *Thursday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall proceed to the Execution of this Act; and shall and may then, and from Time to Time afterwards, adjourn themselves to meet at the Place aforesaid, or at any other Place or Places within the said Parish, as such Commissioners shall think proper or convenient, for putting this Act in Execution; and of which Adjournment Notice in Writing, or printed, and signed by the Clerk or Clerks, shall be given to, or left for such Commissioners at their last or usual Place or Places of Abode, One Day at least before such intended Meeting: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or held by such Commissioners, a sufficient Number of such Commissioners as are hereby appointed to constitute a Quorum, to act at such Meeting, and to adjourn to another Day; or in case the said Commissioners, when assembled, shall omit, neglect, or refuse to adjourn themselves; then, and in any such Case, the Clerk or Clerks of such Commissioners for the Time being shall, and is, and are hereby required to summon such Commissioners to meet at the same Place within Ten Days, such Summons to be signed by the Clerk or Clerks, and to be delivered at the last or usual Place of Abode of such Commissioners, at least Two Days before such Meeting; and in case the said Clerk or Clerks shall happen to die before such Summons issued, or shall neglect to issue such Summons in Manner as aforesaid, then the Treasurer or Treasurers for the Time being to such Commissioners, shall and may, and he or they is and are hereby required to issue such Summons within Ten Days from the Time the said Commissioners ought to have been summoned by the Clerk or Clerks, in Manner aforesaid: And in case any Three or more of the said Commissioners shall at any Time think it necessary that a Meeting of Commissioners should be held before the Time appointed by virtue of any Adjournment, and shall signify the same in Writing to the Clerk or Treasurer to the said Commissioners for the Time being; then, and in every such Case, the said Clerk or Treasurer shall, and is hereby required to summon the Commissioners appointed by this Act to meet at the Place where the last Meeting was held, on a Day to be mentioned in the Summons, not being less than Six Days from the Date thereof; and in every such Summons the particular Business intended to be done and transacted at such Meeting shall be specified, and which Business the said Commissioners, or any Seven or more of them, present at such Meeting, may do and transact; but any Business done and transacted at such Meeting, other than what shall be specified in such Summons as aforesaid, shall be, to all Intents and Purposes, void and of none Effect; and the Commissioners shall at all their Meetings pay their own Expences.

and to call Meetings upon any Emergency.

Commissioners to pay their own Expences.

Majority at publick Meetings to act.

XXV. Provided always, and it is hereby enacted and declared, That all the Powers and Authorities by this Act granted to or vested in such Commissioners, shall and may, from Time to Time, be exercised by the major Part of them who shall attend any Publick Meeting to be holden as herein-before mentioned,

mentioned, the Number of ſuch Commiſſioners preſent at ſuch Publick Meetings not being leſs than Five, (except where a greater Number is declared neceſſary by this Act); and all the Orders and Proceedings of the major Part of ſuch Commiſſioners, preſent at ſuch Publick Meetings, ſhall have the ſame Force and Effect as if done or made by all ſuch Commiſſioners for the Time being.

Proceedings to be entered in a Book,

XXVI. And be it further enacted by the Authority aforeſaid, That all the Acts, Orders, and Proceedings of ſuch Commiſſioners, from Time to Time, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſigned by the Chairman for the Time being at their next Meeting; and ſuch Orders ſhall then be deemed and taken to be original Orders, and ſuch Book or Books ſhall and may be produced, and read in Evidence, in all Courts whatſoever.

to be read in Evidence.

No Act valid unleſs done at a publick Meeting.

XXVII. Provided always, and be it enacted by the Authority aforeſaid, That no Act of ſuch Commiſſioners ſhall be valid unleſs done or made at ſome Meeting to be held in purſuance of this Act, and confirmed at the next ſubſequent Meeting.

Commiſſioners to appoint Officers;

XXVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall and may, by Writing under their Hands and Seals, from Time to Time, as they ſhall find it neceſſary, appoint a Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and ſuch other Officer or Officers as they ſhall think proper, and ſhall take ſuch Security as they ſhall think proper from ſuch Treaſurers, Clerks, Collectors, Surveyors, or other Officers, for the due and faithful Diſcharge of their reſpective Offices; and likewiſe may, from Time to Time, remove any or either of ſuch Officer or Officers, or other Perſon or Perſons, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or that ſhall die; and the ſaid Commiſſioners ſhall and may, out of the Monies ariſing by virtue of this Act, for the Purpoſes herein-after mentioned, pay, or cauſe to be paid, ſuch Salaries, or other Allowances, as they ſhall judge reaſonable to be paid or made to the Officers or other Perſons ſo appointed, for and in conſideration of his and their Office and Offices reſpectively; and to ſuch other Perſon or Perſons as have been or ſhall be aiding and aſſiſting in and about the Execution of this Act, for any ſuch Purpoſes.

and to pay their Salaries.

Officers taking larger Fees than allowed by Commiſſioners,

XXIX. And be it further enacted by the Authority aforeſaid, That if any Treaſurer, Clerk, Collector, Surveyor, or other Officer or Servant, which ſhall or may hereafter be appointed by the ſaid Commiſſioners in the Execution of this Act, or any Part thereof, ſhall exact, demand, take, or accept any Fee or Reward whatſoever, other than ſuch Salaries and Rewards as ſhall be appointed, allowed, and approved of by ſuch Commiſſioners as aforeſaid, for or on Account of any Thing done, or to be done, by virtue of this Act, or for forbearing to do any Thing ordered or directed by the Commiſſioners for putting this Act in Execution, or on any Account whatſoever relating to the Execution thereof, or ſhall any way be concerned or intereſted in any Bargain or Contract made, or to be made, by ſuch Commiſſioners, or any of them, for any of the Purpoſes intended by this Act; every Perſon ſo offending ſhall,

to forfeit 100l.

for ever, be incable of ſerving or being employed under the ſaid Commiſſioners, and over and above forfeit and pay the Sum of One hundred Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record, within Six Calendar Months, next after the Offence committed, wherein no Protection, Eſſoin, or Wager of Law or more than One Imparlance ſhall be allowed.

Pavements veſted in the Commiſſioners, who may cauſe the Streets, &c. to be new paved.

XXX. And be it further enacted by the Authority aforeſaid, That the Property of all the preſent and future Pavements whatſoever, in all or any the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any Part or Parts thereof, whether Foot or Carriage-way, within the ſaid Part of the ſaid Pariſh of *Saint Sepulchre*, which is and lieth in the County of *Middleſex*, ſhall be, and the ſame is hereby veſted in the Commiſſioners for putting this Act in Execution; and they may cauſe all or any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or any Part or Parts thereof, whether Foot or Carriage-ways, to be new-paved or repaired, and for ſuch Purpoſes may cauſe to be dug, carted, and carried out of, or brought into, the ſame or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials as they ſhall judge neceſſary; and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Gutters or Channels running in or through the ſame, to be turned or altered, new Grates to the Common Sewers to be added or replaced, and in what Numbers or Places they ſhall think proper; and the Water-pipes which now lie, or hereafter ſhall be laid, under Ground to be taken up, and new laid in ſuch Places, Manner, and Form as they ſhall judge beſt; and may cauſe all or any Poſts or Rails in ſuch Streets or Places within the Limits aforeſaid, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot-paſſengers or to Carriages, to be taken up and removed; and likewiſe all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glaſſes, and Shew-boards, encroaching upon the Foot-way; as alſo all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary.

Old Materials may be ſold.

XXXI. And be it further enacted by the Authority aforeſaid, That the Property of all Stones, Poſts, and all and every Part and Parts of the old Materials, which ſhall belong to the old Pavement, as well of the Carriage as of the Foot-ways, ſhall be veſted in the ſaid Commiſſioners; and it ſhall be lawful for them, or their Surveyor or Surveyors for the Time being, by their Order, to ſell and diſpoſe of the ſame or of all or any Part or Parts thereof, to ſuch Perſon or Perſons who ſhall be willing to buy or purchaſe the ſame, and to apply the Purchaſe-money ariſing by ſuch Sale to the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Materials alſo may be made uſe of.

XXXII. Provided always, and it is hereby enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners to order all or any of the ſaid Old Materials to be made uſe of in paving or repairing any Square, Street, Lane, Court, Yard, Alley, Paſſage, or Place, within the Limits

Limits aforeſaid; and the ſaid Commiſſioners may, from Time to Time, hire a Piece of Ground to convey, lay, and diſpoſe of, all or any of the ſaid old Materials as aforeſaid, for and until ſuch Time as they ſhall have Occaſion, or judge it neceſſary to uſe the ſame.

Property of Poſts, &c. veſted in Commiſſioners.

XXXIII. And be it further enacted by the Authority aforeſaid, That the Property of the Stones, Poſts, Lamps, Timber, Furniture, and other Materials and Things which ſhall be purchaſed, provided, or made uſe of for the Purpoſes of this Act, ſhall be, and the ſame is hereby veſted in the ſaid Commiſſioners, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, or to prefer, or order and direct the preferring, of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any or any Part of ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the ſaid Materials or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes before any One or more Juſtice or Juſtices of the Peace for the County of *Middleſex*, ſhall, for the Firſt Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings; and for the Second and every other Offence any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; which Forfeiture ſhall be applied to the Purpoſes of this Act, under the Direction of the Commiſſioners: And in caſe the Perſon or Perſons ſo offending, and convicted, ſhall have no Goods or Chattels, whereupon the ſame can be levied; then, and in every ſuch Caſe reſpectively, it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon and Perſons reſpectively to the Houſe of Correction, there to remain for any Space not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of ſuch Commitment; and the Perſon or Perſons ſo incurring, and being convicted of any of the ſaid pecuniary Penalties, ſhall not be diſcharged until he, ſhe, or they ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times.

to be levied and recovered by Diſtreſs and Sale. For want of Diſtreſs Offender to be committed.

Commiſſioners to hire Ground for getting Gravel; and buy Materials, and hire Workmen.

XXXIV. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners to hire a Piece or Pieces of Ground for the Purpoſe of digging Gravel for the better paving the ſaid Streets, Squares, and Places, for ſuch Time, and for ſuch Sum and Sums of Money, as to them ſhall appear reaſonable; which Sum and Sums of Money ſhall be paid out of the Monies ariſing, or to ariſe, by virtue of this Act, under the Power of the ſaid Commiſſioners; and alſo to buy ſuch Carts, Horſes, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for paving and cleanſing the Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places, or for any other Purpoſe directed by this Act; and ſhall and may buy ſuch other Materials, and hire, order, and direct ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the reſpective Works aforeſaid, as they ſhall judge neceſſary for the due Execution of ſuch Works, and make ſuch Regulations concerning the ſame as they, in their Diſcretion, ſhall think proper, any Law, Statute, or Uſage to the Contrary thereof in anywiſe notwithſtanding; and no Perſon or Perſons, for any Act done in conſequence of his or their being ſo employed by Order of ſuch Commiſſioners, ſhall be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, or Apprentices.*

Commiſſioners may contract for cleanſing, lighting, and paving.

XXXV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, may, and are hereby authoriſed and impowered, at any of their ſaid Meetings, to contract with any fit Perſon or Perſons for paving, keeping in Repair, cleanſing and lighting all or any of the ſaid Squares, Streets, Lanes, Courts, Alleys, Yards, Paſſages, or Places; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, or any Nine or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contracts ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to ſuch Commiſſioners; but, previous to the making of any ſuch Contract, Fourteen Days Notice at the leaſt ſhall be given in ſome publick News-paper, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons, willing to undertake the ſame, may make Propoſals for that Purpoſe to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned.

Perſons carrying away Cinders, to forfeit 5s.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, other than the Scavenger contracting with or employed by the ſaid Commiſſioners, or thoſe employed under him, ſhall, without the Privity and Conſent of the Owner, carry away any Cinders or Aſhes from any Houſe or other Premiſes, in any Square, Street, or Place, within the Limits aforeſaid; ſuch Perſon or Perſons, ſo carrying away ſuch Cinders or Aſhes, ſhall forfeit a Sum not exceeding Five Shillings for every ſuch Offence.

Owners of Carts to pay 5s. for each Offence.

XXXVII. And it is hereby further enacted by the Authority aforeſaid, That in caſe the Perſon, who ſhall carry away the Cinders or Aſhes without being properly authoriſed by the Scavenger cannot be apprehended, that then a like Penalty of Five Shillings ſhall be forfeited by the Owner of the Cart in which ſuch Cinders or Aſhes ſhall be placed, in order to be carried away.

Works to be inſpected by Surveyors,

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to cauſe all and every the Work done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall, from Time to Time, appoint; and in caſe the ſame ſhall

not

not be well and sufficiently performed, according to the Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times that the same is or are agreed to be completed by the said Contractor or Contractors; the said Surveyor or Surveyors, or other Person or Persons, shall report the same to the said Commissioners at their next or any subsequent Meeting, who shall or may thereon bring an Action of Debt, in any of His Majesty's Courts of Law at *Westminster*, against any Person or Persons so contracting and neglecting to perform any such Contract or Contracts, and for any Penalty or Penalties which shall be contained in such Contract or Contracts; and on Proof of the Signing of the said Contract or Contracts and Nonperformance thereof, at the Time or Times for that Purpose therein mentioned, the said Commissioners shall be intitled to, and shall recover such Penalty or Penalties; which, when recovered, shall be applied for the Purposes of this Act, under the Direction of the Commissioners.

Commissioners may compound for Breach of Contract.

XXXIX. And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, to compound and agree with any Person or Persons against whom such Commissioners shall bring, or cause to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed upon be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences, which shall be occasioned thereby.

Penalty on altering the Form of the Streets, &c. not exceeding 5 l. nor less than 40 s.

XL. And be it further enacted by the Authority aforesaid, That no Person or Persons shall alter, or cause to be altered, the Form of any of the Pavements in any of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, which shall be new-paved by Order of such Commissioners, or in anywise encroach thereon, or put up any Post or Posts, Step or Steps, to erect any Bulks or Stalls, or place out any Shew-glasses or Shew-boards, so as to be an Incroachment, or make any Dung-holes or Saw-pits, upon Pain that every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, over and above the Expences of relaying and reinstating such Pavements, or taking down such Posts, Bulks, or Stalls, and removing or altering such Shew-boards or Shew-glasses, or filling up such Dung-holes or Saw-pits, according to the Direction of such Commissioners.

Notice to be given when pavements want Repair.

XLI. And be it further enacted by the Authority aforesaid, That from and after the First Meeting of the Commissioners, if any Householder or Householders, within the Limits aforesaid, shall make Complaint in Writing, under his, her, or their Hand or Hands, and shall leave the same at the last or usual Place of Abode of the Surveyor or Surveyors to the said Commissioners, of any Defect or want of Repair in any of the Pavements of any of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, either before or after the same shall have been new-paved or repaired by virtue of this Act, Three Days before the Meeting of the said Commissioners; then, and in every such Case, the said Surveyor or Surveyors shall view the said Pavement, and report the Condition thereof to the said Commissioners, at their next Meeting; and if the said Surveyor or Surveyors, to whom such Notice shall be given or left as aforesaid, shall, upon such View, find the Pavement complained of to be bad and defective, (unless it shall appear to arise from a Defect relating to the Water-pipes lying under such Pavement), the said Commissioners shall give Order to their Contractor or Contractors, Pavior or Paviors, to repair the same within such Time as they the said Commissioners shall judge necessary for the Repair thereof, which Time shall be specified in such Order: And if the Contractor or Contractors, Pavior or Paviors, to whom such Order shall be given, shall not repair and amend such Pavements within such Time as he or they shall be directed by the said Commissioners to repair and amend the same; then and in every such Case, the said Contractor or Contractors, Pavior or Paviors, shall forfeit and pay the Sum of Twenty Shillings for every Day that the said defective Pavement shall remain unrepaired, after the Time limited by the said Commissioners in their said Order; and One Half of every such Penalty shall be applied and paid to such complaining Householder, for his or her Loss of Time and Trouble in and about the Premises.

Penalty on Paviours neglecting their Duty.

If Surveyors think such Pavements not defective, &c. Commissioners to view the same.

XLII. Provided always, and it is hereby enacted and declared, That if the said Surveyor or Surveyors shall, on any View or Views, be of Opinion that the Pavement or Pavements mentioned to be bad and defective by such Householder or Householders in such Notice, is not bad and defective; then, and in such Case, the said Commissioners shall forthwith proceed to view the said Pavement, and their Opinion and Order concerning the same, after such View, shall be final and conclusive; any Thing in this Act contained to the Contrary thereof in anywise notwithstanding.

Where Materials may be lodged.

XLIII. And it is hereby enacted, That during the Time any Square, Street, Lane, Court, Yard, Alley, Passage, or Place, shall be new-paving or repairing under the Direction of the said Commissioners, they shall have Power to order the necessary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Discretion; as also to stop the Way through any adjacent Square, Street, Lane, Court, Yard, Alley, Passage, or Place, so long as they shall judge necessary; and all Persons acting under the Directions aforesaid, are hereby indemnified from any Prosecution or Action whatsoever, except where such Materials shall be lodged upon, or over, or within Six Feet of the Fire-plug or Cock; and no such Materials shall be deposited in or near the End of any Street or Place, in such Manner as to prevent the Admission of Fire-engines.

Streets, &c. to be watered.

XLIV. And it is hereby further enacted by the Authority aforesaid, That the said Commissioners shall have full Power and Authority to cause all or any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, within the Limits aforesaid, to be watered as often as they shall think fit;

fit; and, for such Purpose, to cause any Well or Wells to be dug or sunk in such Places (not being a Vault, Cellar, or other Building, under any of the Streets and Places aforesaid) as they shall think proper; and also any Pump or Pumps to be erected in or near such Places, and also any Pump or Pumps now standing, or which shall hereafter be erected, for the Purpose of watering the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, to be removed and altered; and to defray the Expence thereof out of the Monies to be raised by virtue of and for the Purposes of this Act, under the Power of the said Commissioners.

Incroachments, &c. to be removed.

XLV. And be it further enacted, That the said Commissioners shall and may cause all Trees, Signs, Sign-posts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Porches, Pent-houses, Boards, Spouts, and Gutters, projecting into or over the Highways or Footways, and all other Incroachments, Projections, or Annoyances whatsoever within the Limits aforesaid, to be taken down and removed; and shall cause all Signs, Boards, and Gutters, to be affixed and placed close to, or on the Fronts of the Houses Shops, Warehouses, or Buildings, whereunto they respectively belong; and shall return, or cause to be returned, to the respective Owners, all or so much of such Signs, Sign-posts, Poles, Sign-irons, Boards, Spouts, and Gutters, as shall not be affixed or put up, or otherwise made use of in the Alterations directed by the said Commissioners in pursuance of this Act: And that for the future, all Signs, Boards, and Gutters, shall be placed and fixed close to or on the Fronts of the Houses, Shops, Warehouses, or Buildings to which they respectively belong, and not otherwise: And if any Person or Persons shall at any Time hereafter hang, place, erect, or build any Sign, Sign-post, or other Posts, Sign-iron, Pole, Porch, Pent-house, Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance whatsoever, or cause the same to be done, contrary to the Directions aforesaid, and the true Intent and Meaning of this Act, every Person so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, and the Sum of Five Pounds for every Week the same shall be continued.

Signs, &c. how to be fixed.

Persons refusing to treat.

'XLVI. And whereas it might tend to the publick Convenience, if all Buildings and Erections 'projecting into or upon the Foot-ways were taken down and removed, as also all Doors or Cellars 'leading from and out of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and 'Places, and all Steps belonging thereto, and all Projections whatsoever and not herein before men-'tioned, were taken down, removed, and altered;' be it therefore further enacted by the Authority aforesaid, That if any Person or Persons whomsoever in anywise interested in any of the said Premises, upon Thirty Days Notice to them given or left in Writing at the House or Houses, Place or Places of Abode of such Person or Persons, or at the House, Shop, Shed, or other Place of the Tenant in Possession of such Premises, shall neglect or refuse, or shall be incapable to treat, or shall not agree for the Sale of any such Premises, or any Part or Parts thereof, or for their Interest therein; then, and in every such Case, the said Commissioners shall cause the Value of the Premises to be inquired into, and ascertained by a Jury, in such and the same Manner, and under the same Powers, Restrictions, and Regulations, as is herein-after directed with respect to the Premises to be purchased for the Purpose of widening or opening *Charter-house Lane*, except as is herein excepted.

Value to be ascertained in such Manner as is after directed, with Relation to Charter-house Lane.

Money awarded for Premises settled to like Uses.

XLVII. And be it hereby further enacted, That if any Person shall be intitled, either in Reversion or Remainder, to any such Premises, the Money so awarded by a Jury as a Satisfaction, shall be settled to the same Uses as the Premises were, unless such Person so interested shall consent to give up such reversionary Interest.

In case of Disputes, &c. Monies to be paid into the Treasurer's Hands.

XLVIII. And be it further enacted by the Authority aforesaid, That in case the Person or Persons to whom any Money shall be so assessed or due cannot be found, or if by reason of Disputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwise, it shall not appear to the said Commissioners what Person or Persons is or are intitled to the same; then, and in all and every such Cases, it shall be lawful for the said Commissioners to order the Sum or Sums so assessed and awarded to be paid into the Hands of their Treasurer or Treasurers for the Time being, for the Use of the Parties interested in the said Premises, to be paid to them, and every of them, according to their respective Estates and Interests in the said Premises, as the said Commissioners shall, by any Order to be by them made, direct.

Consideration-Money how to be paid.

XLIX. And be it further enacted by the Authority aforesaid, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be paid, made, or given, pursuant to any Agreement, Award, Judgment, Sentence, Decree, or Determination as aforesaid, shall be, and are hereby charged and chargeable upon all or any Part of such Money or Monies as shall be received by virtue of this Act, under the Direction of the said Commissioners, for the Purposes of paving, cleansing, lighting, and watching.

L. And be it further enacted by the Authority aforesaid, That all Houses and Buildings hereafter to be built or new-fronted, or any Part thereof, within the said Part of the said Parish, shall, for the effectual and absolute Prevention of all Manner of Projections, Annoyances, and Inconveniencies thereby, rise, perpendicularly from the Foundation; and if any Person or Persons shall, at any Time or Times hereafter, presume to build or new-front any House or other Building, or any Part thereof, within the District aforesaid, or cause the same to be done, or rise otherwise than perpendicularly from such Foundation, it shall be lawful for the said Commissioners, or any Seven or more of them, by Writing under their Hands and Seals, to cause the same to be pulled down and removed by any Person, Workmen or Persons, they shall think fit, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners by the Owner or Owners of such Houses or Buildings, or other Person or Persons ordering or directing the same; and in case of such Refusal or Neglect in paying or reimbursing

ſing the ſame to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, it ſhall be lawful for them to cauſe any Action to be brought for the Recovery thereof, with Coſts of Suit.

Names of Streets to be affixed up, and Houſes numbered.

LI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall and may order and direct the Houſes within the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, and Places within the Limits aforeſaid, or any of them, to be numbered with Figures placed or painted upon or over the Doors thereof, or on ſuch other Part of the ſaid Houſes reſpectively as they ſhall think proper; and may alſo cauſe to be painted, engraved, or deſcribed, in Stone or Wood, or otherwiſe, and to be affixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of each of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages and Places, the Name by which each reſpective Square, Street, Lane, Court, Yard, Alley, Paſſage, and Place, is properly or uſually called or known; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface any ſuch Names, Deſcriptions, Marks or Numbers, or any Part or Parts thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Penalties on defacing Numbers, &c. not exceeding 40s. nor leſs than 10s.

Annoyances how to be removed; and the Penalty on Perſons not complying.

LII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, drive or place, or cauſe to be driven or placed, in any of the Carriage-ways within the Limits aforeſaid, any Coach, Cart, Waggon, Dray, or other Carriage, or on any Part or Parts thereof, ſo as to occaſion any Annoyance whatſoever, and ſhall not immediately remove the ſame, when required ſo to do by any Perſon or Perſons whatſoever; or if any Perſon or Perſons ſhall ſet or place any ſuch Carriage for the Purpoſe of loading or unloading thereof, or for any other Purpoſe, upon any Foot-way or Croſſing in any Square, Street, Way, Lane, Paſſage or Place within the Limits aforeſaid, every Perſon ſo offending ſhall, for every or either of the ſaid Offences, forfeit and pay the Sum of Five Shillings; and One of ſuch Commiſſioners, or any Perſon or Perſons appointed by them for that Purpoſe, may ſeize, or cauſe to be ſeized, any ſuch Coach, Cart, Waggon, Dray, or other Carriage, together with the Horſe, or Horſes, if any ſhall be thereunto belonging; and drive or remove, or cauſe the ſame to be driven or removed to the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her or their known Servant or Servants ſhall and do pay to the Perſon or Perſon, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Penalty on not removing Caſks, after Notice not leſs than 5s.

LIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter ſet or place, or cauſe to be ſet or placed, in any of the Carriage-ways or Foot-ways within the Limits aforeſaid, any Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatſoever for the Purpoſes of making Mortar, or of Building any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or for any other Purpoſe (unleſs the ſame ſhall be incloſed in a Hoard or other Erection as herein-after is directed) and ſhall not remove the ſame within the Space of Two Hours next after Notice in Writing to him or her given for that Purpoſe, or left at the Premiſes where the ſame ſhall be, or if empty and unoccupied, or in building, ſtuck againſt the Wall thereof, by any One of ſuch Commiſſioners as aforeſaid, or by any Perſon or Perſons by them appointed for that Purpoſe, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; and any One of ſuch Commiſſioners, or any Perſon or Perſons ſo appointed by them, may ſeize, or cauſe to be ſeized, ſuch Caſks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, Wood, or other Materials (not being incloſed as aforeſaid), and take or remove, or cauſe the ſame to be taken or removed, to the Pound, or any other proper Place within the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their Servant or Servants, ſhall and do pay to the Perſon in whoſe Cuſtody the ſame ſhall be the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty and Charges paid, within the Space of Five Days next after ſuch Seizure thereof, then it ſhall be lawful for the ſaid Commiſſioners to order the ſame to be appraiſed and ſold; and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Penalty if Nuiſances are continued.

LIV. And it is hereby further enacted, That if any ſuch Nuiſance, Obſtruction, or Annoyance, ſhall be afterwards replaced, and be continued for the Space of One Hour after Notice to remove the ſame, the Perſon or Perſons convicted of ſuch Second Offence, ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every repeated Offence.

Licences may be granted for erecting Hoards, &c.

LV. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected or built, any Hoard, or erect any Poſts, Bars, Rails, Boards, or other Things, by way of Incloſure, for the Purpoſe of making Mortar, and depoſiting Bricks, Stone, Lime, Sand, or any other Materials, for building or repairing any Houſe, Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to ſuch Commiſſioners, who is and are

hereby required to grant the same forthwith to every Person so applying for such Licence; and no Person whatsoever shall erect or build any such Kind of Hoard or Inclosure as aforesaid, in an other Manner, or suffer the same to remain for any longer Time, than shall be expressed or allowed in such Licence from the said Surveyor or Surveyors, to be signed as aforesaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor less than Five Shillings, for every Twelve Hours that the same, or any Part thereof, shall be continued contrary to the Directions of this Act: And if any such Kind of Inclosure shall be erected or built, without the Leave of the said Surveyor or Surveyors so had and obtained, and signed as aforesaid, or shall be set up in any other Manner, or continued for any longer Time, than shall be allowed and expressed in such Licence; then, and in either of the said Cases, it shall be lawful for the said Commissioners to cause the same to be pulled down and removed, and the Materials thereof to be deposited in the Pound, or any other proper Place within the said Parish, there to be kept and detained until the Owner or Owners, or his, her, or their Servant or Servants shall and do pay, to the Person or Persons in whose Custody the same shall be, the said Penalty, together with the Charges of removing the same; and in case the same shall not be claimed, and the said Penalty and Charges paid within the Space of Five Days next after such Seizure thereof, then it shall be lawful for the said Commissioners to order the same to be appraised and sold, and the Money arising therefrom shall be applied to the Purposes of this Act, under the Direction of the Commissioners.

Persons sifting Lime, &c. in any Square, &c. to forfeit 40 s.

LVI. And it is hereby further enacted, That if any Person or Persons shall sift, screen, or slack, any Lime, (except within such Inclosure as aforesaid), in any Square, Street, Way, Lane, or Passage, or cause the same to be done, he or they shall forfeit and pay for every such Offence, the Sum of Forty Shillings.

Penalty on driving Carriages, &c. on the Foot-pavements, or throwing Ashes, &c.

LVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, for the future, carry, run, drive, or draw, or cause to be carried, run, driven, or drawn, on any of the Foot-pavements, within the Limits aforesaid, any Wheel or Wheels, Sledge, Wheel-barrow, or any Carriage whatsoever; or shall wilfully ride, lead, or drive, any Horse, Ass, or other Cattle, Coach, or other Carriage whatsoever, upon any Part of the said Foot-pavements; or shall throw or cast any Dung, Ashes, Dirt, Soil, Filth, or Rubbish, into or upon any of the Carriage or Foot-ways; then, and in such Case, and as often as they or any of them shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, and they are hereby required so to do by the Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and the Party or Parties accused, being brought before any such Justice, such Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon Information, as aforesaid, he she, or they, so convicted of any such Offence respectively, shall forfeit the Sum of Ten Shillings for the First Time of offending, the Sum of Twenty Shillings for the Second Time of offending, and the Sum of Forty Shillings for the Third and every other Time of offending; and in case such Offender shall not, upon such Conviction, pay such Forfeitures by him, her, or them incurred, as aforesaid, the Justice, before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them, to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor less than Three Days.

Foot-ways to be swept, &c. Once a Day.

LVIII. And it is hereby further enacted, That every Occupier of any House or Tenement, within the Limits aforesaid, and in respect to Inmates, every House-owner shall, Once in every Day, *Sundays* excepted, between the Hours of Six and Nine of the Clock in the Forenoon of each Day, scrape, sweep, and cleanse the Foot-way all along the Front of their respective Houses and Tenements, or cause the same to be done, upon Pain of forfeiting, for every Neglect, the Sum of Five Shillings.

Stands of Hackney Coachmen, &c. to be regulated.

LIX. And be it further enacted, That the said Commissioners may direct and regulate all Stands of Hackney-coaches and Hackney-chairs, within the said Part of the said Parish, in such Manner as they shall in their Discretion think proper; and if any Hackney-coachman or Hackney-chairman shall not comply with such Directions and Regulations, he or they shall forfeit the Sum of Ten Shillings for every Offence.

Times of emptying Bog-houses, &c.

LX. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall come with any Cart or Carts, or begin to empty any Bog-house or Bog-houses, or to take away any Night Soil from any House or Houses, within the Limits aforesaid, before the Hour of Twelve of the Clock in the Night, or shall continue to take away the same after the Hour of Five of the Clock in the Morning, from *Michaelmas* to *Ladyday*, or after the Hour of Four of the Clock in the Morning from *Ladyday* to *Michaelmas*; or if any Person shall put or cast, or cause to be put or cast, out of any Cart, Tub, or otherwise, in or near any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, within the Limits aforesaid, or within Half a Mile thereof, any such Night Soil, it shall and may be lawful to and for any Constable, Beadle, or Watchman, (and they are hereby strictly required and directed so to do), or any other Person or Persons whatsoever, to apprehend and carry him or them, guilty of either of the said Offences, to any Watch-house within the said Part of the said Parish, and from thence, as soon as conveniently may be, before some Justice of the Peace for the said County; who, upon Oath made of such Offence or Offences as aforesaid,

ſhall and may commit ſuch Perſon or Perſons guilty of any of the ſaid Offences to the Houſe of Correction for the ſaid County, for any Time not exceeding Two Months, nor leſs than Fourteen Days, there to be kept to hard Labour; and it ſhall be lawful for the ſaid Commiſſioners to order any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings, to be paid to the Perſon who ſhall detect, apprehend, and convey, before any ſuch Juſtice or Juſtices of the Peace any ſuch Perſon or Perſons guilty as aforeſaid, to be paid out of the Rates to be raiſed by virtue of this Act, under the Power of the ſaid Commiſſioners.

Where any of the Water-pipes break, Notice to be given to the Pavior,

LXI. And be it further enacted by the Authority aforeſaid, That when and ſo often as it ſhall ſo happen, that any Pipe or Pipes belonging to any Water Companies ſhall break or burſt in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, it ſhall be lawful for the Surveyor for the Time being to the Commiſſioners for putting this Act in Execution, or ſuch other Perſon as the ſaid Commiſſioners ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Pavior of the Water Company to whom he apprehends ſuch Pipe or Pipes does or do, or may belong, and require him to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue, by reaſon of ſuch Pipe or Pipes breaking or burſting, within Two Days after ſuch Notice given to ſuch Pavior, or left at his laſt or uſual Place of Abode: And if, upon taking up of the Pavement, and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broken or burſt doth not, nor do not, belong to the Water Company, whoſe Pavior ſhall have taken up ſuch Pavement, and opened ſuch Ground; that then, and in ſuch Caſe, the Surveyor or other Perſon as aforeſaid, ſhall give immediate Notice to the Pavior of that Company, to whom it ſhall appear that the ſaid Pipe or Pipes doth or do belong, ſuch Notice to be given or left with ſuch Pavior, or at his laſt or uſual Place of Abode; and the Pavior of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground within Two Days after ſuch Notice given or left as aforeſaid; and alſo within Two Days after ſuch Pipe ſhall be repaired, and the Ground filled in, to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired, and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Surveyor, or other Perſon, or left at his or their laſt or uſual Place of Abode: And in caſe it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement, and open the Ground, for the Purpoſes aforeſaid, ſhall take up ſuch Pavement, and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes, which is, are, or ſhall be burſt or broken, doth or do not belong to the Company to whom he is Pavior; that then, and in ſuch Caſe, the Pavior of the Company to whom ſuch Pipe or Pipes doth or do belong ſhall make Satisfaction to the Pavior who ſo took up ſuch Pavement, and opened ſuch Ground, for ſuch Work; and in caſe the Pavior to whom ſuch Notice ſhall be given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame, within the ſaid Two Days after Notice given, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; and in caſe the Pavior of the Company to whom ſuch Pipe or Pipes, ſo broken or burſt, ſhall belong, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Pavior or Paviors contracting with the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, or to ſuch other Perſons as aforeſaid, ſuch Pavior ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings: And if the Perſon or Perſons contracting with the ſaid Commiſſioners to relay ſuch Pavement ſo broken or taken up, for the Reaſons aforeſaid, ſhall neglect or refuſe to relay ſuch Pavement, in a good, ſufficient, and effectual Manner, within Two Days after ſuch Notice given to him as aforeſaid, or if the Surveyor, or other Perſon, to whom ſuch Notice ſhall be given, ſhall neglect to acquaint the Contractor of ſuch Notice; then, and in every ſuch Caſe, the Perſon or Perſons ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings: And if any Pipe or Pipes, other than ſuch as belong to any of the Water Companies, ſhall happen to break or burſt in any of the Squares, Lanes, Courts, Yards, Alleys, Paſſages, or Places, the Owner or Owners thereof ſhall cauſe the Ground to be opened, and ſuch Pipe or Pipes to be repaired within the Times before reſpectively limited for ſuch Purpoſes; and alſo ſhall forthwith give Notice to the Contractor or Contractors, Surveyor or Surveyors, or other Perſon or Perſons, ſo appointed as aforeſaid, to relay the Pavement ſo broken and taken up, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Twenty Shillings: Or if any Pavement ſhall be broken or taken up by the Commiſſioners of Sewers for the Purpoſes of making, repairing, or altering, any Sewer or Drain, or for any other Purpoſe whatſoever, the Surveyor for the Time being to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons ſo breaking or taking up the ſaid Pavement, ſhall forthwith give Notice thereof to the Surveyor or Surveyors, Contractor or Contractors, or other Perſon or Perſons, appointed by the Commiſſioners for putting this Act in Execution, to relay or repair the Pavements ſo broken or taken up as aforeſaid, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Twenty Shillings: Or if the ſaid Surveyor or Surveyors, to or for whom ſuch Notice ſhall be given or left as aforeſaid, ſhall neglect or refuſe to acquaint the Contractor or Contractors, or other Perſon or Perſons, ſo appointed as aforeſaid, of ſuch Notice; or if ſuch Contractor or Contractors, or ſuch other Perſon or Perſons, ſhall not, within Two Days next after ſuch Notice reſpectively given, relay or repair the ſame; then, and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, and the like Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue without being relayed or repaired, after the Expiration of the ſaid Two Days.

who ſhall, for every Neglect in doing his Duty, forfeit 20 s.

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LXII.

LXII. And be it further enacted, That when and so often as any Part of the Pavement of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, shall be taken up for the Purpose of making, repairing, altering, cleansing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or amending, any Water-pipe, or Plug, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement shall immediately give Notice thereof to the Surveyor, Inspector, or Clerk to the Commissioners for putting this Act in Execution, in order that the same may, with all convenient Speed, be laid down and repaired, under the Inspection of the said Surveyor, Inspector, or Clerk; and the Charges and Expences thereof shall be paid by the said Commissioners, and they shall be reimbursed the same by the Person or Persons, Companies of Water-works, or Commissioners of Sewers, who shall take up, or cause or procure to be taken up, the said Pavement, or any Part or Parts thereof. Pavements, when taken up, to be relaid under the Inspection of the Surveyor.

LXIII. Provided always, That when and so often as any Part of the Pavements of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, shall be taken up by any Person or Persons for the Purposes of placing, altering, or amending, any such Pipe, the same shall, with all convenient Speed, be repaired by the Pavior or Paviors contracting with or employed by the said Commissioners, or under the Direction of their Surveyor or Surveyors, at the Expence of the Proprietor or Proprietors of the said leaden or other Pipes respectively, if such Pipe is replaced, altered, or amended, at the Request of such Proprietor, and not otherwise. Pipes replaced at Request, Proprietors to pay Expences, &c.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to compound and agree with the said Companies or Commissioners of Sewers, or other Person or Persons respectively, for a certain Sum of Money, by the Foot or other Measure, as the said Commissioners for putting this Act into Execution shall think reasonable, in lieu and in stead of laying down or repairing such Pavement as shall be necessarily taken up for any of the Purposes aforesaid. Commissioners may compound for the relaying such Pavement.

LXV. And be it further enacted, That in case such Person or Persons Companies or Water-works, or Commissioners of Sewers respectively, shall neglect or refuse to pay what the said Commissioners shall have so paid and disbursed, or what shall be due upon such Contract or Composition as aforesaid, within Ten Days next after Notice thereof to be left by the Surveyor or Clerk appointed, or to be appointed, by the said Commissioners, at the Dwelling-house or last Place of Abode of such Person or Persons, or of the Secretary or Secretaries, Clerk or Clerks, of such Companies of Water-works, or Commissioners of Sewers respectively; which Notice shall be in Writing, and signed by the Clerk to the Commissioners for putting this Act in Execution, by Order of the said Commissioners, and annexed to the Bill containing an Account of the Expences of such Repair, or Money due upon such Composition; it shall be lawful for the said last-mentioned Commissioners, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, against such Person or Persons, Secretary or Secretaries, or Clerk or Clerks, of such Company of Water-works, or Commissioners of Sewers respectively, for the Recovery of such Sum or Sums of Money respectively; and in case such Person or Persons, hereby directed to give such Notice to the Surveyor or Clerk to the Commissioners for putting this Act in Execution, as is before directed, shall neglect so to do for the Space of Twenty-four Hours after such Pavement shall be so taken up, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings. For Recovery of Monies expended in relaying the Pavement.

LXVI. Provided nevertheless, and it is hereby enacted, That if at any Time or Times it shall be found necessary to raise, sink, or any otherwise alter the Position of any of the Pipes or Plugs laid down or placed by any of the Companies who furnish the Inhabitants, within the Limits aforesaid, with Water, or of any leaden or other Pipes belonging to any of the said Water Companies, or to any other Person or Persons, which, for the Purposes of conveying Water into any House Area, or other Place, have been, or shall be laid into or from any such Pipe or Pipes, for the Purpose of new-paving or altering the Pavement of any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, the Expence thereof shall, from Time to Time be paid out of the Money arising or to arise by virtue of this Act, under the Authority of the said Commissioners, for the Purposes of paving, cleansing, lighting and watching, and shall always be done with as little Detriment and Inconvenience to the said respective Companies or Inhabitants, as the Circumstances of the Case will admit. Expences of altering Pipes for the Purposes of this Act to be borne by the Commissioners.

LXVII. And be it further enacted by the Authority aforesaid, That the several and respective Paviors and Turncocks now appointed, or hereafter to be appointed, in case of the Death or Removal of any such Pavior or Turncock, by the said several and respective Water Companies, shall, and they are hereby required, within the Space of Twenty-one Days next after the passing of this Act, or within the Space of Three Days next after he or they shall be appointed Pavior or Paviors, Turncock or Turncocks, to such Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the Time being to the Commissioners for putting this Act in Execution, or to such Person or Persons as shall be by them appointed for that Purpose, which Notice shall contain such Pavior's or Turncock's Name and Place of Abode respectively, as also to what Company he is Pavior or Turncock, and in what District he has the Care of such Company or Companies Pipes; and in like Manner the Surveyor or Surveyors to such Commissioners for the Time being, shall, within the respective Times aforesaid, give Notice to the respective Paviors and Turncocks of the said several Water Companies of his or their own Place or Places of Abode, and also to the Surveyor or Surveyors to the Commissioners of Sewers, of the Names and Places of Abode of such Contractor or Contractors, Paviors, &c. to give Notice of their Places of Abode.

tractors, and of the Pavior or Paviors employed by such Commissioners; and every Person or Persons neglecting or refusing to give such Notice as aforesaid, within the Times before respectively specified shall for every such Offence forfeit the Sum of Forty Shillings.

Grates over Sewers to be made by the Commissioners.

LXVIII. And be it further enacted, That when and so often as there shall be Occasion to make any new, or to repair any Grate or Grates now being over any Sewer or Sewers, belonging to the Commissioners of Sewers, in the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, or any of them, the same shall be made new or repaired by and at the Expence of the said Commissioners of Sewers, (if the same shall be thought necessary by them); and the same, when so made new or repaired, shall be laid down in such Manner as shall be directed by the Surveyor to the Commissioners for putting this Act in Execution.

Commissioners may rectify the Sewers, &c.

'LXIX. And whereas, by reason of the great Conflux of Water from the Lands and Grounds about 'Islington, and other Places, the Streets called *Saint John's Street*, and *Cow Cross*, are continually annoyed by Water, and, for want of proper Sewers or Drains to carry off the same, the Buildings there 'are greatly prejudiced;' be it therefore further enacted, That the Commissioners for putting this Act in Execution, or any Seven or more of them, shall have Power, and they are hereby authorised, at such Time and Times as they shall think proper, during the Time the said Streets are new-paving, to cause any new Sewers or Drains, with proper and sufficient Grates over the same, to be made in the said Streets called *Saint John's Street*, and *Cow Cross*, sufficient to carry off the Water which would otherwise annoy the same, and to communicate such Sewers or Drains with any such publick Sewers or Drains therein, or thereabouts, as shall be directed by the Commissioners of Sewers: And in case it shall be necessary for that Purpose to alter or widen any old Sewer or Sewers, the Expence thereof shall be borne and paid by the Commissioners for putting this Act in Execution, and the Work performed by them under the Inspection of the Commissioners of Sewers: And for paying the Expence of making such new Drains or Sewers, and Grates, over the same, it shall be lawful for the said Commissioners, or any Seven or more of them, Once in every Year, or oftener, if they think proper, to make a Rate upon the Occupiers of all Houses, Shops, Buildings, Tenements, and Hereditaments, within the said Streets where such new Drains or Sewers shall be made, not exceeding Sixpence in the Pound, of the yearly Rent or Value of such Houses, Shops, Buildings, Tenements, and Hereditaments; and the said Commissioners shall have, and they are hereby vested with the like Powers for receiving, collecting, and recovering the said Rate as are herein given with respect to the Rates for paving, and other Purposes; which Rate shall be paid by the Occupiers of the respective Houses, Shops, Buildings, Tenements, and Hereditaments; and One Half thereof shall be allowed them again by their respective Landlords, who are hereby required to allow the same to their respective Tenants, upon receiving the Remainder of his or her Rent or Rents respectively.

Rate to continue only till Expence paid.

LXX. Provided always, That such Rates shall not be made or continued any longer than until the Money to be raised in Manner herein-after mentioned, for making such new Sewers, shall be paid off and satisfied.

New Sewers, &c. may be made by the Commissioners.

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners appointed by this Act, if they shall think proper, to make, or cause to be made, any other new publick Sewer or Sewers, or Drain or Drains, to communicate with any the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, or any of them; and also any new Grate or Grates over such Sewer or Sewers, Drain or Drains; and to cause the same to be placed in such Manner as the said Commissioners, or their Surveyor, shall think proper; and the Expences attending the making such other new Sewer or Sewers, Drain or Drains, and Grate or Grates, shall be paid out of the Monies arising by virtue of this Act, under the Authorities of the said Commissioners; and when all or any such Sewer or Sewers, Drain or Drains, Grate or Grates, either in *Saint John's Street*, *Cow Cross*, or elsewhere, shall be made and completed, the same shall be under the Care, Management, and Direction of the Commissioners of Sewers in like Manner as the other Sewers now are.

Commissioners of Sewers to be summoned to meet when any Works necessary to be done by them.

LXXII. And be it further enacted, That when and so often as there shall be Occasion to make new or additional Grates over any Sewer or Sewers within the said Part of the said Parish, or to repair, alter, cleanse, or amend any of the said Sewers, or the Grates over the same; the Clerk for the Time being of the Commissioners of Sewers shall, at the Request in Writing of the Surveyor to the said Commissioners of Pavement, or other Person or Persons authorised by them for that Purpose, forthwith summon the said Commissioners of Sewers to meet, in order to take the Premises into Consideration, which they are hereby authorised and required to do at such Meeting; and also at the same Meeting, or any adjourned or other Meeting, to exercise the several Powers and Authorities with which they are vested, in order that the said several Works may be speedily done, completed and finished.

Lamps to be set up, &c.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to cause such and so many Lamps to be set up in such Places within the Limits aforesaid, and to be placed in such Manner, and at such Distances as they shall judge necessary, and may contract or agree with any Person or Persons for such Lamps, or may find and provide the same, if they shall think fit; and also may contract or agree with any Person or Persons for the lighting, supplying, maintaining, and repairing such Lamps, and appoint how and where the said Lamps shall be placed, and at what Time, and how long the said Lamps shall be and continue lighted and burning, so that they shall be lighted at Sun-setting, and continue burning till Sun-rising; and what Sum and Sums of Money shall be paid to the Person or Persons so to be contracted or agreed with to light, maintain and repair the said Lamps; provided that no such Contract or Agreement shall be for a longer Term than Three Years from the Commencement thereof.

LXXIV.

Lamps-irons where to be affixed.

LXXIV. And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners to order and direct Lamp-irons to be put, or affixed, against the Walls of all or any of the several Houses or Tenements within the Limits aforesaid, or into, upon, or against the Rails before the Area, or in such Manner, and in such other Place, as the said Commissioners shall think proper and convenient: And if any Person or Persons shall wilfully take away, break, throw down, or damage any Lamp that shall be so set up, or wilfully extinguish the Light or Lights within the same, or throw down or damage the Irons or other Furniture thereof, it shall be lawful for any Person or Persons whatsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing, the Offender or Offenders; and, by Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and such Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear, or be produced to give Information or Evidence touching such Offence; and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, he, she, or they, so convicted, shall forfeit and pay the Sum of Twenty Shillings for each Lamp or Lamp-iron so broken, thrown down, or damaged, or for every Lamp so extinguished as aforesaid; and moreover shall make full Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him or them done as aforesaid: And in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding One Calender Month, nor less than Seven Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Penalty on Persons extinguishing or damaging Lamps,

is 20 s. for every Lamp.

Persons accidentally damaging Lamps to make Satisfaction.

LXXV. And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, within the Limits aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every such Case, it shall and may be lawful to and for any One Justice of the Peace in and for the said County, upon Complaint to him made by One or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damages as aforesaid; and, upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by way of Satisfaction to the Owner of such Lamp or Lamps, or to the said Commissioners, as the Case shall be, for such Damages as such Justice shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded, within Ten Days after Demand, to cause the same to be levied as Fines, Penalties, and Forfeitures are by this Act herein-after directed to be levied.

On Nonpayment to be levied by Distress.

Commissioners impowered to appoint Watchmen, &c.

LXXVI. And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, from Time to Time, to order and appoint what Number of Watchmen and Beadles they shall judge necessary or proper to be kept in the said Part of the said Parish of *Saint Sepulchre*, which is and lieth in the County of *Middlesex*, and to nominate and elect such able-bodied Men to be employed in the said Services as they the said Commissioners shall think best qualified, and shall order and direct how and where the several Watchmen shall be stationed, and in what Manner they shall be armed; how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen and Beadles, for their Attendance; and shall order and direct what Number of Constables and Headboroughs shall attend every Night, and in what Parts; and also shall and may use the present Watch-house belonging to the said Part of the said Parish, or may erect or hire a proper Place or Places within the said Part of the said Parish for the Reception of the said Constables, Headboroughs, and Watchmen, and make all such Rules, Orders, and Regulations, for the better Attendance, Government, and Direction of the said Constables, Headboroughs, Watchmen, and Beadles, and the watching of that Part of the said Parish, as they shall think proper, or the Nature of the several Services may require.

and make Rules, Orders, and Regulations for the Constables, &c. and better Watching.

Copies of Regulations to be delivered to Constables and Headboroughs.

LXXVII. And be it further enacted by the Authority aforesaid, That true Copies or Transcripts of all such Nominations, Rules, Orders, and Regulations as shall be made, from Time to Time, for the better Direction and Government of the said Constables, Headboroughs, Watchmen, and Beadles, shall be fairly written and signed by the said Commissioners, and shall be delivered to the several Constables and Headboroughs for the Time being of the said Part of the said Parish, and that One of the Constables and Headboroughs, together with One of the Beadles, shall attend every Night by Turns, and shall keep Watch and Ward within the said Parts of the same Parish for such respective Times, and in such Manner, as shall, from Time to Time, be appointed by the said Commissioners; and shall, in their several Turns and Courses of Watching, use their best Endeavours to prevent all Mischiefs happening by Fires, and all Murders, Burglaries, Robberies, Breaches of the King's Peace, and all other Outrages and Disorders; and to that End shall, and they are hereby jointly and severally impowered and required to arrest, apprehend, and detain in the Watch-house, or other convenient Place of Security, all Malefactors, Disturbers of the King's Peace, and all suspected Persons who shall be found wandering or misbehaving themselves, and shall carry them (so soon as conveniently may be) before One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, to be examined and dealt with according to Law; and the said Constables and Headboroughs

Disturbers of the Peace may be secured.

boroughs shall, so often in every Night as shall be ordered by the said Commissioners, go about their respective Districts and Rounds, to take Notice whether all the Watchmen perform their Duty in their several Stations, according to such Rules, Orders, and Regulations, as shall be provided for that Purpose by the said Commissioners as aforesaid: And in case any One or more of the said Watchmen shall be found to have misbehaved himself, or neglected his or their Duty, the said Constable or Headborough shall, as soon as conveniently may be, give Notice thereof to the said Treasurer of the said Commissioners for the Time being, who is hereby authorised to suspend such Watchman from the Execution of his Office, and appoint another Person to officiate therein, until the next Meeting of the said Commissioners, when the said Treasurer shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman, in order for the said Commissioners to proceed to the Examination of the said Offence; and such Watchman shall, for every such Offence, Neglect, or Misbehaviour, forfeit and pay the Sum of Five Shillings, or be discharged from his said Office of Watchman.

Penalty on Watchmen neglecting their Duty.

Penalty on Constables, &c. neglecting their Duty.

LXXVIII. And be it further enacted by the Authority aforesaid, That if the said Constables, Headboroughs, or Beadles, or any of them, shall wilfully neglect to attend in his or their Turn to keep Watch and Ward, or shall not come to Watch and Ward in Manner, or during the Times which shall be appointed by the said Commissioners for his or their Attendance thereon, or shall depart from or leave keeping Watch and Ward during the respective Hours appointed by the said Commissioners as aforesaid for keeping the same, or shall otherwise neglect his or their Duty, or misbehave him or themselves; the Person or Persons so offending shall respectively forfeit and pay, for every such Neglect or Offence, any Sum not exceeding Twenty Shillings, nor less than Ten Shillings.

Commissioners impowered to widen Charterhouse Lane, &c.

LXXIX. And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby impowered and required, as soon as may be after their First Meeting, to widen or enlarge and improve the said Lane or Way called *Charter-house Lane*, by taking down the present Gateways, at the East and West Entrances to the said Lane, and the Buildings over the same respectively, and by taking down Houses and other Buildings on the South Side of the said Lane only, so as the said Lane or Way, at the West Entrance thereof, for the First Sixty-seven Feet from *Saint John's Street*, shall not exceed Twenty-eight Feet in Width, and from thence to the East End of the said Lane, shall not, in any One Part thereof, exceed Thirty-six Feet in Width: And for such Purposes the said Commissioners, or any Seven or more of them, shall have, and are hereby invested with full Power, to contract and agree with the Owner or Owners, Occupier or Occupiers, and other Persons interested in the said Gateways and Buildings over the same, and the Houses adjoining thereto, and in such other Houses, Tenements, Edifices, Erections, Buildings, Grounds, and Hereditaments, as are situate on the South Side of the said Lane, or such Parts, or so much thereof as the said Commissioners, or any Seven or more of them, shall think necessary to be purchased, removed, pulled down, or used for the Purposes aforesaid, for such Sum or Sums of Money as the said Commissioners, or any Seven or more of them, and the said Owner or Owners, Occupier or Occupiers, shall agree upon; and that, upon Payment of such Sum or Sums of Money as shall be agreed to be paid for such Premises respectively, or to be contracted for as aforesaid, or where no Agreement or Contract shall be made, on making Satisfaction in Manner herein-after mentioned to the Owners of, and Persons interested in, such Premises, it shall be lawful for the said Commissioners to take down all such Houses, Tenements, Edifices, Erections, and Buildings, or any Part or Parts thereof so deemed necessary and proper to be taken down for the Purposes aforesaid, and to cause the Materials thereof to be removed and taken away.

Materials vested in the Trustees.

LXXX. And be it further enacted by the Authority aforesaid, That all Timber, Stones, Bricks, Tiles, Slates, Planks, Iron, Lead, Glass, and all other Materials belonging or appertaining to the several Houses or Tenements, Edifices, and Buildings, which shall be taken down by virtue of this Act, shall be, and the same are hereby vested in the said Commissioners, and they are hereby required, with all convenient Speed, when, and as any such Houses or Buildings are taken down, or taking down, to cause such Materials, from Time to Time, to be removed off the Premises, and to use and employ so much thereof in and about the widening and improving the said Lane or Way, as they shall see fitting, and the remaining Part of the said Materials shall be sold and disposed of for as much Money as can be had or gotten for the same, and the Money arising from the Sale thereof shall go and be applied for and towards the widening, enlarging, and improving the said Lane or Way.

Bodies Politick, &c. may contract for Sale.

LXXXI. And be it further enacted by the Authority aforesaid, That it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunaticks and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes-covert, who are or shall be seised in their own Right, and all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Houses, Edifices, Tenements, Erections, Buildings, Lands, Grounds, or Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for the Purposes of this Act, to treat, contract, and agree with the said Commissioners, or any Seven or more of them, for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all the Estate, Right, Title, and Interest whatsoever, of, in, or to the same, to the said Commissioners, or to such Persons and their Heirs for ever, as the said Commissioners, or any Seven or more of them, shall direct, in Trust for them the said Commissioners, for the Purposes aforesaid; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be so made by virtue

and

and in pursuance of this Act as aforesaid, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all claiming, or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the Contrary thereof in anywise notwithstanding; and that all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

On Refusal to treat, Value to be settled by a Jury.

LXXXII. And be it further enacted by the Authority aforesaid, That if any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feme-covert, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, in and by this Act impowered and qualified to treat, contract, or agree for, sell, convey, and dispose of any Part of the Premises herein-before mentioned, shall refuse to treat, contract, or agree, as aforesaid, or by reason of Absence, or otherwise, shall be prevented from treating and agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein, or whereunto they respectively shall be so seised, possessed, interested, or intitled, as aforesaid, or their respective Rights, Titles, Claims, or Interests, in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they, or any Five or more of them, shall nominate, for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act; or shall not produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, the said Commissioners are hereby impowered and authorised to issue a Notice, in Writing, under the Hands of any Five or more of them, to the Sheriff of the said County of *Middlesex*, thereby requiring him or his Deputy, who is hereby authorised, directed, and required accordingly, to impanel, summon, and return, at such Time and Place as shall be expressed in such Notice, Twenty-four substantial and disinterested Persons, qualified to serve on Juries; and out of such Persons so to be impanelled, summoned, and returned, the said Commissioners shall, at such Time and Place, swear, or cause to be sworn, a Jury of Twelve Persons of the said Twenty-four, who shall be drawn by the Clerk to, or other Person to be appointed by, the said Commissioners for the Time being, in the same Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster*, by an Act made in the Third Year of the Reign of King *George* the Second, intituled, *An Act for the better Regulation of Juries*, are directed to be drawn, which Twelve Men shall be the Jury for the Purposes aforesaid; and the said Commissioners shall order such Jury to view the Place in question, if there shall be Occasion; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Persons of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number Twelve; which Persons, so to be impanelled, summoned, and returned, as aforesaid, are hereby required to come and appear before the said Commissioners at such Time and Place as in such Notice or Notices shall be directed and appointed, and to attend there from Day to Day until discharged by the said Commissioners; and all Persons concerned shall have their lawful Challenges (but not challenge the Array of the Panel) against any of the said Jurymen when they come to be sworn; and the said Commissioners are hereby impowered to summon or call before such Jury, and examine upon Oath, all Persons who shall be thought necessary or proper to be examined as Witnesses touching the Matters in question, which Oath the said Commissioners are hereby impowered to administer; and the said Commissioners shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff or his Deputy making Default in the Premises, and on any Person or Persons who shall be summoned and returned as such Jury, and shall not appear, or who shall in any other Manner neglect their Duty contrary to the true Intent and Meaning of this Act; or on any Person or Persons who, being required to give Evidence before such Jury, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence, so as no such Fine shall exceed the Sum of Ten Pounds upon any Person for One Offence; which Fine or Fines shall be applied towards the widening, enlarging, or improving, the said Lane or Way; and the said Commissioners shall have Power to adjourn such Meeting, from Day to Day, as Occasion shall require; and such Jury, Witnesses, and Parties, shall attend until all Matters for which they shall be so summoned shall be concluded; and the said Jury, upon their Oath, shall inquire of and assess the Value, Recompence, and Satisfaction, to be paid or made for such Premises respectively, and assess and ascertain the proportionable Sum or Sums to be paid to every such Person or Persons for the Purchase of their respective Estates and Interests claimed therein, or any Part thereof; and the said Commissioners shall give Judgment for such Sum and Sums of Money so to be assessed; which said Verdict or Verdicts, and the said Judgment, Decree, and Determination thereon, (Notice in Writing being given to the Person or Persons interested, at least Fourteen Days before the Time of such Assessment, declaring the Time and Place of the Meeting of the said Commissioners as aforesaid and Jury, by leaving such Notice at the Dwelling-house of such Person or Persons, or at his, her, or their usual or last Place or Places of Abode, or with the Tenant or Occupier of such Premises so intended to be valued or assessed), shall be binding and conclusive to all Intents and Purposes whatsoever, against all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Persons whomsoever; and the said Verdicts, Judgments, and Decrees, and all other Proceedings of the said Commissioners as aforesaid, and Juries, so to be made, given, and pronounced as aforesaid, shall be fairly written or engrossed, and kept and entered amongst the Records of the Quarter-sessions

Juries may be impanelled.

Juries may be challenged.

Penalty on Sheriffs, Jurymen, and Witnesses, making Default.

Witnesses may be summoned.

Jury may assess the Value and proportionable Sums to be paid to every Person interested, which Verdict to be binding,

and recorded in the Office of the Clerk of the Peace.

ter-ſeſſions in the Clerk of the Peace's Office of the ſaid County of *Middleſex*; and the ſaid Verdicts, Judgments, and Decrees, and all ſuch other Proceedings, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever, and the ſame, or a Copy thereof, ſhall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying for every Copy, not exceeding Twopence for Seventy-two Words; and ſo proportionably for any greater Number of Words.

Expences of the Jury how to be borne,

LXXXIII. And be it further enacted, That in all Caſes where any Verdicts ſhall be given for a greater Sum or Recompence than ſhall have been offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, before the ſummoning of any ſuch Jury, for or in reſpect of any ſuch Houſes, Tenements, Edifices, Erections, Buildings, Lands or Hereditaments, or Damages as aforeſaid, that then all the Expences of ſuch Jury, and the Witneſſes attending in Conſequence thereof, and of taking ſuch Inqueſt, ſhall be paid by the ſaid Commiſſioners out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more, or a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, or any Seven or more of them, then and in every ſuch Caſe, ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Houſes, Tenements, Edifices, Erections, Buildings, Lands, or Hereditaments in Queſtion.

Verdict not binding unleſs Money paid within Three Months.

LXXXIV. Provided always, That in caſe the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners to be paid as a Satisfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left as herein mentioned, according to the true Intent and Meaning of this Act, within Three Months after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged; then, and in ſuch Caſe, the Verdict of the ſaid Jury, and Order and Adjudication of the ſaid Commiſſioners, ſhall not be binding upon the ſaid Parties, any Thing herein contained to the Contrary notwithſtanding.

On Payment of Purchaſe-money, Premiſes to be conveyed.

LXXXV. And it is hereby further enacted and declared, That upon Payment of ſuch Sum or Sums of Money ſo aſſeſſed and decreed as aforeſaid, the Perſon or Perſons to whom the ſame ſhall be ſo aſſeſſed and decreed, ſhall make and execute, or procure to be made and executed, good, valid and legal Conveyances and Aſſurances in the Law to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall nominate and appoint, in Truſt for the ſaid Commiſſioners, of ſuch Premiſes, or any Part thereof reſpectively, or of ſuch Eſtate or Intereſt for which ſuch Sum or Sums of Money ſhall be ſo awarded, and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and Aſſurances, and ſhall do all Acts, Matters, and Things, requiſite and neceſſary to make a clear and perfect Title to ſuch Premiſes; and ſuch Conveyances, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants as ſhall on the Part of the ſaid Commiſſioners be required: And in caſe ſuch Perſon or Perſons, to whom any ſuch Sum or Sums of Money ſhall be ſo awarded or due as aforeſaid, ſhall not be able to evince their Title to the Premiſes, and to make, or procure to be made, good, valid, and legal Conveyances thereof, or ſhall refuſe ſo to do, being thereto required, and ſuch Sum and Sums ſo aſſeſſed and awarded, and due as aforeſaid, being produced and tendered to be paid to them on their making ſuch Title, and executing, and procuring to be executed, ſuch Conveyances, Aſſignments or Aſſurances as aforeſaid; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo aſſeſſed or due as aforeſaid cannot be found, or if, by reaſon of Diſputes depending in any Court of Law or Equity, or for Defect of Evidence, or otherwiſe, it ſhall not appear to the ſaid Commiſſioners what Perſon or Perſons is or are intitled; or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage-money, due on the Premiſes, after Notice given to him, her, or them, for that Purpoſe, as herein-after is provided; then, and in all and every ſuch Caſe and Caſes, it ſhall be lawful for the ſaid Commiſſioners to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or ſhall be due upon ſuch Mortgage, to be paid into the Bank of *England*, in the Name, and with the Privity, of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Premiſes (deſcribing them) ſubject to the Order, Controul, and diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum, or any Part thereof, by Motion or Petition, ſhall be, and is hereby impowered, in a ſummary Way of proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the Diſtribution thereof according to the reſpective Eſtate and Eſtates Title, or Intereſt of the Perſon or Perſons making Claim thereto, of, in, or to ſuch Meſſuages, Lands, Tenements, or Hereditaments, to be made appear to, and to be declared by the ſaid Court, and according to the Value thereof aſſeſſed as aforeſaid; and to make ſuch further or other Order in the Premiſes as to the ſaid Court ſhall appear juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum and Sums, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what Premiſes, and for what Uſe, the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay ſuch Sum or Sums into the Bank as aforeſaid, which Receipt or Receipts ſhall be entered on Record and regiſtered in ſuch Place, and in ſuch Manner, as ſuch Verdicts, Judgments, and other Proceedings as aforeſaid, are herein-before required to be kept; and immediately on ſuch Payment, and Regiſtry, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand in Law and Equity, of the Perſon or Perſons reſpectively for whoſe Uſe the ſame was paid, in, to, or out of ſuch Houſes, Ground, Tenements, Edifices, Erections, Buildings, Lands, and Premiſes, ſhall veſt in the ſaid Commiſſioners for the Time being for putting this Act in Execution, and the Survivors of them, for the only Uſes and Purpoſes of this Act; and they ſhall be deemed in Law to be in the actual Poſſeſſion thereof, to all Intents and Purpoſes, as fully and effectually as if every Perſon having an Eſtate in the ſaid Premiſes had actually conveyed the ſame by a Leaſe

On Refuſal or Incapacity to convey, &c.

or Mortagees refuſing to take their Mortgage-money, the ſame to be paid into the Bank in the Name of the Accountant General of the Court of Chancery.

Perſons claiming may recover their Money by the Order of that Court in a ſummary Way or otherwiſe.

Receipts to be regiſtered.

Premiſes veſted in the Commiſſioners.

and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine, and Recovery, or any other legal Conveyance whatſoever; and ſuch Payments ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment was made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon or Perſons; and all Eſtates Tail in Reverſion or Remainder; and the Iſſue or Iſſues of ſuch Perſon or Perſons, and every Perſon claiming under them, as effectually as a Fine or Recovery would do, if levied or ſuffered by the proper Parties in due Form of Law.

Purchaſe Money, before Application to Chancery may be placed out at Intereſt.

LXXXVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, before Payment into the Bank, and Entry of Receipts as aforeſaid, and before any Application in reſpect thereof to the ſaid Court of Chancery, at the Petition of any Perſon or Perſons intereſted in any Part of ſuch Premiſes, or in the Monies ſo paid into the Bank for the Purchaſe thereof, or in reſpect of any Right or Intereſt therein, to place out and inveſt, or to cauſe to be placed out and inveſted, ſuch Sum or Sums of Money, or any Part thereof, in ſome of the publick Funds, or on Government Securities, at Intereſt, in the Name of any Perſon or Perſons authoriſed and appointed by the ſaid Commiſſioners for that Purpoſe, in Truſt, to transfer and aſſign the ſame to ſuch Perſon or Perſons to whom the Money ſo paid ſhall belong, on their executing proper Conveyances as aforeſaid; and, in the mean Time, in Truſt, to pay the Intereſt and Dividends ariſing therefrom to ſuch Perſon or Perſons, who was or were in Poſſeſſion of the ſaid Premiſes, at the Time of the ſaid Payment into the Bank.

Perſons intitled to the meſne Profits may recover againſt the Perſon receiving.

LXXXVII. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who would be intitled to recover the meſne Profits of the Premiſes, againſt the Perſon or Perſons in Poſſeſſion, in caſe the ſame had not been ſo conveyed to or veſted in the ſaid Commiſſioners as aforeſaid, ſhall be intitled to recover the Sum and Sums to ariſe from ſuch Intereſt and Dividends as aforeſaid by Action of Debt, or otherwiſe, againſt the Perſon or Perſons who ſhall receive the ſame; and the ſaid Commiſſioners are hereby impowered and authoriſed to make ſuch Orders on the Bank, to be regiſtered as aforeſaid, as ſhall be neceſſary for inveſting in the Funds, or Government Securities, ſuch Sum or Sums of Money, or any Part thereof; and the ſaid Commiſſioners ſhall be quieted in the Poſſeſſion of ſuch of the ſaid Premiſes, for which ſuch Monies ſhall be ſo paid as aforeſaid, and ſhall not be anſwerable or accountable in any Court of Law or Equity for the Money to be ſo depoſited and placed out as aforeſaid, any otherwiſe than according to the Tenor, Purport, and true Meaning of this Act.

Commiſſioners to make Orders on the Bank for inveſting Money in the Funds.

Commiſſioners not anſwerable for Monies ſo depoſited.

Mortgagees to aſſign upon Tender of Principal and Six Months Intereſt.

LXXXVIII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Perſon and Perſons, who ſhall have any Mortgage or Mortgages on ſuch Houſes, Lands, Tenements, or Hereditaments, which ſhall be purchaſed in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall, on the Tender of the principal Money, and Intereſt due thereon, together with Six Calendar Months Intereſt of the ſaid principal Money, by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, immediately aſſign ſuch Mortgage or Mortgages to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint in Truſt for them; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing given to him, her or them from the ſaid Commiſſioners, or any Perſon authoriſed by them, and they will pay off and diſcharge the Principal and Intereſt Money, which, at the Expiration of the ſaid Six Calendar Months, to be computed from ſuch Notice given, ſhall be due on ſuch Mortgage; that then, at the End of the ſaid Six Calendar Months, on Payment or Tender of the Principal and Intereſt Money ſo due, ſuch Mortgagee or Mortgagees ſhall convey and aſſign his, her, and their reſpective Eſtates and Intereſts in the ſaid mortgaged Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall nominate and appoint in Truſt for them to the Uſes and Purpoſes of this Act; and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, on ſuch Tender or Payment, then all Intereſt on every ſuch Mortgage ſhall ceaſe and determine.

Tenants to quit on Notice given.

LXXXIX. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners, or any Perſon authoriſed by them, ſhall, after any Houſes, Edifices, Buildings, Tenements, Lands, Grounds, or Premiſes, ſhall be purchaſed by them, in purſuance of this Act, give Six Calendar Months Notice in Writing to the Tenants or Occupiers reſpectively, of any ſuch Premiſes ſo purchaſed, to quit or deliver up ſuch Premiſes, at the Expiration of ſuch Six Months, then every ſuch Tenant or Occupier ſhall, at the End of ſuch Six Months, peaceably and quietly deliver up the Poſſeſſion of the Premiſes ſo by him or her reſpectively occupied whether upon Leaſe or otherwiſe, to the Perſon or Perſons who ſhall be appointed by the ſaid Commiſſioners to take Poſſeſſion thereof; and if any Perſon or Perſons ſo in Poſſeſſion ſhall refuſe to give up ſuch Poſſeſſion, at the Expiration of ſuch Six Months, after every ſuch Notice as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, from Time to Time, to iſſue a Precept or Precepts to the Sheriff of the ſaid County of *Middleſex*, to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons who ſhall be in ſuch Precept or Precepts nominated to receive the ſame, and to direct the ſaid Sheriff to levy ſuch Coſts as ſhall accrue by Means of the iſſuing and Execution of every ſuch Precept, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall refuſe or neglect to pay the ſame Coſts; and the ſaid Sheriff is hereby required to deliver Poſſeſſion, and levy ſuch Coſts in Manner aforeſaid.

Monies payable to Bodies Corporate, &c. to be re-inveſted in Purchaſe of other Eſtates.

XC. And be it hereby further enacted by the Authority aforeſaid, That the Principal Money to ariſe from the Sale of any Houſes, Edifices, Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes intended by this Act, of any Body Politick, Corporate or Collegiate, Corporations Aggregate

Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Feme or Femes Covert, ſhall be paid to ſuch Perſons as they ſhall reſpectively nominate to receive the ſame, in Truſt, with all convenient Speed, to be re-inveſted in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to and upon, and ſubject to the like Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Houſes, Edifices, Lands, Tenements, and Hereditaments, which ſhall be purchaſed from them reſpectively, by the ſaid Commiſſioners, in Manner aforeſaid, were reſpectively ſettled, limited, or aſſured, at the Time of ſuch Purchaſe, or ſo many thereof as, at the Time of making ſuch Conveyances and Settlements, ſhall be exiſting, and capable of taking Effect.

In what Manner Houſes, &c. may be purchaſed.

XCI. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That if any Perſon or Perſons Body or Bodies Politick, Corporate, or Collegiate, ſhall be applied to, by or on Behalf of the ſaid Commiſſioners, to treat for, ſell, diſpoſe of, or convey, for any of the Purpoſes aforeſaid, any Part or Parts of any Houſe, Warehouſe, Yard, or Ground, in the actual Occupation of One Tenant, or of ſeveral joint Tenants; and the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall, by Notice in Writing, to be left with the Clerk of the ſaid Commiſſioners, within Twenty-one Days next after ſuch Application, ſignify his, her, or their Inclination or Deſire to treat for, ſell, diſpoſe of, and convey the Whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, the Whole of every ſuch Houſe, Warehouſe, Yard, or Ground, ſhall be deemed, taken, and held, to be neceſſary to be purchaſed for effecting the Purpoſes of this Act; And if it ſhall happen that the ſaid Commiſſioners ſhall not think proper, or be willing to purchaſe the Whole of ſuch Houſe, Warehouſe, Yard, or Ground; then, and in every ſuch Caſe, nothing in this Act contained ſhall extend, or be conſtrued to extend, to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, ſell, diſpoſe of, or convey any Part of ſuch Houſe, Warehouſe, Yard, or Ground; any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

Commiſſioners may let or ſell any overplus Ground, &c.

'XCII. And whereas by reaſon of the Purchaſes which the ſaid Commiſſioners are hereby impowered 'to make by virtue of this Act, they may happen to be poſſeſſed of ſome Piece or Pieces of Ground, over 'and above what may be made uſe of for the widening, enlarging, and improving of the ſaid Lane or 'Way;' but it therefore further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to let, ſell, or diſpoſe of any ſuch Piece or Pieces of Ground, either together or in Parcels, in ſuch Manner as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract, agree for, or purchaſe the ſame, giving Preference to the Perſon or Perſons of whom the ſame ſhall have been purchaſed; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to deſign, aſſign and lay out, in what Manner any new Houſes or Edifices ſhall be erected or built upon any ſuch Piece or Pieces of Ground which they ſhall be poſſeſſed of as aforeſaid, over and above what may be neceſſary for widening enlarging, and improving the ſaid Lane or Way.

Application of that Money.

XCIII. Provided always, That the Monies to ariſe by Sale of ſuch Piece or Pieces of Ground, ſhall be applied for the Purpoſe of widening, enlarging, and improving, the ſaid Lane or Way, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Powers of this Act not to extend to Eſtates belonging to the Charter-houſe, without Conſent of the Governors.

XCIV. Provided always, That this Act, or any Thing herein contained, ſhall no way extend to impower the ſaid Commiſſioners to purchaſe or take down the Gate and Gatehouſe ſtanding at the Eaſt End of *Charter-houſe Lane* aforeſaid, or any Part thereof, or to purchaſe any other Meſſuage, Tenement, or Ground belonging to the Hoſpital of King *James*, founded in *Charter-houſe* within the County of *Middleſex*, at the humble Petition and only Coſts and Charges of *Thomas Sutton* Eſquire, without the Conſent of the Governors of the ſaid Hoſpital firſt had and obtained in Writing under their common Seal for that Purpoſe, or to charge the ſaid Hoſpital, or any Meſſuages, Lands, Tenements, or Hereditaments, now in Occupation of any of the Officers or Servants belonging to the ſaid Hoſpital, or the Perſons occupying the ſame, with the Payment of any of the Rates to be raiſed by Authority of this Act.

Rates.

XCV. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, ſhall, and are hereby impowered and required, once in every Year, or oftener, if they think proper, to make and ſign two diſtinct Rates to be raiſed by an equal Pound Rate, according to the annual Rent or annual Value upon all and every Perſon or Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid; that is to ſay, One Rate for defraying the Expences of paving, repairing, cleanſing, draining, watching, and lighting the ſeveral Squares, Streets, Lanes, Courts, Yards, and other open Places and Paſſages within the Limits aforeſaid, and removing all or any Annoyances and Obſtructions therein, not exceeding, in any one Year, Two Shillings and Sixpence in the Pound; and One other Rate for the Purpoſe of widening, enlarging, and improving of the ſaid Lane or Way called *Charter-houſe Lane*, not exceeding Sixpence in the Pound, the Accounts of which ſaid ſeveral Rates, and of the Payments of the Intereſt of the Monies which ſhall be borrowed, and Annuities granted on ſuch Rates reſpectively, ſhall be kept ſeparate and diſtinct from each other.

Commencement of Rates.

XCVI. And be it further enacted by the Authority aforeſaid, That the ſaid firſt Rate or Rates ſhall commence from the ſaid Second *Tueſday* after the paſſing of this Act; and every ſuch future Rate or Rates ſhall commence from the Time that the laſt proceeding Rates ended, and not otherwiſe, and

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the Monies therein and thereby charged and assessed, shall be payable and recoverable Quarterly in Manner herein-after directed.

XCVII. Provided always, That such last-mentioned Rate, for the Purpose of widening, enlarging, and improving *Charter-house Lane*, shall not be made or continued longer than until the Monies to be raised in Manner herein-after mentioned for those Purposes shall be paid off and satisfied. Rates not to continue after the Money is paid.

XCVIII. And be it further enacted by the Authority aforesaid, That all the Rates made by the said Commissioners shall be allowed and signed by Two Justices of the Peace acting in and for the said County of *Middlesex*, who are also hereby impowered and required to grant a Warrant or Warrants for collecting and levying the same; and the said Rates, after the same shall be so allowed and signed by the said Justices, shall be respectively collected Quarterly by the Person or Persons from Time to Time appointed by the said Commissioners pursuant to this Act to collect and receive the same: And if any Person or Persons shall refuse, neglect, or omit to pay the Sum or Sums of Money, which he, she, or they shall be rated or assessed to such respective Rates, for the Space of Ten Days after personal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of such Person or Persons; then, and in every such Case, it shall and may be lawful for the said Collector or Collectors, and he and they is and are hereby authorised and required to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting, refusing, or omitting to pay the same respectively: And in case no such Goods or Chattels can be found to be so distrained, or in case such Goods and Chattels shall be locked up or secured, or removed from the said Collector or Collectors, so that he or they cannot distrain the same; then, and in either of the said Cases, upon Information thereof given to the said Justices, or any Two Justices of the Peace for the said County of *Middlesex*, it shall and may be lawful for such Justices, and they are hereby required to commit the Offender or Offenders to the House of Correction or Common Gaol for the said County, there to remain without Bail or Mainprize, for any Time not exceeding the Space of Six Months, or until Payment of such Rate or Assessment, and reasonable Charges occasioned by the Nonpayment thereof. Rates to be signed by Justices of the Peace. Manner of Recovery, if any Person refuse Payment.

'XCIX. And whereas it may happen, that many Persons liable to, and who may be charged, rated, and assessed towards defraying the Expences of the several Purposes of this Act, under the Direction of the said Commissioners, may, before Payment of the Sums which may be rated on them respectively, quit and leave their Lands, Grounds, Dwelling-houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments in the Square, Street, or Place, where the same shall be rated and assessed, and remove to some other Square, Street, or Place, which are not within the Limits aforesaid, and thereby endeavour to avoid the Payment of the said Rates;' be it therefore enacted, That when any Person or Persons who hath or have been so rated and assessed shall quit his, her, or their Land, Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditaments, in any Square, Street, or Place, wherein such Rates shall have been made, before he, she, or they shall have paid the same respectively, and shall afterwards refuse or neglect to pay the same when due and demanded by the Collector or Collectors authorised and appointed to receive the same; that then, and in every such Case, it shall be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Middlesex*, (which Warrant the said Justices are hereby authorised and required to grant), in any Place within the said County, or out of the Limits thereof, such Warrant being first backed or countersigned by some Magistrate of the County, City, or Liberty, where the Distress is to be made, (which Warrant such Magistrate is hereby required to back or countersign without Fee or Reward), to collect and levy such Rates respectively, and all Arrears due thereon, by Distress of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same, wheresoever such Goods and Chattels shall or may be found, and if within Five Days next after such Distress shall be made, the said respective Rates, and all Arrears due thereon, shall not be paid, together with the reasonable Charges of taking and keeping such Distress, the said Collector or Collectors shall cause the said Goods and Chattels to be sold, or such Part thereof as shall be sufficient to pay the said respective Rates, together with all Arrears due thereon, and the reasonable Charges and Expences of such Distress and Sale, rendering the Overplus, and the Goods and Chattels remaining (if any be) unto the Person and Persons whose Goods and Chattels shall be so distrained and sold. How Rates may be recovered from Persons quitting their Houses, &c.

C. Provided always, That the said Commissioners may, if they shall think proper, sue in the Name or Names of their Treasurer or Treasurers, for all or any of the Rates which shall be by them made by virtue of this Act, and all Arrears due thereupon and unpaid, in which Action no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed. Commissioners may sue in the Name of their Treasurer.

CI. And it is hereby further enacted, That where any of the Lands, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, shall, at the Time of making any of the said Rates by the said Commissioners, be empty, untenanted, or unoccupied; then, and in every such Case, it shall be lawful for the said Commissioners, or any Seven or more of them, to rate and assess such Premises respectively, at One Half of such Rates respectively, during the Time only that such Premises shall be empty, untenanted, or unoccupied, and also in case any such Premises, after the making such respective Rate or Rates, shall become empty, untenanted, or unoccupied, One Half only of such Rates, shall be charged on such Premises respectively, for and during so long a Time as the same shall continue empty, untenanted and unoccupied; and then, and in any of the said Cases, the said Rate or Rates, and all Arrears due thereon, shall be paid by the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or by the first or any other Tenant or Occupier thereof, in which last Case such Tenant or Tenants, Occupier or Occupiers, shall and may, Empty Houses how to be rated. How such Rates are to be paid.

and is and are hereby authoriſed to deduct and detain the ſame out of his, her, or their Rent or Rents reſpectively, and the Landlord or Landlords, Owner or Owners of ſuch Premiſes, is and are hereby required to allow ſuch Deductions and Payment, upon Receipt of the Reſidue of his, her, or their reſpective Rents; and the ſaid Tenant or Tenants, Occupier or Occupiers, ſhall be, and is, and are hereby acquitted and diſcharged of and from ſo much of his, her, or their Rent, as the Rate or Rates, and all Arrears due thereon, and ſo paid by him, her, or them, ſhall amount unto.

Owners deemed Occupiers.

'CII. And whereas there are many Houſes, Buildings, Stables, Tenements, and Hereditaments, 'within the Limits aforeſaid, which are taken on Leaſes for Years, or otherwiſe, and by the Leſſees 'or Tenants, and alſo by Landlords or Owners, let out at Rents under Ten Pounds a Year, or in 'Parcels, or ſeparate Apartments, to Under-tenants, and other Houſes and Premiſes let ready fur-'niſhed to Lodgers;' be it therefore enacted by the Authority aforeſaid, That the Leſſee, Landlord, Owner, or Proprietor of each and every ſuch Houſe, Building, Stable, Land, Tenement, or Hereditament, ſo let out, or which ſhall be let out in Parcels or ſeparate Apartments, or ready-furniſhed to a Lodger or Lodgers, ſhall be deemed and taken as the Occupier or Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates directed by this Act to be made, raiſed, and levied, under the Direction of the ſaid Commiſſioners, according to the yearly Rent or Value of ſuch Premiſes.

Occupiers to pay the Rates;

CIII. And for the more eaſy Recovery of ſuch Rates ſo to be made by the ſaid Commiſſioners, be it further enacted by the Authority aforeſaid, That each and every Perſon ſo renting or occupying any ſuch Parcel or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid reſpective Rates, and all Arrears due thereon, to be recovered in Manner herein-before directed.

and may be deducted out of their Rents.

CIV. Provided always, That each and every reſpective Occupier or Occupiers who ſhall pay ſuch reſpective Rates, and any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next, or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſee, Landlord, Owner, or Proprietor; and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge to ſuch Tenant or Tenants, Occupier or Occupiers, from his, her, or their Landlord, for ſo much Money as he, ſhe, or they ſhall pay, or which ſhall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act, as fully to all Intents and Purpoſes as if the ſame had been actually paid to ſuch Landlord.

Landlords not to be charged for increaſed Rents, on account of paying the Rates.

CV. Provided alſo, That no ſuch Landlord, Leſſee, or Tenant, ſhall be charged with, or liable to pay for any increaſed Rent reſerved or made payable to him, for or on Account of his paying ſuch Rates.

Publick Buildings, &c. to be rated.

'CVI. And foraſmuch as it is reaſonable that all publick Buildings, and all dead Walls and void 'Spaces of Ground, ſhall be rated and aſſeſſed in due Proportion towards the ſeveral Purpoſes of this 'Act, under the Direction of the ſaid Commiſſioners,' it is hereby further enacted That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, at their Diſcretion, and they are hereby required, from Time to Time, to rate and aſſeſs, towards the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners, all Pariſh Churches, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Warehouſes, and all other publick Buildings whatſoever, (charged or not charged to the Land-tax), ſituate, ſtanding, and being, in any Square, Street, or Place, within the Limits aforeſaid, which now is or are, or hereafter may be built, or in building, at a Rate not exceeding Two Shillings and Sixpence in the Pound, according to the clear yearly Income ariſing from ſuch Pariſh Church, Parochial and other Chapels, Meeting-houſes, Schools, Markets, Ware-houſes, and other publick Buildings reſpectively; and where there is not any ſuch clear yearly Income, or the ſame cannot be fully aſcertained, then, and in either of the ſaid Caſes, the ſame ſhall be charged and aſſeſſed towards the Expences of paving, cleanſing, lighting, and watching, at a Rate not exceeding Sixpence *per* ſquare Yard, in any One Year, of the Pavement paved or repaired under the Direction of the ſaid Commiſſioners, and ſituate, lying, and being, in any ſuch Square, Street, or Place, and belonging to ſuch Pariſh Church, Parochial or other Chapel, Meeting-houſe, School, Warehouſe, or other publick Building, and towards the Purpoſes of *Charter-houſe Lane*, at a Rate not exceeding One Shilling *per* Foot of the Front or Sides of ſuch Pariſh Church, Parochial or other Chapel, Meeting-houſe, School, Warehouſe, or other publick Building, towards any Square, Street, or Place, paved under the Direction of the ſaid Commiſſioners; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at their Diſcretion, yearly, or oftener, if needful, aſſeſs all Church-yards, dead Walls, and void Spaces of Ground, towards the Purpoſes aforeſaid, and which are not charged in reſpect of any Dwelling-houſe or other Building, by the Pound-rate, or otherwiſe, by virtue of this Act, for the Purpoſes under the Direction of the ſaid Commiſſioners; ſo that in the Whole ſuch Rate or Aſſeſſment towards the Expences of paving, cleanſing, lighting, and watching, ſhall not, in any One Year, exceed the Sum of Fourpence for every ſquare Yard of Pavement paved or repaired under the Direction of the ſaid Commiſſioners, ſituate as aforeſaid, or belonging to or lying before ſuch Yards, dead Walls, or void Spaces of Ground, and for the Purpoſes of *Charter-houſe Lane*, not exceeding the Sum of Eightpence *per* Foot of the Front of ſuch Church-yards, dead Walls, and other void Spaces of Ground, towards any ſuch Square, Street, or Place, as aforeſaid; which Rates ſhall commence the ſaid Second *Tueſday* after the paſſing of this Act, and the ſaid Rate or Rates to be made and paid for ſuch Pariſh Church, Church-yard, and parochial Chapels, ſhall be paid by the Church-wardens or Chapelwardens reſpectively, out of any of the Monies payable to, and received by, the ſaid

or

Churchwardens or Chapel-wardens respectively, either for Seats in the said Church or Chapels, or for Burial Fees; and the Rate or Rates to be made and paid for any other Chapel, Meeting-house, School, Market, Warehouse, or other publick Building, dead Wall, or void Space of Ground, shall be paid by the respective Owner or Owners, Proprietor or Proprietors thereof, and shall be charged and chargeable on the said Premises, and be recovered and applied in such a Manner as other Rates and Assessments made, under the Direction of the said Commissioners, are directed to be recovered and applied by this Act.

Unfinished Houses, &c. to be rated.

'CVII. And whereas there are several Houses, and other Buildings, within the Limits aforesaid, 'frequently begun to be built, but are not finished nor let; and forasmuch as it is reasonable that such 'Houses and Buildings should be rated and assessed for the Purposes under the Authority of the said 'Commissioners;' be it therefore enacted, That until such Houses, or other Buildings, which now are, or hereafter may be built, or in Building, shall be finished and tenanted, (if the Street, Square, Lane, or other Place, wherein such House, or other Building shall be situate, shall be paved and lighted by virtue and in pursuance of this Act), it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby required and directed, when and as soon as conviently may be, to rate and assess, according to their Discretion, all such Houses, and other Buildings, which shall be situate within the Limits aforesaid, and which are or shall be erected and covered in, at a Rate not exceeding Fourpence for every square Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of such Houses, or other Buildings, and at a Rate not exceeding Eightpence *per* Foot of the Fronts and Sides of such Houses, or other Buildings, for the Purposes of *Charter-house Lane*; and for all Houses, and other Buildings, which are or shall be erected, and not covered in, at a Rate not exceeding Twopence for every square Yard of Ground paved, or to be paved, by virtue of this Act; and for every Foot belonging to the Fronts or Sides of such Houses, and other Buildings, not exceeding Fourpence, for the Purposes of *Charter-house Lane*, until the same shall be covered in as aforesaid, and then at a Rate not exceeding Fourpence for every square Yard of Ground paved, or to be paved, and Eightpence *per* Foot, for the Purposes of *Charter-house Lane*, until the same shall be let or occupied; which Rates or Assessments shall commence from the said Second *Tuesday* after the passing of this Act, and shall be paid by, and be recoverable from the Proprietor or Proprietors, Lessee or Lessees, Owner or Owners, of such House or Houses, Building or Buildings respectively, and shall be charged and chargeable on the said Premises: And if the said Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, shall refuse or neglect to pay the same, upon Demand; then, and in every such Case, such respective Rate or Rates, and all Arrears due thereon respectively, shall and may be levied on the Goods and Chattels of the Person or Persons so required to pay the same in Manner herein-after directed; and in case the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of such House or Houses, Building or Buildings, shall not be known, or cannot be found, or shall be under Commission of Bankrupt, then the said respective Rate or Rates made thereon shall be and remain charged and chargeable on the said Premises, until the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees can be found, or until Assignees, in case of Bankruptcy, are appointed, when the same, and all Arrears due thereon shall be levied on the Goods and Chattles of such Owner or Owners, Proprietor or Proprietors, or Lessee or Lessees, or upon the Goods and Chattels of such Assignee or Assignees, who is and are hereby made liable to pay the same, or upon the said Premises, in like Manner as other Rates made by virtue of this Act, under the Direction of the said Commissioners, are made recoverable.

Places built upon, and not paved, to be viewed, &c.

'CVIII. And whereas there are, or hereafter may be, new Streets and Places which are not paved, 'and small Pieces or Parcels of Ground in several of the Squares, Streets, Lanes, Courts, Yards, 'Alleys, Passages, and Places, within the Limits aforesaid unbuilt upon, which are neither paved, 'cleansed, nor lighted;' be it therefore enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners to view and inspect any Square, Street, Lane, Court, Yard, Alley, Passage, or Place, within the Limits aforesaid, which now is, or hereafter may be, built upon, or in building; and if, upon such View, they shall be of Opinion that the same, or any Part or Parts thereof, is or are fit and proper to be paved, the said Commissioners, at any Meeting to be held in pursuance of this Act, after such View, shall and may order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of any such Lands, Grounds, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Tenement, or Hereditament, in any such Square, Street, Lane, Court, Yard, Alley, Passage, or Place, or leave the same at his, her, or their last or usual Place of Abode, or with his, her, or their Servant or Servants; or if no such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, can be found, then such Notice shall be stuck against the said Premises, or any Part thereof; which Notice shall require such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, to meet such Commissioners at the Time and Place therein mentioned, not being less than Ten Days from the Date of such Notice, to compound for the paving thereof, at any Sum not exceeding Three Shillings for every square Yard of such Pavement, whether Carriage-way or Foot-way; which Composition the said Commissioners are hereby authorised to make: And if such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, shall not attend, or shall not compound or agree with the said Commissioners as aforesaid; then it shall be lawful for the said Commissioners to order the same to be paved as soon as conveniently may be; and all Charges and Expences attending such paving shall be paid by the respective Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, and shall be recovered and levied upon their Goods and Chattels, in the Manner herein-before directed.

and Notice left with Owners,

and may be compounded for

or paved by the Commissioners, at the Owners Expence.

Owners of vacant Ground not chargeable for more than 200 ſquare Yards.

CIX. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners to charge, or make chargeable, any One Proprietor, Owner, or Leſſee, of ſuch vacant Ground, with more than Two hundred ſquare Yards of Paving, on account of any ſuch vacant Ground, in any One Square, Street, or Place, until the ſame ſhall be built upon, or ſhall be in building.

Entries of Rates.

CX. And be it further enacted by the Authority aforeſaid, That the Clerk or Clerks for the Time being to the ſaid Commiſſioners, ſhall, and he and they is and are hereby required to keep proper Entries, in a Book or Books to be kept for that Purpoſe, of all and ſingular the Rates and Aſſeſſments which they ſhall make by virtue of this Act, and ſhall keep the Entries of the Rates or Aſſeſſments made for the Purpoſes of paving, cleanſing, lighting, and watching, ſeparate and diſtinct from the Rates or Aſſeſſments made for the Purpoſes of *Charter-houſe Lane*; to which Book or Books every Perſon liable to pay the ſaid Rates or Aſſeſſments reſpectively ſhall and may have free Acceſs, at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward.

Contracts between Landlord and Tenant not to be void.

CXI. Provided alſo, and it is hereby further enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving, repairing, cleanſing, lighting, or watching any, or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, within the Limits aforeſaid; but that every Perſon who is now by virtue of any ſuch Contract or Agreement, obliged to pave, keep in repair, cleanſe, light, or watch any, or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall in Lieu thereof be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as the ſaid Commiſſioners ſhall deem juſt; and according to the true Meaning of ſuch Contract, Covenant, or Agreement, for and during the Time that ſuch Contract, Covenant, or Agreement, ſhall remain in Force: And in caſe any Diſpute ſhall ariſe, concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving, &c.

CXII. And be it enacted, That all and every Perſon or Perſons paying the Rates by this Act laid and aſſeſſed by the ſaid Commiſſioners, ſhall be, and they, and every of them, is and are hereby exempted and diſcharged from the Expence of paving, repairing, cleanſing, lighting, or watching the ſaid Squares, Streets, or Places, or any of them, and alſo from all Penalties which may or might be incurred by reaſon of their neglecting to pave, repair, cleanſe, light, or watch the ſame.

Arrears not to be excuſed.

CXIII. Provided always, and it is hereby enacted by the Authority aforeſaid, That nothing in this Act contained ſhall prevent the collecting any Arrears due from any Perſon or Perſons within the Limits aforeſaid, for any of the Purpoſes of this Act, under the Direction of the ſaid Commiſſioners.

Exemption of Charter-houſe Square.

CXIV. Provided always, That this Act, or any Thing herein contained, ſhall not extend to charge the Inhabitants or Owners or Occupiers of any of the Houſes or Tenements in *Charter-houſe Square*, or in the Courts within the ſame, with the Payment of any Rate or Aſſeſſment, at any Time to be made and levied by virtue of this Act, for paving, cleanſing, lighting, and watching the Squares, Streets, Lanes, and other Places before mentioned, or to ſubject the ſaid Square to be paved, cleanſed, lighted, and watched, in any other Manner than as directed and authoriſed by an Act made in the Sixteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to enable the preſent and future Proprietors and Inhabitants of the Houſes in* Charter-houſe Square, *in the County of* Middleſex, *to make a Rate for raiſing Money effectually to incloſe, pave, watch, clean, and improve, the ſaid Square, and to continue the ſame in Repair*; this Act or any Thing herein-before contained to the Contrary thereof in anywiſe notwithſtanding.

Collector to pay to the Treaſurer,

CXV. And be it further enacted by the Authority aforeſaid, That the Collector or Collectors of the reſpective Rates made under the Direction of the ſaid Commiſſioners, ſhall pay the Money, as he or they ſhall receive the ſame, to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners; and upon Payment of every ſuch Sum of Money to ſuch Treaſurer or Treaſurers, ſuch Collector or Collectors ſhall take a Receipt for the ſame of the ſaid Treaſurer or Treaſurers, which ſhall be given without Fee or Reward, and therein the Name or Names of ſuch Collector or Collectors ſhall be expreſſed, and the Sum or Sums of Money paid ſhall be ſpecified: And if ſuch Collector or Collectors ſhall at any Time keep and retain, in his or their Hands, more than the Sum of One hundred Pounds for any Time longer than the Space of Fourteen Days, (provided the Treaſurer or Treaſurers to ſuch Commiſſioners ſhall within that Time be ready to receive the ſame) he or they ſhall forfeit and pay the Sum of Five Pounds for every Day that he or they ſhall retain any Sum exceeding the Sum of One hundred Pounds beyond the ſaid Fourteen Days.

and not to retain Money in Hand.

Commiſſioners may borrow Money on the Credit of the Rates.

CXVI. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby impowered, from Time to Time, when they ſhall judge it neceſſary for any or either of the Purpoſes aforeſaid, to borrow and take up at Intereſt ſuch Sum or Sums of Money as any Perſon or Perſons is or are willing to lend and advance upon the Credit of any of the ſaid ſeveral Rates authoriſed to be made by the ſaid Commiſſioners, and by any Writing or Writings upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, to aſſign the ſaid Rates reſpectively, or any Part thereof, to any Perſon or Perſons who ſhall advance and lend ſuch Money on any ſuch particular Rate, as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable and paid half-yearly by the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, out of the Monies to ariſe by or from the particular Rates or Aſſeſſments on the Credit of which ſuch Monies were reſpectively advanced and paid.

CXVII.

'CXVII. And whereas many Perſons may chuſe to advance Money for the Purchaſe of Annuities to 'be ſecured upon, and payable out of the reſpective Rates to be made by virtue of this Act by the ſaid 'Commiſſioners;' be it therefore further enacted by the Authority aforeſaid, That it ſhall be lawful for any Perſon or Perſons to contribute, advance, and pay into the Hands of the ſaid Commiſſioners, on the Credit of ſuch Rates reſpectively, any Sum or Sums of Money for the abſolute Purchaſe of One or more Annuity or Annuities to be paid and payable during the full Term of the natural Life of ſuch Perſon or Perſons as ſhall be nominated by or on Behalf of ſuch reſpective Contributors, at the Time of Payment of their reſpective Contribution-monies; all which Annuities ſo to be purchaſed ſhall be payable and paid by the Treaſurer or Clerk to the ſaid Commiſſioners for the Time being out of the Monies to ariſe by or from the particular Rates on the Credit whereof ſuch Sum or Sums of Money were reſpectively advanced and paid, by Four equal quarterly Payments, the Firſt Payment to be made to the reſpective Purchaſers or their Aſſigns at the Expiration of the Firſt Quarter after Payment of their reſpective Purchaſe-monies; all which Annuities ſhall be ſold to the beſt Bidder at a Publick Sale, Notice whereof ſhall be given in ſome Publick News-papers Ten Days at the leaſt before ſuch Sale; and all and every the Annuity and Annuities ſo to be purchaſed ſhall be, and they are hereby, charged upon and payable, from Time to Time, out of the Monies ariſing by or from the particular Rate, on the Credit whereof ſuch Sum or Sums of Money were reſpectively advanced and paid, to be raiſed and aſſeſſed by virtue of this Act, under the Powers of the ſaid Commiſſioners, ſo as the Money to be raiſed, both by Mortgage of the Rates for the Purpoſe of making Sewers in *St. John's Street* and *Cow Croſs*, and by Annuities payable thereout, ſhall at no One Time exceed the Sum of One thouſand Pounds, and ſo as the Money to be raiſed both by Mortgage of the Rates for paving, cleanſing, lighting, and watching, and by Annuities payable thereout, ſhall at no One Time exceed the Sum of Nine thouſand Pounds, and ſo as the Monies to be raiſed in like Manner both by Mortgage and Annuities on the Rates for widening, enlarging, and improving *Charter-houſe Lane*, ſhall at no One Time exceed the Sum of Four thouſand Pounds.

Annuities to be raiſed on the Credit of the Rates.

CXVIII. Provided always, and it is hereby enacted, That until the reſpective Sums of Money borrowed by Mortgage of either of the ſaid reſpective Rates, together with all Intereſt due thereon reſpectively, ſhall be repaid, as often as any ſuch Annuitants ſhall die, it ſhall be lawful for any Perſon or Perſons to purchaſe, of the ſaid Commiſſioners, One or more Annuity or Annuities, upon the Life of any Perſon or Perſons ſo to be nominated upon the Credit of the Rates on which ſuch Annuity was originally raiſed, upon ſuch Terms and Conditions, and to be payable in ſuch Manner as above mentioned; and the Money ſo raiſed ſhall be applied in Diſcharge of the Money ſo borrowed by Mortgage on the Credit of ſuch Rate.

If Annuitants die other Perſons may Purchaſe until Mortgages paid off.

CXIX. And be it further enacted, That all and every Perſon and Perſons who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe-money for the ſame, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities, ſo purchaſed, during the Term of the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſaid Annuities reſpectively, according to the true Intent and Meaning of this Act; and that none of the ſaid Annuitants ſhall be ſubject or liable to any Tax aſſeſſed upon Land by Authority of Parliament; and every ſuch Purchaſer ſhall, upon Payment of his or her Purchaſe-money as aforeſaid, have an Order upon Parchment or Vellum for Payment of the Annuity or Annuities ſo purchaſed by him or her, for or during the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by him or her as aforeſaid which Order ſhall be ſigned by the ſaid Commiſſioners, and after ſigning thereof, ſhall be firm, good, valid, and effectual in Law, according to the Purport and Meaning thereof, and of this Act.

Annuities not liable to Taxes.

CXX. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful to and for any Perſon or Perſons intitled to ſuch Security or Securities, Annuity or Annuities, and his, her, or their Executors, Adminiſtrators, or Aſſigns, from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to be indorſed on the Back of his, her, or their Security or Grant, or by any other Writing or Writings, to be executed in the Preſence of Two or more credible Witneſſes, to aſſign ſuch Security or Securities, Annuity or Annuities, or any Part thereof, or any Intereſt therein, to any Perſon or Perſons whomſoever, and ſo *toties quoties*; all which Aſſignments or Transfers ſhall be produced to the Clerk or Clerks of the ſaid Commiſſioners, within Thirty Days next after the Date thereof, who ſhall cauſe an Entry of ſuch Transfers and Aſſignments to be made in the Book or Books kept for ſuch Entries in Manner as herein-after directed, for which the ſaid Clerk or Clerks, or One of them, ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and no ſuch Transfer or Aſſignment ſhall be deemed valid, unleſs ſuch Entry or Entries ſhall be firſt made.

Securities, &c. may be aſſigned.

CXXI. And be it further enacted, That the Clerk or Clerks to the ſaid Commiſſioners ſhall enter in a Book or Books, to be for that Purpoſe provided and kept by ſuch Clerk or Clerks, all Securities for Monies borrowed or Annuities granted by virtue or in purſuance of this Act, under the Authority of the ſaid Commiſſioners, and all Aſſignments or Transfers thereof, expreſſing in Words at Length the Names, Surnames, Additions, Places of Abode, and Deſcription, of all ſuch Perſons as ſhall, from Time to Time, be intitled to ſuch Securities and Grants, and upon what Rates particularly the ſame are charged and chargeable, and the Sums received by the ſaid Commiſſioners upon ſuch Securities; and alſo the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſaid Annuities ſhall

Securities, &c. to be entered in a Book.

be respectively payable, to which Book or Books the Persons intitled thereto, and all and every other Person or Persons liable to the Payment of the said respective Rates and Assessments, shall, at all seasonable Times, have Access, with free Liberty to inspect the same, without Fee or Reward.

Treasurers to pay Money into the Bank.

CXXII. And be it further enacted, That as soon as conveniently may be after the Person or Persons, or any or either of them, acting as Treasurer or Treasurers to such Commissioners as aforesaid, shall at any Time have received the Sum of Five hundred Pounds of the Monies appointed to be received by him or them, by virtue and for the Purposes of this Act, he or they shall, from Time to Time, pay the same into the Bank of *England*, in the Name and on the Account of such Commissioners, and the same shall be disposed of by Order of such Commissioners, or any Seven or more of them, for the Purposes for which the same was received, under their Direction, by virtue of this Act.

Treasurers, &c. to account on Oath.

CXXIII. And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers, Collector or Collectors, and other Officers to be appointed by the said Commissioners as aforesaid, for the Time being, shall, upon Seven Days Notice, in Writing, given, or left for them respectively, at their usual Places of Abode by the Clerk or Clerks to such Commissioners as aforesaid, deliver in upon Oath (if thereunto respectively required) to the said Commissioners, at such Time and Place as they shall appoint; (which Oath such Commissioners are hereby impowered to administer); true and perfect Accounts in Writing, under the respective Hands of such Treasurer or Treasurers, Collector or Collectors, and other Officers and Persons to be appointed as aforesaid, of all Matters and Things committed to their Charge by virtue of this Act; and also all Monies which he or they shall have received by reason of his or their said Office or Offices, and how much thereof hath been paid and disbursed for the Execution of this Act, and for what Purpose, together with the proper Vouchers for such Payments; also a true List of the Names of all Persons who shall have neglected or refused to pay the respective Rates or Assessments laid on them by the said Commissioners, as aforesaid; and of the several Sums of Money, from him, her, or them respectively due and in Arrear, together with the Dates when the same respectively became due, and for what particular Rates, to the Intent that the same may be speedily got in and recovered; and if any Treasurer or Treasurers, Collector or Collectors, or other Officer or Officers, after such Notice given, shall neglect or refuse to bring in his Accounts as aforesaid, and to produce and deliver the Voucher relating to the same respectively, or to account for any Sum or Sums of Money by him or them received and collected, and to pay the same and every Part thereof, as is herein-before directed, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by them, all Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Commissioners, respecting the said Books, Papers, and Writings; that then, and in either of the Cases aforesaid, such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, shall, for every such Neglect or Refusal respectively, forfeit the Sum of Ten Pounds; and it shall be lawful for the said Commissioners, and they are hereby authorised and impowered to bring, or cause to be brought, an Action against such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, so neglecting or refusing as aforesaid, for the Recovery as well of the said Forfeiture as of the Monies which shall be in the Hands of such Treasurer or Treasurers, Collector or Collectors, Officers, or Persons respectively; or if Complaint shall be made by such Commissioners, or by any Person or Persons by them appointed, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place wherein such Treasurer or Treasurers, Collector or Collectors, Officer, or Persons, so neglecting or refusing, shall be and reside, such Justice may and is hereby authorised and required, by Warrant under his Hand and Seal, to cause such Treasurer or Treasurers, Collector or Collectors, Officer, or Persons so neglecting or refusing, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice, that any of the Monies which shall have been collected, raised, and received by virtue of this Act, shall be in the Hands of such Treasurer or Treasurers, Collector or Collectors, Officers, or Persons, so unaccounted for by them respectively, such Justice may and is hereby authorised and required, by Warrant or Warrants, under his Hand and Seal, to cause such Money, as also such Forfeiture as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Treasurer or Treasurers, Collector or Collectors, Officers or Persons respectively; and if no Goods or Chattels of such Treasurer or Treasurers, Collector or Collectors, Officers, or Persons, can be found sufficient to answer and satisfy the said Money, as also the Forfeitures, and the Charges of distraining and selling the Goods and Chattels so distrained, or in case it shall appear to such Justice by the Confession of the Party so offending, or by the Testimony of any credible Witness upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of any such Treasurer or Treasurers, Collector or Collectors, Officers, or Persons, and he or they shall refuse to deliver the same as aforesaid, or give Satisfaction respecting the same as aforesaid; then, and in either of the said Cases aforesaid, such Justice shall commit every such Offender to the House of Correction, until he or they shall make and give a true and perfect Account as aforesaid, or until he or they shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby impowered to make, or until he shall deliver up such Books, Papers, and Writings, as aforesaid, and give Satisfaction in respect thereof to the said Commissioners.

Officers refusing to account to forfeit 10l.

For want of Goods Offenders to be committed.

CXXIV.

CXXIV. Provided always, That no Perſon who ſhall be committed on account of his having no Goods and Chattels, ſhall be detained in Priſon for any Term longer than Six Calendar Months. Offenders not to be detained longer than Six Months.

CXXV. Provided alſo, and be it further enacted, That Four Times at leaſt in every Year an Account from the Book or Books, to be kept by the Collector or Collectors of the ſaid reſpective Rates, Duties, Sum and Sums of Money, ſo aſſeſſed by the ſaid Commiſſioners, ſhall be fairly ſtated and ſigned by the ſaid Collector or Collectors, and delivered by him or them to ſuch Commiſſioners as aforeſaid who are hereby impowered to diſcharge the ſaid Collector or Collectors of all Monies which he or they ſhall have truly accounted for. Collectors to account Four Times a Year.

CXXVI. And be it further enacted, That if any Treaſurer or Treaſurers, Collector or Collectors, Officers, or other Perſons, ſhall happen to die, or become Bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received by virtue of this Act; then, and in every ſuch Caſe, the Executors, Adminiſtrators, or other legal Repreſentative or Repreſentatives, or Perſon or Perſons poſſeſſing the Eſtate and Effects of every ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, or other Perſon, or the Aſſignee or Aſſignees of ſuch Bankrupt, ſhall, out of ſuch Eſtate and Effects, pay unto the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners, previous to the paying any other Debts or Sums of Money, all ſuch Sums of Money as ſhould be in the Hands of ſuch Perſons reſpectively, at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, and not paid over, or ſo much thereof as the ſaid Eſtate will extend to pay; and the Receipt or Receipts of the ſaid Treaſurer or Treaſurers ſhall be a good Diſcharge for the ſaid Money; and every Executor or Adminiſtrator, Aſſignee or Aſſignees, or other Perſons as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Authority of this Act for ſuch Payment, and ſhall be allowed the ſame prior to any Debt or Demand whatſoever; and in caſe of Nonpayment of the ſame by the Space of One Year after the ſame ſhall have been demanded, it ſhall be lawful for ſuch Commiſſioners, and they are hereby directed and required, to commence One or more Action or Actions, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Executors, Adminiſtrators, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, for the Recovery of the ſame; in which Action, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed. On Death or Bankruptcy of Officers, legal Repreſentatives to pay the Monies remaining in Hand to the Treaſurer. Whoſe Receipt ſhall be a Diſcharge. On Nonpayment, Actions may be commenced.

CXXVII. And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers to the ſaid Commiſſioners as aforeſaid, for the Time being, ſhall and may, and is and are hereby authoriſed and required, out of the Monies paid to him or them in purſuance of this Act, to pay all Sums of Money drawn upon him or them, or ordered to be paid by ſuch Commiſſioners for the reſpective Purpoſes under their Direction by virtue of this Act; and the ſaid Treaſurer or Treaſurers for the Time being ſhall, and is and are hereby required to keep regular and fair Entries in a Book or Books, to be by him or them for that Purpoſe provided, of all and ſingular the Receipts and Payments which he or they ſhall make as aforeſaid, and ſhall keep the Accounts of the Monies received and paid for or in reſpect of each reſpective Rate, ſeparate and diſtinct from each other; and alſo that the Treaſurer or Treaſurers for the Time being ſhall have the ſaid Accounts audited and paſſed by the ſaid Commiſſioners, who are hereby impowered and required to audit and paſs the ſame Half-yearly, if they approve thereof. Treaſurer to pay Monies drawn upon him, and keep a regular Account in a Book.

CXXVIII. And be it further enacted by the Authority aforeſaid, That if any Action or Actions ſhall be brought by, or by Order of ſuch Commiſſioners, againſt any Perſon or Perſons whatſoever, for the Recovery of any Money or Monies payable by virtue of this Act, or for any Materials, Matters, and Things, ſold and delivered by them, or either of them, their, any or either of their Officers, by their, or either of their Order, or for the Recovery of any Rate or Rates, or any other Purpoſe whatſoever, and a Verdict ſhall be had and given againſt any ſuch Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts; and the ſaid Commiſſioners, in ſuch Action or Actions, ſhall have ſuch Remedy or Remedies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law. Commiſſioners obtaining a Verdict, Defendant to pay Double Coſts.

CXXIX. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, either for the Purpoſes of the Poor, or touching the Matters under the Direction of the Commiſſioners appointed by this Act, (the Manner of leving and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Middleſex*, which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath, and the Informer is hereby rendered a competent Witneſs; and the Penalties and Forfeitures, when recovered, after tendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained, and the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Overſeer or Overſeers of the Poor, or to the Treaſurer or Treaſurers to the ſaid Commiſſioners for the Time being, according to the Nature of ſuch reſpective Penalties and Forfeitures, and ſhall be applied to and for the Purpoſes for promoting whereof ſuch Penalties and Forfeitures are reſpectively inflicted or given by this Act. Penalties and Forfeitures how to be recovered and applied. Informer deemed a competent Witneſs.

CXXX. Provided always, and it is hereby enacted and declared, That it ſhall be lawful for the ſaid Veſtrymen or Commiſſioners reſpectively, at any Meeting to be held in Purſuance of this Act, to order the Overſeer or Overſeers of the Poor, or the Treaſurer or Treaſurers to the ſaid Commiſſioners, for the Time Commiſſioners may reward Informers.

Time being, to pay ſuch Part of the ſaid Penalties to the Informer as they ſhall judge reaſonable, not exceeding One Half thereof.

Diſtreſs not to be deemed unlawful for want of Form.

CXXXI. And be it further enacted by the Authority aforeſaid, That where any ſuch Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, either for the Purpoſes of the Poor, or the Matters under the Direction of the Commiſſioners appointed by this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party of Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in any Action on the Caſe.

Plaintiff not to recover if Tender of Amends hath been made.

CXXXII. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action, or for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made it ſhall and may be lawful for the Defendant or Defendants in any Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Order and Judgment ſhall be had, made, or given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal to the Quarter-ſeſſions.

CXXXIII. Provided alſo, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Matter or Thing done, or directed to be done, in purſuance of this Act, for which no particular Method of Relief hath been already appointed, either for the Purpoſes of the Poor, or the Matters under the Authority of the ſaid Commiſſioners, ſuch Perſon or Perſons ſhall and may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace, to be holden for the ſaid County of *Middleſex*, within Three Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Veſtry Clerk, or to the Clerk or Treaſurer to ſuch Commiſſioners, as the Caſe may be, and within Four Days next after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices of ſuch Quarter-ſeſſions; and the ſaid Juſtices at ſuch Quarter-ſeſſions, upon due Proof of ſuch Notice being given, as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices at their Quarter-ſeſſions ſhall be final, binding, and concluſive.

Writings to be without Stamps.

CXXXIV. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, or Aſſignment, Transfer, or other Security for the borrowing of Money, granting Annuities, or other Writing whatſoever under the Hand and Seal, or Hands and Seals of, or only ſigned by any Veſtryman or Veſtrymen, Commiſſioner or Commiſſioners for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby veſted in ſuch Veſtryman or Veſtrymen, Commiſſioner or Commiſſioners, or Juſtice or Juſtices of the Peace, or any of them, or Transfer or Aſſignment of any of the Securities or Grants aforeſaid made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Proceedings not to be quaſhed for want of Form.

CXXXV. And be it further enacted by the Authority aforeſaid, That no Rate or Rates, Aſſeſſment or Aſſeſſments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or any other Matter or Thing to be done or tranſacted in, or relating to, the Execution of this Act, either for the Purpoſes of the Poor, or any of the Matters under the Direction of the Commiſſioners appointed by this Act, ſhall be vacated or quaſhed for want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law, Statute, or Uſage to the Contrary notwithſtanding.

Expences of the Act how to be borne.

CXXXVI. And be it further enacted by the Authority aforeſaid, That all Coſts, Charges, and Expences of paſſing this Act, and all other Charges incident to the obtaining thereof, or attending any Applications to Parliament relative thereto, by and on Behalf of any of the Inhabitants of the ſaid Pariſh, ſhall be borne, paid, and defrayed, out of the firſt Monies ariſing by virtue of this Act, for the Purpoſes of paving, cleanſing, watching, and lighting.

Limitation of Actions.

CXXXVII. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act for the Purpoſes of the Poor, or any of the Matters under the Direction of the ſaid Commiſſioners, until Thirty Days Notice ſhall be thereof given in Writing to the Veſtry Clerk, or to the Clerk or Treaſurer to the ſaid Commiſſioners, as the Caſe may be, or, after Satisfaction, or Tender thereof hath been made to the Party or Parties aggrieved, or, after Six Calendar Months next after the Fact committed for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions and Suits ſhall be laid and tried in the County of *Middleſex*, and not elſewhere; and that the Defendant or Defendants, in ſuch Action or Actions, Suit or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing, for or on which ſuch Action or Actions, Suit or Suits, ſhall be brought, was done

General Iſſue.

in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Thirty Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, Suit or Suits, or if upon a Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in other Cases by Law. Treble Costs.

CXXXVIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

CAP. LXIX.

An Act for paving, lighting, cleansing, watering, and watching the Streets, and other publick Places within such Part of the Parish of *Saint Pancras*, in the County of *Middlesex*, as lies on the West Side of *Tottenham-court Road*; and for preventing Nuisances and Obstructions therein; and for obliging the Trustees for the Care of the said Road to pave, repair, and cleanse such Part of the said Road, as is herein described.

'WHEREAS the Parish of *Saint Pancras*, in the County of *Middlesex*, is very large and extensive, and of late Years several Houses have been erected upon such Part thereof as lays Westward of *Tottenham-court Road*, and several other Buildings are likely to be erected within that Part of the said Parish: And whereas, by reason of the great Number of Carriages which pass and repass through the Streets within that Part of the said Parish, the Pavements thereof are in a very bad State, and in a continual want of Repair, and the said Parish is not duly lighted, cleansed, or watched, and is subject to Annoyances and Incroachments: And whereas it would be of great Benefit and Safety to the Inhabitants of the said Parish, and to all other Persons passing through the same, if the said several Streets, and other publick Passages within that Part of the Parish of *Saint Pancras*, which lays on the West Side of *Tottenham-court Road*, were properly paved, lighted, cleansed, and watered, and all Nuisances and Annoyances removed and prevented in future, and also if a Nightly Watch was to be established under proper Regulations; but the several beneficial Purposes aforesaid cannot be effected without the Aid of Parliament; may it therefore please Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *George Alcock*, *William Bryer*, *James Butler*, *Henry Bullock*, *Thomas Brooksbank*, *Joseph Babbs*, *Thomas Bray*, *John Cox*, *Samuel Coates*, *John Crosse*, Colonel *Charles Campbell*, *George Clavering*, Sir *George Cooke*, *Thomas Summers Cocks*, *Abraham Chambers*, *George Dempster*, *Robert Davis*, *Nathaniel Day*, Sir *John Danvers*, *Henry Dagge*, the Honourable *Charles Fitzroy*, *William Franks*, *William Parrell*, *Samuel Foyster*, *John French*, *William Goodge*, *William Gascoyne*, *John Gresse*, *Horace Hayes*, *Ambrose Haukin*, *Rowland Hosier*, *Thomas Harrison*, *John Hill*, *Henry Hill*, *Bartholomew Hammond*, *William Hotham*, *Charles Hunt*, *Alexander Jephson*, *Thomas Jemmitt*, *John Jones*, *Jacob Leroux*, *Stephen Cæsar Lemaistre*, *Thomas More*, *Arthur Molesworth*, the Reverend *Anthony Stephen Matthew*, the Reverend *Samuel Markham*, *John Middleton*, *Harry Daniel Mander*, *Herbert Mackworth*, *Middleton Onslow*, Sir *Charles Price* Knight, *John Perrott*, *Edmund Pepys*, *William Pars*, *John Pinxton*, the Reverend *Roger Parry*, *Thomas Rhodes*, *Benjamin Reynold*, *Burkat Shudi*, *John Snowdon*, *John Sheldon*, *Edward Stanley*, *Philip Stephens*, *John Taylor*, *Philip Elias Turst*, *Thope*, *Taylor*, *John Wright*, *John Walker* M. D. Sir *Charles Whitworth*, *John Wade*, *John Arnold Wallinger*, *Saunders Welch*, *Richard Wilson*, and *Matthew Yateman*, shall be, and are hereby appointed Commissioners for putting this Act in Execution: And in case of the Death of any of the said Commissioners, or of their Refusal or Neglect to act, for the Space of Two Years, or becoming disqualified, it shall be lawful for the surviving or remaining Commissioners, or any Seven or more of them, at any Meeting to be held by virtue of this Act, by Writing under their Hands and Seals, to elect and appoint One other Person to be a Commissioner in the Room or Stead of each Commissioner dying, refusing, neglecting, or becoming disqualified to act as aforesaid; and every Person who shall be so elected and appointed, is hereby vested with the same Powers and Authorities as the Commissioner in whose Place he was elected and appointed was vested with. Preamble. Commissioners Names. On Death, &c. of Commissioners others to be chosen.

II. Provided always, That no Person whatsoever shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or possessed of, or intitled to a Personal Estate, of the Value of One thousand Pounds. Qualification of Commissioners who now may act.

and of those who hereafter may be elected.

III. Provided also, That no Person hereafter to be elected a Commissioner for the Purposes of this Act, shall be capable of acting as such in the Execution thereof, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, issuing and arising from Lands, Tenements, or Hereditaments, situate, lying, or being within the Limits of this Act, and rated and assessed for the Purposes thereof; or shall be resident within the Limits of this Act, and possessed of, or intitled to a Personal Estate, of the Value of One thousand Pounds: And if any Person, not being so qualified, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, together with Full Costs of Suit, to any Person or Persons who shall sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given by the Prosecutor, than that such Person prosecuted hath acted as a Commissioner in the Execution of this Act: But no Person shall in any Case be capable of acting as a Commissioner in the Execution of this Act, during such Time as he shall hold any Office, or enter into any Contract, or have any Share or Interest in any Contract by virtue of this Act.

Penalty on acting if not qualified.

No Commissioner to hold a Place of Profit.

Commissioners to appoint Officers, &c.

IV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, to appoint One or more Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, with such Allowances as they shall judge reasonable; and also may, from Time to Time, appoint such other Officer or Officers as they shall find necessary and convenient, and shall or may take Security from all such Persons for the due Execution of their respective Offices; and may, from Time to Time, remove all or any of the said Officer or Officers, or other Person or Persons, and appoint others in the Room of such of them as shall be so removed, or that shall die; and the said Commissioners, or any Seven or more of them, shall and may, out of the Monies arising by virtue of this Act, pay such Salaries, and make such other Allowances to such Officers and other Persons so to be appointed, or who shall be anywise employed in the Execution of this Act, as they the said Commissioners, or any Seven or more of them, shall think fit: And in case any Treasurer, Clerk, Collector, Surveyor, or other Officer or Servant, which shall be appointed by the said Comissioners, shall exact, demand, take, or accept, any Fee, or Reward whatsoever, other than such Salaries and Rewards as shall be appointed and allowed by such Commissioners as aforesaid, for, or on account of any Thing done, or to be done, by virtue of this Act, or for forbearing to do any Thing ordered or directed to be done by the Commissioners, relating to the Execution of this Act, or shall any way be concerned or interested in any Bargain or Contract, made, or to be made, by such Commissioners, or any of them, for any of the Purposes of this Act, every Person so offending shall for ever be incapable of being employed under this Act, and shall also forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record within Six Calendar Months next after the Offence committed, wherein no Protection, Essoin, or Wager of Law, or more than One Imparlance shall be allowed.

and may remove them, and appoint others; and allow them Salaries.

Penalty on Officers receiving [illegible] their Salaries.

First Meeting of the Commissioners.

V. And be it further enacted, That the Commissioners for putting this Act into Execution, or any Five or more of them, shall meet together at the *Two Blue Posts* in *Tottenham-Court Road*, in the said Parish, on the *Thursday* Seven-night after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall proceed to the Execution of this Act, and shall then, and from Time to Time afterwards, adjourn themselves, and meet at the Place aforesaid, or at any other Place or Places within the said Parish, as such Commissioners, or any Five or more of them, shall think proper or convenient, for putting this Act into Execution: And if it shall happen that there shall not appear, at any such Meeting, a sufficient Number of Commissioners to act, and to adjourn; then, and as often as the Case shall happen, the Clerk to the said Commissioners shall appoint the said Commissioners to meet on that Day Seven-night, at the same Place at which such last Meeting was appointed to have been held; and the said Commissioners shall, at all their Meetings, pay their own Expences.

For want of a sufficient Number to act, &c. Clerk to call another Meeting.

Commissioners to pay their own Expences.

Proceedings to be entered in a Book.

VI. And be it further enacted, That all Acts, Orders, and Proceedings, of the said Commissioners, from Time to Time, shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman at the next Meeting; and all such Orders shall then be deemed and taken to be Original Orders, and such Book or Books shall and may be produced and read in Evidence, in all Courts whatsoever.

Books may be Read in Evidence.

No Act valid unless done at a publick Meeting.

VII. Provided always, That no Act of the said Commissioners shall be valid, unless the Number of Commissioners authorised to do such Act shall be present, and also unless the same shall be done at some Meeting to be held in pursuance of this Act, and confirmed at the next subsequent Meeting; but all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and may, from Time to Time, be exercised by the major Part of them who shall attend at any Meeting to be holden as herein-before mentioned; and all Orders and Proceedings of the major Part of the said Commissioners, as aforesaid, shall have the same Force and Effect as if the same had been done or made by all the Commissioners for executing this Act.

VIII. And

VIII. And be it further enacted, That the Property of the ſaid Pavements, Lamps, Iron, Timber, Furniture, and all Materials and Things which ſhall be made uſe of for the Purpoſes of this Act, ſhall be, and the ſame is hereby veſted in the Commiſſioners; and they, or any Five or more of them, are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions, in the Name or Names of any One or more of them, or in the Name of their Clerk or Treaſurer, or to prefer, and order and direct the preferring of Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away the ſame, or any Part or Parcel thereof: And if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil any of the ſaid Materials, or Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County of *Middleſex*, ſhall, for the Firſt Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, and for the Second, and every other Offence, any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices, before whom ſuch Conviction ſhall be made; which Forfeiture ſhall be applied to the Purpoſes of this Act: And in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereupon the ſame can be levied; then, and in ſuch Caſe reſpectively, it ſhall and may be lawful to and for One or more of ſuch Juſtice or Juſtices of the Peace as aforeſaid, by Warrant under his or their Hand and Seal or Hands and Seals, to commit ſuch Perſon or Perſons reſpectively to the Houſe of Correction, there to remain for any Space, not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons incurring ſuch Penalty, and being convicted thereof, ſhall not be diſcharged, until he, ſhe, or they ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the reſpective Times for which he, ſhe, or they ſhall be committed as aforeſaid.

Property of Pavements, &c. veſted in Commiſſioners.

Penalty on Damaging Works.

For want of Diſtreſs, Offender to be committed.

IX. And be it further enacted, That the Property of all Stones, Poſts, and all and every Part and Parts of the old Materials which ſhall belong to the old Pavement, as well of the Carriage as the Footways, within the Limits aforeſaid, ſhall be, and are hereby veſted in the ſaid Commiſſioners; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being, by their Order, to ſell and diſpoſe thereof, or of all or any Part or Parts thereof, to ſuch Perſon or Perſons, who ſhall be willing to buy or purchaſe the ſame; and to apply the Purchaſe-money ariſing by ſuch Sale to the Purpoſes of this Act: And if any Perſon or Perſons, to whom ſuch Materials, or any Part or Parts thereof, ſhall be ſold, ſhall refuſe or neglect to pay for the ſame, within Ten Days after Sale thereof, to him, her, or them, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to bring, or cauſe to be brought, any Action or Actions, in the Name of their Clerk or Treaſurer for the Time being for the Recovery of the Money due for ſuch Materials ſo ſold; in which Action or Actions no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Old Materials, &c. veſted in Commiſſioners.

Payments to be made in Ten Days.

X. And be it further enacted, That it ſhall and may be be lawful for the ſaid Commiſſioners, or any Five or more of them, to order all or any of the ſaid old Materials to be made uſe of in paving and repairing any Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, within the Limits aforeſaid; and from Time to Time to hire any Piece or Pieces of Ground, to lay and diſpoſe of all or any ſuch old Materials in or upon, until ſuch Time as they ſhall have Occaſion to uſe the ſame; any Thing in this Act contained to the Contrary thereof, in anywiſe notwithſtanding.

Old Materials may be made uſe of.

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to hire any Piece or Pieces of Ground for the Purpoſes of digging Gravel, for the better paving the ſaid Streets, Squares and Places, for ſuch Time, and for ſuch Sum and Sums of Money, as to them ſhall appear reaſonable; which Sum and Sums of Money ſhall be paid out of the Monies ariſing, or to ariſe, by virtue of this Act; and to buy ſuch Carts, Horſes, Teams or Carriages, as may be neceſſary for the Purpoſes of Carting ſuch Gravel, or for cleanſing the Squares, Streets, Lanes, Courts, Yards Mewſes, Alleys, Paſſages, and Places, or for any other Purpoſe directed by this Act; and alſo to hire ſuch Perſons, buy ſuch Materials, and make ſuch Regulations, for the better cleanſing the ſame, as they, or any Seven or more of them, in their Diſcretion, ſhall think proper.

Ground may be hired for getting Gravel,

and Carts, &c. purchaſed for Carting thereof.

XII. And be it it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, are hereby authoriſed and impowered, from Time to Time, at any of their ſaid Meetings, as Occaſion ſhall require, to contract with any fit Perſon or Perſons, for paving, keeping in Repair, cleanſing, lighting, and watering, all or any of the ſaid Squares, Streets, Lanes, Courts, Alleys, Yards, Mewſes, Paſſages, or Places, within the Limits aforeſaid; which Contract and Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſame Works ſhall be completed, and the Penalties to be ſuffered in caſe of a Nonperformance thereof; and ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract ſhall be entered in a Book or Books, to be kept for that Purpoſe by the Clerk or Clerks to ſuch Commiſſioners; but, previous to the making of any ſuch Contract, Fourteen Days Notice, at the leaſt, ſhall be given in ſome of the publick Newſpapers, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons, willing to undertake the ſame, may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners, at a certain Time and Place in ſuch Notice to be mentioned: And if any Perſon or Perſons,

Commiſſioners may Contract for the paving Streets, &c.

Penalty on Persons carrying Cinders or Ashes away, not being the Scavanger.

other than the Scavenger contracting with the said Commissioners, or those employed under him, shall, without the Privity or Consent of the Owner, carry away any Cinders or Ashes from any House, or other Premises, in any Square, Street, or Place, within the Limits aforesaid, that such Person or Persons, so carrying away such Cinders or Ashes, shall forfeit a Sum, not exceeding Five Shillings, for every such Offence; and in case the Person, who shall carry away the Cinders and Ashes without being properly authorised by the Scavenger cannot be apprehended, that then a like Penalty of Five Shillings shall be forfeited by the Owner of the Cart in which such Cinders or Ashes shall be placed, in order to be carried away.

Penalty on Owners of the Cart.

Works to be inspected.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, and they are hereby directed to cause all and every of the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall, from Time to Time, appoint; and in case the same shall not be well and sufficiently performed, according to the Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times that the same is or are agreed to be completed by the said Contractor or Contractors, the said Surveyor or Surveyors, or other Person or Persons, shall report the same to the said Commissioners, at their next or any other subsequent Meeting, who shall or may thereon, in their own Names, or the Names of any Five or more of them, or in the Name or Names of their Treasurer or Treasurers for the Time being, bring an Action of Debt, in any of His Majesty's Courts of Law at *Westminster*, against any Person or Persons so contracting and neglecting to perform any such Contract or Contracts; and for any Penalty or Penalties which shall be contained in such Contract or Contracts; and, on Proof of the Signing of the said Contract or Contracts, and Nonperformance thereof at the Time or Times for that Purpose therein mentioned, the said Commissioners shall be intitled to, and shall recover such Penalty or Penalties, which, when recovered, shall be applied for the Purposes of this Act.

Commissioners may compound for Breach of Contract.

XIV. Provided always, That it shall and may be lawful for the said Commissioners, or any Five or more of them, to compound and agree with any such Person or Persons, for any Penalty or Penalties contained in any Contract or Contracts made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sums so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts; and all Costs, Charges, and Expences, which shall be occasioned thereby.

Paviors, Carters, &c. to be appointed.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, to order and direct such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, in the respective Works as aforesaid, as they shall judge necessary for the due Execution of such Works; and no Person or Persons shall, for any Act done in consequence of his, his, her, or their being so employed by Order of such Commissioners, be subject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices:* And in case any Dispute shall arise with respect to the Wages of such Paviors, Artificers, or Labourers employed, all such Disputes may be settled by any One of His Majesty's Justices of the Peace for the County of *Middlesex*, and the same shall be final.

Disputes about Wages, how to be settled.

Commissioners may cause the Streets, &c. to be new paved, &c.

XVI. And be it further enacted, That the said Commissioners, or any Seven or more of them, may cause all or any of the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, or Places, or any Part or Parts thereof, whether Foot or Carriage-ways, within the Limits aforesaid, to be newpaved or repaired; and for such Purposes may cause to be dug, carted, and carried out of, or brought into the same, or any of them, or any Part or Parts thereof, such Gravel, Stones, and other Materials, as they shall judge necessary; and may likewise cause the Ground thereof to be raised or lowered, the Course of the Channels running in or through the same to be turned or altered, new Grates to the Common Sewers to be added or replaced, and in what Number of Places they shall think proper; and the Water-pipes which now lie, or hereafter shall be laid under Ground, to be taken up and new-laid in such Places, Manner, and Form, as they shall judge best; and may cause all or any Posts or Rails, in such Streets or Places within the Limits aforesaid, as they shall judge useless, or to be a Nuisance or Obstruction either to Foot Passengers or Carriages, to be taken up and removed; and likewise all Steps, Bulks, Stalls, Dung-holes, Saw-pits, Shew-glasses, and Shew-boards, or Goods exposed for Sale, or otherwise incroaching upon the Foot-way; as also all Steps and Doors opening or leading from the Foot-way or Carriage-way into Vaults, Cellars, and other Places, to be removed, filled up, and altered, as they the said Commissioners, or any Seven or more of them, shall judge necessary.

Penalty on altering the Form of Streets, &c. erecting Bulks, placing Shew-boards, &c.

XVII. And be it further enacted, That no Person or Persons shall alter, or cause to be altered, the Form of any of the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, or Places, which shall be paved by Order of the said Commissioners as aforesaid, or the Manner of the Pavement thereof, or in anywise incroach thereupon; or put up any Post or Posts, Step or Steps, or erect any Bulks or Stalls, or place out any Shew-glasses or Shew-boards, or Goods exposed for Sale, or otherwise, so as to be an Incroachment; or make any Dung-holes or Saw-pits; upon Pain that every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, over and above the Expences of relaying and reinstating such Pavements, or taking down such Posts, Bulks, or Stalls, and removing or altering such Shew-boards or Shew-glasses, or filling up such Dung-holes or Saw-pits, according to the Direction of the said Commissioners.

XVIII. And

Persons digging Earth or leaving Holes for making vaults, &c. to inclose the same.

XVIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the passing of this Act, shall dig any Earth, or leave any Hole in any Street or Place before any House or Tenement built or in building, within the Limits aforesaid, for the Purpose of making Vaults, or any other Purposes whatsoever, and shall not inclose the same in a good and sufficient Manner to be approved of by the Surveyor [or Surveyors to the said Commissioners; or if any such Person or Persons shall keep up such Inclosure longer than the said Commissioners shall think absolutely necessary, or shall not well and sufficiently fence or rail before the Area or Areas fronting to any Street or Place; every Person or Persons, guilty of any of the Offences aforesaid, shall forfeit and pay the Sum of Five Pounds, and the like Sum of Five Pounds for every Week that such Nuisance shall be continued.

Inhabitants to give Notice to Surveyors when Pavements want any Repairs.

XIX. And be it further enacted, That if any Householder or Householders, within the Limits aforesaid, shall make Complaint in Writing, under his, her, or their Hand or Hands, and shall leave the same at the last or usual Place of Abode of the Surveyor or Surveyors to the said Commissioners, of any Defect or want of Repair in any of the Pavements within the Limits aforesaid, before or after the same shall have been new-paved or repaired by virtue of this Act, Three Days before the Meeting of the said Commissioners; then, and in every such Case, the said Surveyor or Surveyors shall view the said Pavement, and report the Condition thereof to the said Commissioners at their next Meeting; and if the said Surveyor or Surveyors shall, upon such View, find the Pavement complained of to be bad and defective (unless such Defect shall appear to arise from the Water Pipes lying under such Pavement), the said Commissioners shall give Orders to their Contractor or Contractors, Pavior or Paviors, to repair the same, within such Time as the said Commissioners, or any Seven or more of them, shall judge necessary for the Repair thereof, which Time shall be specified in such Order: And if the Contractor or Contractors, Pavior or Paviors, to whom such Order shall be given, shall not repair and amend such Pavements within such Time as he or they shall be directed by the said Commissioners to repair as aforesaid; then, and in every such Case, the said Contractor or Contractors, Pavior or Paviors, shall forfeit and pay the Sum of Twenty Shillings for every Day that the said defective Pavement shall remain unrepaired, after the Time limited by the said Commissioners in their said Order; and One Half of every such Penalty shall be applied and paid to the Inhabitant making such Complaint, for his or her Loss of Time and Trouble in and about the Premises.

Penalty on Paviors neglecting Orders.

If Surveyors think such Pavements not defective Commissioners to view the same.

XX. And be it further enacted, That if the said Surveyor or Surveyors shall, on any such View or Views, be of Opinion, that the Pavement or Pavements mentioned to be bad and defective by such Householder or Householders in such Notice is not bad and defective; then, and in such Case, the said Commissioners, or any Two or more of them, shall proceed forthwith to view the said Pavement, and their Opinion and Order concerning the same, after such View, shall be final and conclusive; any Thing in this Act contained to the Contrary thereof in anywise notwithstanding.

Streets, &c. to be watered,

Wells sunk, and Pumps erected.

XXI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall have full Power and Authority to cause all or any of the Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, and Places, within the Limits aforesaid, to be watered as often as they shall think fit, and also to cause such Number of Wells to be dug or sunk in such Places (not being a Vault, Cellar, or other Building, under any of the Streets and Places aforesaid), as they shall think proper; and also any Pump or Pumps to be erected in or near such Places, and also any Pumps now standing, or which shall hereafter be erected, for the Purposes of watering the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, and Places, to be removed and altered; and to defray the Expences thereof out of the Monies to be raised by virtue of this Act.

Projections, &c. to be removed.

Signs to be fixed on the Fronts, &c.

Penalty on a Second Offence.

XXII. And be it further enacted, That the said Commissioners or any Five or more of them, shall and may cause all Trees, Signs, Sign-posts, Sign-irons, Dyers, Scourers, and Barbers Poles, or any other Poles, Porches, Penthouses, Boards, Spouts, and Gutters, projecting into or over the Highways and Footways, and all other Incroachments, Projections, or Annoyances whatsoever, within the Limits aforesaid, (save and except all Porticoes now erected), to be taken down and removed; and shall cause all Signs, Boards, and Gutters, to be affixed close to or on the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong; and shall return, or cause to be returned, to the respective Owners, all such Signs, Sign-posts, Poles, Sign-irons, Boards, Spouts, and Gutters, or so much thereof as shall not be affixed, or put up, or otherwise made use of in the Alterations, directed to be made in pursuance of this Act; and that for the future, all Signs, Sign-posts, and Gutters, shall be placed and fixed close to or on the Fronts of the Houses, Shops, Warehouses, and Buildings, to which they respectively belong, and not otherwise: And if any Person or Persons shall, at any Time hereafter, hang, place, erect, or build any Sign, Sign-post, or other Posts, Sign-iron, Pole, Porch, Penthouse, Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance whatsoever, or cause the same to be done, contrary to the true Intent and Meaning of this Act, every Person so offending shall, for every such Offence, forfeit and pay any Sum, not exceeding Five Pounds, nor less than Forty Shillings; and the Sum of Five Pounds for every Week the same shall be continued, after Notice in Writing given by the Commissioners to remove the same.

Buildings projecting may be removed.

'XXIII. And whereas it might tend to the publick Convenience if all Buildings and Erections, projecting into or upon the Footways, were taken down and removed; as also all Doors of Cellars, leading from and out of any of the Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, and Places, and all Steps belonging thereto, and all other Projections whatsoever, and not herein-before mentioned, were taken down, removed, or altered in such Manner as the said Commissioners shall direct;' be it further enacted by the Authority aforesaid, That if any Person or Persons whomsoever in anywise

anywise interested in any of the said Premises, upon Ten Days Notice to them given, or left in Writing at the House or Houses, Place or Places of Abode, of such Person or Persons, or at the House, Shop, Shed, or other Place, of the Tenant in Possession of such Premises, shall neglect or refuse to treat, or shall not agree for the Sale of any such Premises, or any Part or Parts thereof, or for their Interest therein;

Where Persons refuse to treat, &c. the Damage and Recompence to be settled by a Jury.

then, and in every such Case, the said Commissioners, or any Seven or more of them, shall cause the Value of the Premises to be inquired into, and ascertained, by and on the Oath of a Jury of Twelve indifferent Men of the County of *Middlesex*; (which Oath the said Commissioners, or any One or more of them, is and are hereby impowered and required to administer); what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested in the Premises before mentioned, or any Part or Parts thereof, which the said Commissioners, or any Seven or more of them shall think proper to be pulled down and removed for their respective Interests therein; and in order thereunto the said Commissioners, or any Seven or more of them, are hereby impowered and required, from Time to Time, as there shall be Occasion,

Witnesses to be summoned and examined upon Oath.

to summon and call before the said Jury, and to examine upon Oath all Persons whatsoever, who shall be thought necessary or proper to be examined as Witnesses touching or concerning the Premises; (which Oath any One of the said Commissioners is and are hereby impowered and required to administer); and if any of the Parties interested shall request the same, or the said Commissioners, or any Seven or more of them, shall think it necessary, shall also cause the said Jury to view the Place or Places in question, and shall use all other lawful Ways or Means, as well for their own as for the said Jury's Information in the Premises, in such Manner as they the said Commissioners, or any Seven or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled such

Verdict of the Jury to be final.

Damages and Recompence, they the said Commissioners, or any Seven or more of them, shall thereupon order and adjudge the Sum or Sums of Money so assessed by the said Jury for the said Premises, as aforesaid, to be paid to the Persons interested in the said Premises, or any Part or Parts thereof, according to the Verdict and Inquisition; and the Orders and Adjudications, so had and made, shall be final and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs, Executors, or Administrators, Assigns, or Successors, respectively, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any Disability whatsoever, as well as all other Person or Persons whomsoever, and all and every Person and Persons, in anywise interested in the Premises, or in any Part or Parts thereof, shall, from and after Payment, or Tender of the Money so assessed and adjudged as aforesaid, in Manner hereafter directed, be hereby, to all Intents and Purposes whatsoever, divested of all Right, Title, Claim, Interest, and Property, of, in, or to the same.

Money awarded for Premises settled to like Uses.

XXIV. And be it further enacted, That if any Person shall be intitled, either in Reversion or Remainder, to any such Premises, the Money so awarded by a Jury, as a Satisfaction, shall be settled to the same Uses as the Premises were, unless such Person so interested shall consent to give up such Reversionary Interest.

Sheriff to issue his Warrant to impanel a Jury.

XXV. And be it further enacted by the Authority aforesaid, That for the summoning and returning of such Jury or Juries, the said Commissioners, or any Five or more of them, are hereby impowered, from Time to Time, to issue their Warrant or Warrants to the Sheriff of the County of *Middlesex*, thereby requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, of which Time and Place, all Parties interested shall have Ten Days Notice given or left, in Manner last before mentioned; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners, or any Seven or more of them, shall cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return so many of the Standers-by as shall be necessary to make up the Number of Twelve to serve on such Jury.

Verdict not binding, unless Satisfaction be made within a Month.

XXVI. Provided always, That in case the said Sum or Sums so assessed by the said Jury, and ordered and adjudged by the said Commissioners, or any Seven or more of them, to be paid as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, or left, as herein mentioned, according to the true Intent and Meaning of this Act, within One Calendar Month after the same shall have been so assessed, ordered, and adjudged; then, and in such Case, the Verdict of the said Jury, and Order and Adjudication of the said Commissioners, or any Seven or more of them, shall not be binding upon the said Parties; any Thing herein contained to the Contrary thereof in anywise notwithstanding: Provided always, That all Persons concerned

Juries may be challenged.

shall, from Time to Time, have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Commissioners, or any Seven or more of them, acting in the Premises,

To1. Penalty on Sheriffs making Default.

shall have Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or shall refuse to be sworn on such Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence touching the Premises, shall refuse to be examined or give Evidence, and, from Time to Time, to levy such Fine or Fines, in such Manner as any Penalties in this Act are directed to be levied

levied and recovered, so that no Fine shall exceed the Sum of Ten Pounds upon any One Person for any One Offence.

In case of Disputes Money to be paid into the Bank.

XXVII. And be it further enacted, That in case such Person or Persons, to whom such Sums of Money shall be so assessed or due as aforesaid, cannot be found; or if, by reason of Disputes depending in any Court of Law or Equity, or for Default of Evidence, or otherwise, it shall not appear to the said Commissioners, or any Seven or more of them, what Person or Persons is or are intitled to the same; or if any Mortgagee or Mortgagees shall refuse to take in his, her, or their Mortgage-money due upon the Premises, after Notice given to him, her, or them, for that Purpose; that then, and in all and every such Case or Cases, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to order the Sum or Sums so assessed and awarded as aforesaid, or as shall be due on any such Mortgage, to be paid into the Bank of *England*, in the Name or Names of the Treasurer or Treasurers to the said Commissioners for the Time being, for the Use of the Parties interested in the said Premises, to be paid to them, and every of them, according to their respective Estates and Interests in the said Premises, as the said Commissioners, or any Seven or more of them, shall, by any Order to be by them made, direct.

Consideration-monies, &c. payable out of Rates.

XXVIII. And be it further enacted, That all Sum and Snms of Money, or other Consideration, Recompence, or Satisfaction to be paid, made, or given, pursuant to any Agreement, Award, Judgment, Sentence, Decree, or Determination, as shall be made in pursuance of this Act, shall be, and are hereby charged and chargeable, upon all or any Part of such Money or Monies as shall be received by virtue of this Act.

Names of Streets may be fixed up, and Houses numbered.

XXIX. And be it further enacted, That the said Commissioners as aforesaid, or any Five or more of them, shall cause to be painted, engraved, or described, in Stone or Wood, or otherwise, and to be affixed in a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance, of each of the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages and Places, the Name by which each respective Square, Street, Lane, Court, Yard, Alley, Mewse, Passage, and Place, is properly or usually called or known, and shall also cause every House, Shop, or Warehouse, in each of the said Streets and Places, to be marked and numbered in such Manner as they shall judge most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, pull down, injure obliterate, or deface, any such Names, Description, Marks, or Numbers, or any Part or Parts thereof, or cause or procure the same to be done, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

Penalty on defacing the Numbers, &c.

Annoyances placed in the Carriage-ways to be removed, and Holes to be remedied.

XXX. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, drive or place, or cause to be driven or placed, in any of the Carriage-ways within the Limits aforesaid, any Coach, Cart, Waggon, Dray, or other Carriage, or on any Part or Parts thereof, so as to occasion any Annoyance whatsoever, and shall not immediately remove the same, when required so to do by any Person or Persons whatsoever; or if any Person or Persons shall set or place any such Carriage, for the Purpose of loading or unloading thereof, or for any other Purposes, upon any Foot-crossing in any Square, Street, Way, Lane, Passage, or Place, within the Limits aforesaid; every Person so offending shall, for every or either of the said Offences, forfeit and pay the Sum of Five Shillings; and any One of such Commissioners, or any Person or Persons appointed by them for that Purpose, may seize, or cause to be seized, any such Coach, Cart, Waggon, Dray, or other Carriage, together with the Horse or Horses, if any shall be thereunto belonging, and drive or remove, or cause the same to be driven or removed, to some convenient Place, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, shall and do pay to the Person or Persons, in whose Custody the same shall be, the said Penalty, together with the Charges of removing the same, and of keeping such Horse or Horses, (if any); and in case the same shall not be claimed, and the said Penalty and Charges paid within the Space of Five Days next after such Seizure thereof, then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the same to be appraised and sold; and the Money arising therefrom shall be applied to the Purposes of this Act.

Penalty on not removing Casks, &c. placed in Carriage or Foot-ways.

XXXI. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, set or place, or cause to be set or placed, in any of the Carriage-ways or Foot-ways within the Limits aforesaid, any Casks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Mortar, or Wood, or any other Materials or Things whatsoever, for the Purpose of making Mortar, or of building any House, Shop, Warehouse, Coach-house, Stable, or Tenement, or for any other Purpose, (unless the same shall be inclosed in a Hoard, or other Erection, as herein-after is directed), and shall not remove the same within the Space of One Day next after Notice to him or her given for that Purpose, or left at the Premises where the same shall be; or if empty or unoccupied, or in building, stuck against the Wall thereof, by any One of such Commissioners as aforesaid, or by any Person or Persons by them appointed for that Purpose; every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings; and any One of such Commissioners, or any Person or Persons so appointed by them, may seize, or cause to be seized, such Casks, Package, Timber, Stones, Wheels, Bricks, Lime, Sand, Wood, Mortar, or other Materials, (not being inclosed as aforesaid), and take or remove, or cause the same to be taken or removed, to some convenient Place to be appointed by the said Commissioners, or any Seven or more of them, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, shall and do pay to the Person in whose Custody the same shall be the said Penalty, together with the Charges of removing the same; and in case the same shall not be claimed, and the said Penalty

and Charges paid within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold; and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

Penalty if Nuiſances are replaced and continued.

XXXII. And be it further enacted, That if any ſuch Nuiſance or Obſtruction, or Annoyance as aforeſaid, ſhall be afterwards replaced, and be continued for the Space of One Hour after Notice to remove the ſame ſhall have been given in Manner as before directed, the Perſon or Perſons convicted of ſuch Second Offence, ſhall forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every other Offence of the like Sort.

Licences may be granted for erecting Hoards, &c.

XXXIII. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall erect or build, or cauſe to be erected and built, any Hoard, or erect any Poſts, Bars, Rails, Boards, or other Thing, by way of Incloſure for the Purpoſe of making Mortar, and depoſiting Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Shop, Warehouſe, Coach-houſe, Stable, or Tenement, or other Works, or for any other Purpoſe, without Leave or Licence firſt had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being to the ſaid Commiſſioners, who is and are hereby required to grant the ſame forthwith, on every Perſon's ſo applying for ſuch Licence; and no Perſon or Perſons whatſoever ſhall erect or build any ſuch Kind of Hoard or Incloſure as aforeſaid, in any other Manner, or ſuffer the ſame to remain for any longer Time than ſhall be expreſſed and allowed in ſuch Licence from the Surveyor or Surveyors, to be ſigned as aforeſaid, upon Pain of forfeiting any Sum not exceeding Twenty Shillings, nor leſs than Five Shillings, for every Twelve Hours that the ſame, or any Part thereof, ſhall be continued contrary to the Directions of this Act: And if any ſuch Incloſure ſhall be erected or built, without the Leave of the ſaid Surveyor or Surveyors ſo had and obtained, and ſigned as aforeſaid, or ſhall be ſet up in any other Manner, or continued for any longer Time than ſhall be allowed and expreſſed in ſuch Licence; then, and in either of the ſaid Caſes, it ſhall and may be lawful for ſuch Commiſſioners, or any Five or more of them, to cauſe the ſame to be pulled down and removed, and the Materials thereof ſhall be depoſited in ſuch convenient Place as aforeſaid, there to be kept and detained until the Owner or Owners, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame; and in caſe the ſame ſhall not be claimed, and the ſaid Penalty or Charges paid within the Space of Five Days next after ſuch Seizure thereof, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied to the Purpoſes of this Act.

No Lime to be ſifted, &c. in any Square, Street, &c.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack, any Lime, (except within ſuch Incloſure as aforeſaid), in any Square, Street, Way, Lane, Paſſage, or Place, or cauſe the ſame to be ſo done, he or they ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings.

Penalty on driving Carriages, &c. on the Foot Pavements.

XXXV. And be it further enacted, That if any Perſon or Perſons, ſhall, for the future, carry, run, drive, or draw, or cauſe to be carried, run, driven, or drawn, on any of the Foot Pavements, within the Limits aforeſaid, any Wheel or Wheels, Sledge, Wheelbarrow, or any Carriage whatſoever, or ſhall wilfully ride, lead, or drive, any Horſe, Aſs, or other Cattle, Coach, or other Carriage whatſoever, upon any Part of the ſaid Foot Pavements; then, and in any ſuch Caſe, and as often as they or any of them ſhall happen, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, and they are hereby required ſo to do by the Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party or Parties accuſed being brought before any ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced to give Information touching ſuch Offence, (which Oath the ſaid Juſtice is hereby authoriſed and required to adminiſter); and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon Information as aforeſaid, he, ſhe, or they, ſo convicted of any ſuch Offence reſpectively, ſhall forfeit the Sum of Ten Shillings for the Firſt Time of offending, the Sum of Twenty Shillings for the Second Time of offending, and the Sum of Forty Shillings for the Third and every other Time of offending: And in caſe ſuch Offender or Offenders ſhall not, upon ſuch Conviction, pay ſuch Forfeitures by him, her, or them incurred, as aforeſaid, the Juſtice, before whom ſuch Offender or Offenders ſhall be convicted, is hereby required to commit him, her, or them, to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Space of Time not exceeding Ten Days, nor leſs than Three Days.

Stands of Hackney Coachmen, &c. to be regulated.

'XXXVI. And whereas Hackney Coachmen, and Hackney Chairmen, frequenty take their Stands 'with their Coaches and Chairs, in ſuch Parts of the Streets, ſo as to occaſion Obſtructions both in 'the Foot and Carriage Ways;' be it therefore enacted, That from and after the paſſing of this Act, the ſaid Commiſſioners, or any Seven or more of them, may direct and regulate ſuch Stands of all Hackney Coaches and Chairs, within the Limits of this Act, as they ſhall in their Diſcretion think proper; and if any Hackney Coachman, or Hackney Chairman, ſhall not comply with ſuch Directions and Regulations, he or they ſhall forfeit the Sum of Ten Shillings for every ſuch Offence.

XXXVII.

XXXVII. And be it further enacted, That when and ſo often as any Pipe or Pipes belonging to any of the Water Companies, who now furniſh, or ſhall hereafter furniſh, the Inhabitants within the Limits aforeſaid with Water, ſhall happen to burſt, in any of the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, the Surveyor or Surveyors to the Commiſſioners for putting this Act in Execution, or any other Perſon or Perſons to be by them, or any Five or more of them, appointed for that Purpoſe, ſhall forthwith give Notice to the Pavior or Paviors of the Water Companies to whom he apprehends the ſame to belong, and require him or them to take up the Pavement, and open the Ground, at or near the Place where the Water ſhall or may iſſue, by reaſon of ſuch Pipe or Pipes burſting or breaking, within Six Days next after Notice given to ſuch Pavior or Paviors, or left at his or their laſt, or uſual Place of Abode; and when, upon taking up the Pavement and opening the Ground, it ſhall appear to what Water Company the ſaid Pipe or Pipes ſo broken or burſt does or do belong, that then the Surveyor or Surveyors to the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they or any Five or more of them ſhall appoint, ſhall give Notice to the Pavior or Paviors of that Company to whom the ſaid Pipe or Pipes ſhall belong, or leave the ſame at his or their laſt and uſual Place of Abode; and the Pavior or Paviors of the Company to whom ſuch Pipe or Pipes ſhall belong, is and are hereby required to repair the ſame, and fill in the Ground, and alſo repair the ſame Pavement ſo broken and taken up, in ſuch Manner as the Surveyor or Surveyors to the ſaid Commiſſioners for the Time being ſhall direct, within Two Days next after ſuch Notice ſhall be given or left as aforeſaid: And if it ſhall happen that the Pavior who firſt receives Notice to take up the Pavement and open the Ground, ſhall, on taking up ſuch Pavement, and opening ſuch Ground, diſcover that the Pipe or Pipes ſo burſt or broken, doth not, or do not belong to the Company whoſe Pavior he is; that then, and in ſuch Caſe, the Pavior to whoſe Company ſuch Pipe or Pipes doth or do belong, ſhall make Satisfaction to the Pavior who took up ſuch Pavement and opened ſuch Ground as aforeſaid: And in caſe the Pavior to whom ſuch Notice ſhall be given to take up ſuch Pavement, and open ſuch Ground, ſhall neglect or refuſe to do the ſame, within Twenty-four Hours next after Notice given; and in caſe the Pavior to the Company to whom ſuch Pipe or Pipes ſo broken or burſt do belong ſhall neglect or refuſe to amend or repair ſuch Pipe or Pipes, and fill in the Ground, and repair the Pavement, in ſuch Manner as the ſaid Surveyor or Surveyors ſhall direct as aforeſaid, for the Space of Four Days next after ſuch Notice ſhall be given or left as aforeſaid; then and in every ſuch Caſe, the Perſon or Perſons guilty of ſuch Neglect ſhall, for every ſuch Offence, forfeit and pay ſeverally the Sum of Five Pounds; and if any Pipe or Pipes (other than ſuch as belong to any of the Water Companies), ſhall happen to break or burſt in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, the Owner, or Owners hereof ſhall cauſe the Ground to be opened, and ſuch Pipe or Pipes to be repaired, within the Times before reſpectively limited for ſuch Purpoſes; and alſo ſhall forthwith give Notice to the Contractor or Contractors, Surveyor or Surveyors, or other Perſon or Perſons, ſo appointed as aforeſaid, to relay the Pavement ſo broken or taken up, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Forty Shillings; or if any Pavement ſhall be broken or taken up by the Commiſſioners of Sewers, for the Purpoſes of making, repairing, or altering, any Sewer or Drain, or for any other Purpoſe whatſoever, the Surveyor for the Time being to the ſaid Commiſſioners of Sewers, or ſuch other Perſon or Perſons ſo breaking or taking up the ſaid Pavement, ſhall forthwith give Notice thereof to the Surveyor or Surveyors, Contractor or Contractors, or other Perſon or Perſons, appointed by the Commiſſioners for putting this Act in Execution, to relay or repair the Pavement ſo broken or taken up as aforeſaid, upon Pain of forfeiting, for every ſuch Neglect or Refuſal, the Sum of Forty Shillings; or if the ſaid Surveyor or Surveyrs, to or for whom ſuch Notice ſhall be given or left as aforeſaid, ſhall refuſe to acquaint the Contractor or Contractors, or ſuch other Perſon or Perſons, ſo appointed as aforeſaid, of ſuch Notice; or if ſuch Contractor or Contractors, or ſuch other Perſon or Perſons, ſhall not, within Two Days next after ſuch Notice reſpectively given, relay, or repair the ſame; then, and in every ſuch Caſe, the Perſon or Perſons, ſo reſpectively offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings, and the like Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue, without being relayed or repaired, after the Expiration of the ſaid Two Days.

Regulations to be obſerved on the burſting of Pipes.

XXXVIII. And be it further enacted, That the ſeveral and reſpective Paviors and Turncoks now appointed, or hereafter to be appointed, in caſe of the Death or Removal of any ſuch Pavior or Turncock belonging to the ſaid ſeveral and reſpective Water Companies, ſhall, and they are hereby required, within the Space of three Days next after the paſſing of this Act, or within the Space of Three Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks, to ſuch Company or Companies, to give Notice, in Writing, to the Surveyor or Surveyors for the Time being to the Commiſſioners, or any Seven or more of them, for putting this Act in Execution, or to ſuch other Perſon or Perſons as ſhall be by them, or any Five or more of them, appointed for that Purpoſe; which Notice ſhall contain ſuch Pavior or Turncock's Name and Place of Abode reſpectively, as alſo to what Company he is Pavior or Turncock, and in what Diſtrict he has the Care of ſuch Company or Companies Pipes; and, in like Manner, the Surveyor or Surveyors to the ſaid Commiſſioners for the Time being ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors or Turncocks of the ſaid ſeveral Water Companies, of his or their own Place or Places of Abode, and alſo to the Surveyor or Surveyors to the Commiſſioners of Sewers, of the Names and Places of Abode of ſuch Contractor or Contractors, and of the Pavior or Paviors employed by ſuch Commiſſioners;

Paviors to give Notice of their Place of Abode.

ſioners; and every Perſon or Perſons neglecting or refuſing to give ſuch Notice as aforeſaid, within the Times before reſpectively ſpecified, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Commiſſioners to cleanſe, alter, and empty Drains and Sewers.

XXXIX. And be it further enacted, That when and ſo often as any Sewer or Drain, which ſhall or may be under the Direction of the Commiſſioners or Sewers, in any of the ſaid Squares, Streets, Lanes, Courts Yards, Mewſes, Alleys, Paſſages, or Places, ſhall require to be repaired, altered, cleanſed, or emptied, or any new or additional Sewer or Sewers, Drain or Drains, ſhall be neceſſary to be made, or any new Grate or Grates to be made and put over any Sewer, in any of the ſaid Squares, Streets, or Places, or any old Grates over the ſame ſhall require to be repaired, removed, or altered; then, and in every ſuch Caſe, the ſaid Commiſſioners of Sewers ſhall, within Three Days next after Notice given to, or left for their Surveyor for the Time being, at his laſt or uſual Place of Abode, cauſe ſuch Sewer or Sewers, Drain or Drains to be made, repaired, altered, cleanſed, or emptied, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered; and in Default thereof, it ſhall and may be lawful to and for the Commiſſioners for putting this Act in Execution, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to cauſe ſuch Sewer or Sewers, Drain or Drains, to be made, repaired, altered, cleanſed, or emptied, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered, as the Caſe may require, or ſo much thereof as ſhall remain unfiniſhed.

Owners of Pipes to relay them at their own Expences.

XL. Provided always, That the Charges and Expences of relaying or repairing the Pavement, which ſhall be broken or taken up for the Purpoſe of repairing or amending any ſuch Pipe or Pipes not belonging to any of the Water Companies, ſhall be paid to the Commiſſioners for putting this Act in Execution, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them ſhall appoint to receive the ſame by the reſpective Owner or Owners of ſuch Pipe or Pipes: And that the Charges and Expences of making, repairing, altering, cleanſing, or emptying any ſuch Sewer, Drain, or Vault, and of making and putting down any ſuch new and additional Grates, and altering and repairing ſuch old Grates, and of relaying and repairing the Pavement ſo broken or taken up for any of the Purpoſes aforeſaid, ſhall be paid to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, by the Treaſurer or Clerk for the Time being to the ſaid Commiſſioners of Sewers, or by the Perſon or Perſons who ſhall take up, or cauſe the ſaid Pavement, or any Part thereof, to be taken up, for the Purpoſes aforeſaid: And in caſe the reſpective Owner or Owners of ſuch Pipe or Pipes as aforeſaid, or the Treaſurer or Clerk to the ſaid Commiſſioners of Sewers, or other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo laid out or diſburſed for the Purpoſes aforeſaid, within Ten Days next after Notice thereof in Writing, ſigned by the Clerk to the Commiſſioners for putting this Act in Execution, and left at their reſpective Dwelling-houſes, or laſt Place of Abode, together with a Bill annexed thereto, (which Notice ſhall contain an Account of ſuch Charges and Expences); that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action or Actions in their own Names, or in the Name or Names of their Treaſurer or Treaſurers for the Time being, againſt all or any or either of the reſpective Perſons aforeſaid for the recovery of ſuch Sum or Sums of Money as they ſhall have ſo laid out and expended for the Purpoſes aforeſaid, in which Action or Actions, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Commiſſioners to pay for cleanſing Sewers, &c.

Commiſſioners to have equal Authority with Commiſſioners of Sewers.

'XLI. And whereas the Commiſſioners of Sewers in ſome Parts of the Year do not meet for a 'conſiderable Interval of Time from their laſt preceding Meeting, from which great Inconveniences 'may ariſe;' be it therefore enacted, That the Commiſſioners for putting this Act in Execution, or any Five or more of them, within the Limits aforeſaid, ſhall have the ſame Authority to determine in all Caſes relating to the Sewers as the Commiſſioners of Sewers now enjoy.

Commiſſioners to pay for altering Pipes.

XLII. Provided nevertheleſs, That if at any Time or Times it ſhall be found neceſſary to raiſe, ſink, or any otherwiſe alter the Poſition of any of the Pipes or Plugs, laid down or placed by any of the Companies, who furniſh the Inhabitants within the Limits aforeſaid with Water, or of any leaden or other Pipes belonging to any of the ſaid Water Companies, or to any other Perſon or Perſons, which, for the Purpoſes of conveying Water into any Houſe, Area, or other Place, have been, or ſhall be laid into or from any ſuch Pipe or Pipes, or to remove or to replace the Grates over any of the Common Sewers, for the Purpoſe of new paving or altering the Pavement of any of the Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, the Expence thereof, ſhall, from Time to Time, be paid out of the Money ariſing, or to ariſe, by virtue of this Act, and ſhall always be done with as little Detriment and Inconvenience to the ſaid reſpective Companies or Inhabitants, as the Circumſtances of the Caſe will admit.

Pavements altered at the Requeſt of Proprietors, they are to pay all Expences.

XLIII. Provided always, That when and ſo often as any Part of the Pavements of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, ſhall be taken up by any Perſon or Perſons, for the Purpoſes of placing, altering, or amending any ſuch Pipe or Pipes, the ſame ſhall, with all convenient Speed, be repaired by the Pavior or Paviors contracted with or employed by the ſaid Commiſſioners, or under the Direction of their Surveyor or Surveyors, at the Expence of the Proprietor or Proprietors of the ſaid leaden or other Pipes reſpectively, if ſuch Pipe is replaced, altered or amended, at the Requeſt of ſuch Proprietor or Proprietors, and not otherwiſe.

Commiſſioners may compound with ſaid Proprietors.

XLIV. Provided alſo, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to compound and agree with any of the ſaid Proprietors for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable, in Lieu and Stead of their laying down and repairing ſuch

Parts

Parts of the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, or Places, as shall be necessary to be taken up for the Purposes aforesaid.

Lamps to be set up, &c.

XLV. And for the better lighting the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, and Places, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, to cause such and so many Lamps to be set up in such Places within the Limits aforesaid, and to be placed in such Manner, and at such Distances, as they shall judge necessary; and may contract and agree with any Person or Persons for such Lamps, or may find and provide the same, if they shall think fit; and also may contract and agree with any Person or Persons, for the lighting, supplying, maintaining, and repairing such Lamps, and appoint how and where the said Lamps shall be placed, and at what Time, and how long the said Lamps shall be and continue lighted and burning, and what Sum or Sums of Money shall be paid to the Person or Persons so to be contracted or agreed with, to light, maintain, and repair the said Lamps; provided that no such Contract or Agreement shall be for a longer Term than Three Years at any One Time.

Lamp-irons to be affixed against Walls, &c.

Penalty on wilfully damaging Lamps, &c.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to order and direct Lamp-irons to be put or affixed against the Walls of all or any of the several Houses or Tenements within the Limits aforesaid; or into, upon, or against the Rails before the Area, or in such Manner, and in such other Place, as the said Commissioners, or any Seven or more of them, shall think proper and convenient: And if any Person or Persons shall wilfully take away, break, throw down, or damage any Lamp that shall be set up for the Purposes of lighting any of the said Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, or Places, or wilfully extinguish the Light or Lights within the same, or throw down, or damage the Irons, or other Furniture thereof, it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing, the Offender or Offenders, and, by Authority of this Act, and without any other Warrant to convey and deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced, to give Information or Evidence touching such Offence, (which Oath the said Justice is hereby authorised and required to administer); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, he, she, or they so convicted, shall forfeit and pay the Sum of Twenty Shillings for each Lamp or Lamp-iron so broken, thrown down, and damaged, or for every Light so extinguished as aforesaid, and moreover shall make full Satisfaction to the said Commissioners, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same, for the Damage so by him, her, or them done, as aforesaid: And in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, nor less than Seven Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

On Non-payment, Offender to be committed.

Persons accidentally damaging Lamps, to make Satisfaction.

XLVII. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, within the Limits aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every such Case, it shall and may be lawful to and for any One Justice of the Peace in and for the said County, upon Complaint to him made by One or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damages as aforesaid; and, upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by way of Satisfaction to the Owners of such Lamp or Lamps, or to the said Commissioners, as the Case shall be, for such Damages as such Justice shall think reasonable; and in case of neglect or Refusal to pay any Sum or Sums of Money so awarded, within Ten Days after Demand, to cause the same to be levied as Fines, Penalties, and Forfeitures, are by this Act herein-after directed to be levied.

Commissioners shall cause Watch-houses to be erected, &c.

XLVIII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall and may cause a proper Watch-house or Watch-houses to be built within the Limits aforesaid; and also such Number of proper Watch-boxes to be erected and built, as they shall think fit; and appoint such a Number of fit and able bodied Men as they shall think proper, from Time to Time, to watch and guard the said Streets, and other Places; and give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed, and for the due and regular Performance of the said Service, as they the said Commissioners, or any Seven or more of them, shall judge expedient; and, from Time to Time, remove any of the said Watchmen, and appoint others in their Stead; and out of any Money to be raised by virtue of this Act, pay the Expences attending the Building and fitting up such Watch-house or Watch-houses, and Watch-boxes, and also the Allowances to such Watchmen for their Attendance, and all other necessary Charges and Expences, incident to and attending this Service.

Footways to be cleansed once a-Day.

XLIX. And be it further enacted, That every Occupier of any House or Tenement within the Limits aforesaid, and, in respect to Inmates, every House Owner shall, once in every Day, between the Hours of Eight and Ten of the Clock in the Forenoon of each Day, scrape, sweep, and cleanse the

the Footway all along the Front of their reſpective Houſes and Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed; and in Default thereof, ſhall, for every ſuch Offence, forfeit and pay the Sum of Two Shillings; to be levied by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the ſaid County, upon the Oaths of Two or more credible Witneſſes, which Oath the ſaid Juſtice or Juſtices of the Peace is and are hereby required and impowered to adminiſter.

Where Materials for Foot-ways may be lodged.

L. And be it further enacted, That during the Time any Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, ſhall be new paving or repairing under the Direction of the ſaid Commiſſioners, or any Seven or more of them, they ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, which they, or any Seven or more of them, ſhall think fit, as alſo to ſtop the Way through any adjacent Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, ſo long as they, or any Seven or more of them, ſhall judge neceſſary; and all Perſons acting under their Directions, as aforeſaid, are hereby indemnified from any Proſecution or Action whatſoever, except where ſuch Materials ſhall be lodged upon, or over, or within Six Feet of any Fire Plug or Cock, and alſo, except where any ſuch Materials ſhall be depoſited in or near the End of any narrow Street or Place, in ſuch Manner as to prevent the Admiſſion of Fire-engines into ſuch Street or Place.

Penalty on obſtructing Surveyors.

LI. And be it therefore enacted, That if any Perſon or Perſons ſhall, at any Time or Times from and after the paſſing of this Act, obſtruct, hinder, or moleſt any Surveyor or Surveyors, or other Officer or Officers, Perſon or Perſons whomſoever, who are or ſhall be employed by the ſaid Commiſſioners, or any Five or more of them, in the Performance or Execution of their Duty; every Perſon or Perſons ſo offending ſhall, for the Firſt Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Rates may be laid for the Purpoſes of this Act.

'LII. And, in order to raiſe a ſufficient Sum of Money for carrying the ſeveral Purpoſes of this Act into Execution,' be it further enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, for the Purpoſe of repairing, cleanſing, lighting, watering, and watching, the ſeveral Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, and Places, within the Limits aforeſaid, be made, laid, and aſſeſſed by the ſaid Commiſſioners, or any Nine or more of them, Once in every Year, or oftener, if they ſhall judge it needful, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy, any Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall order and direct; ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole the Sum of Two Shillings in the Pound, in any One Year, according to the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, ſituate as aforeſaid.

Commencement of the Rates.

LIII. And be it further enacted, That the firſt Rate or Aſſeſſment ſhall commence from the Twenty-fifth Day of *December* laſt paſt; and every future Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall commence from the Time that the laſt preceding Rates or Aſſeſſments ended, and not otherwiſe; and the Monies therein and thereby charged and aſſeſſed, ſhall be payable and recoverable Quarterly in Manner herein after directed.

Where any Streets, &c. are new paved an additional Rate may be laid on Inhabitants.

LIV. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners, or any Nine or more of them, ſhall have cauſed any Square, Street, Lane, Court, Yard, Mewſe, Alley, Paſſage, or Place, within the Limits aforeſaid, or any Part of Parts thereof, to be new-paved, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, as ſoon as conveniently may be, and ſo in like Manner yearly, or oftener, if Occaſion ſhall require, to make, lay, and aſſeſs, upon all and every Perſon or Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any ſuch Land, Ground, Houſe, Shop, Warehouſe, Coach-houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament reſpectively, as far as ſuch new Pavement ſhall extend, (except ſuch Squares, Streets, and Places, as ſhall be new-paved at the Requeſt of Three-fourth Parts of the Inhabitants of any ſuch Square, Street, or Place, in the Manner herein-before directed), a further Sum, not exceeding Sixpence in the Pound, of the yearly Rent or Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments reſpectively, to commence from the Time that ſuch new Pavement ſhall be reſpectively completed.

Money may be borrowed on the Credit of the Rates.

LV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, from Time to Time, when they ſhall judge it neceſſary for the Purpoſe aforeſaid, to borrow and take up at Intereſt ſuch Sum or Sums of Money, as any Perſon or Perſons is or are willing to lend and advance upon the Credit of the ſaid additional Rate or Aſſeſſment of Sixpence in the Pound; and by any Writing or Writings, upon Vellum or Parchment, ſigned by the ſaid Commiſſioners, or any Nine or more of them, to aſſign the ſaid additional Rate or Aſſeſſment to any Perſon or Perſons who ſhall advance and lend ſuch Money thereon as a Security or Securities for the ſeveral Sums ſo borrowed, with Intereſt for the ſame; which Intereſt ſhall be payable and paid Half-yearly by the Treaſurer or Treaſurers for the Time being, out of the Monies to ariſe by or from the ſaid additional Rate or Aſſeſſment.

Application of Monies.

LVI. And be it further enacted, That ſuch Sum or Sums of Money, when ſo received by the ſaid Commiſſioners, or any Nine or more of them, at any Meeting to be held in purſuance of this Act, or by

by their Treasurer or Treasurers for the Time being; the same shall be deposited in the Hands of such Banker as the said Commissioners, or any Seven or more of them, shall direct, to be issued and applied by the said Commissioners, or any Seven or more of them, for the new-paving any Square, Street, or Place, within the Limits aforesaid.

Securities to be entered in Books.

LVII. And be it further enacted, That there shall be entered in a Book or Books, to be for that Purpose provided and kept by the Clerk or Clerks to the said Commissioners, all Securities for Monies borrowed by virtue of or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Descriptions, of all such Persons as shall, from Time to Time, be intitled to such Securities, and the Sums received upon such Securities; to which Book or Books the Persons intitled thereto, and all and every Person or Persons liable to the Payment of the said Rates and Assessments, shall, at all seasonable Times, have Access, with free Liberty to inspect the same without Fee or Reward; and the Treasurer or Treasurers to the said Commissioners shall, from Time to Time, keep the Accounts relating to such additional Rate or Assessment, and the Payment of the Interest of the Money borrowed, separate and distinct from the other Accounts of the said Commissioners; and if any Sum or Sums of Money shall at any Time, remain over and above what shall be sufficient to pay such Interest, then such Sum or Sums of Money shall be applied towards paying off the Principal so borrowed as aforesaid; and for that Purpose may be placed out at Interest, on Goverment Security, in the Name or Names of the Treasurer or Treasurers for the Time being to the said Commissioners, at such Time, and in such Manner, as the said Commissioners, or any Seven or more of them, shall direct or appoint, until the same shall amount to the Sum of Five hundred Pounds, which Sum shall be employed for and towards the Payment of the Money lent and advanced on such additional Rate; and no Preference, either in the Payment of Interest or Principal, shall be given to any Person or Persons whatsoever on account of the Priority of advancing such Sum or Sums, but that each Person shall be a Creditor in equal degree, according to the Sum or Sums so by him, her, or them lent and advanced as aforesaid.

All Creditors deemed equal in Degree.

Securities may be transferred.

LVIII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons intitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand or Hands respectively, to assign or transfer such Securities, by Indorsement on the Back thereof, to any Person or Persons whatsoever, and testified by Two Witnesses, and so *toties quoties*; and such Assignments and Transfers, after they shall be respectively entered in the Book or Books of the said Commissioners in Manner aforesaid, shall intitle the Person or Persons to whom they shall be respectively made, and his, her, and their respective Executors, Administrators, and Assigns, to the Benefit of the Security or Securities so assigned or transferred.

How empty Houses are to be rated, &c.

LIX. And be it further enacted, That where any of the Lands, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, after the same shall have been once inhabited or occupied, shall, at the Time of making any of the said Rates or Assessments, be empty, untenanted, or unoccupied; then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to rate and assess such Premises respectively at One Half of such Rates or Assessments, during the Time only that such Premises shall be empty, untenanted, or unoccupied; and also in case any such Premises, after the making of such Rate or Rates, Assessment or Assessments, shall become empty, untenanted, or unoccupied, One Half only of such Rate or Assessment shall be charged on such Premises respectively, for and during so long a Time as the same shall continue empty, untenanted, and unoccupied; and then, and in any of the said Cases, the said Rate or Rates, Assessment or Assessments, and all Arrears due thereon, shall be paid by the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or by the First or any other Tenant or Occupier thereof; and in which last Case, such Tenant or Tenants, Occupier or Occupiers, shall and may, and is and are hereby authorised to deduct and detain the same out of his, her, or their Rent or Rents respectively; and the Landlord or Landlords, Owner or Owners, of such Premises, is and are hereby required to allow such Deductions and Payment upon Receipt of the Residue of his, her, or their respective Rents; and the said Tenant or Tenants, Occupier or Occupiers, shall be, and is and are hereby acquitted and discharged of and from so much of his, her, or their Rent, as the Rate or Rates, Assessment or Assessments, and all Arrears due thereon, and so paid by him, her, or them, shall amount unto.

Landlords, &c. of Houses, &c. liable to the Rates.

'LX. And whereas there are many Houses, Buildings, Grounds, and Premises, within the Limits 'aforesaid, which are taken on Leases for Years, or otherwise, and by the Lessees or Tenants, and 'also by Landlords and Owners, let out in Parcels or separate Apartments, to Undertenants, and other 'Houses and Premises let ready-furnished to Lodgers;' be it therefore enacted by the Authority aforesaid, That the Lessee, Landlord, Owner, or Proprietor, of all such Houses, Buildings, Grounds, and Premises, so let out, or which shall be let out in Parcels or separate Apartments, or ready-furnished to a Lodger or Lodgers, shall be deemed and taken as the Occupier or Occupiers thereof, and shall be liable and subject to the Payment of the Rates or Assessments directed by this Act to be made, raised, and levied, according to the yearly Rent or Value of such Premises.

Occupiers to pay the Rates.

'LXI. And, for the more easy Recovery of such Rates or Assessments,' be it further enacted, That each and every Person so renting or occupying any such Parcel or separate Apartment as aforesaid, shall be liable and compellable to the Payment of the said Rates or Assessments, and all Arrears due thereon; to be recovered in Manner herein-after directed.

Occupiers to be allowed the Rates in their Rents.

LXII. Provided always, That each and every Occupier who shall pay such respective Rates or Assessments, and any Arrears due thereon, or from whom the same shall be recovered in pursuance of this

Act, shall and may deduct the same from and out of the next or any other Rent due and payable from him, her, or them, to such respective Lessee, Landlord, Owner, or Proprietor; and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or shall be levied on the Goods and Chattels of him, her, or them, by virtue of this Act.

Rates on Houses occupied by Ambassadors, to be paid by the Landlord.

LXIII. And be it further enacted, That every Rate, Tax, or Assessment, which shall be made, laid, or assessed, by virtue of this Act, for or in respect of any Houses, Buildings, Grounds, or Premises, which any Ambassador or Resident, Agent, or other publick Minister of any foreign Prince or State now doth, or hereafter shall inhabit, shall be paid by the Landlord, Lessee, Owner, or Proprietor thereof respectively, who shall be liable and compellable to the Payment thereof, and shall be recovered in Manner herein-after directed.

Publick Buildings and Dead-walls to be rated.

'LXIV. And, forasmuch as it is reasonable that all publick Buildings, and all Dead-walls and void 'Spaces of Ground, within the Limits aforesaid, should be rated and assessed in a due Proportion for the 'several Purposes of this Act,' be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, at their Discretion, and they are hereby required, from Time to Time, to rate and assess, towards the Purposes of this Act, all Chapels, Meeting-houses, Schools, Markets, Warehouses, and all other publick Buildings whatsoever within the Limits aforesaid, (charged or not charged to the Land-tax), which now is or are, or hereafter may be built, or in building, at a Rate not exceeding Two Shillings in the Pound, according to the clear yearly Income arising from such Chapels, Meeting-houses, Schools, Markets, Warehouses, and other publick Buildings respectively; and where there is not any such clear yearly Income, or the same cannot be fully ascertained, then, and in either of the said Cases, the same shall be charged and assessed at a Rate not exceeding Sixpence *per* square Yard, in any One Year, of the Pavement paved or repaired under the Direction of the said Commissioners, and situate, lying and being, in any such Square, Street, or Place, and belonging to such Chapel, Meeting-house, School, Ware-house, or other publick Building; and the said Commissioners, or any Seven or more of them, shall also, at their Discretion, yearly, or oftener, (if needful) assess all Burying-grounds, Dead-walls, and void Spaces of Ground, towards the Purposes aforesaid, and which are not charged in respect of any Dwelling-house, or other Building, by the Pound-rate, or otherwise, by virtue of this Act, so that in the Whole such Rate or Assessment shall not, in any One Year, exceed the Sum of Sixpence for every square Yard of Pavement paved or repaired under the Direction of the said Commissioners, situate as aforesaid, or belonging to, or lying before such Burying-grounds, Dead-walls, or void Spaces of Ground; which Rates or Assessments shall commence upon the Twenty-fifth Day of *December*, One thousand seven hundred and seventy-one; and all Rates or Assessments to be made and paid for all such Burying-grounds, Chapels, Meeting-houses, Schools, Markets, Warehouses, or other publick Buildings, Dead-walls, or void Spaces of Ground, shall be paid by the respective Owner or Owners, Proprietor or Proprietors thereof, and shall be charged and chargeable on the said Premises, and be recovered and applied in such Manner as other Rates and Assessments are directed to be recovered and applied by this Act.

Unfinished Houses, &c. to pay Rates;

'LXV. And whereas there are several Houses and other Buildings within the Limits aforesaid, which 'are unfinished or not let, and it is reasonable that the same should be rated and assessed for the Purposes 'aforesaid, until such Time as the same are occupied;' be it therefore enacted, That until such Time as any Houses, or other Buildings, shall be finished and tenanted, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby required and directed, when, and as soon as conveniently may be, to rate and assess, according to their Discretion, all such Houses, and other Buildings, which are or shall be erected, and covered in and unoccupied, at a Rate not exceeding Fourpence for every square Yard of Ground paved, or to be paved, by virtue of this Act, and belonging to the Fronts or Sides of such Houses, or other Buildings, and for all Houses, or other Buildings, which are or shall be erected, and not covered in, at a Rate not exceeding Twopence for every square Yard of Ground paved, or to be paved by virtue of this Act, and belonging to the Fronts or Sides of such Houses, or other Buildings, until the same shall be covered in as aforesaid, and then at a Rate not exceeding Fourpence for every square Yard, until the same shall be let or occupied; which Rates or Assessments shall commence from the Twenty-fifth Day of *December*, One thousand seven hundred and seventy-one, and shall be paid by, and recoverable from, the Proprietor or Proprietors, Lessee, or Lessees, Owner or Owners, of such House or Houses, Building or Buildings respectively, and shall be charged and chargeable on the said Premises: And if the said Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, shall refuse or neglect to pay the same upon Demand; then, and in every such Case, all such Rates or Assessments, and all Arrears due thereon, shall and may be levied on the Goods and Chattels of the Person or Persons so required to pay the same, in Manner herein-after directed, and in case the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of such House or Houses, Building or Buildings, shall not be known, or cannot be found, or shall be under Commission of Bankruptcy, then the said Rates or Assessments made thereon shall be and remain charged and chargeable on the said Premises until the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, can be found, or until Assignees, in case of Bankruptcy, are appointed; when the same, and all Arrears due thereon, shall be levied on the Goods and Chattels of such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or upon the Goods and Chattels of such Assignee or Assignees, who is and are hereby made liable to pay the same, or upon the said Premises, in like Manner as other Rates, made by virtue of this Act, are made recoverable.

How, and by whom payable.

'LXVI.

'LXVI. And whereas there are and may be several new Streets and Places which are not paved, Part 'of which are built and in building, and small Pieces or Parcels of Ground within the Limits aforesaid 'unbuilt upon, which are neither paved, cleansed, or lighted; and it would be a Means of forwarding 'the good Purposes of this Act if Builders, or others, who by Law are liable to pave the same, were 'to pay such Sums of Money for that Purpose as are herein-after directed;' be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to view and inspect all Squares, Streets, Lanes, Courts, Yards, Mewses, Alleys, Passages, or Places, within the Limits aforesaid, which now are, or hereafter may be built upon, or in building; and if, upon such View, they shall be of Opinion that the same, or any Part or Parts thereof, is or are fit and proper to be paved, the said Commissioners, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, after such View, shall and may order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of all and every such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Tenements, or Hereditaments, situated within the Limits aforesaid, or leave the same at his, her, or their last or usual Place of Abode, or with his, her, or their known Servant or Servants; or if no such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, can be found, then such Notice shall be stuck against the said Premises. or any Part thereof; which Notice shall require such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, to meet the said Coommissioners, or any Five or more of them, at the Time and Place to be therein mentioned (not being less than Ten Days from the Date of such Notice) to compound for the paving thereof, at any Sum not exceeding Three Shillings for every square Yard of such Pavement, whether Carriage-way or Foot-way; which Composition the said Commissioners, or any Seven or more of them, are hereby authorised to make; and if such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, shall not attend, or shall not compound and agree with the said Commissioners, or any Seven or more of them, as aforesaid, then it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to order the same to be paved as soon as conveniently may be, and all the Charges and Expences attending such Paving shall be paid by the respective Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, and shall be recovered and levied by Distress and Sale of their Goods and Chattels, in the Manner herein-after directed.

New Streets and Places unpaved, to be rated.

If Commissioners judge any new-built Street proper to be repaired,

they are to require Inhabitants to meet and compound for paving.

On Neglect, Composition may be levied.

LXVII. Provided always, and it is hereby declared, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Commissioners, or any of them, to charge, or make chargeable, any one Proprietor, Owner, or Lessee of such vacant Ground, with more than Two hundred square Yards of Paving, on account of any such vacant Ground in any one Square, Street, or Place, until the same shall be built upon, or shall be in building.

Owners of vacant Ground not to be charged for more than 200 square Yards.

LXVIII. And be it further enacted, That the Clerk or Clerks for the Time being to the said Commissioners shall and he or they is and are hereby required to keep proper Entries, in a Book or Books to be kept for that Purpose, which shall be signed by the said Commissioners, who shall have made such Rates or Assessments respectively, of all and singular the Rates and Assessments, which they shall make by virtue of this Act for the Purposes aforesaid, to which Book or Books every Person liable to pay the said Rates or Assessments shall and may have free Access at all convenient Times, and shall be permitted to inspect the same without Fee or Reward.

Rates to be entered in Books, which may be inspected gratis,

'LXIX. And, for the better and more effectual raising and levying the Rates and Assessments directed 'to be made by this Act,' be it further enacted, That in case any of the Inhabitants or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of any Land, Ground, House, Shop, Warehouse, Coach-house, Stable Cellar, Vault, Building, Tenement, or Hereditament, within the Limits aforesaid, and herein-before made liable to pay any Rate or Assessment, made, laid, or assessed by virtue of this Act, shall refuse or neglect to pay the Money rated and assessed upon him, her, or them respectively, and all Arrears due thereon, it shall and may be lawful to and for the Collector or Collectors appointed by the said Commissioners, or any Seven or more of them, to collect and levy such Rates or Assessments, by Warrant, under the Hands and Seals of Two of His Majesty's Justices of the Peace for the said County, and all Arrears due upon the said Rates or Assessments, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either within the Limits aforesaid, or elsewhere; and if within Five Days next after such Distress shall be made, the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, shall not be paid, together with the reasonable Charges of taking and keeping the same, the said Collector or Collectors shall cause the said Goods to be appraised and sold, or such Part thereof as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any be) to the Owner or Owners of such Goods and Chattels respectively.

Inhabitants, &c. refusing to pay Rates, how to be recovered.

'LXX. And, for the more easy Recovery of the Rates and Assessments, directed to be rated and 'assessed by virtue of this Act,' be it further enacted, That when any Person or Persons who hath or have been so rated and assessed as aforesaid, shall quit his, her, or their Land, Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament, which shall have been so rated and assessed, before he, she, or they, shall have paid such Rate or Assessment, and shall afterwards refuse to pay the same when due, and demanded by the Collector or Collectors, authorised and appointed to receive the same; that then, and in every such Case, it shall and may be lawful to and for the said Collector or Collectors, by Warrant, under the Hands and Seals of any Two or more Justices of the Peace for the said County of *Middlesex*, or elsewhere, (which Warrant the said Justices

How Rates may be recovered from Persons quitting their Houses, &c. before Payment.

are hereby authoriſed and required to grant without Fee or Reward), to diſtrain the Goods and Chattels, of ſuch Perſon or Perſons ſo refuſing or neglecting, and to ſell the ſame, rendering the Overplus (if any be) after having deducted the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels, upon Demand.

Rates may be ſued for in the Name of the Treaſurer.

LXXI. Provided always, That the ſaid Commiſſioners, or any Seven or more of them, may, (if they ſhall think proper) ſue in the Name or Names of their Treaſurer or Treaſurers, or ſuch other Perſon or Perſons as the ſaid Commiſſioners, at any of their Meetings, ſhall, by Writing under their Hands and Seals, appoint for all or any of the Rate or Rates, Aſſeſſment or Aſſeſſments, which ſhall be made by virtue of this Act, and all Arrears thereof; in which Action no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

No Contract for paving, &c. to be void by this Act.

LXXII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the paving, repairing, cleanſing, lighting, watering, and watching, any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, within the Limits aforeſaid, but that every Perſon who is now, by virtue of any ſuch Contract or Agreement, obliged to pave, keep in Repair, and cleanſe any or any Part of the ſaid Squares, Streets, Lanes, Courts, Yards, Mewſes, Alleys, Paſſages, or Places, ſhall, in lieu thereof, be obliged to pay the Rates hereby directed to be made and aſſeſſed, or ſo much thereof as ſuch Commiſſioners as aforeſaid, or any Seven of them, ſhall deem juſt, and according to the true Meaning of ſuch Contract, Covenant, or Agreement, and for and during the Term thereof; and in caſe any Diſpute ſhall ariſe concerning ſuch Contract, Covenant, or Agreement, the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to hear and finally determine the ſame.

Perſons paying Rates exempted from paving.

LXXIII. And be it enacted, That all and every Perſon or Perſons paying the Rates or Aſſeſſments by this Act laid and aſſeſſed, ſhall be, and they and every of them, is and are hereby exempted and diſcharged from the Expence of paving, cleanſing, lighting, watching, or keeping in repair the ſaid Squares, Streets, or Places, or any of them; and alſo from all Penalties which may or might be incurred by Reaſon of their neglecting to pave, cleanſe, light, or keep the ſame in Repair.

Perſons paying Rates exempted from the Aſſeſſments for repairing the Highways.

LXXIV. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who inhabit, hold, uſe, occupy, poſſeſs, or enjoy any Land, Houſe, Tenement, or Hereditament, or any Stable or any Building within the Limits aforeſaid, ſhall be exempted from the Payment of any Sum or Sums of Money rated or aſſeſſed, or which ſhall or may, at any Time or Times hereafter, be rated and aſſeſſed upon them, for and towards the Repair of Common Highways, Cauſeways, Streets, and Pavements, to be repaired at the publick Charge of the Inhabitants of the ſaid Pariſh of *Saint Pancras*, by virtue of an Act of Parliament, paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the ſeveral Statutes now in being, for the Amendment and Preſervation of the publick Highways of this Kingdom; and for other Purpoſes therein mentioned.*

Act 7 Geo. III. c. 40.

Act 29 Geo. II.

'LXXV. And whereas Part of the Road, or Street, called *Tottenham-court Road*, leading from the '*Black Horſe* to the Turnpike at *Tottenham Court*, is now under the Care and Management of the Truſtees appointed to put in Execution an Act of Parliament, made in the Twenty-ninth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to enable the reſpective Truſtees, of the Turnpike Roads leading to* Highgate Gatehouſe *and* Hampſtead, *and from* Saint Giles's Pound *to* Kilbourne Bridge, *in the County of* Middleſex, *to make a new Road, from the* Great Northern Road *at* Iſlington, *to* Edgeware Road, *near* Paddington; *and alſo from the North End of* Portland Street, *croſs the* Farthing-pyehouſe Fields, *into the ſaid new Road; and for enlarging the Terms and Powers granted by Two ſeveral Acts for repairing the ſaid Road from* Saint Giles's Pound *to* Kilbourne Bridge: And whereas it will be for the Convenience and Benefit of the Inhabitants of the ſaid Pariſh, if ſo much of *Tottenham-Court* Road as extends from the North End of *Chapel Street* to the *Black Horſe* in the ſaid Road, Southward, was to be paved, cleanſed, and kept in Repair;' be it therefore enacted by the Authority aforeſaid, That the ſaid Truſtees for putting in Execution the ſaid Act of the Twenty-ninth Year of His ſaid late Majeſty's Reign ſhall, and are hereby authoriſed and required, forthwith to cauſe to be well and ſufficiently repaired ſo much of the ſaid Road as is already paved, and to new-pave ſuch Part of the ſaid Road above deſcribed as is not already paved, and to cauſe the ſame to be properly repaired and cleanſed, from Time to Time, for the future; and to defray the Expences thereof out of the Tolls directed to be collected and received by virtue of the ſaid Act, or out of any Money which ſhall be borrowed on the Credit thereof: And in caſe the ſaid Truſtees ſhall neglect or refuſe forthwith well and ſufficiently to repair ſuch Part of the ſaid Road which is already paved, and to new-pave ſo much of the ſaid Road as is not at preſent paved; or ſhall neglect or refuſe to keep the Whole of the ſaid Road herin-before deſcribed in good and ſufficient Repair, or to keep the ſame properly cleanſed, from Time to Time, as often as ſhall be neceſſary, that then the ſaid Commiſſioners appointed to put this Act in Execution, or any Seven or more of them, ſhall and may, from Time to Time, at any of their Meetings to be held in purſuance of this Act, give Notice, under their Hands and Seals, to the Surveyor to the Truſtees for the Care of the ſaid Road, of any ſuch Neglect or Neglects as aforeſaid; and if the ſaid Truſtees for the Care of the ſaid Road, ſhall not well and ſufficiently pave, repair, amend, and cleanſe ſuch Part or Parts of the ſaid Road as aforeſaid, within Twenty-one Days after ſuch Notice, according to the true Intent and Meaning of this Act, it ſhall and may be lawful to and for the Commiſſioners appointed to put this Act in Execution, or any Seven or more of them, to cauſe the

Tottenham-court Road to be paved, &c.

ſaid

ſaid Road, or ſuch Parts thereof as ſhall be neceſſary, to be paved, cleanſed, and repaired in ſuch Manner as they ſhall think proper, and all Coſts, Charges, and Expences attending the paving, cleanſing, and repairing the ſaid Road, or ſuch Parts thereof as aforeſaid ſhall be reimburſed the ſaid Commiſſioners, by the ſaid Truſtees, for putting in Execution the ſaid Act of the Twenty-ninth Year of His ſaid late Majeſty, out of any of the Tolls to be collected by virtue of the ſaid laſt-mentioned Act, or out of any Money to be borrowed on the Credit thereof, within Fourteen Days next after ſuch Charges and Expences ſhall have been incurred as aforeſaid; any Thing in the ſaid Act to the Contrary hereof in anywiſe notwithſtanding.

Collector to pay Money, as received, to the Treaſurer.

LXXVI. And be it further enacted, That the Collector or Collectors of the Rates and Aſſeſſments aforeſaid ſhall pay the Money as he or they ſhall receive the ſame, to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners; and upon Payment of every ſuch Sum of Money to ſuch Treaſurer or Treaſurers, ſuch Collector or Collectors ſhall take a Receipt for the ſame, and therein the Name or Names of ſuch Collector or Collectors ſhall be expreſſed, and the Sum or Sums of Money paid, ſhall be ſpecified: And if ſuch Collector or Collectors ſhall, at any Time keep and retain in his or their Hands more than the Sum of One hundred Pounds, for any Time longer than the Space of Two Days, provided the Treaſurer or Treaſurers to ſuch Commiſſioners ſhall, within that Time, be ready to receive the ſame, he or they ſhall forfeit and pay the Sum of Five Pounds for every Day that he or they ſhall retain in his Hands more than the Sum of One hundred Pounds beyond the ſaid Two Days, as aforeſaid.

5 l. Penalty on Collectors keeping above 100 l. longer than Two Days.

Treaſurer having 500 l. to pay it into ſuch Bankers as Commiſſioners ſhall appoint.

LXXVII. And be it further enacted, That as ſoon as conveniently may be after the Treaſurer or Treaſurers to the ſaid Commiſſioners ſhall, at any Time, have received the Sum of Five hundred Pounds of the Monies appointed to be received by him or them, by virtue of and for the Purpoſes of this Act, he or they ſhall, from Time to Time, pay the ſame into the Hands of ſuch Banker or Bankers as the ſaid Commiſſioners, or any Seven or more of them, ſhall for that Purpoſe direct, in the Name, and on the Account of the ſaid Commiſſioners; and the ſame ſhall be diſpoſed of by Order of the ſaid Commiſſioners, or any ſeven or more of them, for the Purpoſes of this Act, and not otherwiſe.

Officers to account upon Oath, &c.

LXXVIII. And be it further enacted, That the Treaſurer or Treaſurers, Collector or Collectors, and other Officers to be appointed as aforeſaid for the Time being, within the Limits aforeſaid, ſhall, upon Three Days Notice in Writing, given or left for them reſpectively, at their uſual Places of Abode, by the Clerk or Clerks to the ſaid Commiſſioners, deliver in upon Oath, (if thereunto reſpectively required), to the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as they ſhall appoint, (which Oath any One of them is hereby impowered to adminiſter), a true and perfect Account in Writing, under the reſpective Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, and other Officers and Perſons to be appointed as aforeſaid, of all Matters and Things committed to their Charge by virtue of this Act; and alſo all Monies which he or they ſhall have received by reaſon of his or their ſaid Office or Offices, and how much thereof hath been paid and diſburſed by Order of the ſaid Commiſſioners, or any Seven or more of them, and for what Purpoſe, together with the proper Vouchers for ſuch Payments; alſo a true Liſt of the Names of all Perſons who ſhall have neglected or refuſed to pay the Rates or Aſſeſſments laid on them as aforeſaid, and of the ſeveral Sums of Money from him, her, or them reſpectively due and in Arrear, together with the Dates that the ſame reſpectively became due, to the Intent that the ſame may be ſpeedily got in and recovered: And if any Treaſurer or Treaſurers, Collector or Collectors, or other Officer or Officers, after ſuch Notice given, ſhall neglect or refuſe to bring in his Account as aforeſaid, and to produce and deliver the Vouchers relating to the ſame, or to account for any Sum or Sums of Money by him or them received and collected, and to pay the ſame, and every Part thereof, as is herein before directed, ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Ten Pounds: And it ſhall and may be lawful to and for the ſaid Commiſſioners appointed for the Execution of this Act, or any Seven or more of them, and they are hereby authoriſed and impowered to bring, or cauſe to be brought, any Action in the Names of the ſaid Commiſſioners, or any Five or more of them, againſt ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, ſo neglecting or refuſing as aforeſaid, for the Recovery, as well of the ſaid Forfeiture as of the Monies which ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons reſpectively; or if Complaint ſhall be made of ſuch Neglect or Refuſal by the ſaid Commiſſioners, or by any Perſon or Perſons appointed by them, or any Seven or more of them, to any Juſtice of the Peace for the County or Place wherein ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons, ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtice may, and is hereby authoriſed and required, by Warrant under his Hand and Seal, to cauſe ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer, or Perſon, ſo neglecting or refuſing, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected, raiſed, and received by virtue of this Act, ſhall be in the Hands of ſuch Treaſurer or Treaſurers, Receiver or Receivers, Officers, or Perſons, ſo unaccounted for by them reſpectively ſuch Juſtice may, and is hereby authoriſed and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money, as alſo ſuch Forfeiture as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer or Treaſurers, Collector or Collectors, Officers, or Perſons reſpectively: And if no Goods and Chattels of ſuch Treaſurer or Treaſurers, Collector or

Penalty on Officers, refuſing to account.

Commiſſioners impowered to bring Action againſt Officers, &c.

or if Complaint be made to the Juſtices,

they are to inquire into the Default,

and to levy ſuch Money, and the Penalty by Diſtreſs.

For want of Diſtreſs, Offender to be committed.

Collectors, Officers, or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, as alſo the ſaid Forfeitures, and the Charges of diſtraining and ſelling the Goods and Chattels ſo diſtrained; then, and in either of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to the Houſe of Correction, until he or they ſhall give or make a true and perfect Account as aforeſaid, or until he or they ſhall compound for the ſame with the ſaid Commiſſioners, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to make; or until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, and give Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any Seven or more of them.

Collectors to account Four Times a Year.

LXXIX. Provided always, and be it further enacted, That Four Times at leaſt in every Year an Account, from the Book or Books to be kept by the Collector or Collectors, of the Sum and Sums of Money, as ſhall be ſo aſſeſſed, ſhall be fairly ſtated and ſigned by the Collector or Collectors, and deliVered by him or them to the ſaid Commiſſioners, who are hereby impowered to give a Diſcharge to the ſaid Collector or Collectors, for all ſuch Monies as he or they ſhall have truly accounted for: And in caſe any Treaſurer or Treaſurers, Collector or Collectors, Officers, or other Perſons, ſhall happen to die, or become bankrupt, before he or they ſhall have fully paid and ſatisfied all the Monies by him or them received by virtue of this Act; then, and in every ſuch Caſe, the Executors, Adminiſtrators, Executrix, Adminiſtratrix, or other legal Repreſentative or Repreſentatives, Perſon or Perſons, poſſeſſing the Eſtate and Effects of every ſuch Treaſurer or Treaſurers, Collector or Collectors, Officer or Officers, or other Perſon or Perſons, or the Aſſignee or Aſſignees of ſuch Bankrupt, ſhall, out of ſuch Eſtate and Effects, pay unto the Treaſurer or Treaſurers for the Time then being to the ſaid Commiſſioners, all ſuch Sums of Money as ſhould be in the Hands of ſuch Perſons reſpectively, at the Time of his or their Death, or at the Time of ſuing out any Commiſſion of Bankruptcy againſt him or them, and not paid over, or ſo much thereof as the ſaid Eſtate or Effects will extend to pay, and the Receipt or Receipts of the Treaſurer or Treaſurers ſhall be a good Diſcharge for the ſaid Money; and every Executor or Adminiſtrator, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Authority of this Act for ſuch Payment, and ſhall be allowed the ſame prior to any other Debt or Demand whatſoever: And in caſe of Nonpayment of the ſame by the Space of Ten Days after the ſame ſhall have been demanded, it ſhall and may be lawful to and for the Treaſurer or Treaſurers for the Time being to ſuch Commiſſioners, and he and they is and are hereby directed and required, in his or their own Name or Names, to commence One or more Action or Actions, in any of His Maſtey's Courts of Record at *Weſtminſter*, againſt ſuch Executors, Adminiſtrators, Aſſignee or Aſſignees, or other Perſons, as aforeſaid, for the Recovery of the ſame; in which Action, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

On Death or Bankruptcy of Officers,

legal Repreſentatives to pay Monies remaining in Hand to the Treaſurer;

whoſe Receipt ſhall be a Diſcharge.

On Nonpayment, Actions may be commenced.

Treaſurer to pay Monies drawn upon him,

and keep a regular Account in a Book.

LXXX. And be it further enacted, That the Treaſurer or Treaſurers to the Commiſſioners as aforeſaid for the Time being, ſhall and may, and is and are hereby authoriſed and required, out of the Monies paid to him or them in purſuance of this Act, to pay all Sums of Money drawn upon him or them, or ordered to be paid by the ſaid Commiſſioners, or any Seven or more of them, for the Purpoſes of this Act; and the ſaid Treaſurer or Treaſurers ſhall and is and are hereby required to keep regular and fair Entries, in a Book or Books to be by him or them for that Purpoſe provided, of all and ſingular the Receipts and Payments which he or they ſhall make on the Account as aforeſaid; to which Book or Books every Inhabitant within the Limits of this Act aforeſaid ſhall and may have free Acceſs, at all convenient Times, and ſhall be permitted to inſpect the ſame without Fee or Reward; and the ſaid Treaſurer or Treaſurers ſhall have the ſaid Account audited and paſſed by the ſaid Commiſſioners, or any Seven or more of them, who are hereby impowered and required to audit and paſs the ſame.

Commiſſioners obtaining a Verdict, Defendant to pay Double Coſts.

LXXXI. And be it further enacted, That if any Action or Actions ſhall be brought by, or by Order of the ſaid Commiſſioners, or any Seven or more of them, againſt any Perſon or Perſons whatſoever, for the Recovery of any Money or Monies laid out and expended by the ſaid Commiſſioners, by virtue of this Act, or for any Materials, Matters, and Things, ſold and delivered by them, or any of their Officers, by their Order, or for the Recovery of any Rate or Rates, or any other Purpoſe whatſoever, and a Verdict ſhall be had and given againſt any ſuch Perſon or Perſons againſt whom ſuch Action or Actions ſhall be brought, ſuch Perſon or Perſons ſhall pay Double Coſts; and the ſaid Commiſſioners, in ſuch Action or Actions, ſhall have ſuch Remedy or Remedies for recovering the ſame, as any Plaintiff or Plaintiffs may have for his, her, or their Coſts, in any other Caſes by Law.

Penalties and Forfeitures how to be recovered and applied.

Informer deemed a competent Witneſs.

Commiſſioners may reward Informers.

LXXXII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace for the ſaid County of *Middleſex*, (which Warrant ſuch Juſtice is hereby impowered and required to grant, upon the Confeſſion of the Party or Parties, or upon the Information of One or more credible Witneſs or Witneſſes upon Oath), and the Informer is hereby rendered a credible Witneſs, (which Oaths ſuch Juſtice is hereby impowered and required to adminiſter; and the Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any be) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, and the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall be paid to the Treaſurer or Treaſurers to the ſaid Commiſſioners, and ſhall be applied to and for the Purpoſes of this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting to be held in purſuance of

of this Act, to order their Treasurer or Treasurers for the Time being to pay such Part of the said Penalties to the Informer as they shall judge reasonable, not exceeding One Half thereof.

Distress not to be deemed unlawful for want of Form.

LXXXIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or want of Form in any Proceedings relating thereto; nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in any Action on the Case.

Plaintiff not to recover, if Tender of Amends hath been made.

LXXXIV. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, or for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into the Court such Sum of Money as he or they shall see fit; whereupon such Proceedings or Order and Judgment shall be made, or given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Persons aggrieved may appeal to the Quarter-sessions.

LXXXV. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Rate or Rates, Assessment or Assessments, or any other Matter or Thing done, or directed to be done, in pursuance of this Act, such Person or Persons shall apply for Relief to the Commissioners for putting this Act into Execution, at any Meeting to be held within One Month next after Demand made of any such Rate or Rates, Assessment or Assessments, or next after any such Matter or Thing done and committed, by, or by Order of the said Commissioners, or any Five or more of them, such Commissioners are hereby authorised and impowered (if they shall think such Persons aggrieved) to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons shall not be satisfied with the Determination of such Commissioners, he, she, or they, shall be obliged to pay such Rate or Rates, Assessment or Assessments, and to comply with such Order of the said Commissioners; and then shall and may appeal to the Quarter-sessions of the Peace, to be holden for the said County of *Middlesex*, within Three Months next after such Determination of the said Commissioners, such Appellant first giving, or causing to be given, Twenty-one Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to such Commissioners, and within Two Days next after such Notice, entering into Recognizance before such Justice of the Peace for such County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter-sessions; and the said Justices, at such Quarter-sessions, upon due Proof of such Notice given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at their Quarter-sessions shall be final, binding, and conclusive.

Writings to be without Stamps.

LXXXVI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security, for the borrowing of any Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, or Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever.

No Proceedings, &c. to be removed by Certiorari.

LXXXVII. And be it further enacted, That no Rate or Rates, Assessment or Assessments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Orders made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the Contrary notwithstanding.

Expences of this Act how to be paid.

LXXXVIII. And be it further enacted, That all the Costs, Charges, and Expences of passing this Act, and all other Charges incident to the obtaining thereof, shall be borne, paid, and defrayed, out of the first Monies arising by virtue of this Act.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action or Actions shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Clerk or Treasurer to the said Commissioners, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and all such Actions or Suits shall be laid and tried in the County of *Middlesex*, and not in any other County, City, or Place; and that the Defendant or Defendants in such Action or Actions, Suit or Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for or

General Issue.

on

on which such Action or Actions, Suit or Suits, shall be brought, was done in Pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done; or it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants: And if a Verdict shall be found for such Defendant or Defendants therein; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, Suit or Suits; or if, upon a Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in other Cases by Law.

Treble Costs.

Publick Act.

XC. And be it further enacted, That this Act shall be allowed in all Courts whatsoever, as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. LXX.

An Act for granting to His Majesty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned for the Service of the Year One thousand seven hundred and seventy-two; and for further appropriating the Supplies granted in this Session of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders lost, burnt, or destroyed.

Most Gracious Sovereign,

Preamble.

'WE, Your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant to Your Majesty the Sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That by or out of such Monies as shall, from Time to Time, be and remain in the Receipt of the Exchequer, of the Surpluses, Exceses, Overplus Monies, and other Revenues composing the Fund commonly called *The Sinking Fund*, after paying, or reserving sufficient to pay, all such Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, there shall and may be issued and applied, for and towards making good the Supply granted to His Majesty for the Service of the Year One thousand seven hundred and seventy-two, a Sum not exceeding One million eight hundred fifty-six thousand seven hundred twenty-three Pounds, One Shilling, and Twopence; and the Commissioners of His Majesty's Treasury now or for the Time being, or any Three or more of them, or the High Treasurer for the Time being, are or is hereby authorised and impowered to issue and apply the same accordingly.

[illegible] 1. 19. [illegible] of [illegible] ent Year,

to be issued by the Treasury accordingly.

Treasury impowered to raise the said Sum, or any Part thereof, by Loans or Exchequer Bills, on the Credit of the Sinking Fund;

II. And it is hereby enacted by the Authority aforesaid, That in case the said Commissioners of His Majesty's Treasury now or for the Time being, or any Three or more of them, or the High Treasurer for the Time being, shall think it adviseable to raise the said Sum of One million eight hundred fifty-six thousand seven hundred twenty-three Pounds, One Shilling, and Twopence, or any Part thereof, by Loans or Exchequer Bills, in Manner herein-after mentioned, that it shall and may be lawful to and for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, to advance or lend to His Majesty, at the Receipt of His Majesty's Exchequer, any Sum or Sums of Money not exceeding the said Sum of One million eight hundred fifty-six thousand seven hundred twenty-three Pounds, One Shilling, and Twopence, upon the Credit of the said Surpluses, Exceses, and Overplus Monies, or other Revenues composing the Sinking Fund, and to have and receive Interest for the Forbearance of the Money lent; so as such Loans be allowed to be made by the said Commissioners of the Treasury, or any Three or more of them, now or for the Time being, or the High Treasurer for the Time being, who are or is hereby authorised to issue his or their Warrants for that Purpose, as such Loans shall be wanted for the publick Service; and moreover, that no Money to be lent upon the Security of this Act shall be rated or assessed to any Tax or Assessment whatsoever.

and to strike Tally of Loan, with Orders for Repayment of the Money so advanced; and Interest payable quarterly.

III. And be it further enacted, That all and every Person or Persons who shall lend any Money upon the Credit of this Act as aforesaid, and pay the same into the Receipt of the Exchequer, shall immediately have a Tally of Loan struck for the same, and an Order for his, her, or their Repayment, bearing the same Date with his, her, or their Tally, in or upon which Order shall be also contained a Warrant for Payment of Interest for the Forbearance thereof, and to be paid every Three Months, until the Repayment of the Principal; and all such Orders for Repayment of Money so to be lent shall be registered in Course, according to the Dates respectively; and that all and every Person and Persons shall be paid in Course, according as their Orders shall stand registered in the said Register Books,

Books, ſo as the Perſon or Perſons, Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, who ſhall have his, her, or their Order or Orders firſt entered in the ſaid Books or Regiſter, ſhall be taken and accounted to be the Firſt Perſon or Perſons to be paid out of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues; and he, ſhe, or they, who ſhall have his, her, or their Order, or Orders next entered, ſhall be taken and accounted to be the Second Perſon to be paid, and ſo ſucceſſively, and in Courſe; and that the Monies to come in, of or for the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund as aforeſaid, ſhall be, in the ſame Order, liable to the Satisfaction of the ſaid reſpective Perſons, and Body or Bodies Politick or Corporate, their Executors, Adminiſtrators, Succeſſors, or Aſſigns reſpectively, without any undue Preference of One before another, and not otherwiſe; and ſhall not be diverted or divertible to any other Uſe, Intent, or Purpoſe whatſoever, (other than ſuch Uſes and Purpoſes as are appointed by any other Act or Acts of Parliament in that Behalf as aforeſaid; and that no Fee, Reward, or Gratuity, directly or indirectly, ſhall be demanded or taken of any of His Majeſty's Subjects, for providing or making of any ſuch Books or Regiſters, or any Entries, Views, or Searches, in or for Payment of Money lent, or the Intereſt thereof, as aforeſaid, by any of His Majeſty's Officer or Officers, their Clerks or Deputies, on Pain of Payment of Treble Damages to the Party grieved by the Party offending, with full Coſts of Suit; or if the Officer himſelf take or demand any ſuch Fee or Reward, then to loſe his Place alſo: And if any undue Preference of One before another ſhall be made, either in point of Regiſtry or Payment, contrary to the true Meaning of this Act, by any ſuch Officer or Officers, then the Party offending ſhall be liable, by Action of Debt or on the Caſe, to pay the Value of the Debt, with full Coſts of Suit, to the Party grieved, and ſhall be forejudged of his Place or Office; and if any ſuch Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Maſter, then ſuch Deputy or Clerk only ſhall be liable to ſuch Action, Debt, Damages, and Coſts, and ſhall be for ever after incapable of his Office or Place: And in caſe the Auditor of the Receipt ſhall not direct the ſaid Orders of Loan, or the Clerk of the Pells record, or the Teller make Payment upon ſuch Orders, according to each Perſon's due Place and Order as before directed; then he or they ſhall be adjudged to forfeit, and the reſpective Deputies and Clerks therein offending to be liable to ſuch Action, Debt, Damages, and Coſts, in ſuch Manner as aforeſaid; all which ſaid Penalties, Forfeitures, Damages, and Coſts, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*; wherein no Eſſoin, Protection, Privilege, Wager of Law, Injunction, or Order of Reſtraint, ſhall be in anywiſe granted or allowed.

Orders to be regiſtered in Courſe.

No undue Preference to be given in Payment,

nor Fee to be taken; on Forfeiture of Treble Damages, with full Coſts.

Penalty of undue Preference in point of Regiſtry or Payment.

Auditor, &c. neglecting his Duty, liable for Damages, &c. to be recovered in any of the Courts of Record at Weſtminſter.

IV. Provided always, and it is declared, That if it ſhall happen that ſeveral Tallies of Loan, or Orders for Payment, as aforeſaid, bear Date, or be brought the ſame Day to the Auditor of the Receipt to be regiſtered; then it ſhall be interpreted no undue Preference which of thoſe be entered firſt, ſo as he enters them all the ſame Day.

No undue Preference in the Regiſtering where Tallies or Orders are brought the ſame Day;

V. Provided alſo, That it ſhall not be interpreted any undue Preference, to incur any Penalty in Point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay ſubſequent Orders, to Perſons that come and demand their Monies, and bring their Orders, before other Perſons that did not come and take their Monies, and bring their Orders in courſe, ſo as there be ſo much Money reſerved as will ſatisfy precedent Orders, which ſhall not be otherwiſe diſpoſed of, but kept for them; Intereſt upon Loan being to ceaſe from the Time the Money is ſo reſerved and kept in Bank for them.

nor if ſubſequent Orders are paid before others not brought in courſe, ſo as Money may be reſerved for the precedent Orders.

VI. And be it further enacted, That all and every Perſon and Perſons to whom any Money ſhall be due for Loans to be regiſtered by virtue of this Act, after Order entered in the Book of Regiſter as aforeſaid, his, her or their Executors, Adminiſtrators, or Aſſigns, by proper Words of Aſſignment to be indorſed and written upon his, her, or their Order, may aſſign and transfer his, her, or their Right, Title, Intereſt, and Benefit of ſuch Order, to any other; which being notified in the Office of the Auditor of the Receipt aforeſaid, and an Entry or Memorial thereof alſo made in the Book of Regiſter aforeſaid for Orders, (which the Officers ſhall, upon Requeſt, without Fee or Charge, accordingly make) ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, Succeſſors, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the Power of ſuch Perſon or Perſons, who hath or have made ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

Power of Aſſignment, and Method of transferring of Orders.

'VII. And to the End there may be no Want or Failure of a certain Sum, not to exceed in the 'Whole the ſaid Sum of One million eight hundred fifty-ſix thouſand, ſeven hundred twenty-three 'Pounds, One Shilling and Twopence, to be raiſed either by ſuch Loans as aforeſaid, or by iſſuing 'Exchequer Bills, as is herein-after mentioned, or by both or either of thoſe Ways and Means, for 'the Publick Service;' be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, now or for the Time being, or the High Treaſurer for the Time being, ſhall judge it more adviſeable to raiſe the ſaid Sum of One million eight hundred fifty-ſix thouſand, ſeven hundred twenty-three Pounds, One Shilling and Twopence, or any Part thereof, by Exchequer Bills, inſtead of ſuch Loans as aforeſaid, that then he or they reſpectively is or are hereby authoriſed and impowered, at any Time or Times, to prepare and make, or cauſe to be prepared or made, at the Exchequer, any Number of new Exchequer Bills, for any Sum or Sums

If it ſhall be judged more adviſeable, the Treaſury may raiſe the ſaid Sum by Exchequer Bills, inſtead of Loans; the Bill in ſuch Caſe to be made as thoſe preſcribed by the Malt Act of this Seſſion.

of Money, not exceeding in the Whole the ſaid Sum of One million eight hundred fifty-ſix thouſand, ſeven hundred twenty-three Pounds, One Shilling and Twopence, together with ſuch Loans aforeſaid, in the ſame or like Manner, Form, or Order, and according to the ſame or like Rules and Directions, as in and by a certain Act of this preſent Seſſion of Parliament, intituled, *An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two*, are enacted and preſcribed concerning the Exchequer Bills to be made in purſuance of the ſaid Act.

All Advantages and Penalties in the Malt Act of this Seſſion, relating to Loans or Exchequer Bills thereby authoriſed to be made forth, extended to this Act.

VIII. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities, contained in the ſaid laſt-mentioned Act, relating to the Loans or Exchequer Bills authoriſed to be made by the ſame Act, (except ſuch Clauſes as do charge the ſame on the Taxes granted by the ſame Act, and except ſuch Clauſes as limit the Rate of Intereſt to be paid for the Forbearance of Money lent on the Credit of the ſaid Act), ſhall be applied and extended to the Exchequer Bills to be made in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Exchequer Bills had been originally authoriſed by the ſaid laſt-mentioned Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this preſent Act.

The ſaid Exchequer Bills, Intereſt, and Charges, are to be paid out of the Sinking Fund.

IX. And be it enacted by the Authority aforeſaid, That all the Exchequer Bills, which ſhall be made in purſuance of this Act, and the Intereſt, Premium, Rate, and Charges incident to, or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid and borne by and out of the growing Produce of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund, (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any former or other Act or Acts of Parliament in that Behalf); and ſuch Monies of the ſaid Sinking Fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards the paying off, cancelling, and diſcharging ſuch Exchequer Bills, Intereſt, Premium, Rate, or Charges, until the Whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable on Demand to the reſpective Proprietors thereof.

Bank authoriſed to lend to His Majeſty the Sum of 1,856,723 l. 1 s. 2 d. notwithſtanding Act 5 and 6 Gul. & Mariæ.

X. And be it declared and further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majeſty, in like Manner, at the Receipt of the Exchequer, upon the Credit of Loan granted by this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling and Twopence; any Thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled, *An Act for granting to Their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages, in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of One million five hundred thouſand Pounds, towards carrying on the War againſt France*, to the Contrary thereof in anywiſe notwithſtanding.

The Sum of 136,416 l. 8 d. 2 q. Surplus of the Sinking Fund in the Exchequer on 10 Oct. 1771; 55,192 l. 6 s. 11 d. 3 q. remaining in the Exchequer on 5 Jan. 1772; and 805,198 l. 13 s. 2 d. remaining in the Exchequer on 5 April, 1772; and 10,426 l. 9 s. 3 d. remaining in the Exchequer; and 21,710 l. remaining in the Exchequer on 5 April, 1772; alſo 400,000 l. directed to be paid by the East India Company, by Act 9 Geo. III. and ſuch Monies as ſhall be paid into the Exchequer between April 5, 1772, and April 5, 1773, of the Duties of Gum Senega and Gum Arabic, charged by Act 5 Geo. III. to be applied for the Service of the current Year.

XI. And be it further enacted by the Authority aforeſaid, That the Sum of One hundred thirty-ſix thouſand, four hundred ſixteen Pounds, and Eightpence Halfpenny, remaining in the Receipt of the Exchequer on the Tenth Day of *October*, One thouſand ſeven hundred and ſeventy-one, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called *The Sinking Fund*; and alſo the Sum of Fifty-five thouſand one hundred ninety-two Pounds, Six Shillings and Elevenpence Three Farthings, remaining in the Receipt of the Exchequer on the Fifth Day of *January* One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called *The Sinking Fund*; and alſo the Sum of Eight hundred and five thouſand three hundred ninety-eight Pounds, Thirteen Shillings and Twopence, remaining in the Receipt of the Exchequer on the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called *The Sinking Fund*; and alſo the Sum of Ten thouſand four hundred twenty-ſix Pounds, Nine Shillings and Threepence, remaining in the Receipt of the Exchequer for the Diſpoſition of Parliament; and alſo the Sum of Twenty-one thouſand ſeven hundred and ten Pounds, remaining in the Receipt of the Exchequer on the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, being the Surplus of the Deductions of Sixpence in the Pound out of all Monies paid upon all Salaries, Penſions, Annuities, and other Payments from the Crown, after ſatisfying the Annuities, or other Charges, then due and payable out of the ſame; and alſo the Sum of Four hundred thouſand Pounds, which by an Act made in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act for carrying into Execution certain Propoſals made by the* East India *Company for the Payment of the annual Sum of Four hundred thouſand Pounds, for a limited Time*, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the *Eaſt Indies*, is directed to be paid within the preſent Year into the Receipt of His Majeſty's Exchequer by the ſaid Company; and alſo ſuch of the Monies as ſhall be paid into the Receipt of the Exchequer after the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, and on or before the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-three, of the Produce of the Duties charged by an Act of Parliament made in the Fifth Year of His preſent Majeſty's Reign, upon the Importation and Exportation of *Gum Senega* and *Gum Arabic*, ſhall and may be iſſued and applied at the ſaid Receipt of His Majeſty's Exchequer, for and

towards

towards making good the ſaid Supply; and the Commiſſioners of His Majeſty's Treaſury, now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

XII. And be it further enacted by the Authority aforeſaid, That a Sum not exceeding One hundred thirty-eight thouſand and ninety Pounds, Five Shillings, and Tenpence, out of Savings ariſing upon the Grant for the Pay of an Augmentation to His Majeſty's Land Forces for the Year One thouſand ſeven hundred and ſeventy-one; and alſo a Sum not exceeding Thirty-ſix thouſand ſeven hundred and ſeventy-two Pounds, and Ten Shillings, out of the Savings ariſing upon the Sum voted in the Account of Extraordinaries in the Year One thouſand ſeven hundred and ſeventy, for Levy-money for the ſaid Augmentation; and alſo a Sum not exceeding One thouſand eight hundred ſixty-three Pounds, Thirteen Shillings and Tenpence, out of the Savings ariſing upon Grants for the Difference between *Britiſh* and *Iriſh* Pay of the Sixty-fourth and Sixty-fifth Regiments of Foot, from the Firſt Day of *September* to the Twenty-fourth Day of *December*, One thouſand ſeven hundred and Sixty-eight; and alſo a Sum not exceeding Forty thouſand Pounds out of the Savings ariſing upon the Grants for the pay of reduced Officers of Land Forces and Marines, from the Twenty-fifth Day of *June*, One thouſand ſeven hundred and fifty-ſeven, to the Twenty-fourth Day of *December*, One thouſand ſeven hundred and ſixty-eight, be applied towards making good the Supply granted to His Majeſty towards defraying the extraordinary Expences of His Majeſty's Land Forces, and other Services incurred to the Twentieth Day of *February* One thouſand ſeven hundred and ſeventy-two, and not provided for by Parliament; and the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

138,096 l. 5 s. 10 d. out of Savings ariſing upon an Augmentation to the Land Forces for 1771; and 36,772 l. 10 s. from the Sum voted for Extraordinaries in 1770; 1863 l. 13 s. 10 d. ariſing upon Grants for Difference between Britiſh and Iriſh Pay of the 64th and 65th Regiments, 1768; and 40,000 l. out of Savings upon Grants for Pay of reduced Officers, 1757 to 1772; to be applied as aforeſaid.

XIII. And be it further enacted by the Authority aforeſaid, That a Sum not exceeding Twenty-thouſand Pounds, out of ſuch Monies as ſhall be paid into the Receipt of the Exchequer on or before the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-three, of the Produce of all or any of the Duties and Revenues which by any Act or Acts of Parliament, have been directed to be reſerved for the Diſpoſition of Parliament, towards defraying the neceſſary Expences of defending, protecting, and ſecuring the *Britiſh* Colonies and Plantations in *America*, be applied towards making good ſuch Part of the Supply as hath been granted to His Majeſty for maintaining His Majeſty's Forces and Garriſons in the Plantations, and for Proviſions for the Forces in *North America*, *Nova Scotia*, *Newfoundland*, and the ceded Iſlands, for the Year One thouſand ſeven hundred and ſeventy-two: And the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

20,000 l. out of the Monies paid into the Exchequer, in 5 April, 1773, being the Produce of Duties reſerved towards Expence of defending, &c. the Britiſh Colonies in America, &c. to be applied towards making good the Sum granted for maintaining the Garriſons in the Plantations, and for Proviſions for the Forces in North America, &c.

XIV. Provided always, and it is hereby enacted by the Authority aforeſaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One Act of this Seſſion of Parliament, intituled, *An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-two*, and ſo much Money, if any ſuch be, of the Duties thereby granted, as ſhall ariſe or remain after all the Loans or Exchequer Bills made, or to be made, on the ſame Act, and all the Intereſt, Premium, Rate, and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer, to ſatisfy and diſcharge the ſame; and alſo all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One other Act of this Seſſion of Parliament, intituled, *An Act for granting an Aid to His Majeſty by a Land Tax, to be raiſed in* Great Britain, *for the Service of the Year One thouſand ſeven hundred and ſeventy-two*; and ſo much Money, if any ſuch be, of the Tax thereby granted, as ſhall ariſe and remain after all the Loans or Exchequer Bills made, or to be made, on the ſame Act, and all the Intereſt, Premium, Rate, and Charges thereon, and the Charges allowable thereby, for raiſing the ſaid Land Tax, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to ſatisfy and diſcharge the ſame; and alſo the Sum of One million eight hundred thouſand Pounds, granted by One other Act of this Seſſion of Parliament, intituled, *An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills for the Service of the Year One thouſand ſeven hundred and ſeventy-two*; and alſo all the Monies coming into the Exchequer by Contributions for a Lottery, granted by One other Act of this Seſſion of Parliament, intituled, *An Act for redeeming One million Five hundred thouſand Pounds of the Capital Stocks of Three Pounds* per Centum *Annuities, in the Manner and on the Terms therein mentioned, and for eſtabliſhing a Lottery*; and alſo the ſaid Sum of One hundred thirty-ſix thouſand four hundred ſixteen Pounds and Eightpence halfpenny remaining in the Receipt of the Exchequer on the Tenth Day of *October*, One thouſand ſeven hundred and ſeventy-one, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund, commonly called *The Sinking Fund*; and alſo the ſaid Sum of Fifty-five thouſand one hundred ninety-two Pounds, Six Shillings and Elevenpence Three Farthings, remaining in the Receipt of the Exchequer on the Fifth

Appropriation of the Supplies.
The Monies ariſing by the Malt Tax.
Land Tax.
Loans.
Lottery.
and 136,416 l. 8 d. 2 q. remaining in the Exchequer on October 10, 1771, and 55,192 l. 6 s. 11 d. 3 q. Surpluſſes remaining on 5 January 1773

Day of *January*, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called *The Sinking Fund*; and alſo the ſaid Sum of Eight hundred and five thouſand three hundred ninety-eight Pounds, Thirteen Shillings and Twopence, remaining in the Receipt of the Exchequer on the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, and Overplus Monies, and other Revenues of the Fund commonly called *The Sinking Fund*; and alſo the ſaid Sum of Ten thouſand four hundred twenty-ſix Pounds, Nine Shillings and Threepence remaining in the Receipt of the Exchequer, for the Diſpoſition of Parliament; and alſo the ſaid Sum of Twenty-one thouſand ſeven hundred and ten Pounds, remaining in the Receipt of the Exchequer on the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, being the Surplus of the Deductions of Sixpence in the Pound, out of all Monies paid upon all Salaries, Penſions, Annuities, and other Payments from the Crown, after ſatisfying the Annuities, or other Charges, then due and payable out of the ſame; and alſo the ſaid Sum of Four hundred thouſand Pounds, which by an Act made in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act for carrying into Execution certain Propoſals made in the* East India *Company, for the Payment of the annual Sum of Four hundred thouſand Pounds, for a limited Time, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the* East *Indies*, is directed to be paid, within the preſent Year, into the Receipt of His Majeſty's Exchequer by the ſaid Company; and alſo ſuch of the Monies as ſhall be paid unto the Receipt of the Exchequer after the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-two, and on or before the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-three of the Produce of the Duties charged by an Act of Parliament, made in the Fifth Year of His preſent Majeſty's Reign, upon the Importation and Exportation of *Gum Senega* and *Gum Arabic*; and alſo the further Sum of One million eight hundred fifty-ſix thouſand ſeven hundred twenty-three Pounds, One Shilling and Twopence, by this Act granted, out of ſuch Monies as ſhall or may ariſe of the Surpluſſes, Exceſſes, or Overplus-monies, and other Revenues compoſing the Fund commonly called *The Sinking Fund*, ſhall be further appropriated, and are hereby appropriated, and ſhall be iſſued and applied, for and towards the ſeveral Uſes and Purpoſes hereafter expreſſed, together with the Reſidue of the Monies ariſing from the Sale of *French* Prizes taken before the Declaration of the late War, which His Majeſty declared in a moſt Gracious Speech to His Parliament, that He had directed, for the Eaſe of His Subjects, to be applied to the publick Service; and alſo ſuch Sum or Sums of Money as His Majeſty, according to His moſt Gracious Intentions, expreſſed in the ſame Speech, ſhall direct, for the further Eaſe of his Subjects, to be alſo applied to the publick Service, out of the Monies which have ariſen, or ſhall ariſe, by the Sale of Lands belonging to His Majeſty in the Iſlands of the *Weſt Indies*, which were ceded to His Majeſty by the late Treaty of Peace.

and 805,398l. 13s. 2d. remaining in the Exchequer on April 5, 1772; and 10,426l. 9s. 3d. and 21,710l. ſo remaining in the Exchequer; and 400,000l. by Act 9 Geo. III.

and ſuch Monies as ſhall be paid into the Exchequer between 5 April 1772, and 5 April 1773, of the Produce of the Duties on Gum Senega and Gum Arabic; and 1,856,723l. 1s. 2d. granted by this Act out of the Sinking Fund, together with the Prize-money taken before the Declaration of War; and alſo ſuch Monies as His Majeſty ſhall direct out of the Monies ariſing by Sale of ceded Lands in the Weſt Indies.

XV. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies provided as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Two millions, ſeventy thouſand ſix hundred and ſixty-four Pounds, Seventeen Shillings and Sixpence, for or towards the Naval Services herein particularly expreſſed; that is to ſay, For or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof performed, and to be performed, and for or towards Sea Services in the Office of Ordnance performed, and to be performed, and for or towards defraying the Ordinary of His Majeſty's Navy, and for Half-pay to Sea and Marine Officers, and for or towards maintaining Six thouſand ſix hundred and ſixty-four Marines, and towards the Buildings, Rebuildings, and Repairs of Ships of War in His Majeſty's Yards, and other *extra* Works, over and above what may be done upon the Heads of Wear and Tear, and Ordinary, for the Year One thouſand ſeven hundred and ſeventy-two.

2,070,664l. 17s. 6d. towards Naval Services herein expreſſed.

XVI. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Two hundred fifteen thouſand eight hundred eighty-three Pounds, Seventeen Shillings, and Fourpence, for the Charge of the Office of Ordnance, for Land Service, for the Year One thouſand ſeven hundred and ſeventy-two.

215,883l. 17s. 4d. towards paying off the Debt of the Navy.

XVII. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any of the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Thirty-two thouſand four hundred ninety-eight Pounds, Six Shillings, and Threepence, for defraying the Expence of Services performed by the Office of Ordnance for Land Service, and not provided for by Parliament, in One thouſand ſeven hundred and ſeventy-one.

32,498l. 6s. 3d. for Charges of the Office of Ordnance.

XVIII. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding One million three hundred fourteen thouſand ſeven hundred and one Pounds, Twelve Shillings, and Fivepence, and One Eighth Part of a Penny, for and towards maintaining His Majeſty's Land Forces, and other Services herein-after more particularly expreſſed; that is to ſay, Any Sum or Sums of Money, not exceeding Six hundred twenty-nine thouſand four hundred ninety-one Pounds, Twelve Shillings, and Fourpence, and Seven Eighth Parts of a Penny, for defraying the Charge of Seventeen thouſand five hundred forty-ſeven effective Men, commiſſioned and non-commiſſioned Officers included; and including One thouſand five hundred and twenty-two Invalids, for Guards, Garriſons, and other His Majeſty's Land Forces in *Great Britain*, *Jerſey*, and *Guernſey*, for the Year One thouſand

1,314,701l. 12s. 5d. and One Eighth of a Penny towards the Land Forces; of which 629,491l. 12s. 4d. and Seven Eighths of a Penny, for defraying the Charges of 17,547 effective Men, &c. and 1522 Invalids, for Guards, &c. in Great Britain, &c.;

thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Three hundred ſixty-eight thouſand nine hundred fifty-three Pounds, Twelve Shillings, and Sevenpence Three Farthings, towards further maintaining His Majeſty's Forces and Garriſons in the Plantations, and *Africa*, including thoſe in Garriſon at *Minorca* and *Gibraltar*, and for Proviſions for the Forces in *North America*, *Nova Scotia*, *Newfoundland*, *Gibraltar*, the ceded Iſlands, and *Africa*, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Four thouſand ſeven hundred twenty-three Pounds, Sixteen Shillings, and Twopence Farthing, for defraying the Charges of the Difference of Pay between the *Britiſh* and *Iriſh* Eſtabliſhment of Five Battalions and Four Companies of Foot, ſerving in the *Iſle of Man*, at *Gibraltar*, *Minorca*, and the ceded Iſlands, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Eleven thouſand three hundred twenty-two Pounds, Seven Shillings, and Threepence, for the Pay of the General and General Staff Officers in *Great Britain*, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding One hundred fifteen thouſand ſeven hundred ſixty-five Pounds, and Sixteen Shillings, upon account of the reduced Officers of His Majeſty's Land Forces and Marines, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding One thouſand two hundred eighty-one Pounds and Sixpence, for defraying the Charge for Allowances to the ſeveral Officers and private Gentlemen of the Two Troops of Horſe Guards reduced, and to the ſuperannuated Gentlemen of the Four Troops of Horſe Guards, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Six hundred and forty-four Pounds, for the paying of Penſions to the Widows of ſuch reduced Officers of His Majeſty's Land Forces and Marines, as died upon the Eſtabliſhment of Half Pay in *Great Britain*, and who were married to them before the Twenty-fifth Day of *December*, One thouſand ſeven hundred and ſixteen, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding One hundred twenty-four thouſand eight hundred thirteen Pounds, Twelve Shillings, and Sixpence, upon Account, towards defraying the Charge of Out-penſioners of *Chelſea Hoſpital*, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money, not exceeding Fifty-ſeven thouſand ſeven hundred and five Pounds, Fourteen Shillings, and Elevenpence Farthing, towards further defraying the extraordinary Expences of His Majeſty's Land Forces, and other Services incurred, to the Twentieth Day of *February*, One thouſand ſeven hundred and ſeventy-two, and not provided for by Parliament.

Not exceeding 368,953l. 12s. 7d. 3q. for Guards and Garriſons in the Plantations, and Africa, &c. and Proviſions for the Forces abroad; 4723l. 16s. 2d. 1q. to make good the Difference of Pay between the Britiſh and Iriſh Eſtabliſhment of Troops in the Iſle of Man, &c. 11,302l. 7s. 3d. for General and General Staff Officers; 115,765l. 16s. to the reduced Officers of the Land Forces and Marines; 1281l. 6d. to the Two Troops of Horſe Guards reduced; and to the ſuperannuated Gentlemen of the Four Troops of Horſe Guards; 644l. towards extraordinary Expences of the Land Forces, and other Services incurred, and not provided for.

to the Penſion of Officers Widows; Not exceeding 124,813l. 12s. 6d. to the Out penſioners of Chelſea Hoſpital; 57,705l. 14s. 11d. 1q.

XIX. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of One million eight hundred thouſand Pounds, for paying off and diſcharging the Exchequer Bills made out by virtue of an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills for the Service of the Year One thouſand ſeven hundred and ſeventy-one*, and charged upon the firſt Aids to be granted in this Seſſion of Parliament.

1,800,000l. for diſcharging Exchequer Bills of laſt Seſſion.

XX. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of Six thouſand five hundred and eighty Pounds to make good to His Majeſty the like Sum which has been iſſued, by His Majeſty's Orders, in purſuance of the Addreſſes of the Houſe of Commons.

6580l. to make good to His Majeſty the like Sum iſſued purſuant to the Addreſſes of the Houſe of Commons;

XXI. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Five thouſand three hundred forty-ſix Pounds, Ten Shillings, and Fivepence, upon Account, for maintaining and ſupporting the Civil Eſtabliſhment of His Majeſty's Colony of *Nova Scotia*, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Three thouſand one hundred and eighty-ſix Pounds, upon Account for defraying the Charges of the Civil Eſtabliſhment of His Majeſty's Colony of *Georgia*, and other incidental Expences attending the ſame, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and and ſeventy-one, to the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Four thouſand nine hundred and fifty Pounds, upon Account, for defraying the Expences of the Civil Eſtabliſhment of His Majeſty's Colony of *Eaſt Florida*, and other incidental Expences attending the ſame, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-one, to the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Five thouſand ſix hundred and fifty Pounds, upon Account, for defraying the Expences of the Civil Eſtabliſhment of His Majeſty's Colony of *Weſt Florida*, and other incidental Expences attending the ſame, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-one, to the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding One thouſand eight hundred eighty-five Pounds and Four Shillings, upon Account, for defraying the Expences attending General Surveys of His Majeſty's Dominions in *North America*, for the Year One thouſand ſeven hundred and ſeventy-two.

5346l. 10s. 5d. for ſupporting the Civil Eſtabliſhment of Nova Scotia; Not exceeding 3186l. for the Civil Eſtabliſhment of Georgia; 4950l. for the Civil Eſtabliſhment of Eaſt-Florida; 5650l. for the Civil Eſtabliſhment of Weſt-Florida; 1885l. 4s. for defraying Expences attending Surveys in North America.

XXII. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Thirteen thouſand Pounds, to be employed in repairing, maintaining, and ſupporting the *Britiſh* Forts and Settlements on the Coaſt of *Africa*; and any Sum or Sums of Money not exceeding

13,000l. for repairing and maintaining the Forts in Africa.

6136 l. 9d. 2 q. for supporting the Civil Eſtabliſhment of Senegambia,

Six thouſand three hundred thirty-ſix Pounds, and Ninepence Halfpenny, on Account, for defraying the Expence of ſupporting and maintaining the Civil Eſtabliſhment of the Government of *Senegambia*, on that Part of the Coaſt of *Africa* ſituate between the Port of *Sallee* in *South Barbary* and *Cape Rogue*, for the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Two thouſand four hundred Pounds, for the more effectually repairing the Fort of *Cape Coaſt Caſtle*, on the Coaſt of *Africa*; and any Sum or Sums of Money not exceeding Four thouſand Pounds, to be applied as an Encouragement, for the more effectually proſecuting the Diſcoveries towards the *South Pole*.

Not exceeding 2400 l. for repairing the Fort of Cape Coaſt Caſtle, and 4000 l. for proſecuting Diſcoveries.

500 l. to Merchants trading to the Levant;

2000 l. to the Truſtees of the Britiſh Muſeum, to carry on the Truſt repoſed in them by Parliament;

8410 l. to enable His Majeſty to purchaſe a Collection of Etruſcan, Grecian, and Roman

XXIII. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied, any Sum or Sums of Money not exceeding Five thouſand Pounds, to be advanced to the Governor and Company of the Merchants of *England* trading into the *Levant* Seas, to be applied in aſſiſting the ſaid Company in carrying on their Trade; and any Sum or Sums of Money not exceeding Two thouſand Pounds, towards enabling the Truſtees of the *Britiſh Muſeum* to carry on the Execution of the Truſt repoſed in them by Parliament; and any Sum or Sums of Money not exceeding Eight thouſand Four hundred and ten Pounds, to enable His Majeſty to Purchaſe for the Uſe of the Publick, a Collection of *Etruſcan*, *Grecian*, and *Roman* Antiquities, brought from *Italy* by Sir *William Hamilton*, Knight of the moſt Honourable Order of the Bath, which ſaid Collection ſhall be, and the ſame is hereby veſted in the Truſtees of the *Britiſh Muſeum*; and any Sum or Sums of Money, not exceeding Eight hundred and forty Pounds, to enable the ſaid Truſtees to provide a proper Repoſitory for the Reception of the ſaid Collection of *Etruſcan*, *Grecian*, and *Roman* Antiquities.

Antiquities; 840 l. for a perpetual Repoſitory for the ſaid Collection.

6298 l. 14 s. 5d. for defraying Expence of New Roads, &c. in the Highlands of Scotland in 1772.

XXIV. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Six thouſand nine hundred ninety-eight Pounds, Fourteen Shillings, and Fivepence, upon Account of the Expences of the new Roads of Communication, and building Bridges in the *Highlands* of *North Britain*, in the Year One thouſand ſeven hundred and ſeventy-two; and any Sum or Sums of Money not exceeding Two hundred ninety-four Pounds, Three Shillings, and Eleven-pence, to make good to His Majeſty the like Sum, which has been paid to ſeveral Perſons in *North Britain* as a Compenſation, and in full Satisfaction to their Loſſes and Expences incurred purſuant to ſeveral Orders of Council, for preventing the ſpreading of the Diſtemper amongſt the Horned Cattle; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable His Majeſty to reward *Daniel Peter Layard*, Doctor of Phyſick, for his Advice and Aſſiſtance in carrying into Execution a Plan for preventing the ſpreading of the Infectious Diſorder among the Horned Cattle in *Great Britain*; and any Sum or Sums of Money not exceeding Five thouſand Pounds, to be paid to *Charles Irving*, for the Diſcovery of an eaſy and practicable Method of making Sea Water freſh and wholeſome; and any Sum or Sums of Money not exceeding One thouſand Five hundred Pounds, to be paid as a Compenſation to *Edmund Hill*, for the Loſs he will ſuſtain by diſcontinuing the Uſe of Peſtles in making Gunpowder of his Mills upon *Hounſlow Heath*, in caſe it ſhall be found neceſſary for the publick Security to prohibit the Uſe of ſuch Peſtles.

Not exceeding 794 l. 3 s 11 d. (to be made good to His Majeſty) paid to Perſons in preventing the Diſtemper among horned Cattle.

5000 l. to Charles Irving, for a late Diſcovery. 1500 l. as a Compenſation to Edmund Hill, for diſcontinuing the Uſe of his Peſtles.

1,350,000 l. to make good Sums payable to Perſons who have ſubſcribed their Capital Stock of 3 l per Cent. Annuities.

XXV. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of One million three hundred and fifty thouſand Pounds, to enable His Majeſty to ſatisfy and make good the ſeveral Sums payable to the Perſons who have ſubſcribed their Capital Stock of three Pounds *per Centum* Annuities, to be diſcharged and annihilated upon the Terms expreſſed in the Reſolution of the Houſe of Commons, of the Second Day of *May*, One thouſand ſeven hundred and ſeventy-two.

42,445 l. 5 s. 5 d. to make good Deficiencies in 1771.

and not exceeding 39,456 l. 1 d. 1 q. to make good Deficiency of Grants for 1771.

XXVI. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Forty-two thouſand four hundred forty-five Pounds, Five Shillings and Fivepence, to replace to the Sinking Fund the like Sum paid out of the ſame to make good the Deficiency on the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-one, of the Fund eſtabliſhed for paying Annuities in reſpect of Five millions borrowed by virtue of an Act made in the Thirty-firſt Year of the Reign of His late Majeſty towards the Supply granted for the Service of the Year One thouſand ſeven hundred and fifty-eight; and any Sum or Sums of Money, not exceeding Thirty-nine thouſand four hundred fifty-ſix Pounds, and Tenpence Farthing, to make good the Deficiency of the Grants, for the Service of the One thouſand ſeven hundred and ſeventy-one.

The ſaid Aids to be applied only to the Uſes before mentioned.

XXVII. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Aids and Supplies provided as aforeſaid, ſhall not be iſſued or applied to any Uſe, Intent, or Purpoſe whatſoever, other than the Uſes and Purpoſes before mentioned, or for the ſeveral Deficiencies, or other Payments directed to be ſatisfied thereout by any Act or Acts, or any particular Clauſe or Clauſes, for that Purpoſe, contained in any other Act or Acts of this preſent Seſſion of Parliament.

'XXVIII. And, as to the Sum of One hundred fifteen thousand seven hundred sixty-five Pounds 'and Sixteen Shillings, by this Act appropriated on Account of Half Pay as aforesaid,' it is hereby enacted and declared by the Authority aforesaid, That the Rules herein-after prescribed shall be duly observed in the Application of the said Half Pay; that is to say, That no Person shall have or receive any Part of the same who was a Minor, and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company, in which he served, was reduced; that no Person shall have or receive any Part of the same, except such Person who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit, Civil or Military, under His Majesty, shall have or receive any Part of the said Half Pay; that no Chaplain of any Garrison or Regiment, who has any Ecclesiastical Benefice in *Great Britain* or *Ireland*, shall have or receive any Part of the said Half Pay; that no Person shall have or receive any Part of the same who has resigned his Commission and has had no Commission since; that no Part of the same shall be allowed to any Person, by virtue of any Warrant or Appointment, except to such Persons as would have been otherwise intitled to the same as reduced Officers; and that no Part of the same shall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately disbanded in *Ireland*, except to such as were lately taken off the Establishment of Half Pay in *Great Britain*.

Rules to be observed in the Application of the Half Pay.

'XXIX. And whereas by an Act of Parliament made in the Eleventh Year of His present Majesty's 'Reign, intituled, *An Act for granting to His Majesty a certain Sum of Money out of the Sinking Fund, 'and for applying certain Monies therein mentioned for the Service of the Year One thousand seven hundred 'and seventy-one; and for the further appropriating the Supplies granted in this Session of Parliament, for 'carrying to the Aggregate Fund a Sum of Money which hath arisen by the Two-sevenths Excise, and for 'enabling the Commissioners for executing the Office of Treasurer of His Majesty's Exchequer, or the Lord 'High Treasurer for the Time being, to pay to* John Dobson, *Owner of the* Greenland *Ship Lord* Molyneux, *'the Bounty due for the said Ship on the last Year's Fishery*; the several Supplies which had been granted 'to His present Majesty, as is therein mentioned, were appropriated to the several Uses and Purposes 'therein expressed; amongst which any Sum or Sums of Money not exceeding One hundred and seventeen thousand eight hundred and fifty-eight Pounds, Ten Shillings, was appropriated to be paid 'to the reduced Officers of His Majesty's Land Forces and Marines for the Year One thousand seven 'hundred and seventy-one, subject nevertheless to such Rules to be observed in the Application to the 'said Half Pay, as in and by the aforesaid Act were prescribed in that Behalf:' Now it is hereby provided, enacted, and declared, by the Authority aforesaid, That so much of the said Sum of One hundred and seventeen thousand eight hundred and fifty-eight Pounds, Ten Shillings, as is or shall be more than sufficient to satisfy the said reduced Officers, according to the Rules prescribed by the said Act to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed, or have lost their Limbs in the late Wars, or such others as, by reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any Thing in this Act, or the said former Act, to the Contrary notwithstanding.

By Act 11 Geo. III. c. 48.

a Sum not exceeding 117,858l. 10s. was appropriated to be paid to reduced Officers.

Overplus Monies above satisfying said Officers, to be disposed of to Officers who were maimed, &c. in the late Wars, or to Officers Widows and Children, as His Majesty shall direct.

'XXX. And whereas several Bills, commonly called *Exchequer Bills*, several Tickets, commonly 'called *Lottery Tickets*, several Orders and Certificates made forth in lieu of the said Lottery Tickets, and 'likewise for Annuities of divers Kinds, payable at or near the Receipt of His Majesty's Exchequer, 'as also several Receipts of the Cashiers of the Governor and Company of the Bank of *England*, or 'some of them, for Money contributed there for the Purchase of Annuities transferrable in the Books 'of the said Governor and Company, for or other Monies payable there in pursuance of Acts of Parliament, have, by Casualty or Mischance, been lost, burnt, or otherwise destroyed; which Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders of the respective Denominations aforesaid, were made forth by and in pursuance of several Acts of Parliament 'in that Behalf;' be it therefore enacted by the Authority aforesaid, That in all Cases where it shall appear, by Affidavit, to be made before any or either of the Barons of the Exchequer for the Time being, (who shall interrogate the Deponent thereupon), to the Satisfaction of such Baron or Barons, that any such Exchequer Bills, or any such Tickets, Certificates, Receipts, Annuity Orders, or other Orders as aforesaid, before the First Day of *July*, One thousand seven hundred and seventy-two, have been, are, or shall be lost, burnt, or otherwise destroyed, or that there be good Reason to believe the same have been burnt, lost, or otherwise destroyed, it shall and may be lawful for the respective Officers and Persons appointed to issue or make forth such Exchequer Bills, Tickets, Certificates, Receipts, Annuity Orders, or other Orders, or to pay or discharge the same, or to issue any Monies due or payable thereupon, upon producing a Certificate from any or either of the said Barons, of such Affidavit made before him or them (which Affidavit the said Barons, or any or either of them, is and are hereby authorised to take, and which Certificate he or they is and are hereby required to make and grant without Fee or Reward); and, on Security given to the said respective Officers and Persons, to their good liking, to indemnify them respectively against all other Persons whatsoever, for or concerning the Monies specified in or due upon such respective Bill or Bills, Ticket or Tickets, Certificate or Certificates, Receipt or Receipts, Order or Orders, they the said Persons respectively shall, and are hereby required to make forth Duplicates of the said Bills, Tickets, Certificates, Receipts, and Orders, at the Request of the respective Owners; and to pay, satisfy, and discharge the same, and all such Interest as is or shall be due on any of them, carrying Interest; or to make forth Stock or transferrable Annuities, in lieu of such Receipts, as he or they shall have paid, satisfied, or discharged or made

How Exchequer Bills, Lottery Tickets, &c. that have been lost, burnt, or otherwise destroyed, may be made good no Persons intitled to payment.

made forth, on the ſaid original Bills, Tickets, Certificates, Receipts, Annuity, Orders, or other Orders, if the ſame had been produced; and ſhall be allowed all ſuch Payments, Sum or Sums of Money, in their reſpective Accounts; and, in all Caſes where the Signing of the Commiſſioners of His Majeſty's Treaſury, or the Lord High Treaſurer of *Great Britain* for the Time being, ſhall be neceſſary for making the ſaid Duplicates, or any of them, effectual, for the Purpoſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the Lord High Treaſurer for the Time being, to ſign ſuch Duplicates accordingly.

CAP. LXXI.

An Act for repealing ſeveral Laws therein mentioned againſt Badgers, Engroſſers, Foreſtallers, and Regrators, and for indemnifying Perſons againſt Proſecutions for Offences committed againſt the ſaid Acts.

Preamble.

'WHEREAS it hath been found by Experience, that the Reſtraints laid by ſeveral Statutes 'upon the Dealing in Corn, Meal, Flour, Cattle, and ſundry other Sorts of Victuals, by pre-'venting a free Trade in the ſaid Commodities, have a Tendency to diſcourage the Growth, and to 'enhance the Price of the ſame; which Statutes, if put in Execution, would bring a great Diſtreſs 'upon the Inhabitants of many Parts of this Kingdom, and in particular upon thoſe of the Cities of '*London* and *Weſtminſter*;' be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Third and Fourth Year of King *Edward* the Sixth, intituled, *An Act for the buying and ſelling of Butter and Cheeſe*; and alſo an Act, made in the Fifth and Sixth Year of King *Edward* the Sixth intituled, *An Act againſt Regrators, Foreſtallers, and Engroſſers*; and alſo an Act, made in the Third Year of *Philip* and *Mary*, intituled, *An Act for the keeping of Milch Kine, and for breeding and rearing of Calves*; and alſo an Act, made in the Fifth Year of Queen *Elizabeth*, intituled, *An Act touching Badgers of Corn, and Drovers of Cattle, to be licenſed*; and alſo an Act, made in the Fifteenth Year of King *Charles* the Second, intituled, *An Act to prevent the ſelling of live fat Cattle by Butchers*; and ſo much of an Act, made in the Fifth Year of Queen *Anne*, intituled, *An Act for continuing the Laws therein mentioned relating to the Poor, and to the buying and ſelling of Cattle in* Smithfield, *and for ſuppreſſing of Piracy*, as relates to Butchers ſelling Cattle alive or dead within the Cities of *London* and *Weſtminſter*, or within Ten Miles thereof; and all Acts made for the better Enforcement of the ſame, being detrimental to the Supply of the labouring and manufacturing Poor of this Kingdom, ſhall be, and the ſame are hereby declared to be repealed.

Acts 3, 4, 5, & 6 Edw. VI.; Act 3 Phil. & Mary; Act 15 Eliz.; Act 15 Car. II.; and Act 5 Annæ repealed.

All Informations, &c. commenced under the ſaid Acts, to determine; but Proceedings to be void.

II. And be it further enacted by the Authority aforeſaid, That all Informations, Indictments, Suits, or Proſecutions, already commenced, for the inflicting any Puniſhment, or for the Recovery of any Fine, Penalty, or Forfeiture, under the ſaid former Acts, or any of them, ſhall ceaſe and determine; and no further Proceedings ſhall be had thereupon: And that no Information, Indictment, Suit, or Proſecution, ſhall be commenced or proſecuted againſt any Perſon or Perſons whatſoever, under or by virtue of the ſaid Acts, or any of them; but that all ſuch Proceedings ſhall be void, and of no Effect; any Law, Statute or Uſage, to the Contrary notwithſtanding.

CAP. LXXII.

An Act for rendering the Payment of the Creditors of Inſolvent Debtors more equal and expeditious, and for regulating the Diligence of the Law by Arreſtment and Poinding, and for extending the Privilege of Bills to Promiſſory Notes, and for limiting Actions upon Bills and Promiſſory Notes, in that Part of *Great Britain* called *Scotland*.

Preamble.

'WHEREAS by the Laws now ſubſiſting in that Part of *Great Britain* called *Scotland*, the perſonal Eſtates of ſuch Debtors as become Inſolvent are generally carried off by the Diligences 'of Arreſtment and Poinding, executed by a few Creditors, who, from the Nearneſs of their Reſidence 'to, and Connection with ſuch Debtors, get the earlieſt Notice of the Inſolvency, to the great Pre-'judice of Creditors more remote and unconnected, and to the Diſappointment of that Equality which 'ought to take Place in the Diſtribution of the Eſtates of Inſolvent Debtors among their Creditors: 'Therefore, to remedy ſuch Injuſtice and Inequality in Time coming, and to render the Payment of 'the Creditors of Inſolvent Debtors more equal and expeditious, may it pleaſe Your moſt Excellent 'Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That when any Debtor, in that Part of *Great Britain* called *Scotland*, ſhall ſuffer a Poinding on a Horning, or on the Precept of an inferior Judge, after the Days of the Charge are elapſed, to be executed againſt his perſonal Eſtate, or any Part of it, or ſhall be under Diligence by Horning and Caption, and ſhall be impriſoned, or retire to the *Abbey*, or any other privileged Place, or fly or abſcond for his Perſonal Security, or defend his Perſon by Force; or if

Debtors ſuffering Poinding on a Horning, or ſhall be impriſoned, or retire to the Abbey, &c.

if any Debtor out of *Scotland*, or who cannot be impriſoned by Reaſon of Privilege, ſhall be under Diligence by Letters of Horning duly denounced and regiſtered, and ſhall have his or her perſonal Eſtate, or any Part thereof, attached by Arreſtment; it ſhall be lawful to the Creditor or Creditors at whoſe Inſtance the ſaid Diligence proceeds, to apply to the Court of Seſſion by a ſummary Petition for a Sequeſtration of the Debtor's Eſtate, which Court is hereby authoriſed and required, upon ſuch Application, and Production of the Grounds of Debt and Diligence aforeſaid, and the Execution of a Meſſenger, or other Officer of the Law, employed in executing the ſaid Diligence, and upon his, her, or their making Oath to the Verity of the Debt, upon which the Diligence has proceeded, or his, her, or their known Agent, making Oath that he believes the Debt for which the Diligence has proceeded to be due, to grant Warrant for citing the Debtor or Debtors, if more than One are bound for the Debt, and the Diligence aforeſaid have been uſed againſt them, by delivering to him, her, or them a Copy of the Petition perſonally, or by leaving it at his, her, or their Dwelling-places; or if he, ſhe, or they are out of *Scotland*, by affixing Copies upon the Market Croſs of *Edinburgh*, Pier and Shore of *Leith*, to appear in Court within the Time ſpecified in the Warrant for Citation, not being leſs than Six, nor more than Thirty Days, from the Date of the Citation, to ſhew Cauſe why Sequeſtration ſhould not be awarded againſt his, her, or their Perſonal Eſtate; and if the Debtor or Debtors ſhall not appear within the Time ſpecified in the Citation by themſelves or Counſel, or ſhall not either pay the Debt upon which the Diligence has proceeded, or ſhew other reaſonable Cauſe why the Court ſhould not proceed to Sequeſtration, the Court ſhall forthwith ſequeſtrate his, her, or their perſonal Eſtate, and appoint a Factor for managing and recovering the ſame; and ſhall likewiſe make an Order, requiring him, her, or them, to produce their Books and Papers, and to make a full and fair Diſcovery of his, her, or their whole Eſtate, heritable and moveable, wherever ſituated, upon Oath, if required by the Petitioner or Petitioners, or other Creditors appearing; and to grant a Diſpoſition of his whole perſonal Eſtate, wherever ſituated, to the Factor ſo named, for the Benefit of his whole Creditors; which Diſpoſition ſhall not be reduceable upon any of the former Statutes concerning Bankrupts: And if the Debtor or Debtors ſhall refuſe to obey ſuch Orders, the Court may compel him, her, or them, by Impriſonment, until he, ſhe, or they ſhall comply: And if the Creditor or Creditors, having uſed the Diligence aforeſaid, are deſirous to apply for a Sequeſtration of his, her, or their Debtor's perſonal Eſtate in Time of Vacance, ſuch Creditor or Creditors may preſent his, her, or their Petition, and produce their Grounds of Debt, and Diligence, to the Lord Ordinary officiating on the Bills for the Time, who thereupon is authoriſed and required to grant Warrant for citing the Debtor or Debtors, and to ſequeſtrate, if proper, and to appoint a Factor, and to do every Thing neceſſary in Execution of this Act, during the Vacance, that the Court is impowered to do, when Petition is preſented to it while the Court is ſitting; and when the Application for Sequeſtration is made to the Court, and any Thing ſhall be left undone at the End of any Seſſion by the Want of Time, the Lord Ordinary on the Bills is authoriſed and required to do every Thing neceſſary in Execution of this Act, during the Vacance, that he is impowered to do when the Petition for Sequeſtration is originally preſented to him and the Court; or the Lord Ordinary on the Bills, in Time of Vacance, may grant to Debtors not in Priſon, cited under the Authority of this Act, a Protection from perſonal Diligence for ſuch Time as unto the Court, or the Lord Ordinary on the Bills, ſhall ſeem expedient, for the Execution of the Act: And if the Debtors cited to appear are in Priſon, the Court, or the Lord Ordinary on the Bills in Time of Vacance, at the Deſire of the Petitioner or Petitioners, may grant Warrant for bringing the Perſons of ſuch Debtors into Court, or before the Lord Ordinary on the Bills, in Time of Vacance, in the Cuſtody of a Macer of Court, Meſſenger, or other Perſon authoriſed for that Purpoſe; and if that is not required, may grant Warrant for the Liberation of ſuch Debtors; and may, in either Caſe, when ſuch Debtors appear in Court, or before the Lord Ordinary on the Bills in Time of Vacance, grant to them a perſonal Protection, or not, as their Behaviour in doing Juſtice to their Creditors ſhall ſeem to merit.

Court of Seſſion to grant Warrant for citing them;

and if they ſhall not appear; pay the Debt; diſcover their Eſtate on Oath;

or grant a Diſpoſition for the Benefit of their Creditors;

the Court to compel them by Impriſonment, &c.

Lord Ordinary's Powers in Time of Vacance.

II. Provided always, and be it enacted by the Authority aforeſaid, That, in the Nomination of a Factor, the Court, or the Lord Ordinary on the Bills at the Time of the Sequeſtration, ſhall prefer the Perſon preſented by the Majority of the Creditors concurring in the Application for Sequeſtration, or producing their Grounds of Debt in the Hands of the Clerk to the Sequeſtration; and who immediately thereafter ſhall cauſe an Advertiſement to be inſerted in the *London Gazette*, and in the publick Paper to be appointed as is herein-after mentioned, intimating the Sequeſtration, and requiring the whole Creditors of the Debtor or Debtors to meet at the Time and Place appointed by the Court, or the Lord Ordinary on the Bills, not ſooner than Thirty Days after the Sequeſtration, in order to their continuing the ſame Factor, or chuſing another, upon the ſequeſtrated Eſtate; and the Perſon choſen by a Majority in Value of the Creditors preſent at ſuch Meeting, by themſelves, or by their Attornies or Agents authoriſed to act for them, and who ſhall then have produced their Claims and Vouchers, or Grounds of Debt, and proved their Debts in Manner after directed, ſhall be, by the Court, appointed Factor upon the ſequeſtrated Eſtate; and thereupon the Powers of the Factor, named at the Time of the Sequeſtration, if the Perſon made Choice of is different from him, ſhall ceaſe and determine, and he ſhall be obliged to convey to the new Factor the whole of the perſonal Eſtate which the Bankrupt diſponed to him, and that ſhall then not be recovered and converted into Money; and ſhall deliver to the new Factor every Part of the Bankrupt's Eſtate in his Poſſeſſion, and all Securities taken for the ſame, or any Part thereof, and pay ſuch Balance as may appear to be due by him when his Accounts are ſettled.

Factor preſented by Majority of Creditors to be preferred; who ſhall give publick Intimation of a Sequeſtration, and require the Creditors to meet.

III. Provided alſo, and be it enacted by the Authority aforeſaid, That if Circumſtances lead to ſuſpect that the Debtor or Debtors may embezzle, ſecrete, or dilapidate his, her, or their Effects, between the Time of preſenting the Petition for Sequeſtration and the ſequeſtrating and appointing a Factor, the Court,

Court of Seſſion, or Lord Ordinary to make interim Orders.

Court, in Time of Seſſion, or the Lord Ordinary officiating on the Bills in Time of Vacance, may, at the Suit of any Creditor who petitions for the Sequeſtration, and upon his, her, or their making Oath, or upon the Oath of his, her, or their known Agent or Attorney, that he, ſhe, or they, have Reaſon to ſuſpect that the Debtor or Debtors may embezzle, ſecrete, or dilapidate his, her, or their Effects, make ſuch *interim* Orders as ſhall be judged moſt expedient for preventing the Eſtate of the Debtor or Debtors from being embezzled, ſecreted, or dilapidated.

Factors Powers, ſubject to the Order of the Court.

IV. And be it enacted by the Authority aforeſaid, That the Factors appointed upon ſequeſtrated Eſtates, in Manner before directed, ſhall be inveſted with all the Powers competent by the Law of *Scotland* to ſuch Factors as are in uſe to be appointed by the Court for the Management of ſequeſtrated Eſtates, or of the Eſtates of Perſons abſent or incapable of Management; and ſhall likewiſe be ſubject to all the Duties incumbent on ſuch Factors, and alſo to ſuch other Rules and Orders as the Court ſhall make, from Time to Time, for the more effectual and expeditious Recovery, or converting into Money, the Eſtates of ſuch Inſolvent Debtors.

Advertiſement to be publiſhed by Factor for Creditors giving in their Vouchers.

V. And be it further enacted by the Authority aforeſaid, That the Factor appointed or continued after the Meeting called in Manner before directed, ſhall immediately publiſh an Advertiſement as is herein-after mentioned, requiring all the Creditors to give in their Claims and Vouchers, or Grounds of Debt, to the Clerk of the Sequeſtration, in order that a State of the Debts may be prepared by the Factor; and certifying, that ſuch Creditors as ſhall not produce their Claims, with the Vouchers thereof, and make Oath before the Lord Ordinary officiating on the Bills for the Time, or before a Commiſſioner to be named by him, or before the Judge Ordinary where they riſide, if Notice is given to the Factor of the Oath being to be made in that Manner, and of the Time when, and Place where, it is to be made, upon the Verity of their Debts, within Nine Calendar Months after the Date of the Sequeſtration, ſhall not be intitled to any Share in the firſt Diſtribution of the Debtor's Eſtate among the Creditors.

Oath of Verity of Creditors abroad, and the Oath of Credulity of Minors Factors, to be ſufficient.

VI. Provided always, and be it enacted and declared by the Authority aforeſaid, That if any Creditor ſhall happen to be out of the Kingdom of *Great Britain* and *Ireland*, his Oath of Verity, taken before any Magiſtrate where he is reſident at the Time or an Oath of Credulity by his Factor or Attorney in *Scotland*, ſhall be ſufficient; and alſo that if any Creditor is under Age, the Oath of Credulity of any of his Factors or Curators, or of the Factor employed in the Management of the Minor's Affairs, taken in the Manner before directed, ſhall be ſufficient.

Accounts being produced, the Court to allow 20 Days to the Creditors to peruſe the ſame; and Order a rateable Diſtribution of Money recovered.

VII. And be it enacted by the Authority aforeſaid, That the Factor, within Ten Days after the Lapſe of Nine Calendar Months from the Date of the Sequeſtration, ſhall lodge, with the Clerk to the Sequeſtration, a State of the Debtor's Funds then come to his Knowledge, diſtinguiſhing what Part of them have been converted into Money, and what Part of them are not converted; and alſo a State of the Debts which have been proved within the Nine Months, in Manner before directed; and likewiſe publiſh an Advertiſement, as is herein-after mentioned, notifying to the Creditors that he has produced a State of his Accounts to the Court; and upon the State of the Accounts being ſo produced, the Court ſhall allow Twenty Days to the Creditors to peruſe the ſame, and to make Objections to them, if they any have; and immediately thereafter the Court ſhall order an equal and rateable Diſtribution of the Eſtate recovered by the Factor, and converted into Money, to be made amongſt the Creditors only who have proved their Debts, and produced their Vouchers or Grounds of Debt in Manner before mentioned, and whoſe Debts are not objected againſt; and in caſe any of the Debts claimed upon ſhall be objected to, in Whole or in Part, or ſhall not be liquidated at the Time of the Diſtribution, the Share correſponding to ſuch Debts ſhall be forthwith lodged by the Factor in the Bank of *Scotland*, or *Royal Bank*, at ſuch reaſonable Intereſt as can be got, not more than One *per Centum* under the legal Intereſt: And in caſe of the ſaid Banks refuſing to give ſuch reaſonable Intereſt for the Money, the Factor ſhall lodge the ſame with any Banking Company, named by the Court, who are willing to give ſuch reaſonable Intereſt, and to give ſuch Security for the Money lodged as ſhall appear ſatisfactory to the Court; and the Money ſo lodged ſhall remain until the Objections are determined, and be ſubject to the after Diſpoſal of the Court, in making an equal and rateable Diſtribution of the Debtor's Eſtate.

If the Nine Months after Sequeſtration expire during Vacance, Accounts to be produced to the Lord Ordinary.

VIII. Provided always, and be it further enacted by the Authority aforeſaid, That if the Nine Months after the Sequeſtration ſhall expire during the Time of Vacance, the Factor in that Caſe ſhall produce the State of his Accounts to the Lord Ordinary officiating on the Bills for the Time, and ſhall notify the ſame to the Creditors, by Advertiſement, in Manner herein-after mentioned; and thereupon the Lord Ordinary ſhall appoint the State of Accounts to be ſeen and objected to by the Creditors againſt the Firſt Sederunt Day of the next Seſſion, when, or as ſoon after as may be, the Court ſhall order an equal and rateable Diſtribution to be made in the Manner before directed.

When the Factor ſhall make up a Second State of Accounts.

IX. And be it further enacted, That, within Ten Days of Eighteen Calendar Months, from the Date of the Sequeſtration, when it is to be expected the Factor will have all the perſonal Eſtate under his Management converted into Money, except ſuch Claims of the Debtor's as may be ſuſpended by Litigation, the Factor ſhall make up a Second State of Accounts, preſent them to the Court, or to the Lord Ordinary officiating on the Bills for the Time, and advertiſe the Creditors in Manner herein-after mentioned; and the Court ſhall proceed therein, and order a Second Diſtribution among the Creditors, in Manner before directed.

Debtor's Eſtate not converted into Money, ſhall after Recovery, be diſtributed.

X. Provided always, and be it further enacted, That ſuch Part of the Debtor's perſonal Eſtate as has not after the Elapſe of Eighteen Months from the Sequeſtration been converted into Money, by reaſon of Litigation, or ſome other Impediment, ſhall be, after the Recovery thereof, diſtributed among the Creditors, at ſuch Time as the Court ſhall direct; the Factor being always bound to give in his Accounts,

Accounts, within the First Ten Sederunt Days of each Session, or the Monies recovered by him since the last accounting, until all the Funds are divided.

Creditors who have not produced their Grounds of Debt, intitled only to a rateable Proportion.

XI. And be it further enacted, That such Creditors only who shall have produced their Vouchers or Grounds of Debt, and proved the Verity thereof, before the Day fixed for each Distribution as before mentioned, shall be intitled to a Share in such Distribution; and such Creditors as shall not have produced and proved the Verity of their Grounds of Debt, shall only be intitled to a rateable Proportion correspondent to the Balances then due to the other Creditors, in any Distribution to be made, after their Grounds of Debt are produced, and the Verity proved as aforesaid.

Penalty if the Factor fails in doing his Duty is not less than 5 l. and not exceeding 30 l.

XII. And be it further enacted by the Authority aforesaid, That the Factor, before receiving his Warrant or Commission from the Court, shall be bound to give Security, to the Satisfaction of the Court, for his doing exact Diligence in performing his Duty as a Factor; and if he shall fail in doing his Duty in any of the Articles before mentioned, he shall be liable in a Penalty not under Five Pounds, and not exceeding Thirty Pounds of lawful Money of *Great Britain*, to be applied in Payment of the Creditors; and further, if he shall be guilty of embezzling or concealing any Part of the Debtor's Estate, he shall be liable in Treble the Value of what he so embezzles or conceals, and which shall also be applied in Payment of the Creditors; and the Factor shall not keep in his Hands, at any Time, more than One hundred Pounds Sterling of the Debtor's Money; and what Money shall come into his Hands above that Sum, he shall forthwith lodge in the Bank of *Scotland*, or *Royal Bank*, or with a Banking Company, in the Manner before directed, upon such reasonable Interest as can be got for the Money, not more than One *per Centum* under the legal Interest, otherwise he shall be liable for the legal Interest thereof, and the Factor shall have such Allowance for his Trouble as the Court shall judge proper, at every Distribution, not exceeding in whole Five *per Centum* of the Sums recovered; and the Court may remove the Factor, upon Cause shewn; and, upon such removal or Factor's Death, appoint another in his Place, in Manner aforesaid.

Creditors Shares not called for to be lodged in the Bank.

XIII. And be it further enacted by the Authority aforesaid, That such Creditors who claim upon Debts, whereof the Term of Payment is not come at the Time of the Distribution, may nevertheless, upon discounting the legal Interest to the Term of Payment, draw their Shares in Proportion to what remains after such Discount; and the Shares of Creditors, not called for at the Time of the Distribution, shall be lodged by the Factor in One of the Banks, or with a Banking Company in Manner before directed, at such Interest as can be got for the same, not more than One *per Centum* under the legal Interest; and the Names of the Persons to whom such Shares are due shall, immediately after such Distribution, be published by Advertisement as the Court shall direct, the Expence whereof shall be paid by the Bank, or Banking Company, with whom the Money shall be lodged, and shall be retained by such Bank, or Banking Company, out of the Money due when Payment comes to be made.

In case of Doubts, the Debts intitled to Preference to be lodged in the Bank.

XIV. And be it further enacted and declared by the Authority aforesaid, That, in the making up Casts or Schemes for distributing the Debtor's Effects, all Debts claimed upon, which are intitled to a Preference by the Law of *Scotland*, not altered by this Act, shall be preferred accordingly; and if any Doubt arises about the Preference, and if the Dispute is likely to occasion any considerable Delay, a Share equal to the Debt claimed in Preference shall be lodged in One of the Banks, or with a Banking Company, at such Interest as can be got, not more than One *per Centum* under the legal Interest, in Manner before directed, subject to the after Disposal of the Court.

Factor may submit to Arbitration.

XV. And be it further enacted, That the Factor authorised by Three-fourths of the Creditors in Value, present at a Meeting, to be called for that Purpose by Advertisement in the Manner hereinafter mentioned, may submit to Arbitration, or compound, or sell by Auction, any Claims competent to the Debtor.

No Creditor to have a Vote, whose Debt does not exceed 10 l.

XVI. And be it further enacted, That the Time and Place of all the Meetings to be held in virtue of this Act shall be advertised in the Manner herein-after mentioned; and at such Meeting the Creditors may either appear by themselves, or by any Person authorised to Act for them; and Pupils and Minors may appear by their Tutors and Curators, or by any of them, or by a Person properly authorised to act for such Pupils and Minors; and no Creditor shall have a Vote at such Meetings whose Debt does not exceed Ten Pounds of lawful Money of *Great Britain*; and the Minutes of such Meetings, subscribed by the Preses of the Meeting, elected by a Majority of the Creditors present, or others intitled to act for them, shall bear Faith.

Arrester obliged to deliver the Effects arrested.

XVII. And be it further enacted by the Authority aforesaid, That no Arrestment of a Debtor's personal Estate, or any Part of it, used at any Time within Thirty Days before an Application for a Sequestration of such personal Estate, under the Authority of this Act, shall give any Preference to the arresting Creditor, in the Event of a Sequestration taking Place; and the Arrestee shall be obliged to deliver the Effects arrested, or pay what he owes to the Insolvent Debtor to the Factor appointed, as if no such Arrestment had been used; and if the Arrestee has delivered the Effects, or paid the Money arrested to the Arrester, by virtue of a Decreet of Forthcoming, or any other Authority whatever, the Arrester shall be obliged to pay or deliver the same to the Factor appointed by the Court.

Poinder obliged to deliver to the Factor the Goods poinded.

XVIII. And be it further enacted by the Authority aforesaid, That no Poinding of a Debtor's Effects, not completely executed Thirty Days before an Application for a Sequestration of the Debtor's personal Estate, under the Authority of this Act, shall give any Right or Preference to the Poinder, in the Event of a Sequestration taking Place; but the Poinder shall be obliged to deliver to the Factor the Goods poinded, if not sold or disposed of, when he is required so to do; and if they are then sold or dis-

posed of, he shall be liable to account to the Factor for the apprized Value of the Goods poinded, and which shall make Part of the Fund to be distributed among the Creditors.

Factor intitled to recover Goods and Effects sold, and Payment of Claim of Debt, conveyed unjustly.

XIX. And be it enacted by the Authority aforesaid, That all Payments made by a Debtor to his Creditors, after an Application for a Sequestration of his personal Estate, under the Authority of this Act, shall be void and ineffectual to the Receivers, in the Event of a Sequestration taking Place; and the Factor shall be intitled to recover the Monies so paid as Part of the Bankrupt's Estate; and the Monies so recovered shall make a Part of the Fund to be distributed among the Creditors: And that no Bargain of Sale of, or Agreement about, any Goods or Effects, or Conveyance of any Ground or Claim of Debt, by Assignment, Indorsement, or otherwise, made by a Debtor after an Application for a Sequestration of his personal Estate, under the Authority of this Act, for any Cause or Consideration whatever, other than a fair and adequate Price paid, or to be paid in Money, shall be effectual, in the Event of a Sequestration taking Place; and the Factor shall be intitled to recover such Goods and Effects, so sold or agreed for, and to recover Payment of such Grounds or Claims of Debt so conveyed, by Assignment, Indorsement, or otherwise, for any Cause or Consideration, other than a fair adequate Price paid, or to be paid, as if such Sale, Agreement, or Conveyance, had never been made; and the Effects or Debts so recovered shall make a Part of the Fund to be distributed among the Creditors.

Persons deprived of the Benefit of any Bargain of Sale, to receive Expences incurred.

XX. Provided always, and be it enacted and declared, That all Arresters and Poinders, who shall be deprived of the Benefit of their respective Diligences in Manner aforesaid, shall be intitled to demand, and to receive the Expence laid out by them in prosecuting such Diligences: And that all Persons who shall be deprived, in Manner aforesaid, of the Benefit of any Bargain of Sale, or Agreement about any Goods or Effects, or of any Conveyance of Claims or Grounds of Debt, shall likewise be intitled to demand, and to receive, all the Expence they may have, *bona fide*, incurred by the Sale, Bargain, or Conveyance, being rendered ineffectual.

Court, upon Application and Production of Grounds of Debt, to grant Warrant for citing the Debtor.

XXI. And be it enacted by the Authority aforesaid, That when any Debtor suffers the Diligence to be executed against him, which intitles the Creditor who uses such Diligence to petition the Court of Session for a Sequestration, it shall be competent to any other of the Creditors of the Debtor to apply for Sequestration of the Debtor's personal Estate; and the Court is hereby authorised and required, upon such Application, and upon Production of the Grounds of Debt of such Petitioner or Petitioners, and satisfying Evidence of the Diligence having been used, which is prescribed by this Act, before a Sequestration can be applied for; and upon an Oath being made to the Verity of the Debt, in Manner as directed, when an Application is made by the Creditor who has used Diligence, to grant Warrant for citing the Debtor, in the same Manner as if the Sequestration had been applied for by the Creditor who used the said Diligence, and to proceed in the same Way and Manner, as if the Application had been made by the Creditor who used the Diligence: Provided always, that no such Application shall be competent, unless it is made within the Space of Thirty Days from the Time the Diligence was executed, which intitled the User thereof to apply for a Sequestration.

On Application of Debtors, the Court shall proceed to Sequestration.

XXII. And be it enacted by the Authority aforesaid, That all Debtors who know themselves to be failing in their Credit and Circumstances, may apply to the Court of Session in Time of Session, or to the Lord Ordinary Officiating on the Bills, in Time of Vacance, setting forth their Case, and offering to make a fair Surrender of their personal Estate: And upon such Application the Court, or the Lord Ordinary on the Bills, in Time of Vacance, shall forthwith proceed to Sequestration, appointing a Factor, and to do all other Things required by this Act to be done, when Sequestrations proceed upon the Petition of Creditors, in Manner before directed.

Debtors not complying with what is hereby required, to be punished as fraudulent Bankrupts.

XXIII. And be it further enacted and declared, That if any Debtor shall not, after the Sequestration, make a fair and full Surrender of all his or her personal Estate, and of all his or her Books, and other Writings and Documents whatsoever, necessary for discovering and recovering his or her personal Estate, or shall not comply with what is required of him or her by this Act, or shall behave in any Respect fraudulently, with regard to his or her Creditors, he or she shall be punished by the Court as a fraudulent Bankrupt, and be excluded from the Benefit of the Action of *Cessio Bonorum*.

Nothing contained to prevent Diligence against Debtors.

XXIV. Provided always, That nothing in this Act contained shall prevent or affect any Diligence, or other Proceedings, against the real or heritable Estates of Debtors; but it shall be competent to every Creditor to follow forth the same in due Course of Law.

Surplus, after Payment of Debts to be paid to the Debtor.

XXV. Provided also, and be it enacted, That the Surplus of every Debtor's personal Estate that may remain after Payment of his or her Debts, and of the Expence incurred in carrying this Act into Execution, shall be paid over to the Debtor, or to his or her Assigns or Executors.

If the Debtor shall die during Subsistence of Sequestration, Proceedings to be carried on.

XXVI. And it is further enacted and declared, That if any Debtor shall die during the Subsistence of the Sequestration of his personal Estate, the Proceedings under this Act, notwithstanding thereof, shall be carried on, and followed out, to their Conclusion; and the Factor shall be intitled to sue for, and to recover the Debtor's Estate, in the same Manner he would have been intitled to do, if the Debtor had continued in Life.

No Fee to be paid for an Oath of Verity, &c. if the Debt does not exceed 10 l.

XXVII. And be it enacted by the Authority aforesaid, That no Fee shall be paid by any Creditor to the Clerks of Court, or any Person whatever, for an Oath of Verity or Credulity as to the Debt claimed being due, or for Production of the Interest or Grounds of Debt of any Creditor, unless the Debt claimed exceeds the Sum of Ten Pounds lawful Money of *Great Britain*.

If Appeal shall be taken against an Interlocutor, &c.

XXVIII. And it is also enacted by the Authority aforesaid, That if any Appeal shall be taken against any Order or Interlocutor of the Court of Session, or against any Act or Order of the Lord Ordinary upon the Bills in Times of Vacance, it shall be lawful and competent to the said Court, in Time of Session,

Session, and Lord Ordinary on the Bills, in Time of Vacance, notwithstanding such Appeal, to make such Orders, and direct such Proceedings, as shall appear to be expedient for preventing the Estate of the Debtor from being embezzled, secreted, or dilapidated, while the Appeal is pendant. the Court to make necessary Orders.

XXIX. And be it enacted by the Authority aforesaid, That if any Creditor who has used the Diligence of Horning and Caption against his or her Debtor, shall be prevented from imprisoning his or her Debtor, by the Debtor's having obtained a personal Protection from the Court of Session, or the Lord Ordinary on the Bills, in pursuance of this Act; the Messenger employed to apprehend the Debtor, returning, in his Execution, that he has been prevented from imprisoning the Debtor, by the Debtor's having obtained such personal Protection, shall, in all Actions and Questions that may arise upon the Construction and Effect of the Act of Parliament of *Scotland*, passed in One thousand six hundred and ninety-six, intituled, *An Act for declaring nettour Bankrupts*, be held and deemed equal to Imprisonment. Creditors who have used Horning, &c. prevented by the Court of Session from imprisoning their Debtors, shall in all Actions, be deemed equal to Imprisonment.

XXX. And be it further enacted and declared by the Authority aforesaid, That if Two-thirds in Value of the Creditors present, by themselves, or others impowered to act for them, at the Meeting advertised for chusing a Second Factor, and having proved their Debts in Manner before directed, shall judge it to be more for the Interest of the Creditors to manage the Bankrupt's personal Estate by the Assistance of Trustees, than to continue it under the Management of a Factor appointed by the Court of Session, it shall be lawful for them to chuse a Trustee or Trustees, for that Purpose, at that Meeting; or for Two thirds of the Creditors in Value, at any subsequent Meeting called for that Purpose by Advertisement, in Manner herein-after mentioned, published Thirty Days at least prior to the Day of Meeting, to chuse such Trustee or Trustees, and upon the Minutes of the Creditors making Choice of such Trustee or Trustees being produced to the Court, with an Acceptance on the Part of the Trustee or Trustees named, the Court shall, and they are hereby required to make an Act or Order, declaring the personal Estate of the Bankrupt within *Scotland* to be vested in the Trustee or Trustees elected for the Benefit of the whole Creditors, and directing the Factor to convey to the Trustee or Trustees all the personal Estate of the Bankrupt out of *Scotland*, which has been conveyed to him by the Bankrupt, so far as had not been recovered; and to deliver to the said Trustee or Trustees, or to any Factor to be appointed by them, in Manner hereafter directed, every Part of the Bankrupt's personal Estate, and all Writings concerning the same, and to pay the Balance that shall appear to be due upon his Accounts, he receiving such Sum for the Trouble he has been at as the Court shall direct; and from thenceforth the Sequestration shall cease, and the Management of the Bankrupt's personal Estate shall be committed to the Trustee or Trustees. Majority of Creditors may chuse a Trustee, in place of a Factor.

XXXI. And be it further enacted by the Authority aforesaid, That the said Trustee or Trustees may either Act in the Management of the Bankrupt's Estate, or may appoint a Factor, for whom they shall be answerable, to act for them, and may give such a reasonable Reward to such Factor for his Trouble, not exceeding Five Pounds Sterling *per Centum*, of the Money recovered by him, or such other Allowance as may be specified in the Minutes of the Creditors wherein the Trustee or Trustees are elected. Trustees may chuse a Factor.

XXXII. And be it likewise enacted by the Authority aforesaid, That Two thirds of the Creditors in Value may, at any Meeting, remove the Trustee or Trustees, and appoint another or others in their Place; and the former Trustee or Trustees, after receiving a Copy of the Minutes appointing the new Trustee or Trustees, and of the Acceptance of the new Trustee or Trustees, subscribed by the Preses of the Meeting, shall be bound to account to the new Trustee or Trustees for their or his Management, and to deliver to such new Trustee or Trustees, or to the Factor to be appointed by them, and for whom they shall be answerable, all Effects which belonged to the Bankrupt in their Custody, and all Papers concerning the same, with a Conveyance to the new Trustee or Trustees of such Parts of the Bankrupt's Estate as have not been recovered; and upon the Death of any Trustee or Trustees, Two-thirds of the Creditors in Value, may, at any Meeting, appoint another or others in his or their Place. Majority of Creditors may remove Trustees, and appoint others.

XXXIII. Provided always, That the Meeting where such Removal and Appointment of Trustees are made shall be called by One or more Creditors, by Advertisement as is herein-after mentioned; which Advertisement shall be repeated twice at the least, Forty Days before the Day of Meeting, and contain an Intimation of the Purpose for which the Meeting is called. Meeting for such Removal to be called by Advertisement.

XXXIV. And be it further enacted by the Authority aforesaid, That the Minutes of the Meeting of Creditors, appointing Trustees, subscribed by the Preses of the Meeting, and of the Acceptance of the Trustees subscribed by themselves, shall be Evidence in all Courts of Justice; and the said Trustee or Trustees shall be liable to perform all the Conditions specified in the Minutes, in which they are elected and appointed, and shall be bound to account to the Creditors for the legal Interest of all Money recovered from the Bankrupts, that shall appear to be in their Hands, or in the Hands of their Factor, at any Time, exceeding the Sum of One hundred Pounds lawful Money of *Great Britain*, except in so far as this Rule may be relaxed by the Creditors in their Minutes, in which the Trustee or Trustees are elected and appointed. Trustees to perform the Conditions specified in the Minutes.

XXXV. And be it further enacted, That, for the Purpose of carrying this Act more effectually into Execution, the Court of Session shall be, and hereby is, authorised and required, to appoint, from Time to Time, One publick Papper, printed at *Edinburgh*, wherein may and shall be inserted all such Advertisements as are herein before directed to be published. Court to appoint One of the Edinburgh Papers for all such Advertisements.

'XXXVI. And whereas it would be advantageous to Trade in that Part of *Great Britain* called *Scot-*'*land*, that Promissory Notes were allowed the like summary Execution and other Privileges with Bills;' be it therefore enacted by the Authority aforesaid, That from and after the Fifteenth Day of *May*, One thousand seven hundred and seventy-two, the same Diligence and Execution shall be competent, and shall proceed upon Promissory Notes, whether holograph or not, as is provided to pass upon Bills of After May 15, 1772, Promissory Notes to bear Interest as Bills.

of Exchange, and Inland Bills, by the Law of *Scotland*, and that Promiſſory Notes ſhall bear Intereſt as Bills, and ſhall paſs by Indorſation; and that Indorſees of Promiſſory Notes ſhall have the ſame Privileges as Indorſees of Bills in all Points.

No Bills of Exchange, or Promiſſory Notes, executed after May 15, 1772, to be effectual to produce Diligence, unleſs ſuch Diligence ſhall be uſed before the Expiration of Six Years.

'XXXVII. And whereas the not limiting Bills and Promiſſory Notes to a moderate Endurance in 'that Part of *Great Britain* called *Scotland* has been found by Experience to be attended with great In-'conveniences; for Remedy whereof,' be it enacted by the Authority aforeſaid, That no Bill of Exchange, or Inland Bill, or Promiſſory Note, executed after the Fifteenth Day of *May*, One thouſand ſeven hundred and ſeventy-two, ſhall be of Force, or effectual to produce any Diligence or Action in that Part of *Great Britain* called *Scotland*, unleſs ſuch Diligence ſhall be raiſed and executed, or Action commenced thereon, within the Space of Six Years from and after the Terms at which the Sums in the ſaid Bills or Notes became exigible.

Bills of Exchange, &c. granted before May 15, 1772, to be ſubject to the above Limitation.

XXXVIII. And be it further enacted, That no Bill of Exchange, or inland Bill, or Promiſſory Note, which has been or ſhall be granted before the ſaid Fifteenth Day of *May*, One thouſand ſeven hundred and ſeventy-two, ſhall be of Force, or effectual to produce any Diligence or Action, unleſs ſuch Diligence has been or ſhall be raiſed, or Action has or ſhall be commenced thereon before the Expiration of Six Years, from and after the ſaid Fifteenth Day of *May*, One thouſand ſeven hundred and ſeventy-two.

Bank Bills not comprehended under the above Limitation.

XXXIX. Provided always, That no Notes, commonly called *Bank Notes* or *Poſt Bills* iſſued or to be iſſued by any Bank or Banking Company, and which contain an Obligation of Payment to the Bearer, and are circulated as Money, ſhall be comprehended under the aforeſaid Limitation or Preſcription; and that it ſhall and may be lawful and competent, at any Time after the Expiration of the ſaid Six Years, in either of the Caſes before mentioned, to prove the Debts contained in the ſaid Bills, and Promiſſory Notes, and that the ſame are reſting and owing by the Oaths or Writs of the Debtor.

Years of Minority not to be computed.

XL. And it is hereby enacted and declared, That the Years of the Minority of the Creditors, in ſuch Notes or Bills, ſhall not be computed in the ſaid Six Years.

Promiſſory Notes and Inland Bills to be proteſted as foreign Bills.

XLI. And it is further enacted and declared, That all Inland Bills and Promiſſory Notes ſhall be proteſted in like Manner as foreign Bills before the Expiration of the Three Days of Grace, otherwiſe there ſhall be no Recourſe againſt the Drawers or Indorſers of ſuch Inland Bills, or againſt the Indorſers of ſuch Promiſſory Notes; and it ſhall be ſufficient to preſerve the ſaid Recourſe, if Notice is given of the Diſhonour within Fourteen Days after the Proteſt is taken, without Prejudice to the Notification of the Diſhonour of Foreign Bills, to be made within ſuch Time as is required by the Uſage and Cuſtom of Merchants.

After May 15, 1772, ſummary Execution, by Horning, ſhall paſs upon Bills, &c.

XLII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Fifteenth Day of *May*, One thouſand ſeven hundred and ſeventy-two, ſummary Execution, by Horning, or other Diligence, ſhall paſs upon Bills, whether Foreign or Inland, and whether accepted or proteſted for Non-acceptance, and upon all Promiſſory Notes duly negociated, not only againſt the Accepters of ſuch Bills, or Grantors of ſuch Notes, but alſo againſt the Drawers of ſuch Bills, and the whole Indorſers of the ſaid Bills and Notes jointly and ſeverally, excepting where the Indorſation is qualified to be without Recourſe, ſaving and reſerving to the Drawers or Indorſers their reſpective Claims of Recourſe againſt each other, and all Defences againſt the ſame, according to Law.

After May 15, 1772, ſummary Execution by Horning, ſhall be competent to the Indorſee.

XLIII. And be it alſo enacted by the Authority aforeſaid, That from and after the ſaid Fifteenth Day of *May*, One thouſand ſeven hundred and ſeventy-two, ſummary Execution by Horning, or other Diligence, ſhall be competent to the Indorſee of a Bill, although the Proteſt is not in the Name of the Indorſee craving the Diligence; and although the Bill is not re-conveyed to him by Indorſation, if he produces a Receipt for the Value by Act of Honour, or a miſſive Letter from the proteſting Indorſee, mentioning the Diſhonour agreeable to the Practice of Merchants in returned Bills.

The Act to continue for 7 Years.

XLIV. And be it further enacted by the Authority aforeſaid, That that preſent Act ſhall continue, and be in Force for ſeven Years, from the ſaid Fifteenth Day of *May*, One thouſand ſeven hundred and ſeventy-two, and to the End of the then next Seſſion of Parliament, and no longer.

CAP. LXXIII.

An Act for the better Regulation of Buildings and Party Walls within the Cities of *London* and *Weſtminſter*, and the Liberties thereof, and other the Pariſhes, Precincts, and Places in the Weekly Bills of Mortality, the Pariſhes of *Saint Mary le-bone* and *Paddington*, *Saint Pancras*, and *Saint Luke* at *Chelſea*, in the County of *Middleſex*; and for the better preventing of Miſchiefs by Fire within the ſaid Cities, Liberties, Pariſhes, Precincts, and Places, and for amending and reducing the Laws relating thereto into One Act; and for other Purpoſes.

Preamble.

'WHEREAS the ſeveral Acts of Parliament now in Force for regulating Buildings and Party 'Walls, and for preventing Miſchiefs happening by Fire, for providing Fire-engines, and ob-'taining a ſufficient Supply of Water at Fires, and for paying Rewards to Perſons aſſiſting at Fires with-'in the Cities of *London* and *Weſtminſter*, and the Liberties thereof, and other the Pariſhes, Precincts, 'and Places within the Weekly Bills of Mortality, the ſeveral Pariſhes of *Saint Mary le-bone* and *Pad-*

'*dington*,

'dington, *Saint Pancras*, and *Saint Luke* at *Chelsea*, in the County of *Middlesex*, and the Provisions, 'Regulations, and Restrictions, made and specified in and by the said several Acts, have, in many Re-'spects, been found insufficient to answer the good Purposes intended thereby: And whereas it will 'tend to the Safety of the Inhabitants, and prevent great Inconveniencies to Builders and Workmen 'employed in Buildings within the Cities and Liberties, Parishes Precincts, and Places, if some of 'the said Acts were repealed, and the good and wholesome Laws and Provisions therein contained were 're-enacted and reduced into One Act, with certain further Regulations, Amendments, and Provisions 'respecting such Buildings, and for the preventing Mischiefs by Fire as aforesaid; may it please Your 'Majesty that it may be enacted;" and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, in all Buildings to be built within the said Cities, Liberties, Parishes, Precincts, and Places, and every of them, the Rules, Directions, and Restrictions herein-after prescribed shall be duly observed by all Persons therein concerned; and that no House or other Building shall be erected within the Limits aforesaid, but such as shall be pursuant to such Rules and Orders of Buildings as are herein-after particularly appointed, any Law, Statute, or Usage to the Contrary notwithstanding; (that is to say), That all Fronts and Rear Walls of every House or Tenement, for Habitation, to be built as aforesaid, within the Limits aforesaid, shall be built of Brick or Stone, or of Brick and Stone together. (except sound Square Bond Timbers, Door Cases, and Window Frames, Shutters. Story Posts, and Breast-summer Fronts to the Ground Floor Story, and Cornices to the Breast summer Fronts); and that all the Front Walls of every such House or Tenement for Habitation shall be carried up to the full Height of Eighteen Inches above the Gutter, and coped with Stone, Tile, or Brick, and not otherwise; and that from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, every House or Tenement for Habitation, which shall be so erected and built, shall have Party Walls between House and House, or other Buildings, wholly of Brick or Stone, or of Brick and Stone together, (all necessary sound Square Bond Timbers only excepted); and that such Party Walls between House and House, shall be built, One Half thereof on the Soil or Scite of each of the said Houses; and that every Party Wall, or Flank, or Side Wall of every such House or Building, the Expence of building and finishing of which House shall exceed the Sum of One hundred and twenty Pounds, shall be of the Thickness of Two Bricks and One Half in Length, or One Foot and Nine Inches at the least in the Cellar or lowest Story, and of Two Bricks in Length, or One Foot Five Inches, and One Half of an Inch, from thence upwards to the Garret Floor, and from the Garret Floor upwards One Brick and an Half in Length, or Thirteen Inches; and shall be carried up of such last-mentioned Thickness to the full Height of Eighteen Inches above the Roof of Gutters adjoining thereto; and to every House or Tenement for Habitation, the Expence of building and finishing of which House shall not exceed the Sum of One hundred and twenty Pounds, every Party Wall, and every Flank or Side Wall, shall be of the Thickness of One Brick and an Half in Length, or Thirteen Inches in the Cellar, or lowest Story, and from thence upwards, shall be carried up of the Thickness of One Brick in Length, or Nine Inches, to the full Height of Eighteen Inches above the Roof or Gutters adjoining thereto; and that all and every the Bricks which shall be used in every such Party Walls shall be good, sound, hard, and well-burnt Bricks, and none other; and that no Timbers (except the Girders, Binding, and Trimming Joists, and the Templets under the same, and all such necessary Bond Timbers as aforesaid) shall be laid into any such Party Wall, or Flank, or Side Wall as aforesaid; and that no Timbers of the Roof shall be laid into any such Party Wall, or Flank, or Side Wall, (except the Purloins or Kirbs thereof, and Gutter Plates), and that no Girder, Binding, or Trimming Joists, shall lie more than Nine Inches within such Party Wall, Flank or Side Wall, and that no Girder, Binding, or Trimming Joists, in Houses or Buildings adjoining to each other, shall meet or be laid opposite to each other, and that the Sides thereof shall be at least Nine Inches distant from each other; and that there shall be Five Inches at the least of solid Brick-work left at or between the Ends of all Lentils, Wall Plates, and Bond Timbers, to be hereafter used in any such Buildings as aforesaid.

Rules to be observed in the Erection of all future Buildings.

II. Provided always, and be it further enacted by the Authority aforesaid, That no Bow Window or other Projection shall be built, made, set up, or affixed in, to, against, or before any House or other Building, situate in any publick Street, Lane, or Place, fronting any such Street, Lane, or Place, (except for the Convenience of a Shop or Shops only; and where any such Window, or other Projection, shall be so made, set up, or fixed for the Convenience of a Shop or Shops, the same shall not project or extend forwards more than Five Inches from the Upright of the House or Building to the Front of the Stall-board, in any Street, Lane, or Place, which shall not be Thirty-two Feet wide, nor more than Ten Inches from such Upright to the Front of the Stall-board, in any Street, Lane, or Place, being more than Thirty-two Feet wide; and that no such Projection, in any Case shall be carried higher than the Ground Story, or Story next above the Level of the Street, Lane, or Place of the House or other Building, in, to, against, or before which the same shall be made or placed; nor shall any Roof over any Projection by this Act allowed to be made or set up, be higher than the Sill of the One Pair of Stairs Window of such last-mentioned House or Building; and that no Timber Building, Projection, or Erection whatsoever, (otherwise than as aforesaid), shall be built or erected in the Front or Rear, or on the Top of any House or Building; any Custom or Usage to the Contrary notwithstanding.

No Bow Windows to be made; Exception for Shops.

III. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to interfere with, or make void any of the Powers heretofore given by any Act of Parliament to the Commissioners of Sewers, Lamps and Pavements, for the City of *London*, and the Liberties thereof.

Proviso.

'IV.

Gateways, &c. to be left for Carriages to paſs to Wharfs.

'IV. And whereas in the building of Houſes or other Buildings near or adjoining to the River 'Thames, it may be proper and convenient to erect or leave Archways, or other Gateways, for Carts 'and Carriages to paſs under the ſaid Houſes, or ſome Part or Parts of ſome of them, to Wharfs near 'or adjoining to the ſaid River, and to place or fix Breaſt-ſummers into the Walls of ſuch Part or 'Parts of ſuch Houſes, ſo extending over or acroſs ſuch Archways or Gateways;' be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Builder of the Party Wall or Party Walls of any Houſe or Houſes, or other Buildings, near or adjoining to the ſaid River, within the Limits aforeſaid, to make or leave Archways or Gateways for Carriages to paſs to the ſaid Wharfs, in ſuch Part of the Ground and Cellar Floors, or either of them, of any ſuch Houſe or Houſes, or other Buildings, and to place and fix a proper Breaſt-ſummer or Breaſt-ſummers, over any ſuch Arched-way or Gate-way; an Thing herein contained, or any Law, Statute, or Uſage to the Contrary notwithſtanding.

Walls acroſs Gateways to Wharfs to be One Brick and Half thick.

V. Provided always, and be it further enacted, That every Wall and Walls to be erected or ſet up upon any Breaſt-ſummer, over any ſuch Arched-way or Gate-way, ſhall not be leſs than One Brick and an Half, or Thirteen Inches thick; any Thing herein contained to the Contrary notwithſtanding.

In what Caſes and Builder may uſe Party or End Walls.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, who ſhall build againſt any ſuch Party Wall or Party Walls, Flank or Side Wall or Walls, and ſhall have paid the full and due Proportion of the Charges of building ſuch Wall or Walls, according to the Directions herein-after ſet forth, to cut into ſuch Wall or Walls, and to lay into the ſame, according to the Directions and Regulations herein preſcribed, Girders, Binding Joiſts, and Templets, under the ſame, according to the ſaid Directions and Regulations, at ſuch Diſtances, and in ſuch Manner, as the Firſt Builder might do, and not otherwiſe; and alſo to make Indents of not more than Four Inches, for inſerting of Partition Walls and Jambs of Chimnies therein; and alſo to make an Indent into the End of any adjoining Front Wall, not more or deeper than Four Inches, for the Purpoſe of joining the Walls between Houſe and Houſe; and to cut into any ſuch Wall or Walls, where there is no Funnel, the Depth of Five Inches, and not more or deeper, for the Purpoſe only of laying Stone Steps into the ſame Wall or Walls; and of the Depth of Four Inches, and not more or deeper, for laying Timbers for Stairs or Steps of Wood; but ſhall not cut into, or wound any ſuch Wall or Walls, in any other Part or Parts thereof, or in any other Manner, or for any other Purpoſe whatſoever; and that no Cornice or Projection of Wood, in or upon any other Wall of any Houſe or other Building, already built, or hereafter to be built, in any Street, Lane, or Place, within the Limits aforeſaid, ſhall be made or ſuffered, except to Frontiſpieces of Doors, and ſuch Shop Windows as are hereby authoriſed to be made.

Regulations for placing Chimney Jambs, &c. in Party Walls.

VII. Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons, being poſſeſſed of and intitled unto any Ground adjoining to any Flank or Side Wall of a Houſe or Building for Habitation, about to be built, or building on any new Foundation or Foundations according to the Directions of this Act, ſhall be deſirous of building any Houſe or Tenement for Habitation on the Ground ſo adjoining, and of having Chimney Jambs, Breaſts, and Flues of Chimnies, for ſuch his, her, or their intended Houſe or Building, erected and ſet into any ſuch Flank or Side Wall; or being poſſeſſed of any Houſe or other Building, adjoining to any Houſe or Tenement for Habitation, hereafter to be built on any old Foundation or Foundations, within the Limits of this Act, ſhall be deſirous of having Chimney Jambs, Breaſts, and Flues of Chimnies, for ſuch adjoining Houſe or Tenement, erected and ſet into any Party Wall or Walls hereafter to be erected according to the Directions of this Act, and of ſuch Deſire ſhall and do give Notice in Writing to the Builder or Builders thereof, or any One of them, at any Time before any ſuch Flank or Side Wall or Party Wall ſhall be begun to be built; then, and in that Caſe, ſuch Builder or Builders ſhall, and is and are hereby directed and required, from and after ſuch Notice ſo given, to erect in a proper, ſubſtantial, and workmanlike Manner, ſuch and ſo many Chimney Jambs, Breaſts, and Flues of Chimnies, in all ſuch Parts of every ſuch Flank, or Side Wall or Party Wall, unbuilt at the Time of ſuch Notice, as ſhall be by the Perſon or Perſons giving ſuch Notice required and directed, not interfering with, or injurious to the Jambs and Flues of the Chimnies to be built to the adjoining Houſe or Tenement, nor being in any Reſpect contrary to the Rules, Orders, Regulations, and Reſtrictions in and by this Act preſcribed and directed: And from and after the erecting and ſetting up ſuch Jambs, Breaſts, and Flues of Chimnies ſo required to be built, the Perſon or Perſons giving any ſuch Notice as aforeſaid, his, her, or their Executors and Adminiſtrators, ſhall, to all Intents and Purpoſes, be deemed and taken to have made uſe of every ſuch Flank, or Side Wall, or Party Wall, and ſhall be from thenceforth liable to pay the whole Expence of erecting and ſetting up all and every ſuch Jambs, Breaſts, and Flues of Chimnies, erected and built in purſuance of ſuch Notice, and alſo One full Moiety of the Expence of the Whole of every Wall or Walls in which ſuch Jambs, Breaſts, and Flues ſhall be ſo erected; to be computed and aſcertained as herein-after directed, and to be recoverable and recovered, with Full or Common Coſts of Suit, in the ſame or like Manner as any other Proportion of any Party Wall or other Wall is herein and hereby made recoverable.

Thickneſs of Chimney Jambs.

VIII. And be it further enacted by the Authority aforeſaid, That all Jambs and Backs of Chimnies, which, from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, ſhall be erected or built within the Limits aforeſaid, ſhall be at leaſt One Brick and an Half, or Thirteen Inches thick, in the Cellar or loweſt Story of the Buildings wherein the ſame ſhall be erected, and from thence to the upper Story of ſuch Building, One Brick or Nine Inches thick; and that all Widths,

Widths, in the Inside of such Chimnies, shall be the Breadth of a Brick or Four Inches thick; and that all the Funnels of such Chimnies shall be plaistered or pargetted on the Inside on all Parts thereof from the Bottom to the Top, and shall also be plaistered or pargetted without Side to the Cieling of the Upper Story; and that the Flues of every Chimney on the Outside of every such Party Wall as aforesaid, next to any vacant Ground, shall be Lime-whited, from the Bottom to the Roof of the House or Building; and that every Chimney, so to be built as aforesaid, shall be turned or arched under the Hearth thereof with Brick, except on the lowest Story of the Building wherein the same shall be erected; and that no Timber shall lie or be placed nearer than Five Inches to any Chimney Funnel or Fire Place; and that every Mantle between the Jambs of Chimnies shall be arched over with Brick, or set upon an Iron Bar or Iron Bars; and that no Wood or Wainscot whatever shall be placed or affixed to the Front of any such Jamb or Mantle nearer than Five Inches from the Inside of such Jamb or Mantle; and that no Stove, Boiler, Copper, or Oven, shall, from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, be set up, fixed, or hung within the Limits aforesaid, otherwise than with Iron, Brick, or Stone; nor shall the Flue of any such Stove, Boiler, Copper, or Oven, be placed nearer than Nine Inches to any Timber or Wood, for or on any Pretence whatsoever.

Funnels to be plaistered and pargetted within and without.

Hearths to be arched with Brick.

Between the Jambs to be arched with Brick, or set on Iron.

How Stoves, Boilers, and Coppers are to be set.

IX. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy two, it shall not be lawful to make or have in any Flank or Side Wall of any House or Building against or adjoining to which any other House or Building is to be, or may be erected, or in any Party Wall of any House or Building for Habitation within the Limits aforesaid (except as herein-before expressed and directed) any Door-case, Window-lentil, Breast-summer, Story Post, or Plate whatsoever, unless where two or more Houses or other Buildings shall be laid together, and being so laid togther shall be used and occupied as one House or Building.

No Breast-summer, Door-case, Window, &c. to be in any Party Wall.

X. And be it further enacted by the Authority aforesaid, That if the Front or Rear Wall of any House or other Building for Habitation, which, from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, shall be erected or built within the Limits aforesaid, shall be built, made, or carried up, otherwise than with Brick or Stone, or Brick and Stone together, (except as herein excepted); or if any such Front Wall shall not be built and carried up from the Foundation of such House or other Building to the full Height herein directed and required; or if any such Wall shall not be coped with Stone, Tile, or Brick; or if any such House or other Building which shall be erected shall not have such Party Wall and Walls, Flank, or Side Walls, wholly of Brick or Stone, or of Brick and Stone together, as herein before directed and required, (except as herein excepted); or if any such Party Wall, Flank, or Side Wall, shall be in any Part thereof of a lesser Thickness than is herein-before prescribed, or shall not be carried up to the full Height herein directed and required; or if any Bricks, other than good, sound, hard, well-burnt Bricks, shall be laid, put into, or used in any such Party Wall, Flank, or Side Wall; or if any Timber, other than Girders, Binding, and Trimming Joists, and Templets under them, and other than necessary sound square Bond Timbers; or if any Timber of the Roof (except the Purloins and Kirbs thereof, and Gutter Plates) shall be laid into any Party Wall, Flank, or Side Wall, as aforesaid; or if any Girder, or Binding, or Trimming Joist, shall be laid into any Party Wall, more than Nine Inches; or if the Ends of any Girders, Binding, or Trimming Joists, in any adjoining Houses or other Buildings, shall meet or be laid opposite to each other; or if the Sides of any Girders, or Binding, or Trimming Joists, in any adjoining House, or other Building, shall not be of the full Distance herein directed from each other; or if there shall not be Five Inches in Breadth, at the least, of solid Brick-work left between the Ends of all and every Lentils, Wall Plates, or Bond Timbers; or if any Bow Window, or other Projection, shall be built, made, set up, or affixed to, against, or before any House or other Building fronting to any Street, Lane, or Place, except for the Convenience of a Shop or Shops only; or if any Bow Window, or other Projection, for the Convenience of a Shop or Shops shall project or extend forward more than Five Inches from the Upright of the House or Building to the Front of the Stall-board in any Street, Lane, or Place, not being Thirty-two Feet wide, or more than Ten Inches from such Upright to the Front of the Stall-board in any Street, Lane, or Place, which shall be more than Thirty-two Feet wide, or shall be higher than the Top of the Ground Story, or Story next above the Level of the Street, Lane, or Place of the House or other Building, to, or against, or before which the same shall be made or placed; or if any Roof over any Projection by this Act allowed to be made or set up shall be higher than the Sill of the One Pair of Stairs Window of such last-mentioned House or Building; or if any Timber Building, Erection, or Projection whatever, other than by this Act allowed, shall be built or erected in the Front or Rear, or on the Top of any House or Building; or if any Person or Persons who shall build against any Party Wall, or End or Side Wall, shall make any Indent of more than Four Inches for inserting any Partition Wall and Jambs of Chimnies therein, or shall make in any adjoining Front Wall an Indent more or deeper than Four Inches, for the better adjoining of the Front Walls between House and House, or shall cut into any other Part of any such Wall to any greater Depth than Five Inches for the laying of Stone Steps into the same, or more than Four Inches for laying of Stairs or Steps of Wood; or if any Cornice or Projection of Wood, except to Shops having Breast-summer Fronts, and to Frontispieces of Doors, and such Bow Windows as are hereby authorised to be made, shall be put or suffered in any Front or Rear Wall of any House or other Building already built, or hereafter to be built, within the Limits aforesaid, or other Wall fronting to any Street, Lane, or Place; or if the Jamb or Back of any Chimney to be built within the Limits aforesaid shall not be at least One Brick and an Half or Thir-

Directions respecting Front and Rear Walls, Story Posts, Breast-summers, Party Walls, Girders, Joists, Chimnies, Bow Windows, &c. to be observed by all Builders, &c.

teen Inches thick in the Cellar or loweſt Story, and Brick or Nine Inches to the upper Story; or if any Width within the Inſide of any Chimney ſhall be leſs than Four Inches thick; or if any Funnel in any ſuch Chimney ſhall not be plaiſtered or pargetted within and without, as herein before-directed; or if on the Flue of every Chimney, on the Outſide of every Party Wall next to any vacant Ground, ſhall not be Lime-whited from the Bottom to the Roof of the Houſe or Building; or if any Chimney hereafter to be built within the Limits aforeſaid ſhall not be turned or arched under the Hearth with Brick, except in the loweſt Story; or if any Timber ſhall lie or be placed nearer than Five Inches to any Chimney, Funnel, or Fire-place; or if any Mantle between the Jambs of the Chimney ſhall not be arched over with Brick, or ſet upon an Iron Bar or Iron Bars; or if any Wood or Wainſcot ſhall be placed or affixed to the Front of the Jamb or Mantle nearer than Five Inches from the Inſide of ſuch Jamb or Mantle; or if any Stove, Boiler, Copper, or Oven, ſhall be ſet up, placed, or hung otherwiſe than herein-before directed; or if, for or on any Account or Pretence whatever, any Party Wall, or End or Side Wall whatever, ſhall be cut into or wounded, (except as is herein excepted); or if any Door Caſe, Window, Window Frame, Lentil, Breaſt-ſummer, Story Poſt, Plate, or Timber, (all neceſſary Bond Timber as aforeſaid excepted) ſhall be fixed, ſet up, or put into any Party Wall, or End or Side Wall, except where Two or more Houſes or other Buildings ſhall be laid together, and uſed and occupied as One Houſe or Building; then, and in every or any ſuch Caſe, the Maſter or Head Builder, Maſter Bricklayer, or Maſter Workman, or other Perſon, cauſing ſuch Building to be erected and built, ſhall for every Offence or Default as aforeſaid, forfeit and pay the Sum of Fifty Pounds; One Moiety thereof to be paid to the Overſeer or Overſeers of the Poor of the Pariſh, Precinct, or Place wherein the Offence was committed, for the Uſe of ſuch Poor only, and the other Moiety thereof to the Perſon or Perſons ſuing for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

under the Penalty of 50l.

Pariſhioners, &c. where the Offence is committed, to be Witneſſes.

XI. And be it further enacted by the Authority aforeſaid, That the Pariſhioners and Inhabitants of the Pariſh, Precinct, or Place where any Offence againſt this Act ſhall be committed, (except Perſons receiving Alms) ſhall be admitted and allowed to be competent Witneſſes in the Trial, or otherwiſe, in any Action, Bill, Plaint, or Information, in any of the ſaid Courts of Record, or at or upon the Hearing and Determination of any Information before the Mayor of *London*, or other Juſtice of the Peace, for or concerning any Offence or Offences againſt this preſent Act, notwithſtanding his, her, or their being a Pariſhioner or Pariſhioners, Inhabitant or Inhabitants, in ſuch Pariſh, Precinct, or Place.

Builder, after Conviction, to make good Irregularities, on Pain of a further Penalty of 50l.

XII. And be it further enacted by the Authority aforeſaid, That the Maſter or Head Builder, Maſter Bricklayer, or Maſter Workman, or other Perſon cauſing ſuch Building to be erected, againſt whom any of the Forfeitures or Penalties aforeſaid ſhall be recovered, ſhall, and is hereby required, within the Space of Nine Months next after the Recovery thereof, to make good all ſuch Defects and Irregularities, for which every ſuch Forfeiture and Penalty was recovered, and render the Building of ſuch Houſe and Houſes, or other Building or Buildings, conformable to the Directions of this preſent Act: And in caſe all or any of the Defects and Irregularities for which ſuch Forfeiture or Forfeitures, Penalty or Penalties, was or were recovered ſhall not be made good, and the Building of the ſaid Houſe or Houſes, or other Buildings, ſhall not be rendered comformable to the Directions of this preſent Act, within the ſaid Nine Months; then every Perſon or Perſons againſt whom ſuch Recovery ſhall have been, ſhall forfeit the Sum of Fifty Pounds; to be recovered and applied in the ſame or like Manner as the before-mentioned Forfeitures and Penalties as herein-before directed to be recovered and applied, and ſo *toties quoties*, for every Nine Months that ſuch Defects and Irregularities ſhall continue; and that ſuch Houſe or Houſes, or other Buildings, ſhall remain built otherwiſe than conformable to the Directions of this preſent Act.

Workmen doing any Thing contrary to this Act, ſhall forfeit 10l.

XIII. And be it further enacted by the Authority aforeſaid, That if any Workmen or Servants to any Maſter or Head Builder, Maſter Bricklayer, or Maſter Workman, or other Perſon or Perſons cauſing ſuch Buildings to be erected, ſhall wilfully, careleſsly, or negligently, and without the Direction, Privity, or Conſent of ſuch Maſter or Head Bricklayer, or Maſter Workman, do any Thing in or about ſuch Buildings, contrary to the Directions of this Act, every ſuch Workman or Servant ſo offending, ſhall, for every Offence, upon Conviction thereof before the Mayor of *London*, or other Juſtice of the Peace for the ſaid City of *London*, or before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Middleſex* or County of *Surrey*, or the City and Liberty of *Weſtminſter*, or the Liberty of His Majeſty's *Tower of London*, (as the Caſe ſhall be) upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Mayor and every ſuch Juſtice is hereby impowered and required to adminiſter), or upon his own Confeſſion, ſhall forfeit the Sum of Ten Pounds; One Moiety thereof to be paid to the Overſeer or Overſeers of the Poor of the Pariſh, Precinct, or Place wherein the Offence was committed, for the Uſe of the Poor only, and the other Moiety thereof to the Informer; and if any ſuch Forfeiture of Ten Pounds ſhall not be paid upon and immediately after ſuch Conviction, then the Offender ſhall, by Warrant, under the Hand and Seal of ſuch Mayor or other Juſtice, (except as herein-after is excepted), be committed to the Houſe of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, nor leſs than One Month, unleſs the ſaid Penalty ſhall be ſooner paid.

'XIV. And whereas ſeveral Houſes and other Buildings within the Limits aforeſaid, are in Part 'erected and built over the Ground and Soil of another, or other Proprietor or Proprietors, or the 'ſeveral Rooms or Floors of ſuch Houſes lie intermixed over or under each other, ſo that a Party Wall 'between ſuch Houſes cannot be built upon the old Foundations perpendicular through all the Stories, 'without pulling down ſuch Houſes, and laying Parts of each to the other, or others, of ſuch Houſes, in 'all which Caſes Difficulties have ariſen, or may ariſe, amongſt the ſaid ſeveral Owners or Proprietors, 'and the rebuilding the ſaid Premiſes, and the ſaid Party Walls thereof, may be thereby prevented or 'delayed, to the great Injury or Inconvenience of ſuch of the Owners as are deſirous of rebuilding: 'For Remedy whereof, and in order to prevent the fatal Effects of Fire,' be it enacted by the Authority aforeſaid, That in all and every or any of ſuch Caſes, when any Owner or Proprietor of any ſuch Houſe or other Building within the Limits aforeſaid, intermixed as aforeſaid, ſhall be deſirous of rebuilding his, her, or their ſaid Houſe or other Building, and the Owner or Owners of ſuch Houſe or other Building, which did or ſhall thereto adjoin, ſhall not be able or willing to join, or by Reaſon of any legal Diſability cannot join in ſuch Rebuilding, then if the Party or Parties ſo deſirous of rebuilding his, her, or their Houſe or Houſes, or other Buildings, ſhall give Notice in Writing, to the Owner or Owners of ſuch Houſe or Houſes, or other Buildings, which did or ſhall thereto adjoin, that he, ſhe, or they, ſo intending to rebuild, will apply to the Court of Mayor and Aldermen of the City of *London*, to be holden in the Outer Chamber of the Guildhall of the ſaid City, according to the Cuſtom of the ſaid City, when the Premiſes, or any Part thereof, ſhall be ſituate within the ſaid City, or the Liberties thereof; to the Juſtices of the Peace for the County of *Middleſex*, in their General or Quarter Seſſions of the Peace for the ſaid County of *Middleſex*, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid County of *Middleſex*; or to the Juſtices of the Peace for the County of *Surrey*, in their General Quarter Seſſions of the Peace for the ſaid County of *Surrey*, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid County of *Surrey*; or to the Juſtices of the Peace for the ſaid City and Liberty of *Weſtminſter*, in their General Quarter Seſſions of the Peace for the ſaid City and Liberty, when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid City or Liberty; or to the Juſtices of the Peace for the ſaid Liberty of the *Tower of London*, in their General Quarter Seſſions of the Peace for the ſaid Liberty when the Premiſes, or any Part thereof, ſhall be ſituate in the ſaid Liberty, which ſhall be next holden after Fourteen Days from the Delivery of ſuch Notice, in order to obtain the Judgment and Determination of the ſaid Court of Mayor and Aldermen, or of the ſaid Court of Seſſions, (as the Caſe ſhall be), touching the rebuilding the Houſe or Houſes, or other Buildings, or Party Walls, to be deſcribed in ſuch Notice, and for aſcertaining the Scite of a perpendicular Party Wall or Party Walls, to be built according to the Directions and Reſtrictions in this Act contained and deſcribed, by delivering a true Copy of ſuch Notice to the Owner or Owners of ſuch Houſe or Houſes, or other Buildings, which did or ſhall adjoin, or by leaving the ſame at his, her, or their laſt or uſual Place of Abode, or by delivering a true Copy of ſuch Notice to the Tenant in Poſſeſſion of ſuch Houſe or Houſes, or other Buildings, which did or ſhall ſo adjoin, or by fixing ſuch Copy to or upon the Door, or other notorious Part of ſuch laſt-mentioned Houſe or other Building; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Court of Mayor and Aldermen, and to and for the Juſtices of the Peace for the ſaid County of *Middleſex*, in their General or Quarter Seſſions of the Peace for the ſaid County of *Middleſex*, and to and for the ſaid Juſtices of the Peace in their General Quarter Seſſions of the Peace reſpectively, (as the Caſe ſhall be), and they are hereby reſpectively authoriſed and required, upon Application to them by the Party or Parties ſo deſirous to rebuild, and upon ſuch Proof of ſuch Notice as they ſhall deem reaſonable, to iſſue their Warrant or Warrants, Precept or Precepts, to the Sheriffs of *London*, or to the Sheriff of the ſaid County of *Middleſex*, or Sheriff of the ſaid County of *Surrey*, or Sheriff or Bailiff of the Liberty of His Majeſty's *Tower of London*, (as the Caſe ſhall be), requiring them or him reſpectively, to impanel and return a competent Number of ſubſtantial and diſintereſted Perſons, qualified to ſerve on Juries within the reſpective Diſtricts for which they are ſummoned, not leſs than Twenty-four, nor more than Thirty-ſix; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, a Jury of Twelve Perſons ſhall be drawn by ſome Perſon or Perſons to be by the ſaid Court or Seſſion appointed, in ſuch Manner as Juries are directed to be drawn for the Trial of Iſſues joined in His Majeſty's Courts of Record at *Weſtminſter*, by an Act made in the Third Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for the better Regulation of Juries*); which Perſons ſo to be impanelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the ſaid Court of Mayor and Aldermen, or before the ſaid Courts of Seſſions for the ſaid County of *Middleſex*, or County of *Surrey*, or City and Liberty of *Weſtminſter*, or the Liberty of His Majeſty's *Tower of London*, (as the Caſe ſhall be), at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed, and there to attend, from Day to Day, until diſcharged by the Court; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jury, but ſhall not be at Liberty to challenge the Array; and the ſaid Court of Mayor and Aldermen, and any of the ſaid Courts of the ſaid County of *Middleſex* or *Surrey*, City and Liberty of *Weſtminſter*, or Liberty of the *Tower of London*, is and are hereby authoriſed and impowered, by Precept or Precepts, from Time to Time, as Occaſion ſhall require, to call before them reſpectively all and every Perſon and Perſons who ſhall be thought proper or neceſſary to be examined as a Witneſs or Witneſſes before them, on their Oath or Oaths, concerning the Premiſes; and either of the ſaid Courts, if they ſhall think fit, ſhall and may likewiſe authoriſe the ſaid Jury to view the Place or Places in queſtion, in ſuch Manner as they ſhall direct; and ſhall have Power to command ſuch Jury, and all ſuch Witneſſes

Owners intending to rebuild according to the Act, but are prevented by the Premiſes being intermixed with the Property of other Owners under Diſability, or unwilling to join, may apply to the Mayor, or to the Juſtices at their Quarter Seſſions.

Sheriffs to ſummon Juries for the Purpoſes of determining whether Premiſes ought to be rebuilt, &c.

Act 3 Geo. II. c. 25.

Witneſſes may be cited.

neſſes and Parties as ſhall be neceſſary or proper, to attend until all ſuch Affairs for which they are ſummoned ſhall be concluded; and the ſaid Jury upon their Oaths, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence to any or either of the ſaid Courts, the ſaid Courts are hereby reſpectively impowered and required to adminiſter), ſhall inquire and try, and determine by their Verdict, whether the Premiſes in every or any of the Caſes aforeſaid ought to be rebuilt or not; and if the ſame ought to be rebuilt, to award and determine the Scite of a perpendicular Party Wall or Party Walls of ſuch Houſe or Houſes, or other Buildings, ſo intended to be rebuilt, as near to the old Foundation as may be, and to aſcertain the Quantity of the Soil or Ground, (if any) neceſſary to be laid to or taken from the Houſe of the Perſon or Perſons deſirous to rebuild, permitting ſuch Perſon or Perſons to erect a perpendicular Party Wall or Party Walls upon or as near as may be to ſuch old Foundation or Foundations, as aforeſaid; and to fix, aſcertain, and award what (if any) Compenſation or Recompence ſhould be made, given, and paid by any or either of the ſaid Parties in Difference to the other or others of them in lieu of the Leſſening either of the ſaid Houſes, or other Buildings, by ſuch perpendicular Party Wall or Party Walls; and the ſaid Court of Mayor and Aldermen, and the ſaid Seſſions reſpectively, ſhall give Judgment according to ſuch Verdict, as well for the Scite of ſuch intended Party Wall or Walls, as alſo for ſuch Sum or Sums of Money (if any) ſo to be aſſeſſed by the ſaid Jury; and ſhall and may (if they ſhall ſee fit) award to either of the Parties ſuch Coſts as they ſhall deem juſt and reaſonable; which Verdict or Verdicts, and the Judgment, Order, or Determination thereupon, ſhall be binding and concluſive to all Intents and Purpoſes whatſoever, againſt all and every Perſon and Perſons, Bodies Politick and Corporate, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt in, to, or out of the ſaid Premiſes, or any Part thereof, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, as alſo againſt the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and againſt Infants and Iſſue unborn, Lunaticks, Idiots, and Femes-covert, and Perſons under any other legal Incapacity or Diſability, and all Truſtees and Ceſtuique Truſts, his, her, and their Succeſſors, Heirs, Executors, and Adminiſtrators, and againſt all other Perſons whomſoever: And all and every the ſaid Verdicts, Judgments, Orders, and Determinations, and all other Proceedings of the ſaid Court of Mayor and Aldermen, and Court of Seſſions, ſo to be made, given, and pronounced as aforeſaid, ſhall be by the Town Clerk of the City of *London*, or by the Clerk of the Peace, (as the Caſe ſhall be), entered and filed, as of Record of the ſaid Court where ſuch Proceedings ſhall have been had; for the Entry and Filing whereof, and for every Order of Court, and Copy thereof, the ſaid Town Clerk, or Clerk of the Peace, ſhall be paid after the Rate of Twelvepence for every One hundred Words, and no more; and each of them, the ſaid Town Clerk and Clerk of the Peace reſpectively, is hereby impowered and required to make and deliver to any Perſon or Perſons requiring the ſame, an Exemplification, under his Hand and Seal, of every or any ſuch Verdict, Judgment, Order, and Determination, being paid for the ſame after the Rate of Twelvepence for every One hundred Words; and every ſuch Exemplification ſhall and may be taken and read as Evidence in all Courts of Law and Equity whatever: And from and after the obtaining ſuch Judgment, and Payment, or Tender, in Manner herein-after directed, of the Sum or Sums of Money (if any) thereby aſſeſſed or awarded, or where no Sum of Money ſhall be ſo aſſeſſed, or awarded, from and after the obtaining ſuch Judgment, the Perſon or Perſons who ſhall have applied for and obtained ſuch Judgment, his, her, or their Heirs, Executors, or Adminiſtrators, Servants or Workmen, ſhall and may pull down his, her, or their own Houſe, or other Building, and rebuild the ſame with a perpendicular Party Wall or Party Walls, on the Scite of ſuch Ground, as ſhall be aſcertained for that Purpoſe by ſuch Judgment; and to that End ſhall and may, in the Preſence of a Conſtable or Headborough, or other Officer of the Peace, after the End of Fourteen Days after ſuch Judgment, Order, or Determination ſhall have been obtained, enter upon the Scite of the Ground ſo aſcertained for a Party Wall or Walls, and into the Houſe or other Building (if any be) adjoining to the Houſe or Party Wall intended to be rebuilt, at any Time between the Hours of Six in the Morning and Six in the Afternoon, (*Sundays* excepted); and if the Outer Door of ſuch Houſe or other Building ſhall be ſhut, and the Occupier or other Perſon therein, ſhall refuſe to open the ſame, being thereunto required; or if ſuch Houſe or other Building ſhall be empty and unoccupied ſhall, and may break open ſuch Outer Door, and remove, to ſome other Part of the ſame Premiſes, any Goods, Furniture, Shelves, or other Matter or Thing, which ſhall obſtruct the Building of ſuch intended perpendicular Party Wall or Walls, or the pulling down any Wall, Partition, or other Thing neceſſary to be pulled down and removed, in order to the building ſuch intended Party Wall or Walls; and from and after ſuch Entry as aforeſaid, and at all uſual Times of working, it ſhall and may be lawful to and for the Builder or Builders employed to erect ſuch intended Party Wall or Walls, and his and their Servants, and all others employed by him or them, to enter into and upon the Premiſes, and abide therein the uſual Times of working, for the ſhoring up the ſaid Houſe, or other Building ſo broke into or entered upon, and for taking down and removing any Party Wall or Walls, Partition, Wainſcot, or other Thing neceſſary to be taken down and moved for the Purpoſe aforeſaid, and to build ſuch intended perpendicular Party Wall or Walls: And if any ſuch Owner or Occupier, or other Perſon or Perſons, ſhall in any Manner hinder, obſtruct, or impede any Workman or Workmen employed for any of the Purpoſes aforeſaid, or ſhall wilfully damage or injure the ſaid Works, every ſuch Owner or Occupier, or other Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds; to be recovered, levied, and applied, as herein is after mentioned.

Court to give Judgment according to ſuch Verdict,

and Judgment to be binding.

Judgments, &c. to be entered as of Record.

After Judgment and Payment, &c. of Money (if any) Party applying may pull down his Houſe, and rebuild the ſame with a perpendicular Party Wall; and, in the Preſence of a Conſtable, may enter the adjoining Houſe, and may remove Goods or Furniture.

If any Perſon hinder the Workmen, to forfeit 10l.

XV.

XV. Provided always, and be it further enacted by the Authority aforesaid, That upon every Application to the General Quarter-sessions of the Peace for the said County of *Surrey*, for or concerning any Matter to be by such Quarter-sessions ordered, directed, or done by virtue or in pursuance of this Act, the Jury (if any) to be impanelled, and all Parties required to attend the Quarter-sessions for the said County, shall be impanelled, directed, and required to attend, at some General or Special Adjournment of the said Quarter-sessions, within Six Weeks next after such Application; which said Adjournments shall be to the Court House of the Town and Borough of *Southwark*, in the said County, situate and being at *Saint Margaret's Hill*, within the said Town and Borough, or in some convenient Part thereof, or in some other Place, near, or thereunto adjoining, to be appointed by the Justices in the said Sessions, so as not to impede or interrupt the Business at any Time hereafter to be done by or before His Majesty's Justices of Assize, Justices of *Oyer* and *Terminer*, Justices of Gaol Delivery, or Justices of the Peace, or the County Leets or Courts of Sewers for the City of *London*, or Liberties thereof, and which have been usually done, held, or kept in the said Court House; and that, from Time to Time, every further Meeting of the said Sessions for any Thing to be done upon such Application, shall be appointed at or within the Space of Three Weeks; which Adjournment and Adjournments the Justices of the Peace for the said County of *Surrey*, and every of them, are hereby impowered and required to make and hold, from Time to Time, as there shall be Occasion; any Law or Usage to the Contrary notwithstanding.

Sessions for Surrey to be held at Saint Margaret's Hill.

XVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Court of Mayor and Aldermen, and to and for any or either of the aforesaid Courts of Sessions, (as the Case shall be), and they are hereby impowered and required, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, or their or his Deputies or Deputy, or any of them, making Default in the Premises; and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear at the Time and Place in such Summons specified, or appearing, shall refuse to be sworn on such Jury, or to give his or their Verdict, or in any Manner wilfully neglecting his or their Duty, therein contrary to the true Intent and Meaning of this Act; and on any of the Persons having Notice to attend to give Evidence touching the Premises, who shall not attend, or attending, shall refuse to be examined or give Evidence; and, from Time to Time, in Default of Payment thereof on Demand, to levy such Fine or Fines in such Manner as the before-mentioned Penalty of Fifty Pounds is herein-before directed to be recovered and levied, so that no Fine shall exceed the Sum of Ten Pounds upon any One Person for any One Offence; and such Fine or Fines, when so received, or levied and recovered, shall be applied to and for the Use of the Person or Persons so applying to the said Court of Mayor and Aldermen, or to the said Courts of Sessions, (as the Case shall be), and to and for no other Use or Purpose whatever.

Court may fine the Sheriff or his Deputy making Default.

'XVII. And whereas it may happen that Party Walls, heretofore built within the Limits aforesaid, 'may be so far out of Repair as to render it necessary to pull down and rebuild the same, when both the 'adjoining Houses, or other Buildings, may not require to be rebuilt;' be it enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of *June*, One thousand seven hundred and seventy-two, all and every the Owner or Proprietor of any House or Building within the Limits aforesaid, who shall think it necessary to pull down any Partition or Party Wall between any such House and the next adjoining House, shall (in case the Owner or Owners, Proprietor or Proprietors, of such adjoining House will not, or by Disability cannot, agree touching the pulling down or rebuilding such Party Wall) give Three Months Notice to the Owner or Occupier of such adjoining House, of such his, her, or their Intention to pull down such Partition or Party Wall; which Notice shall be in the Form, or to the Effect following:

Proprietors pulling down Party Walls, to give Notice in the following Form.

"APPREHENDING the Party Wall between your House, situate
" inhabited by and my House adjoining thereto, to be so
" far out of Repair as to render it necessary to pull down and rebuild the same, take Notice, That I
" intend to have the said Party Wall surveyed agreeable to an Act of Parliament made in the Twelfth
" Year of the Reign of King *George* the Third, and have appointed
" of and of my Surveyors, to
" meet at in on my Behalf, on the Day next, at
" of the Clock, in the of the same Day; and I do hereby require, and call
" upon you, to appoint Two other Surveyors, or able Workmen, on your Part to meet them at the
" Time and Place aforesaid, to view the said Party Wall, and certify the State and Condition thereof,
" and whether the same ought to be pulled down and rebuilt. Dated this Day of

The Form.

And every such Owner and Occupier shall appoint Two Surveyors, or able Workmen, to meet at the Time and Place in such Notice to be mentioned; and they, together with the Two Surveyors or able Workmen, to be named by the Party giving such Notice, and whose Names shall be expressed in such Notice, may view such Party Wall, and certify the State and Condition thereof, and whether the same ought to be pulled down and rebuilt; and such Surveyors, so to be named as aforesaid, or in case the Owner or Occupier of such adjoining House or Building, having Notice as aforesaid, shall refuse or neglect to name such Two Surveyors or able Workmen, according to such Notice, then the Two Surveyors or Workmen, named in such Notice, together with Two other Surveyors or able Workmen also to be named by the Party giving such Notice as aforesaid, shall and may, within Six Days after their Appointment, view the Partition or Party Wall intended to be pulled down; and shall certify in Writing

Surveyors to be appointed to view Party Walls.

ting under their Hands, to the said Court of Mayor and Aldermen, or to the said Justices of the Peace in their next General or Quarter-sessions of the Peace respectively, (as the Case may be), the State and Condition of such Party Wall, and whether the same ought to be pulled down and rebuilt: And in case the major Part of the Surveyors or Workmen appointed, in Manner by this Act prescribed, to view such Partition or Party Wall so intended to be pulled down, shall not, within the Space of One Month next after such Appointment, sign such Certificate in Writing; then, and in every such Case, it shall and may be lawful to and for any One or more of His Majesty's Justices of the Peace for the said City of *London*, or County of *Middlesex* or *Surrey*, or City and Liberty of *Westminster*, or Liberty of His Majesty's *Tower of London*, (as the Case shall be), and such One or more Justice or Justices is and are hereby authorised and required, upon Application made to him or them for that Purpose, by the Party giving such Notice as aforesaid, to name and appoint One other able Surveyor or Workman to be added to the Surveyors or Workmen appointed by virtue and in pursuance of this Act; and all the said Surveyors or Workmen, so appointed, or the major Part of them who shall meet for that Purpose, (Six Days Notice having been given to, or left at the Dwelling-house of each and every of them, of such intended Meeting), shall view the Partition or Party Wall so proposed to be pulled down; and in case the major Part of such Surveyors or Workmen, to be appointed in Manner aforesaid, shall certify in Writing, under their Hands, that such Wall is decayed and ruinous, or is not sufficiently secure against Fire, if any should happen, and that the same ought to be pulled down, then, within Three Days next after such Certificate made by such major Part of the said Surveyors or Workmen as aforesaid, a Copy thereof shall be delivered to the Owner or Occupier of, or left at such next adjoining House; and such last-mentioned Owner or Occupier shall and may (if he, she, or they shall so think fit) appeal from, or against such Certificate, to the next General or Quarter-sessions to be holden for the City, County, or Place, (as the Case may be), and the Justices at the said General or Quarter-sessions to which such Appeals shall be made, shall summon before them One or more of such Surveyors or Workmen, and such other Person or Persons as they shall think fit, and shall examine the Matter upon Oath, which Oath or Oaths they are hereby impowered to administer; and upon such Examination or Examinations, the said Justices are hereby authorised and required to make such Order or Orders in the Premises as they in their Discretions shall think to be just and reasonable; and the Determination of the said Justices shall be final and conclusive to all Parties, without any Appeal from the same: And for Neglect or Default of appealing, or if on Appeal there shall be no Order to the Contrary; then, and in every or any such Case, and not otherwise, it shall and may be lawful to and for the Party intending to pull down and rebuild such Party Wall as aforesaid, to cause such Partition or Party Wall to be pulled down, and to have and exercise the like Power of Entry into, or upon the adjoining House or Houses, and of removing Wainscot, Shelves, Furniture, and other Things, and of shoring up the said adjoining House or Houses, as is given or allowed to the Owners or Proprietors of intermixed Houses or Buildings in and by this present Act, and shall and may erect and build a new perpendicular Party Wall or Walls of such Materials, and of such Thickness and Height, and in such Manner, and subject to such Restrictions and Directions, as are in and by this Act prescribed and directed.

Surveyors neglecting to sign the Certificate for One Month, Justices may appoint another Surveyor.

Major Part of said Surveyors certifying the Walls to be ruinous, Copy of Certificate to be delivered to Owners, &c. within Three Days.

Owners &c. may appeal to the General Quarter-sessions, whose Determination shall be final.

Old Partitions or Timber Walls may be pulled down by the Owner or Builder of the House adjoining, and new Party Walls built in their Stead.

'XVIII. And whereas several old Houses within the Limits aforesaid have, instead of One Party 'Wall, One Timber Partition, or Two old Timber Walls or Partitions, One belonging to each 'House: And whereas Disputes may arise, touching the pulling down such Walls or Partitions, and 'the building Party Walls, agreeable to the Rules and Directions herein contained, in the Place 'and Stead of such Partition or Wall, whenever it may be expedient to rebuild any such House or 'Building;' be it enacted by the Authority aforesaid, That if the Owner or Builder of any House or Building, to which any such Partition or old Timber Wall or Walls shall belong, shall be desirous of pulling down and rebuilding such House or Building, and of such his Desire shall give Three Months Notice to the Owner or Owners, Occupier or Occupiers, of the next adjoining House or Building, in the Form or to the Effect following:

Form of Notice.

"IN Three Months from the Date hereof, take Notice, That I intend to pull down the Timber "Partition or Partitions, or Timber Wall, between your House, occupied by "situate in and my House adjoining thereto, and "in the Stead thereof, to build a Brick perpendicular Party Wall, agreeable to an Act of Parliament "made in the Twelfth Year of the Reign of King *George* the Third. Dated this "Day of

Then and in that Case, from and after the Expiration of the Three Months, to be expressed in such Notice, it shall and may be lawful to and for the Owner or Builder of such House or Building so to be rebuilt, to pull down the said Partition or Partitions, and to have and exercise the like Power of Entry into and upon the said adjoining House or Building, and of removing Wainscot, Shelves, Furniture, and other Things, and of shoring up the said adjoining House or Building, as is given and allowed to the First Builder in any other Case in and by this present Act, and shall and may, in the Place and Stead of such Partition or Partitions, Wall or Walls, build new perpendicular Party Wall or Walls of such Materials, of such Thickness and Height, and in such Manner, and subject to such Restrictions and Directions, as are herein-before mentioned.

Expence of Party Walls how to be recovered.

XIX. And be it further enacted by the Authority aforesaid, That One Moiety of the Expence of all Party Wall or Walls, Flank, or End Wall or Walls, to be built by any Person or Persons whomsoever, in Manner in and by this Act directed, shall be paid and reimbursed to the Person or Persons at whose Charge the same was or were built and erected, by such Person or Persons, and at such Times, and in such

ſuch Manner, as herein-after is mentioned; and, in the mean Time, and until the ſame ſhall be ſo paid for, the ſole Property of ſuch Party, Flank, or Side Wall or Walls, and of the Scite or Ground whereon every or any ſuch Wall or Walls doth or do ſtand, ſhall be veſted and be ſolely in the Perſon or Perſons at whoſe Expence the ſame was or were built; that is to ſay, As to, for, and in reſpect of all and every ſuch Flank or Side Wall of any Houſe or Building, whereunto, at the Time of Building thereof, no other Houſe or Building was adjoining; and all and every the Perſon or Perſons who ſhall then after build any Houſe or Building adjoining thereto, and ſhall make uſe of the Wall or Walls, in the Manner, and for any of the Purpoſes herein-before mentioned, his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall be liable to pay, or ſhall be charged with One Moiety of the Expence of the ſaid Wall or Walls, to be reimburſed as aforeſaid to the Perſon or Perſons who ſhall then have the Property of ſuch Wall or Walls, as ſoon as ſuch Wall or Walls ſhall have been firſt cut into, or made uſe of as aforeſaid; and as to, for, and in reſpect of, all or any ſuch Party Wall as hath been, or ſhall be built againſt, or adjoining to any other Houſe or Building, the Owner or Proprietor of ſuch Houſe or Building next adjoining thereto, his or her Executors, Adminiſtrators, and Aſſigns, ſhall be liable to pay, and ſhall be charged with One Moiety of the Expence thereof, to be eſtimated after the Rate of Seven Pounds *per* Rod, to be paid to the Perſon or Perſons at whoſe Expence the ſame ſhall have been built, his, her, or their Executors or Adminiſtrators, together with all the Charges and Expences of ſhoring the ſaid adjoining Houſe or other Building, and the removing any Goods, Furniture, or other Things, and the pulling down any Partition, Wainſcot, or other Thing, in order to the pulling down and removing any Party Wall or Walls, or Partition Wall or Walls, and other the contingent Expences in any of the Caſes aforeſaid actually incurred; and alſo all ſuch Coſts (if any) as ſhall have been awarded by any ſuch Judgment of the Court of Mayor and Aldermen, or Court of Seſſions, as aforeſaid, when, and as ſoon as the ſame Party Wall ſhall be built; and within Ten Days after ſuch Party Wall ſhall be ſo built, ſuch Firſt Builder or Builders ſhall, in Writing, leave at ſuch next Houſe or Building a true Account of the Number of Rods in ſuch Party Wall; and One Moiety of the Expence thereof ſhall be paid by the Owner or Owners of ſuch Houſe or Houſes, or other Buildings, who are intitled to the improved Rent; and it ſhall and may be lawful to and for ſuch Tenant or Occupier to pay ſuch Firſt Builder or Builders for the ſame, and alſo for the ſhoring and ſupporting the Houſe as aforeſaid, after he or they ſhall have built ſuch Party Wall, and to deduct the the ſame out of the next Rent which ſhall become due from him or her to ſuch Owner or Owners, under whom he or ſhe holds or enjoys the ſame reſpectively; and in caſe the ſame ſhall not be paid within Twenty-one Days next after Demand thereof, then the ſame ſhall and may be recovered, together with full Coſts of Suit, of and from the Owner or Owners, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more that One Imparlance, ſhall be allowed: And if the Plaintiff or Plaintiffs who ſhall commence any ſuch Action ſhall, Three Calendar Months at the leaſt before the commencement thereof, give Notice in Writing to the Perſon or Perſons againſt whom ſuch Action is intended to be brought of his, her, or their Intention to bring the ſame, or leave the ſame at his, her, or their laſt or uſual Place of Abode, and in ſuch Notice ſpecify the Sum for which it is to be brought, and ſhall alſo annex to ſuch Notice a Bill of the juſt and true Particulars of the Expences and Charges with which the intended Defendant or Defendants is or are to be charged; then, and in that Caſe, ſuch Plaintiff or Plaintiffs, if he, ſhe, or they ſhall recover the full Sum to be ſpecified in ſuch Notice, ſhall alſo recover and be intitled to Double Coſts of Suit, and ſhall have and be intitled to the ſame, or like Remedies for Recovery thereof, as are uſually given for Common Coſts in other Caſes of Coſts at Law.

When any Houſe or Tenement ſhall be preſented as in a ruinous State, a ſufficient Hoard o be put up before the ſame, &c.

'XX. And whereas Houſes and Tenements within the Limits aforeſaid are often, either from litigated 'Titles thereto, or the Obſtinacy, Neglect, or Poverty of the Owners or Proprietors thereof, or of 'Parties intereſted therein, in ſo ruinous a Condition that Paſſengers paſſing thereby are in Danger of 'their Lives or Limbs from the falling thereof, or of Bricks or Timber therefrom;' be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, if any Preſentment ſhall be made by any Inqueſt or Grand Jury in *London*, or by any Annoyance Jury within the City and Liberty of *Weſtminſter*, or by the Jury ſworn at the Court Leet, held by the Sheriff in his Turn for any Hundred or Place, or by any other Jury or Inqueſt, ſworn within any other Part of the Limits aforeſaid, that any Houſe or Tenement within the ſame Limits, or any Part thereof, is or are in a ruinous Condition, it ſhall be lawful for the Court of Mayor and Aldermen, in reſpect of any ſuch Houſe or Tenement within the ſaid City of *London*, and the Liberties thereof, or for the Churchwardens or Overſeers of the Poor for the Time being of ſuch Pariſh, Precinct, or Place, in which ſuch Houſe or Tenement ſhall be, (not being in the City of *London*, or the Liberties thereof), and the ſaid Court, and every ſuch Churchwardens and Overſeers of the Poor, is and are hereby required, on Notice of any ſuch Preſentment being made, and on a Copy thereof being laid before them or him reſpectively, to cauſe, with all convenient Speed then afterwards a proper and ſufficient Hoard to be put up for the Safety of all Paſſengers paſſing thereby, and to cauſe Notice in Writing to be given to the Owner or Owners, or other Perſon or Perſons intereſted therein, if he, ſhe, or they, can be found; and if not, to cauſe ſuch Notice in Writing to be left at the Premiſes ſo preſented to be in ſuch ruinous Condition, to be affixed to, or upon the Door or other notorious Part of ſuch Houſe or Tenement, to repair the ſame, or to take down ſuch Building, as the Caſe ſhall require, within the Space of Fourteen Days then next enſuing: And if ſuch Owner or Owners, or other Perſon or Perſons intereſted in any ſuch Houſe or Tenement, ſhall not repair or take down the ſame within the ſaid Space of Fourteen Days after any ſuch Notice as aforeſaid

If Owners neglect to take down ruinous Houſes, after Notice,

The Mayor, &c. may iſſue Warrant to Overſeers of the Poor, to have the ſame taken down, or ſecured;

aforeſaid ſhall be given, left, or affixed, as aforeſaid; then, Oath being made before the ſaid Mayor, or a Juſtice of the Peace for the ſaid City of *London* or County of *Middleſex* or *Surrey*, or City and Liberty of *Weſtminſter*, or Liberty of His Majeſty's *Tower of London*, as the Caſe ſhall be, (which Oath every of them the ſaid Mayor and Juſtice is hereby impowered and required to adminiſter), of ſuch Notice having been ſo given, left, or affixed as aforeſaid, the ſaid Court of Mayor and Aldermen, by and out of the Caſh in the Chamber of *London*, and alſo every ſuch Churchwarden and Overſeer of the Poor, by and out of any Monies in his Hands, is hereby authoriſed and required, with all convenient Speed then afterwards, to order and cauſe ſuch Houſe or Tenement ſo preſented to be in a ruinous Condition, or ſo much thereof as the ſaid Court, or the ſaid Churchwardens or Overſeers of the Poor, ſhall find neceſſary for the Safety of Paſſengers, to be taken down and ſecured in ſuch Manner as ſhall from Time to Time be thought requiſite; and to ſell and diſpoſe of ſuch of the Materials as the ſaid Court of Mayor and Aldermen, or the ſaid Churchwardens or Overſeers of the Poor, ſhall judge neceſſary or expedient, and by and out of the Monies to ariſe by the Sale thereof, to reimburſe, repay, and ſatisfy to themſelves, and all and every Perſon and Perſons by them reſpectively employed for the Purpoſes aforeſaid, all the Charges of putting up every ſuch Hoard, and of taking down and ſecuring all or any Part of every ſuch Houſe or Tenement to be taken down, or made ſecure for the Safety of Paſſengers as aforeſaid, and of the Sale of Materials as aforeſaid, or ſo much thereof as the Monies to ariſe by ſuch Sale will extend to pay, and ſhall account for and pay the Surplus of the Monies to ariſe by ſuch Sale (if any be) to the Owner or Proprietor of every ſuch Houſe or Tenement, upon perſonal Demand thereof made by ſuch Owner or Proprietor: And if no ſuch Demand ſhall be made of any ſuch Overſeer or Overſeers before another or other Overſeer or Overſeers of the Poor of the ſaid Pariſh, Precinct, or Place, ſhall be appointed; then, and in every ſuch Caſe, ſuch Overplus ſhall be added to the Monies raiſed and collected by virtue of the Rates made for the Relief of the Poor of the ſaid Pariſh, Precinct, or Place, and accounted for as ſuch.

and may ſell the Materials: and out of the Money ariſing from ſuch Sale the Overſeers are to ſatisfy themſelves for their Trouble.

Overplus ariſing by the Sale to be paid to Owners on Demand.

XXI. Provided nevertheleſs, That any ſuch Owner or Proprietor, his or her Executors or Adminiſtrators, ſhall and may, at all Times then after, be intitled to have and receive ſuch Overplus from the Overſeers of the Poor for the Time being of ſuch Pariſh, Precinct, or Place, within Ten Days after Demand thereof perſonally made by ſuch Owner or Proprietor, his or her Executors or Adminiſtrators; and every ſuch Overſeer ſhall, and is hereby required to pay the ſame accordingly, out of any Monies raiſed, or to be raiſed, by any Rate or Rates for the Relief of the Poor, and ſhall be allowed the Payment thereof in any Account to be by him made with the Veſtry, Inhabitants, and Pariſhioners of the ſaid Pariſh, Precinct, or Place, or the future Overſeer or Overſeers thereof: And if it ſhall happen that the Monies to ariſe by ſuch Sale ſhall fall ſhort and be deficient to repay and ſatisfy all ſuch Charges; then, and in every ſuch Caſe, ſuch Deficiency ſhall from Time to Time be paid by the Owner or Owners of every ſuch Houſe or Tenement, if known, and he, ſhe, or they, can be met with within the Limits aforeſaid; and if ſuch Owner or Owners ſhall, on Demand thereof, neglect or refuſe to pay the ſame, then ſuch Deficiency may be levied by Warrant under the Hand and Seal of the Mayor of the ſaid City of *London* for the Time being, or any other Juſtice of the Peace for the ſame City, or the Hands and Seals of Two or more Juſtices of the Peace for the County of *Middleſex*, or the County of *Surrey*, or City and Liberty of *Weſtminſter*, or Liberty of His Majeſty *Tower of London*, (as the Caſe ſhall be), by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Owners, if any ſuch can be found within the Limits aforeſaid: And if no ſuch Owner or Owners can be met with within the ſaid Limits, or if ſufficient Diſtreſs of his or their Goods or Chattels cannot be met with, wherefrom ſuch Deficiency of ſuch Coſts and Charges may be levied and recovered; then, and in every ſuch Caſe, the Perſon or Perſons who ſhall at any Time then after occupy any ſuch Houſe or Tenement, or the Ground whereon the ſame ſtood, is and are hereby required and authoriſed to pay the ſame, and to deduct the ſame out of the rent thereof; and if he, ſhe, or they, ſhall neglect or refuſe to pay ſuch Deficiency of Charges, then the ſame ſhall, by Warrant under the Hand and Seal of the ſaid Mayor of the ſaid City for the Time being, or any other Juſtice of the Peace for the ſame City, or Hands and Seals of Two or more of ſuch Juſtices of the Peace as aforeſaid, be levied by Diſtreſs and Sale of the Goods and Chattels of any Occupier or Occupiers of the Premiſes, together with the Coſts of every ſuch Diſtreſs and Sale; and the Owner or Owners, Proprietor or Proprietors of the Premiſes, is and are hereby required to allow every ſuch Occupier or Occupiers all ſuch Deficiencies and Charges which he, ſhe, or they ſhall ſo pay, or which ſhall be recovered or levied by Diſtreſs and Sale from him, her, or them, as aforeſaid, out of any Rent which ſhall become due for the ſaid Premiſes, or any Part thereof; and every Occupier paying any ſuch Deficiency and Charges ſhall be acquitted and diſcharged for ſo much Money as he, ſhe, or they ſhall ſo pay, in the ſame Manner as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rents were due, and ſhould have been paid; and all ſuch Money as ſhall from Time to Time be received or recovered on the Account aforeſaid, for or in reſpect of any ſuch Houſe or Tenement, within the City of *London*, or the Liberties thereof, ſhall be paid to the Chamberlain of the ſaid City, and be by him, from Time to Time, placed to the Credit of the Caſhier of the ſaid City of *London*; and every ſuch Sum or Sums of Money as on the Account aforeſaid ſhall from Time to Time, be received or recovered for or in reſpect of any ſuch Houſe or Tenement in any Part of the Limits aforeſaid, (other than the ſaid City of *London*, and the Liberties there), ſhall be paid to the Churchwardens or Overſeers of the Poor for the Time being of the Pariſh, Precinct, or Place, where ſuch Houſe or Tenement ſo preſented ſhall be or did ſtand, and ſhall be placed and brought to the Account and Uſe of the ſaid Pariſh, in Aid of ſuch or a like Rate or Fund out of which the Expence and Charges ſo received or recovered were originally diſburſed.

But if Sale of old Materials be inſufficient, Owners or Occupiers to make good the ſame.

Landlords to allow for Deficiencies paid by Tenants.

XXII. And

Water from Tops of Houſes to be carried into the Streets by Pipes, under Penalty of 10l.

XXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, the Water from the Tops of all Houſes, or other Buildings, which ſhall be erected or built, or rebuilt, and from the Fronts of Shops, and all Projections by this Act allowed within the Limits aforeſaid, ſhall be conveyed into the Streets, Lanes, and other Places, or into the Areas of ſuch Houſes, or other Buildings, in Lead, or other Pipe or Pipes affixed againſt or on the Sides or Fronts of every ſuch Houſe or other Building reaching into any publick Street, Lane, or Place, or extending downwards to the Pavement of the Street or Area, on Pain that the Owner or Owners of any ſuch Houſe, or other Building, Shop, or other Projection, offending herein, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds: And if after any Conviction of any ſuch Offence, the Water from the Top of any ſuch Houſe, or other Building, Shop, or other Projection, within the Limits aforeſaid, ſhall be ſtill conveyed into any Street, Lane, or other Place, otherwiſe than in Lead, or other Pipe or Pipes ſo affixed, and reaching as aforeſaid, for the Space of One Month or more; then, and in every ſuch Caſe, the Owner of every ſuch Houſe or other Building ſhall forfeit the further Sum of Ten Pounds, and ſo *toties quoties* for every Month after ſuch Firſt Conviction, during which the Water ſhall be conveyed otherwiſe than as aforeſaid; every ſuch Forfeiture to be recovered and applied in ſuch Manner as the ſeveral Forfeitures and Penalties of Ten Pounds are herein-before directed to be recovered, levied, and applied.

10l. Penalty each Month after Conviction, if Pipes be not affixed, &c.

For preventing the diſtilling of Turpentine above Ten Gallons at one Time, under 100l. Penalty.

'XXIII. And whereas the diſtilling of Turpentine, and the drawing off the Oil of Turpentine and 'Roſin by diſtilling of Turpentine, and the boiling of the ſaid Oil and Turpentine together, for ma-'king of Varniſh, within the Limits aforeſaid, may prove of dangerous Conſequence to the Neighbour-'hood where every ſuch Practice ſhall be uſed: For preventing thereof for the future,' be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, it ſhall not be lawful for any Perſon or Perſons to diſtil or boil any Turpentine, or to draw any Oil of Turpentine and Roſin by diſtilling of Turpentine, or to boil any Oil and Turpentine together, above the Quantity of Ten Gallons at one Time of all or any the ſaid Commodities within the Limits aforeſaid, in any Workhouſe or Place contiguous to any other Building, or in any Place nearer to any other Building than the Diſtance of Fifty Feet at the leaſt, upon Pain that every Perſon offending therein ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds; every of which Forfeitures ſhall and may be recovered, with Treble Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; One Moiety whereof ſhall be to the Uſe of the Poor of the Pariſh, Precinct, or Place wherein the Offence was committed, and the other Moiety thereof to ſuch Perſon or Perſons as ſhall inform or ſue for the ſame.

Shipwrights, &c. not to be included.

XXIV. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prevent Ship-wrights, Barge-builders, Boat-builders, or Maſt-makers, or other Perſons employed in building or repairing Ships, Barges, Boats, or other Veſſels, near the River *Thames*, from boiling or mixing Oil and other Materials for the Purpoſe of paying Ships, Barges, Boats, or Maſts.

Fire Engines to be kept in publick Places.

'XXV. And whereas the having a ſufficient Number of Fire Engines kept in known publick Places, 'and at convenient Diſtances from each other, and ready to be brought forth as Occaſion may require, 'and the ſupplying ſuch Engines with Plenty of Water, and the giving Encouragement to Engineers and 'others to bring forth, uſe, and work ſuch Engines, may tend greatly to leſſen the Miſchiefs happening 'by Fire;' be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, it ſhall and may be lawful to and for the Churchwardens of each and every Pariſh, and to and for the Overſeers of the Poor of every Precinct and Place not having any Churchwarden within the Limits aforeſaid, and they are hereby reſpectively required, from Time to Time, for ever, to make, place, and fix, at the Charge of ſuch reſpective Pariſh, Precinct, or Place, upon the Mains and Pipes belonging to any Water-work whatſoever within the Limits aforeſaid, ſuch and ſo many Stop-blocks of Wood, with a Wood Plug, or ſuch and ſo many Fire-cocks to go into each Main or Pipe, and to be placed at ſuch Diſtances in each and every Street or Place where ſuch Churchwardens or Overſeers of the Poor reſpectively for the Time being ſhall direct; and that the Top of every ſuch Stop-block or Turncock ſhall be even with the Pavement of each Street or Place, to the Intent ſuch Plugs or Fire-cocks may, upon Occaſion of any Fire, be opened to let out the Water without Loſs of Time in digging down to the Pipes: And that all and every or any ſuch Churchwardens or Overſeers of the Poor reſpectively ſhall have Power, and are hereby required, from Time to Time, to fix any Mark or Writing on the Front of any Houſe or Houſes over againſt or neareſt to the Place where ſuch Stop-block, Plug, or Fire-cock, doth or ſhall lie, or is or ſhall be placed, for the better making known where ſuch Stop-blocks, Plugs, or Fire-cocks lie; and ſhall alſo keep an Inſtrument or Key in every ſuch Houſe, where every ſuch Mark ſhall be, to open the Stop-block, Plug, or Fire-cock; and ſhall keep in ſuch Houſe a Pipe for the Water to come thereout, to be made uſe of as Occaſion ſhall require; and all and every ſuch Stop-blocks and Fire-cocks to be kept in Repair at the Charge of each Pariſh, Precinct, or Place where the ſame ſhall be placed, and ſuch Plugs to be kept in Repair by the Owners of the Mains and Pipes where the ſame ſhall be fixed: And whenever the Owners of any Water-works ſhall afterwards remove, change, or alter the ſaid Mains or Pipes; then, and in every ſuch Caſe, the Owner or Owners of every ſuch Main or Pipe ſhall, at his or their own proper Coſts and Charges, place and fix the ſame, or the like Stop-blocks, Plugs, and Fire-cocks, upon every ſuch new Main or Pipe, to be placed where the Churchwardens of the Pariſh, or Overſeers of the Precinct or Place, not having a Churchwarden for the Time being, ſhall direct and appoint; and in every ſuch Caſe the Inſtrument or Key and Pipe ſhall be removed to the Houſe oppoſite or neareſt to the Place

Churchwardens to fix Marks in Writing near the Place where Firecocks lie. An Inſtrument or Key to be kept.

to

to which ſuch Stop-block, Plug, and Fire-cock ſhall be removed; and every ſuch Churchwarden or Overſeer reſpectively ſhall cauſe a like Mark or Writing to be fixed againſt every ſuch Houſe.

Engines to be kept by every Pariſh.

XXVI. And be it further enacted by the Authority aforeſaid, That each and every Pariſh within the Limits aforeſaid ſhall, from Time to Time, and at all Times hereafter, have and keep in good Order and Repair, in ſome known and publick Place within each Pariſh, a large Engine, and alſo an Hand Engine, to throw up Water for the extinguiſhing of Fires; and alſo ſhall provide, keep, and maintain One Leather Pipe at leaſt, with a Socket of the ſame Size as the Plug or Fire-cock, and a Stand-cock and Suction-pipe, to the Intent the Socket may be put into the Pipe, to convey the Water clean, and without Loſs or help of Buckets, into the Engine: And in Default of making, placing, fixing, and continuing ſuch Stop-blocks or Fire-cocks, on the ſeveral Mains and Pipes, as alſo in Default of having and keeping in good Repair ſuch large Engine, Hand Engine, and Leather Pipe or Pipes, Socket, and Stand-cock and Suction-pipe, every Churchwarden of ſuch Pariſh, and every Overſeer of any ſuch Precinct or Place not having a Churchwarden, making Default in the Premiſes, and being convicted thereof before Two of His Majeſty's Juſtices of the Peace for the ſaid City of *London*, or for the County of *Middleſex* or *Surrey*, or Liberty where the ſame may happen, (as the Caſe ſhall be) ſhall forfeit and pay the Sum of Ten Pounds; One Moiety thereof to the Informer, and the other Moiety thereof to ſome other proper Officer, not ſo convicted, of the Pariſh, Precinct, or Place where ſuch Default ſhall be made, for the Uſe of the Poor of ſuch Pariſh, Precinct, or Place, in Aid of the Rates for Relief of the Poor, and to be accounted for with, and as Part of ſuch Rates; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Churchwarden and Overſeers reſpectively.

Churchwardens to pay 10 l. for Default;

to be levied by Diſtreſs.

Turncock to have 10 s. whoſe Water ſhall firſt come into a Main Pipe at a Fire.
Firſt Engine-keeper 30 s. Second Engine-keeper 20 s. and the Third Engine-keeper 10 s. to be recovered by Diſtreſs and Sale.

XXVII. And be it further enacted by the Authority aforeſaid, That the Turncock belonging to the Water-work, whoſe Water ſhall be found on, or ſhall firſt come into the Main or Pipe where any Plug ſhall be opened, at any Fire within the Limits aforeſaid, ſhall be paid Ten Shillings by the Churchwarden or Overſeer of the Poor of every ſuch reſpective Pariſh, Precinct, or Place where ſuch Fire may happen; and that the Engine-keeper which firſt brings a Pariſh Engine, or other large Engine, to help to extinguiſh any Fire happening within the Limits aforeſaid, if in good Order and complete, with a Socket, Hoſe, Leather Pipe, Stand-cock, and Suction-pipe, ſhall be paid Thirty Shillings; the keeper of the Second Pariſh Engine, or other large Engine, which ſhall be next brought in ſuch Order, and ſo complete, to help to extinguiſh any ſuch Fire, ſhall be paid Twenty Shillings; and the Keeper of any Pariſh Engine, or other large Engine, which ſhall be the Third of ſuch Engines brought in ſuch Order, and ſo complete, to any ſuch Fire, ſhall be paid Ten Shillings; every ſuch Payment to be made by the Churchwardens of each Pariſh, or by the Overſeers of the Poor of every ſuch Precinct or Place, not having any Churchwarden (as the Caſe ſhall be) where any ſuch Fire ſhall happen: And in Default of Payment thereof, ſuch Reward ſhall be levied and recovered from the ſaid Churchwardens and Overſeers reſpectively, by Diſtreſs and Sale of the Goods and Chattels of every ſuch Churchwarden and Overſeer, in the ſame or like Manner as the Penalty or Forfeiture of Ten Pounds is herein before directed to be levied and recovered.

No Reward to be paid to any Turncock or Engine keeper without the Approbation of an Alderman, &c.

XXVIII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That no ſuch Reward ſhall be paid to any Turncock or Engine-keeper by the Churchwarden of any Pariſh, or Overſeer of the Poor of any Precinct or Place aforeſaid, where any Fire ſhall happen, without the Approbation and Direction of the Alderman of the Ward, wherein ſuch Pariſh, Precinct, or Place is ſituate, or his Deputy, or Two of the Common Councilmen of the ſame Ward for the Time being, if ſuch Fire ſhall happen within the City of *London* or the Liberties thereof, or without the Approbation and Conſent of One or more Juſtice or Juſtices of Peace, in and for the ſaid County of *Middleſex*, or County of *Surrey*, or Liberty where the ſame may happen (as the Caſe ſhall be), reſiding within ſuch Pariſh, Precinct, or Place where ſuch Fire ſhall happen; and if there ſhall not be any Juſtice or Juſtices of the Peace reſiding in ſuch Pariſh, Precinct, or Place, then of ſuch Juſtice or Juſtices of the Peace reſiding in the Pariſh or Place near or next adjoining.

After June 24, 1772, Rewards payable for Fire in a Chimney to be defrayed by Inhabitants and Occupiers.

'XXIX. And whereas many of the Pariſhes within the Limits aforeſaid have been frequently put to 'conſiderable Expences, occaſioned by the Neglect of the Inhabitants, as well Lodgers and Inmates, as 'Houſekeepers, in not cauſing their Chimnies to be duly ſwept, by Means whereof Alarms of Fire are 'frequently made, to the great Terror and Danger of His Majeſty's Subjects, which might and ought, 'and probably would be prevented if ſuch Inhabitants were obliged to defray and bear the Charges and 'Expences attending ſuch their Neglects, or ſome reaſonable Part thereof;' be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, in all Caſes where any Reward or Rewards, or other Recompence by this Act made payable, ſhall be borne and paid by any Churchwarden or Overſeer of the Poor, for or on Account of any Fire being in a Chimney only, or firſt beginning in, and occaſioned by the taking Fire of any Chimney only, the Inhabitant or Inhabitants, Occupier or Occupiers, of any Room or Apartment to which any ſuch Chimney ſhall belong, being a Lodger or Inmate to or with any Tenant, Renter, or Holder of any Houſe or Building of which ſuch Room or Apartment ſhall be Part; or if ſuch Chimney ſhall not belong to any ſuch Lodger or Inmate, then the Tenant, Renter, Holder, or Occupier of the Houſe or Building wherein any ſuch Fire as laſt-mentioned ſhall be, or ſhall firſt begin, ſhall reimburſe and repay to the Churchwarden or Overſeer of the Poor all and every ſuch Reward and Rewards, or other Payments, which ſhall have been by him or them made, purſuant to the Directions of this Act, or ſuch Part thereof as the Mayor or other Juſtice of the Peace of the City of *London*, or Juſtice of the Peace for the Liberty of His Majeſty's Tower of *London*, or Juſtice of the Peace for the

County of *Middlesex* or County of *Surrey*, or for the City and Liberty of *Westminster*, (as the Case shall be), upon the Application and Complaint of any such Churchwarden or Overseer of the Poor, and hearing the Party or Parties complained against, shall, under his Hand and Seal, think fit to award and direct: And to the End the said Mayor or other Justice aforesaid may be the better enabled to award and direct what may in any such Case be just and reasonable, the said Mayor for the Time being, and every such Justice shall and may, and is hereby authorised and impowered to summon and call before him, after any such Complaint made, the Party and Parties complained against, and all Persons fit and proper to give Evidence touching the Premises, of whom he shall have Notice or Information; and to examine them and every of them upon Oath, (which Oath the said Mayor, and every such Justice, is hereby impowered and required to administer without Fee or Reward); and if the Party or Parties complained against, being summoned, shall not appear, the said Mayor, and every such Justice of the Peace, shall and may proceed to hear and examine the Matter of the Complaint, and such Evidence as shall be produced, and to make such Award and Direction thereupon as shall be just, and as if the Party or Parties making such Default of Appearance had been present, and heard in his, her, or their Defence; and if any Sum or Sums of Money so awarded and directed to be reimbursed or repaid to any such Churchwarden or Overseer of the Poor, shall not be so reimbursed or repaid within Fourteen Days after Demand thereof made, it shall and may be lawful to and for every or any such Churchwarden or Overseer, by Warrant under the Hand and Seal of such Mayor or other Justice, (which Warrant the said Mayor and every such Justice is hereby authorised and impowered to make) to levy every such Reward and Rewards, or other Recompence which shall have been so paid, or such Part thereof as shall have been so awarded and directed, by Distress and Sale of the Goods and Chattels of the Party or Parties making Default of Payment, or of any of his, her, or their Goods or Chattels found in the Room or Apartment to which such Chimney belongs where such Fire was, or first began, or in any other Part of any House or Building, whereof such Room or Apartment was or shall be Part; any Thing in this Act contained to the Contrary thereof in anywise notwithstanding.

United Parishes deemed as One Parish.

'XXX. And forasmuch as several of the Parishes within the City of *London* were, after the great 'Fire, which happened in the Year of our Lord Christ, One thousand six hundred and sixty-six, united 'together;' be it enacted by the Authority aforesaid, That any Two or more of the said Parishes so united are intended to be, and shall, for the Purposes in this Act mentioned, be esteemed and taken as One Parish only.

Vestries having more than One large Engine to be under the same Regulations as those provided by this Act.

XXXI. Provided nevertheless, and it is further enacted, That in case the Vestries of any of the said united Parishes, or of any other Parish within the Limits aforesaid, shall at any Time conceive it necessary for the said Parish, in respect of the Largeness thereof, to have more than One great Engine or Hand Engine; it shall and may be lawful for them to provide Two or more great Engines or Hand Engines at the Parish Charge, and that the same Engines, and every of them, shall be under the like Regulations and Encouragements, as the other Engine or Engines directed to be provided by this Act are under.

Fire Engines, &c. to be provided and paid for out of the Poors Rates.

'XXXII. And, in order to raise Money to defray the necessary Charges of providing and maintain- 'ing such Engine, Stop-blocks, and Fire-cocks, and Keys, and other Implements and Materials, 'and Payment of the Rewards or Gratuities directed by this Act,' be it further enacted by the Authority aforesaid, That the Churchwardens, Overseers of the Poor, and Inhabitants, in Vestry, or other publick Meeting duly assembled, of the several Parishes, Precincts, and Places within the Limits aforesaid, shall and may, and they are hereby impowered, from Time to Time, (as often as there shall be Occasion), by any Rate or Rates to be made for Relief of the Poor of every such Parish, Precinct, and Place respectively, over and above what they shall judge competent and sufficient for the Relief and Maintenance of such Poor, or by any especial Rate or Rates to be made for the Purposes of this Act, to rate and assess such competent Sum and Sums of Money as shall be needful and requisite for the Ends aforesaid, in like Manner as by Law they may do for the Maintenance and Relief of the Poor of their respective Parishes, Precincts, and Places; which Rates, being allowed and confirmed in the like Manner as the Rates made for the Relief of the Poor are or ought to be, shall be collected and recovered, in the same Manner as the Rates made for the Relief of the Poor by Law now may or ought to be collected and recovered, subject to the like Appeal as in Cases of Rates made for the Relief of the Poor: And the said Officers shall be accountable for the same, in like Manner as by Law they are accountable for the Money by them collected for the Relief of the Poor, and shall be subject and liable to the same or like Pains and Commitments for not accounting for the same, or not paying Monies by them collected, and remaining in their Hands, as Overseers of the Poor are, by the Statute of the Forty-third Year of the Reign of Queen *Elizabeth*, made subject and liable to, for not accounting for or not paying Monies collected by virtue of any Rates for the Relief of the Poor.

Watermen retained by Insuring Offices to extinguish Fire, not to be impressed into the Sea or Land Service.

'XXXIII. And whereas the several Offices for insuring Houses against Loss by Fire retain in their 'several Services, and give Coats and Badges, and other Rewards, unto Watermen, for their Service 'and Assistance in and towards extinguishing of Fire, and who are to be always ready when wanted, 'and are provided with various Sorts of Poles, Hooks, Hatchets, and several other Instruments and 'Things, at the Charge of the said respective Insurance Offices, for the extinguishing of Fire; which 'Watermen so retained are and have been by Experience found to venture much further, and to have 'Skill to give, and do give at Fires, happening within the Limits aforesaid, greater Help than other 'Persons not used to come into Danger;' be it further enacted by the Authority aforesaid, That the Watermen so retained, and wearing such Coats and Badges for the Time being, belonging to every such Insurance Office within the Limits aforesaid, not exceeding Thirty for each Office, shall be free from

from being impreſſed or liable to be compelled to go to Sea, or ſerve as Marines or as Soldiers on Land, their Names and Places of Abode being regiſtered and entered with the Secretary or other Officer of the Admiralty Office.

Money inſured on Houſes burnt down, how to be applied.

'XXXIV. And in order to deter and hinder ill-minded Perſons from wilfully ſetting their Houſe or Houſes or other Buildings on Fire, with a View of gaining to themſelves the Inſurance-money, whereby the Lives and Fortunes of many Families may be loſt or endangered;' be it further enacted by the Authority aforeſaid, That it ſhall any may be lawful to and for the reſpective Governors or Directors of the ſeveral Inſurance Offices within the Limits aforeſaid, for inſuring Houſes or other Buildings againſt Loſs by Fire, and they are hereby authoriſed and required, upon the Application and Requeſt of any Perſon or Perſons intereſted in or intitled unto any Houſe or Houſes, or other Buildings within the Limits by this Act preſcribed, which hereafter ſhall or may be burnt down, demoliſhed, or damaged by Fire, or upon any Grounds of Suſpicion that the Owner or Owners, Occupier or Occupiers, or other Perſon or Perſons, who ſhall have inſured ſuch Houſe or Houſes, or other Buildings, have been guilty of Fraud, or of wilful ſetting their Houſe or Houſes or other Buildings on Fire, to cauſe the Inſurance-money to be laid out and expended, as far as the ſame will go, towards rebuilding, reinſtating, or repairing ſuch Houſe or Houſes or other Buildings ſo burnt down, demoliſhed, or damaged by Fire, unleſs the Party or Parties claiming ſuch Inſurance-money ſhall, within Sixty Days next after his, her, or their Claim ſhall be adjuſted, give a ſufficient Security to the Governors or Directors of the Inſurance Office where ſuch Houſe or Houſes, or other Buildings are inſured, that the ſame Inſurance-money ſhall be laid out and expended as aforeſaid, or unleſs the ſaid Inſurance-money ſhall be in that Time ſettled and diſpoſed of to and amongſt all the contending Parties, to the Satisfaction and Approbation of ſuch Governors or Directors of ſuch Inſurance Office reſpectively.

Negligence in Servants reſpecting Fires, puniſhable by Fine of 100l. or Impriſonment.

'XXXV. And whereas Fires often happen by the Negligence and Careleſſneſs of Servants,' be it therefore enacted by Authority aforeſaid, That if any menial or other Servant or Servants, through Negligence or Careleſſneſs, ſhall fire, or cauſe to be fired, any Dwelling-houſe, or Out-houſe or Houſes or other Buildings, ſituate within the Limits aforeſaid, ſuch Servant or Servants, being thereof convicted by the Oath of One or more credible Witneſs, or Witneſſes made before Two or more of His Majeſty's Juſtices of the Peace, ſhall forfeit and pay the Sum of One hundred Pounds unto the Churchwardens or Overſeers of ſuch Pariſh where ſuch Fire ſhall happen, to be diſtributed amongſt the Sufferers by ſuch Fire in ſuch Proportions as to the ſaid Churchwardens ſhall ſeem juſt: And in caſe of Default or Refuſal to pay the ſame immediately after ſuch Conviction, the ſame being lawfully demanded by the ſaid Churchwardens; that then, and in ſuch Caſe, ſuch Servant or Servants ſhall, by Warrant under the Hands and Seals of Two or more of His Majeſty's Juſtices of the Peace, be committed to the Common Gaol or Houſe of Correction, as the ſaid Juſtices ſhall think fit, for the Space of Eighteen Months, there to be kept to hard Labour.

Conſtables and Beadles, on Notice, to repair to Places on Fire, and what they are to do.

XXXVI. And be it further enacted by the Authority aforeſaid, That upon the breaking out of any Fire, within the Limits aforeſaid, all Conſtables and Beadles, upon Notice thereof, ſhall immediately repair to the Place where the ſaid Fire ſhall happen, with their Staves and other Badges of their Authority, and be aiding and aſſiſting, as well in extinguiſhing the ſaid Fires, and cauſing People to work at the Engines, as alſo in preventing Goods being ſtolen, and ſhall ſeize and apprehend all ill-diſpoſed Perſons that they ſhall find ſtealing or pilfering from the Inhabitants; as alſo that the ſaid Conſtables and Beadles ſhall give their utmoſt Aſſiſtance to help the Inhabitants to remove their ſaid Goods.

No Action to lay againſt a Perſon where the Fire accidentally begins.

XXXVII. And be it further enacted by the Authority aforeſaid, That no Action, Suit, or Proceſs whatever, ſhall be had, maintained, or proſecuted againſt any Perſon in whoſe Houſe or Chamber any Fire ſhall, from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, accidentally begin, nor ſhall any Recompence be made by ſuch Perſon for any Damage ſuffered or occaſioned thereby; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding: And in ſuch Caſe, if any Action ſhall be brought, the Defendant may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial thereof to be had; and in caſe the Plaintiff ſhall become nonſuited, or diſcontinue his Action or Suit, or if a Verdict ſhall paſs againſt him, the Defendant ſhall recover Treble Coſts: Provided that nothing in this Act contained ſhall extend to defeat or make void any Contract or Agreement made between Landlord and Tenant.

Diſtreſs not unlawful for want of Form, &c.

XXXVIII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be recovered by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties making ſuch Diſtreſs; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage by Action on the Caſe.

Plaintiff not to recover if Tender of ſufficient Amends be made, &c.

XXXIX. Provided always, and be it further enacted by the Authority aforeſaid, That no Plaintiff or Plaintiffs ſhall recover in any Action, or for any ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, every or any ſuch Irregularity, Treſpaſs, or wrongful Proceeding before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into the Court ſuch Sum of Money as he or they ſhall think fit; whereupon ſuch Proceedings or Order and Judgment ſhall be had, made, or given, in and by ſuch Court, as in other Actions when the Defendant is allowed to pay Money into Court.

'XL. And

Acts 4 & 6 Geo. III. for regulating Buildings, &c.

'XL. And whereas by Two ſeveral Acts of Parliament, the One made in the Fourth and the other 'in the Sixth Year of His preſent Majeſty's Reign, for the better regulating Buildings, and prevent- 'ing Miſchiefs happening by Fire, a Penalty of Five Pounds is inflicted upon the Head Builder, Maſter 'Bricklayer, or Workmen, who ſhould neglect to build every Houſe thereafter to be built according 'to the Directions of the ſaid Acts: And whereas, ſince the paſſing of the ſaid Acts, there has been 'a very great Increaſe of Buildings within the Limits aforeſaid, and many of the Houſes ſo built are 'not in every Reſpect built according to the Directions of the ſaid recited Acts, whereby the ſeveral 'Owners and Head Builders thereof have incurred the ſaid Penalties, and ſeveral Perſons are in- 'formed againſt, and are now under Proſecution for the ſame: And whereas ſuch Firſt Owners, 'Head Builders, Maſter Bricklayers, or Workmen of ſuch Houſes are willing and deſirous to make 'the ſame conformable to this Act;' be it therefore enacted by the Authority aforeſaid, That if any Action, Bill, Plaint, Suit or Information, is and are now depending in any of His Majeſty's Courts of Record at *Weſtminſter*, or before any of His Majeſty's Juſtices of the Peace, againſt any ſuch Owner, Head Builder, Maſter Bricklayer, or Workmen, for not having built ſuch Houſe conformable to the Directions of the ſaid Acts, it ſhall and may be lawful for the Court where the ſame ſhall be reſpectively brought, and ſuch Court is hereby required, authoriſed, and impowered, on the Application of ſuch Defendant or Defendants, to make a Rule for the Plaintiff or Informer in ſuch Action, Bill, Plaint, Suit, or Information, to ſet forth the particular Defect or Irregularity complained of in the building ſuch Houſe or Houſes; and if ſuch Defendant or Defendants ſhall thereupon enter into an Agreement for making good the Irregularities and Defects ſo complained of, and rendering the building of ſuch Houſes conformable to the Direction of this Act, within a certain Time to be ſpecified in ſuch Agreement, and ſhall be deſirous that ſuch Agreement ſhould be made a Rule of any of His Majeſty's Courts of Record, that then ſuch Agreement being ſo made, ſhall and may, upon producing an Affidavit of the Execution thereof by the Witneſſes thereunto, or any of them, in the Court of which the ſame is agreed to be made a Rule, and reading and filing the ſaid Affidavit in Court, be entered of Record in ſuch Court, and a Rule ſhall thereupon be made by ſuch Court, that ſuch Defendant or Defendants ſhall, within a certain Time to be limited and ſpecified in ſuch Rule, make good the Defects and Irregularities complained of, and render the building of ſuch Houſe or Houſes conformable to the Direction of this Act; and that ſuch Defendant or Defendants ſhall moreover pay ſuch Coſts as the ſaid Court ſhall direct and award: And alſo it ſhall and may be lawful to and for ſuch Juſtice or Juſtices of the Peace before whom any Information or Informations as aforeſaid is or are now depending, and ſuch Juſtice and Juſtices of the Peace are hereby required, authoriſed, and impowered, on the Application of any Firſt Owner, Head Builder, Maſter Bricklayer, or Workmen againſt whom ſuch Information or Informations ſhall be given and laid, to accept and receive ſuch Agreement to make good the Defects and Irregularities complained of, and to render the Buildings of ſuch Houſes conformable to the Directions of this Act.

are hereby rendered conformable to this Act.

Juſtices to indemnify all Perſons for Penalties incurred by former Acts.

XLI. And be it further enacted, That in every ſuch Caſe it ſhall and may be lawful for, and ſuch Court and Juſtices of the Peace is and are hereby required, authoriſed, and impowered, on ſuch Firſt Owner, Head Builder, Maſter Bricklayer, or Workmen, making appear to them reſpectively that the Defects and Irregularities complained of are made good, and the building of ſuch Houſe or Houſes rendered conformable to the Direction of this Act, according to his or their Agreement entered into for that Purpoſe, to indemnify, free, and diſcharge every ſuch Defendant and Defendants of, from, and againſt all Penalties and Forfeitures incurred, or to be incurred, for or by reaſon of not having originally built ſuch Party Walls purſuant to the Directions of the ſaid Acts, or for or by reaſon of any other Defect or Irregularity, whereby ſuch Houſes are otherwiſe built than purſuant to ſuch Directions; any Thing in the ſaid Acts contained to the Contrary notwithſtanding.

Proviſo.

XLII. Provided always, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any Perſon againſt whom final Judgment ſhall have been given in any Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, for any Penalty incurred, by having neglected to make any ſuch Party Walls, or in any other reſpect to build ſuch Houſes purſuant to the Directions of the ſaid Acts of the Fourth and Sixth Years of His preſent Majeſty.

For allowing an Appeal.

XLIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Conviction, Commitment, Diſtreſs, Order or Judgment of any Juſtice or Juſtices of the Peace made by virtue of this Act, ſuch Perſon or Perſons ſhall and may appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be holden in and for the City of *London* and Liberties thereof, the Counties of *Middleſex* and *Surrey*, the City and Liberty of *Weſtminſter*, or the Liberties of His Majeſty's *Tower of London*, (as the Caſe ſhall be), which ſhall be holden next after ſuch Conviction, Commitment, Diſtreſs, Order, or Judgment, who ſhall proceed to hear and determine the Cauſes and Matters of ſuch Appeal upon Oath, (which Oath or Oaths they are hereby impowered to adminiſter), and award ſuch Coſts to the Parties appealing or appealed againſt as they ſhall think proper; and the Order, Judgment, and Determination, of the ſaid Juſtices, in their ſaid reſpective Seſſion, ſhall be binding, final, and concluſive to all Parties, without any Appeal from the ſame.

Proviſo.

XLIV. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Perſons ſo intending to appeal, ſhall, immediately after ſuch Conviction, Commitment, Diſtreſs, Order, or Judgment, if he ſhall be required ſo to do, or within Two Days at the fartheſt, enter into a Recognizance before ſuch Juſtice or Juſtices of the Peace, with Two ſufficient Sureties conditioned to try

ſuch Appeal, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the ſaid Seſſions reſpectively.

Limitation of Actions.

XLV. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days after Notice in Writing of any Intention to bring ſuch Action or Suit ſhall be given to the Perſon or Perſons againſt whom ſuch Action or Suit ſhall be brought or commenced, nor after the Expiration of Three Calendar Months next after the Fact committed; and every ſuch Action or Suit, the Cauſe or Occaſion whereof ſhall ariſe within the ſaid City of *London*, or the Liberties thereof, ſhall be laid and tried in the ſaid City of *London*, and not elſewhere; and every ſuch Action or Suit, the Cauſe or Occaſion whereof ſhall ariſe in any Part of the Limits aforeſaid, out of the ſaid City of *London*, and Liberties thereof, ſhall be laid and tried in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for, or on which ſuch Action or Suit ſhall be brought, was done in Purſuance and by the Authority of this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit was brought before the Expiration of Twenty-one Days Notice to be given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or of any ſuch Action or Suit ſhall not be commenced within the Time herein for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury, in every ſuch Action or Suit, ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs, in any ſuch Action or Suit, ſhall become non-ſuited, or ſhall diſcontinue or ſuffer a Diſcontinuance of any ſuch Action or Suit; or if, upon any Demurrer or Demurrers, in any ſuch Action or Suit, Judgment ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, the Defendant or Defendants, ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law.

General Iſſue.

Treble Coſts.

Former Acts ſo far as reſpect Party Walls, regulating of Buildings, preventing Miſchiefs by Fire, &c. repealed.

XLVI. And be it further enacted by the Authority aforeſaid, That ſo much of an Act made in the Nineteenth Year of the Reign of His late Majeſty King *Charles* the Second, (intituled, *An Act for rebuilding the City of* London), as relates to regulating Buildings and Party Walls; and an Act made in the Sixth Year of the Reign of Her late Majeſty Queen *Anne*, (intituled, *An Act for the better preventing Miſchiefs that may happen by Fire)*; alſo an Act made in the Seventh Year of the Reign of Her ſaid late Majeſty, intituled, *An Act for making more effectual an Act made in the Sixth Year of Her Majeſty's Reign, for the better preventing of Miſchiefs that may happen by Fire)*; alſo ſo much of an Act made in the Eleventh Year of the Reign of His late Majeſty King *George* the Firſt, (intituled, *An Act for the better regulating of Buildings, and to prevent Miſchiefs that may happen by Fire, within the Weekly Bills of Mortality and other Places therein mentioned)*, as relates to regulating Buildings and Party Walls; alſo ſo much of an Act made in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for widening certain Streets, Lanes, and Paſſages, within the City of* London, *and Liberties thereof, and for opening certain new Streets and Ways within the ſame, and for other Purpoſes therein mentioned)*, as relates to the regulating of Buildings, and Party Wall, and preventing Miſchiefs that may happen by Fire; alſo ſo much of an Act made in the Fourth Year of the Reign of His preſent Majeſty, (intituled, *An Act for the better regulating of Buildings, and to prevent Miſchiefs that may happen by Fire, within the Weekly Bills of Mortality, and other Places therein mentioned)*, as relates to the regulating of Buildings and Party Walls, and preventing Miſchiefs happening by Fire; alſo ſo much of an Act made in the Sixth Year of His preſent Majeſty's Reign, (intituled, *An Act to explain, amend, and render more effectual the Powers of an Act made in the Thirty-third Year of the Reign of His late Majeſty, intituled,* An Act for widening certain Streets, Lanes, and Paſſages within the City of *London*, and Liberties thereof, and for opening certain new Streets and Ways within the ſame, and for other Purpoſes therein mentioned), as relates to the regulating of Buildings and Party Walls; alſo of another Act made in the ſaid Sixth Year of His preſent Majeſty's Reign, (intituled, *An Act to explain, amend, and render more effectual an Act made in the Fourth Year of His preſent Majeſty's Reign, for the better regulating of Buildings, and to prevent Miſchiefs that may happen by Fire, within the Weekly Bills of Mortality, and other Places therein mentioned)*, as relates to the regulating of Buildings and Party Walls, and preventing Miſchiefs that may happen by Fire, ſhall be, and the ſame are hereby repealed.

Publick Act.

XLVII. And be it further enacted, by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

THE

STATUTES at Large, &c.

Anno Regni decimo tertio GEORGII III.

'AT the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May*, *Anno Domini* One thouſand ſeven hundred and ſixty-eight, in the Eight Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c.

'And from thence continued, by ſeveral Prorogations, to the Twenty-ſixth Day of *November*, One thouſand ſeven hundred and ſeventy-two; being the Sixth Seſſion of the Thirteenth Parliament of *Great Britain*.'

CAP. I.

An Act for allowing the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe from any Part of *Europe* or *Africa*, into this Kingdom, for a limited Time, free of Duty.

Preamble.

'WHEREAS the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, into *Great Britain*, will be advantageous to this Kingdom: May it therefore pleaſe Your Majeſty that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, to import into *Great Britain*, in any Ship or Veſſel whatſoever, at any Time or Times before the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four, any Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any Part of *Europe* or *Africa*, without the Payment of any Subſidy, Cuſtom, Duty, or Impoſition whatſoever; and may alſo be carried Coaſtwiſe, under ſuch Regulations as Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe, at all Times before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four; any Thing in any former or other Act or Acts of Parliament to the Contrary thereof in anywiſe notwithſtanding.

At any Time before Jan. 1, 1774, Wheat, Wheat-flour, Rye, &c. may be imported from Europe or Africa, Duty-free; and may be carried Coaſtwiſe under former Regulations.

II. Provided always, and be it further enacted by the Authority aforeſaid, That a due Entry ſhall be made, in ſuch Manner and Form as were uſed or practiſed before the making of this Act, of all Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, which ſhall be imported or brought into this Kingdom before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four, at the Cuſtom-houſe belonging to the Port into which the ſame ſhall be imported or brought in; or otherwiſe, in default of making ſuch Entry, ſuch Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, Oat-meal, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, ſhall be liable and ſubject to ſuch and the ſame Duties as were payable upon the Importation thereof before the making of this Act; any Thing in this Act contained to the Contrary notwithſtanding.

Entry to be made in ſuch Form as was formerly practiſed, before the making of this Act; otherwiſe ſuch Wheat, &c. ſhall be ſubject to the Duties formerly payable on the Importation thereof.

CAP. II.

An Act for allowing the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into this Kingdom, for a limited Time, free of Duty.

Preamble.

'WHEREAS the Importation of Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from His Majeſty's Colonies in *America*, into *Great Britain*, will be advantageous to this Kingdom: May it therefore pleaſe Your Majeſty, that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any of His Majeſty's Subjects to import into *Great Britain*, in any Ship or Veſſel navigated according to Law, at any Time or Times, from and after the Firſt Day of *December*, One thouſand ſeven hundred and ſeventy-two, and before the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four, any Wheat or Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, from any of his Majeſty's Colonies in *America*, without the Payment of any Subſidy, Cuſtom, Duty, or Impoſition whatſoever; any Thing in any former or other Act or Acts of Parliament to the Contrary thereof in anywiſe notwithſtanding.

Any of His Majeſty's Subjects, from Dec. 1, 1772, and before Jan. 1, 1774. may import Wheat, Wheat-flour, &c. from America Duty free.

II. Provided always, and be it further enacted by the Authority aforeſaid, That a due Entry ſhall be made in ſuch Manner and Form as were uſed or practiſed before the making of this Act, of all Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, which ſhall be imported or brought into this Kingdom by virtue of this Act, before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four, at the *Cuſtom Houſe* belonging to the Port into which the ſame ſhall be imported or brought in; or otherwiſe, in default of making ſuch Entry, ſuch Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares, Callivancies, and all other Sorts of Pulſe, ſhall be liable and ſubject to ſuch and the ſame Duties, as were payable upon the Importation thereof before the making of this Act; any Thing in this Act contained to the Contrary notwithſtanding: And ſuch Wheat, Wheat-flour, *Indian* Corn, *Indian* Meal, Biſcuit, Peaſe, Beans, Tares Callivancies, and all other Sorts of Pulſe, may be carried Coaſtwiſe, under ſuch Regulations as Wheat, Wheat-flour, and Pulſe, of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe, at all Times before the ſaid Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four.

Due Entry to be made as formerly;

otherwiſe ſuch Wheat, &c. ſhall be ſubject to the Duties formerly payable on Importation;

and ſuch Wheat, &c may be carried Coaſtwiſe as formerly.

CAP. III.

An Act to prohibit the Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch; and alſo the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a limited Time.

Preamble.

'WHEREAS it is expedient that the Exportation of any Sort of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch, out of the Kingdoms of *Great Britain*, or *Ireland*, ſhould be prohibited for a limited Time: May it therefore pleaſe Your Majeſty, that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from the ſaid Kingdoms of *Great Britain* or *Ireland*, or load or lay on Board, or cauſe or procure to be laden or laid on Board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of the ſaid Kingdoms of *Great Britain* or *Ireland*, any Sort of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, or Starch, under the Penalties and Forfeitures hereinafter mentioned; that is to ſay, That all the ſaid Commodities that ſhall be ſo exported, ſhipped, or laid on Board, or loaded to be exported, ſhipped, or carried out contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein, ſhall forfeit the Sum of Twenty Shillings for every Buſhel of Corn, Grain, Peaſe, Beans, Malt, Meal, or Flour, and Twelvepence for every Pound Weight of Bread, Biſcuit, or Starch, and ſo in proportion for any greater or leſs Quantity which ſhall be ſo exported, ſhipped, or put on Board to be exported; and alſo the Ship, Boat, or Veſſel, upon which any of the ſaid Commodities ſhall be exported, ſhipped, or laden to be exported, and all her Guns, Tackle, Apparel, and Furniture, ſhall be forfeited; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them that will ſue for the ſame: And for Offences which ſhall be committed in that Part of *Great Britain* called *England*, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or before the Juſtices of Aſſize, or at the Great Seſſions in *Wales*, or by Information at any General Quarter

After paſſing this Act, all Sorts of Corn, Grain, &c. tranſported from Great Britain or Ireland, or loaded in any Ship, &c. for Tranſportation, ſhall be forfeited; and Offenders to forfeit 20 s. for every Buſhel of Corn, Grain, &c. and 12 d. for every lb. wt. of Bread, &c. and alſo the Ship, Boat, &c. and all her Guns, Tackle, &c.

Offences committed in England may be recovered in any of His Majeſty's Courts of Record at Weſtminſter, &c.

Seſſions

Seſſions of the Peace for the County, City, Riding, Diviſion, or Place, where the Offence ſhall be committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed: And for Offences which ſhall be committed in that Part of *Great Britain* called *Scotland*, by Action, or Summary Bill, or Information, in the Courts of Seſſion or Exchequer in *Scotland*: And for Offences which ſhall be committed in *Ireland*, in His Majeſty's Courts of Record in *Dublin*, or at the General Quarter Seſſions of the Peace for the County, City, or Place where the Offence ſhall be committed: And that the Maſter and Mariners of any ſuch Ship, Boat, or Veſſel, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted, in any ſuch Courts as aforeſaid, ſhall be impriſoned for the Space of Three Months, without Bail or Mainprize.

and in Scotland, before the Courts of Seſſion or Exchequer; and Forfeitures incurred in Ireland, are recoverable in the Courts of Record in Dublin. The Maſter and Mariners knowingly aiding ſuch Offence, to be impriſoned for 3 Months.

II. And it is hereby further enacted by the Authority aforeſaid, That in caſe any Mariner or other Perſon on board any Ship or Veſſel (other than and except the Maſter or Perſon having the Charge or Command thereof) wherein any Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, or Starch, ſhall be exported, contrary to the Intent and Meaning of this Act, ſhall diſcover any ſuch Offence to the Commiſſioners, or any Officer of His Majeſty's Cuſtoms, within the Space of Five Months after ſuch Offence ſhall be committed, ſuch Mariner, or other Perſon (except as aforeſaid) making ſuch Diſcovery, ſhall, as an Encouragement, have, and be intitled to receive, One Third Part of the Net Money which ſhall be recovered and paid by Means of ſuch Diſcovery, after deducting, from the Money recovered, the Charges of proſecuting for and recovering the ſame; and One other Third Part thereof ſhall be to the Uſe of His Majeſty, His Heirs, and Succeſſors; and the other Third Part, to ſuch Officer or Officers of His Majeſty's Cuſtoms, as ſhall ſue and proſecute for the ſame.

In caſe any Perſon on Board, (except the Maſter) ſhall diſcover an Offence to the Commiſſioners, &c. of the Cuſtoms within 5 Months after the Offence; he ſhall be intitled to One Third of the Money recovered by Means thereof, after deducting Charges; another Third to His Majeſty's Uſe; and the other to the Proſecutor.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, being an Officer or Officers of the Cuſtoms, or being lawfully authoriſed in this Behalf, by the Lord High Treaſurer of *Great Britain*, or the Commiſſioners of the Treaſury for the Time being, or any Three or more of them, to take and ſeize all ſuch of the ſaid Commodities, not allowed to be exported by this Act, as he or they ſhall happen to find, know, or diſcover to be laid on board any Ship or other Veſſel, or Boat, at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpoſe to be exported, tranſported, or conveyed out of *Great Britain* or *Ireland*, contrary to the true Intent of this Act; and alſo the Ship, Veſſel, or Boat, in which the ſame ſhall be found; and to bring the ſaid Goods to the King's Warehouſe or Warehouſes, belonging to the Cuſtom-houſe next to the Place where ſuch Seizures ſhall be made, or to ſome other ſafe Place (where there are no ſuch Warehouſes) in order to be proceeded againſt according to Law; and, in caſe of Recovery, to be divided in Manner as aforeſaid.

Officers of the Cuſtoms, &c. may ſeize Commodities not allowed to be exported laid on Board any Ship with Intent to be exported, and bring the ſame to the King's Warehouſe, &c.

IV. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation of ſuch or ſo much of the ſaid Commodities as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages, for the Suſtenance, Diet, and Support of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only, or for the Victualling or providing any of His Majeſty's Ships of War, or other Ships or Veſſels in His Majeſty's Service, or for His Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the Contrary notwithſtanding.

Not to extend to prohibit ſo much of the ſaid Commodities as ſhall be neceſſary for Veſſels in their reſpective Voyages, or for Victualling Ships of War, or any of His Majeſty's Garriſons,

V. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip, or put on board, any of the Commodities aforeſaid, to be carried Coaſtwiſe; that is to ſay, From any Port, Creek, or Member of the Kingdoms of *Great Britain* or *Ireland*, to any other Port, Creek, or Member, of the ſame reſpectively, having ſuch or the like Coaſt Cocquet, or Sufferance, for that Purpoſe; and ſuch or the like ſufficient Security being firſt given for the landing and diſcharging the ſame, in ſome other Port, Member or Creek, of the ſaid Kingdoms, and returning a Certificate in Six Months, as is required by Law, in Caſes where Goods which are liable to pay Duties on Exportation are carried Coaſtwiſe from one Port of *Great Britain* to another, and not otherwiſe.

or carrying Coaſtwiſe any of the ſaid Commodities, under Coaſt Cocquets, Security being firſt given.

VI. Provided alſo, That this Act, or any Thing contained, ſhall not extend to any of the ſaid Commodities which ſhall be exported, or ſhipped to be exported, out of or from *Great Britain*, to *Ireland*, or from *Ireland* to *Great Britain*, or from *Great Britain*, or *Ireland*, to *Gibraltar* or *Minorca*, or unto any of His Majeſty's Iſlands or Colonies in *America*, that have uſually been ſupplied with any of the ſaid Commodities from *Great Britain* or *Ireland*, for the Suſtentation of the Inhabitants of the ſaid Iſlands, Colonies, or Dominions, or for the Benefit of the *Britiſh* Fiſhery in thoſe Parts only, ſo as the Exporter do, before the Shipping or laying on Board the ſame, declare the Iſland, Colony, or Dominion, Iſlands, Colonies, or Dominions, for which the ſaid Commodities are reſpectively deſigned; and do become bound, with other ſufficient Security, in Treble the Value thereof, to the Commiſſioners, or Chief Officer or Officers of His Majeſty's Cuſtoms, belonging to the Port or Place where the ſame ſhall be ſhipped or put on board, (who hath or have hereby Power to take ſuch Security, in His Majeſty's Name, and to His Majeſty's Uſe), that ſuch Commodities ſhall not be landed or ſold in any Parts whatſoever, other than the Kingdoms, Dominions, Iſlands, or Colonies, for which the ſame ſhall be ſo declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or

This Act not to extend to hinder any of the ſaid Commodities being ſhipped out of Great Britain to Ireland, &c. or from Great Britain or Ireland to Gibraltar, &c. the Exporter declaring the Iſland for which they are deſigned, and being bound in Treble the Value, that ſuch Corn, &c. ſhall not be landed or ſold at any other place.

Certificates to be given by Collectors, &c. without Fee. Officers making falſe Certificates, to forfeit 200 l. Any Perſon counterfeiting a Certificate to forfeit 200 l. and the Certificate to be void. Offences in great Britain may be recovered as before directed; in the Colonies in America, and Dominions in Europe, before the Court of Admiralty, &c. Nothing herein to prohibit the Exportation of Beans to the Forts, &c. of Africa, or the Ships trading on that Coaſt; not to prohibit the Eaſt India Company with ſupplying their Forts, &c. with Corn, Grain, &c. for the Support of the Perſons reſiding there.

other Chief Officer of the Cuſtoms; or, if no ſuch, of the Naval Officer, or ſome other Principal Officer of the Port where the ſame ſhall be landed, ſhall, within the reſpective Times hereinafter for that Purpoſe mentioned (the Danger of the Seas excepted) be returned to the Officers who took the ſaid Bonds, that the ſaid Commodities have been landed at the Port or Place for which the ſame ſhall be ſo declared; and for the taking of ſuch Security, and for giving ſuch Certificates, (which the reſpective Officers aforeſaid are hereby, on Demand, required to give) no Fee or Reward ſhall be demanded or received: And if any Officer ſhall make any falſe Certificate of any ſuch Commodities being ſo landed, ſuch Officer ſhall forfeit the Sum of Two hundred Pounds, and loſe his Employment, and be incapable of ſerving His Majeſty, His Heirs or Succeſſors, in any Office relating to the Cuſtoms: And if any Perſon ſhall counterfeit, raſe, or falſify any ſuch Certificate, or knowingly publiſh any ſuch counterfeit, raſed, or falſe Certificate, he ſhall forfeit the Sum of Two hundred Pounds, and ſuch Certificate ſhall be void and of no Effect: Which ſaid Penalties for Offences committed in *Great Britain* or *Ireland* ſhall be recovered in the ſame Courts, and in the ſame Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in *America*, or other the Dominions belonging to the Crown of *Great Britain*, in *Europe*, ſhall be recovered in the High Court of Admiralty, or in any chief Court of civil or criminal Juriſdiction, in ſuch reſpective Colonies, Plantations, or Dominions; and ſhall be divided into equal Moieties between His Majeſty and the Informer; and the ſaid Bond or Bonds, if not proſecuted within Three Years, ſhall be void.

VII. Provided alſo, That nothing herein contained ſhall extend to prohibit the Exportation of Beans to the *Britiſh* Forts, Caſtles, and Factories, in *Africa*; or for the Uſe of the Ships trading upon that Coaſt, that uſually have been ſupplied with the ſame from *Great Britain* or *Ireland*; ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the *Britiſh* Colonies in *America*.

VIII. Provided alſo, That nothing herein contained ſhall extend to prohibit the United Company of Merchants of *England* trading to the *Eaſt Indies* from exporting any of the ſaid Commodities to any of their Forts, Factories, or Settlements, for the Support of the Perſons reſiding there, ſo as the like Security be given for the exporting thereof, as is required by this Act to be given by Perſons carrying any of the ſaid Commodities to the *Britiſh* Colonies in *America*.

The Port of Southampton only may ſupply the Iſlands of Jerſey, &c. with Meal, Barley, &c. not exceeding 5000 Quarters, the Exporter becoming bound in Treble the Value that the Commodities ſhall not be landed or ſold at any other Port; and to return the Certificates of landing the ſame as are required of Exporters of Corn, Grain, &c. to the Colonies in America.

IX. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to any Wheat, Flour, Malt, Barley, Bread, Biſcuit, or Peaſe, to be tranſported out of or from the Port of *Southampton* only unto the Iſlands of *Jerſey*, *Guernſey*, and *Alderney*, or any of them, for the only Uſe of the Inhabitants of thoſe Iſlands, ſo as the Exporter, before the lading of ſuch Commodities, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of the ſame Port hath hereby Power to take, in His Majeſty's Name, and to His Majeſty's Uſe, and for which Security no Fee or Reward ſhall be given or taken, that ſuch Commodities ſhall be landed in the ſaid Iſlands of *Jerſey*, *Guernſey*, and *Alderney*, or One of them, (the Danger of the Seas only excepted), for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there, as are herein required on the Exportation of the ſaid Commodities to the *Britiſh* Colonies in *America*, and within the Time for that Purpoſe herein mentioned; and ſo as the Quantity of Wheat-flour, Malt, Barley, Bread, Biſcuit, and Peaſe, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at the ſaid Port for the ſaid Iſlands, or either of them, as aforeſaid, do not exceed, in the Whole, Five thouſand Quarters; any Thing herein contained to the Contrary notwithſtanding.

The Ports of Whitehaven and Liverpoole may ſupply the Iſle of Man with Wheat, Barley, &c. under the foreſaid Regulations, not exceeding 2500 Quarters.

X. Provided alſo, That this Act ſhall not extend to any Wheat, Barley, Oats, Meal, or Flour to be tranſported out of or from the Ports of *Whitehaven* or *Liverpoole* only into the *Iſle of Man*, for the only Uſe of the Inhabitants of that Iſland, ſo as the Exporter, before the lading of ſuch Wheat, Barley, Oats, Meal, or Flour, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of either of the ſaid Ports reſpectively hath hereby Power to take, in His Majeſty's Name, and to His Majeſty's Uſe, for which Security no Fee or Reward ſhall be given or taken, that ſuch Wheat, Barley, Oats, Meal, or Flour, ſhall be landed in the ſaid *Iſle of Man*, (the Danger of the Seas only excepted) for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there, as are by this Act required on the Exportation of the ſaid Commodities to the *Britiſh* Colonies in *America*, and within the Time for that Purpoſe herein mentioned, and ſo as the whole Quantity of Wheat, Barley, Oats, Meal, and Flour, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at both the ſaid Ports for the ſaid *Iſle of Man*, ſhall not exceed in the Whole Two thouſand five hundred Quarters; One Moiety thereof to be exported from the ſaid Port of *Whitehaven*, and the other Moiety thereof to be exported from the ſaid Port of *Liverpoole*; any Thing herein contained to the Contrary notwithſtanding.

XI. Pro-

Merchants trading to Africa may transport any Quantity of Wheat-flour, not exceeding 200 Quarters, and not exceeding 15 Tons of Bread and Biſcuit, to the Britiſh Forts there, under the like Security as for the Colonies in America.

XI. Provided alſo, That nothing in this Act contained ſhall extend to prohibit the Committee of Merchants trading to *Africa* from exporting, during the Continuance of this Act, any Quantity of Wheat-flour, not exceeding Two Hundred Quarters, or any Quantity of Bread or Biſcuit, not exceeding Fifteen Tons in the whole of ſuch Bread or Biſcuit, or of ſuch Bread and Biſcuit together, to the *Britiſh* Forts, Caſtles, and Factories in *Africa*, for the Support of the Perſons reſiding there, ſo as the like Security be given for the exporting thereof, as is herein required to be given by Perſons carrying the ſaid Commodities to the *Britiſh* Colonies in *America*.

Commiſſioners of the Cuſtoms to give in a full Account to Parliament, at the Beginning of next Seſſion, of all Corn, Grain, &c. exported to any Place, by virtue of the Liberties of this Act.

XII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms for the Time being ſhall, and they are hereby required to give a full and true Account, in Writing, to both Houſes of Parliament, at the Beginning of the next Seſſion thereof, of all Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch, that ſhall, before that Time, be exported to any Place whatſoever, by virtue or in purſuance of any of the Liberties or Powers hereby given or granted for that Purpoſe.

When the Certificates of landing and diſcharging any of the ſaid Commodities ſhall be returned.

XIII. And be it further enacted by the Authority aforeſaid, That all Certificates of the landing and diſcharging of the ſaid Commodities to be exported, other than Coaſtwiſe, ſhall be returned within the reſpective Times following; (that is to ſay) Where the Bonds are taken in reſpect of any of the ſaid Commodities, to be exported from *Great Britain*, or *Ireland*, to any of the ſaid Colonies or Plantations in *America*, within Eighteen Kalendar Months after the Date of ſuch Bonds; and where to *Gibraltar* or *Minorca*, within Twelve Kalendar Months after the Date of ſuch Bonds; and where to the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, or *Man*, within Six Kalendar Months after the Date of ſuch Bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within Six Kalendar Months after the Date of ſuch Bonds reſpectively.

No Bounty to be given on Exportation, by virtue of this Act.

XIV. Provided always, and be it enacted by the Authority aforeſaid, That no Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, or Starch, which ſhall be exported by virtue of this Act, ſhall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of ſuch Commodities, or any of them.

Not to prohibit the Exportation of Rice.

XV. Provided always, and be it enacted, That nothing herein contained ſhall extend to prohibit the Exportation of Rice out of this Kingdom.

After the paſſing hereof, no Low Wines or Spirits ſhall be made from Wheat or Wheat-flour, or any Material mixed with Wheat, &c.

'XVI. And whereas it is expedient that the Extraction of Low Wines or Spirits from Wheat, or 'Wheat-flour, ſhould be prohibited for a further Time;' be it therefore further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Low Wines or Spirits whatſoever ſhall be made, extracted, or diſtilled, within this Kingdom, from any Wheat or Wheat-flour; and if any Diſtiller or Maker of Low Wines or Spirits, or any other Perſon or Perſons whatſoever, ſhall make, extract, or diſtil, or cauſe or procure to be made, extracted, or diſtilled, any Low Wines or Spirits from any Wheat or Wheat-flour, or from any Grain or other Material mixed with Wheat, or with Wheat-flour, or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-flour, in any Worts or Waſh, in order for the making, extracting, or diſtilling Low Wines or Spirits, or ſhall put or lay, or cauſe or procure to be put or laid in any Tun, Waſhbatch, Caſk, Copper, Still, or other Veſſel or Utenſil, any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-flour, for the Purpoſe of preparing any Worts or Waſh, or for making, extracting, or diſtilling Low Wines or Spirits, whether ſuch Tun, Waſhbatch, Caſk, Copper, Still, or other Veſſel or Utenſil, hath or hath not been duly entered at the Exciſe Office; that then, and in each and every of the ſaid Caſes, ſuch Diſtiller or Maker of Low Wines or Spirits, or other Perſon or Perſons acting contrary to the Directions of this Act, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion any ſuch Tun, Waſhbatch, Caſk, Copper, Still, or other Veſſel or Utenſil, which ſhall be made uſe of contrary to the Intention of this Act, ſhall be found, ſhall reſpectively, for every ſuch Offence, forfeit and pay the Sum of Two Hundred Pounds; and all ſuch Wheat or Wheat-flour, and ſuch Worts and Waſh, Low Wines and Spirits, and all ſuch Grain, or other Material with Wheat or with Wheat-flour, or the Value thereof, ſhall be alſo forfeited.

and if any Perſon acts to the Contrary, he ſhall forfeit and pay 200 l. and all ſuch Wheat, &c. ſhall be forfeited.

Wheat or Wheat-flour, &c. found in any Stillhouſe, &c. in which Low Wines ſhall be made, &c. ſince Oct. 1, 1772, ſhall be forfeited, and the Perſons occupying ſuch Stillhouſe, &c. ſhall forfeit 100 l.

XVII. And be it further enacted by the Authority aforeſaid, That if any Wheat or Wheat-flour, or Grain, or other Material mixed with Wheat or with Wheat-flour, ſhall be found in any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place wherein Low Wines or Spirits, or Worts, or Waſh, ſhall be made, extracted, diſtilled, or prepared, or where any Low Wines or Spirits, or Worts, or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the Firſt Day of *October*, One thouſand ſeven hundred and ſeventy-two, all ſuch Wheat and Wheat-flour, and all ſuch Grain or other Material mixed with Wheat or with Wheat-flour, ſhall be forfeited; and the Perſon or Perſons in whoſe Poſſeſſion ſuch Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or Place, ſhall be, ſhall, for every Offence reſpectively, alſo forfeit and pay the Sum of One hundred Pounds.

Perſons authoriſed by the Commiſſioners, or Juſtices of Peace, may en-

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons, who ſhall be authoriſed for that Purpoſe by the Commiſſioners of Exciſe for the Time being, or any Two or more of them, within the Limits of the Chief Office of Exciſe in *London*, or by One or more Juſtice or Juſtices of the Peace in any other Part of *Great Britain*, at any Time or Times,

ter any Workhouſes, &c. where Low Wines, &c. are ſuſpected to be made ſince Oct. 1, 1772. and inſpect all the Materials.

Times, with any Officer of Exciſe, to enter into any Workhouſe, Stillhouſe, Storehouſe, Warehouſe, or any other Place wherein any Low Wines or Spirits, or Worts or Waſh, ſhall be, or are ſuſpected to be made, extracted, diſtilled, or prepared, or wherein Low Wines or Spirits, or Worts or Waſh, ſhall have been made, extracted, diſtilled, or prepared, ſince the Firſt Day of *October*, One thouſand ſeven hundred and ſeventy-two, and ſhall have free Admittance into the ſame, and may inſpect all the Materials, Veſſels, and Utenſils therein contained, giving thereby as little Interruption as may be to the Buſineſs which is carrying on; and in caſe any Officer of Exciſe ſhall have Reaſon to ſuſpect that any Wheat, or Wheat-flour, or any Grain, or other Material mixed with Wheat, or with Wheat-flour, is contained in any Bag, Sack, or other Package, or is mixed in any Worts or Waſh, or in any other Preparation for making, extracting, or diſtilling, Low Wines or Spirits, it ſhall and may be lawful for ſuch Officer, at any Time or Times during the Continuance of this Act, upon Payment of Two Shillings and Sixpence, to take a Sample, not exceeding Two Quarts of any ſuch Wheat or Wheat-flour, or of any ſuch Grain, or other Material mixed with Wheat, or with Wheat-flour, or of any ſuch Worts or Waſh, or Preparation, which ſhall be found in any ſuch Houſe or other Place aforeſaid; and in caſe any Diſtiller or Maker of Low Wines or Spirits, or the Owner or Occupier of any ſuch Houſe or Place, or any Workman or Servant to any ſuch Diſtiller, Owner, or Occupier belonging, ſhall refuſe to admit ſuch Perſon or Perſons as ſhall be ſo authoriſed, or any Officer of Exciſe, into any ſuch Houſe or Place, or ſhall obſtruct or hinder any ſuch Officer, or Perſon or Perſons, in making ſuch Inſpection as aforeſaid, or ſhall not allow any ſuch Officer to take ſuch Sample after the ſaid Sum of Two Shillings and Sixpence ſhall be paid, or tendered for the ſame; ſuch Diſtiller, Owner, or Occupier ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of One hundred Pounds: And it ſhall be lawful for any ſuch Officer of Exciſe, or other Perſon or Perſons authoriſed as aforeſaid, having a Warrant for that Purpoſe from any Two or more of the Commiſſioners of the Exciſe, or any Juſtice or Juſtices reſpectively, as aforeſaid, to ſeize, take, and carry away, all ſuch Wheat and Wheat-flour, and all ſuch Grain or other Material mixed with Wheat or with Wheat-flour, as ſhall be found in any ſuch Houſe or other Place, together with all the Sacks, Bags, and other Things, in which the ſaid Commodities ſhall be contained.

If any Diſtiller, &c. refuſe Admittance, he ſhall forfeit 100 l.

Perſons lawfully authoriſed by the Commiſſioners, &c. may ſeize and carry away all ſuch Wheat, &c.

If any Diſtiller have more Wheat than five Quarters, he is to forfeit 5 l. and all the Overplus.

XIX. And be it further enacted by the Authority aforeſaid, That if any Diſtiller or Maker of Low Wines or Spirits for Sale or Exportation ſhall be poſſeſſed of, or have in his, her, or their Cuſtody or Poſſeſſion, or in the Cuſtody or Poſſeſſion of any Perſon or Perſons in Truſt, or for the Uſe or Benefit of ſuch Diſtiller or Maker of Low Wines or Spirits, more than Five Quarters of Wheat or Wheat-flour, at any One Time, in any One or more Place or Places, not being a Place or Places for preparing, making, extracting, diſtilling, or keeping Worts or Waſh, Low Wines or Spirits; every ſuch Diſtiller or Maker of Low Wines or Spirits ſhall, for every ſuch Offence reſpectively, forfeit all ſuch Wheat and Wheat-flour exceeding the ſaid Quantity of Five Quarters, and alſo the Sum of Five Pounds for every Quarter ſo forfeited.

This Act not to extend to Diſtillers who are Growers of Wheat, provided ſuch Wheat be not in their Poſſeſſion above 20 Days, and not kept in a Place for diſtilling Low Wines.

XX. Provided always, That this Act ſhall not extend to inflict the ſaid laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who ſhall be the actual Grower of Wheat, and ſhall be poſſeſſed of any Quantity of ſuch Wheat grown by him or her in the Straw, or after the ſame is threſhed out or ſeparated from the Straw, provided ſuch Wheat ſhall not be kept in his or her Poſſeſſion, or in the Poſſeſſion of any other Perſon or Perſons in Truſt for him or her, for a greater Space of Time than Twenty Days after the ſame ſhall be threſhed or ſeparated from the Straw, and ſo as ſuch Wheat be not kept in any Place uſed for making, extracting, or diſtilling Low Wines or Spirits, or for preparing or keeping Worts or Waſh.

Not to extend to a Diſtiller who is a Miller, on account of what may be found in his Mill.

XXI. Provided alſo, and be it further enacted by the Authority aforeſaid, That this Act ſhall not extend to inflict the laſt-mentioned Penalty and Forfeiture upon any Diſtiller or Maker of Low Wines or Spirits, who practiſes the Trade of a Miller, by grinding Corn for Hire, or who ſells Corn, Flour, Meal, or Bran, as other Perſons following the Trade of a Miller uſually do, and who was poſſeſſed of and worked any Mill or Mills for the grinding of Wheat, in the Courſe of his Trade as a Miller, on or before the Firſt Day of *October*, One thouſand ſeven hundred and ſixty-ſix, for or upon Account of any Quantity of Wheat or Wheat-flour which ſhall, during the Continuance of this Act, be found in any ſuch Mill or Mills; any Thing in this Act contained to the Contrary hereof notwithſtanding.

Officers of Exciſe ſuſpecting Wheat, &c. above Five Quarters to be laid up in any Storehouſe belonging to a Diſtiller, Juſtices may grant Warrant to enter ſuch Storehouſe, &c.

XXII. And be it further enacted by the Authority aforeſaid, That in caſe any Officer or Officers of Exciſe, or any other Perſon or Perſons, ſhall, at any Time or Times, have Cauſe to ſuſpect that any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat or with Wheat-flour, in any Quantity, exceeding the Quantity of Five Quarters, ſhall be laid or kept in any ſuch Storehouſe, Warehouſe, Granary, or other Place or Places as aforeſaid, belonging to any Diſtiller or Maker of Low Wines or Spirits, contrary to the true Intent and Meaning of this Act; then, and in every ſuch Caſe, upon Oath made by ſuch Officer or Officers, or other Perſon or Perſons, before the Commiſſioners of Exciſe for the Time being reſpectively, or any two or more of them, or before One or more Juſtice or Juſtices of the Peace reſiding near the Place where ſuch Officer or Officers, or other Perſon or Perſons, ſhall ſuſpect the ſame to be laid and kept, ſetting forth the Ground of his or their Suſpicion, it ſhall and may be lawful to and for the ſaid Commiſſioners, or Juſtice or Juſtices of the Peace reſpectively, before whom ſuch Officer or Officers, or other Perſon or Perſons, ſhall make Oath as aforeſaid, (if he or they ſhall judge it reaſonable) by ſpecial Warrant under his or their reſpective Hands and Seals, to authoriſe and impower ſuch Officer or Officers, or other Perſon or Perſons authoriſed as aforeſaid, by Day or by Night, (but if in the Night, then in the Preſence of a Conſtable

Conſtable, or other lawful Officer of the Peace) to enter into all and every Storehouſe, Warehouſe, Granary, or other Place or Places where he or they ſhall ſuſpect that any Wheat or Wheat-flour, exceeding the Quantity of Five Quarters, or any Grain or other Material mixed with Wheat or with Wheat-flour in any Quantity, ſhall be laid or kept, belonging to any ſuch Diſtiller or Maker of Low Wines or Spirits, and to ſeize, take, and carry away, all ſuch Wheat and Wheat-flour over and above the ſaid Quantity of Five Quarters, and all ſuch Grain, or other Material mixed with Wheat, or with Wheat-flour, as he or they ſhall ſo find, together with all the Sacks, Bags, or other Things, wherein the ſame ſhall reſpectively be contained; and ſuch Diſtiller or Maker of Low Wines or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Wheat or Wheat-flour, exceeding the ſaid Quantity of Five Quarters, belonging to ſuch Diſtiller, ſhall be found, ſhall, for every ſuch Offence reſpectively, forfeit and pay the ſaid Penalty of Five Pounds for every Quarter exceeding the ſaid Quantity of Five Quarters; and ſuch Diſtiller or Maker of Low Wines, or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Grain or other Material mixed with Wheat, or with Wheat-flour, belonging to ſuch Diſtiller ſhall be found, ſhall, for every ſuch Offence reſpectively, forfeit and loſe the Sum of Fifty Pounds; and the ſaid Officer or Officers, and other Perſon or Perſons, is and are hereby impowered, by ſuch Warrant, together with ſuch other Perſon or Perſons as he or they ſhall take to his or their Aſſiſtance, to enter ſuch Storehouſes, Warehouſes, Granaries, and other Place or Places, and break open the Doors thereof, in caſe they be not opened on Demand.

and to ſeize and carry away all the Wheat and Wheat-flour, above five Quarters, and the Sacks, &c. and forfeit 5 l. for every Quarter, over the ſaid Quantity.

Diſtillers who have Grain or other Material mixed with Wheat, &c. ſhall forfeit 50 l.

Officers refuſed Admittance to Storehouſes, &c. may break open the Doors.

XXIII. And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed, and for the Recovery and Application whereof no other Proviſion is herein-before made, ſhall be ſued for, and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in *Weſtminſter*, or in the Court of Exchequer in *Scotland*.

How and where Penalties may be recovered.

XXIV. And that the reſpective Courts before whom the ſame ſhall be recovered may and are hereby authoriſed, (if they ſhall think fit) to mitigate all or any of the pecuniary Penalties herein-before inflicted to any Sum not leſs than One Fourth Part of the Sum herein reſpectively mentioned; and that One Moiety of all ſuch Penalties and Forfeitures, when recovered, ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſue for the ſame, or give Information of, or diſcover the Offence.

Courts may mitigate the Penalties, if they ſee Cauſe, to One Fourth of the Sum mentioned.

XXV. Provided always, That all Suits, Proſecutions, or Informations, for Offences committed againſt this Act, ſhall be commenced and made within the Space of Six Kalendar Months after the Fact is committed, and not otherwiſe; any Thing herein contained to the Contrary notwithſtanding.

Limitation of Actions.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within the Space of Four Kalendar Months next after the Offence ſhall be committed: And if ſuch Action or Suit ſhall be commenced or proſecuted in that Part of *Great Britain* called *England*, the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance, and by the Authority, of this Act: And if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action, after the Defendant or Defendants ſhall have appeared, or if Judgment ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes, by Law: And if ſuch Action or Suit be commenced or proſecuted in that Part of *Great Britain* called *Scotland*, the Court before whom ſuch Action or Suit ſhall be brought ſhall allow the Defender to plead this Act on his Defence; and if the Purſuer ſhall not inſiſt on his Action, or if Judgment ſhall be given againſt ſuch Purſuer, the Defendant ſhall and may recover the full and real Expences he may have been put to by any ſuch Action or Suit.

Perſons, againſt whom Actions ſhall be commenced, may plead the General Iſſue

Defendant may recover Treble Coſts,

Defendant in Scotland may plead this Act, and if Judgment be given againſt the Purſuer, he may recover his Expences, &c.

XXVII. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue until the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four.

This Act to continue till Jan. 1, 1774.

XXVIII. Provided nevertheleſs, That the ſaid Continuation may be abridged or ſhortened, and this Act, or any Part thereof, may be altered and varied by any other Act or Acts to be made in this preſent Seſſion of Parliament.

Proviſo.

CAP. IV.

An Act to continue for a further Time, an Act made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act of to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled*, An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from *Ireland*, for a limited Time, and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the *Britiſh* Dominions in *America*, for a limited Time.

Preamble.
Act 5 Geo. III.
Act 8. Geo. III.

'WHEREAS an Act was made in the Fifth Year of His preſent Majeſty's Reign, (intituled, *An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time*): And whereas an Act was made in the Eighth Year of His preſent Majeſty's Reign, to continue and amend

'amend the ſaid firſt-mentioned Act, and for allowing the Importation of Salted Beef, Pork, Bacon, 'and Butter, from the *Britiſh* Dominions in *America*, for a limited Time: And whereas by Four 'Acts, made in the Ninth, Tenth, Eleventh, and Twelfth Years of the Reign of His preſent Majeſty, 'the ſaid laſt mentioned Act was continued until the Firſt Day of *March*, One thouſand ſeven hun- 'dred and ſeventy-three: And whereas it is expedient that the Importation of the ſaid Goods and 'Commodities ſhould be allowed for a longer Time; may it therefore pleaſe Your Majeſty, that it may 'be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, made in the Eighth Year of His preſent Majeſty's Reign, (intituled, *An Act to continue and amend an Act, made in the Fifth Year of the Reign of His preſent Majeſty, intituled, An Act for Importation of Salted Beef, Pork, Bacon, and Butter, from* Ireland, *for a limited Time, and for allowing the Importation of Salted Beef, Pork, Bacon, and Butter, from the* Britiſh *Dominions in* America, *for a limited Time,*) ſhall continue and be in full Force and Effect, until the Firſt Day of *March*, One thouſand ſeven hundred and ſeventy-four.

and Acts 9, 10, 11, & 12 Geo. III.

further continued till March 1, 1774.

CAP. V.

An Act to continue, for a further Time, an Act made in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe*; and to permit the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, into this Kingdom, from any Part of *Europe*, for a limited Time, free of Duty.

Preamble. Act 7. Geo. III. Act 10 Geo. III.

'WHEREAS an Act of Parliament paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act to diſcontinue, for a limited Time, the Duties payable upon the Importation of Tallow, Hogs-lard, and Greaſe:* And whereas an Act was made in the Tenth Year of His 'preſent Majeſty's Reign, to continue the ſaid Act until the Twenty-fifth Day of *March*, One thou- 'ſand ſeven hundred and ſeventy-three: And whereas the allowing the Importation of Tallow, Hogs- 'lard, and Greaſe, for a further Time, may be of great Advantage: May it therefore pleaſe Your 'Majeſty, that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act of the Seventh Year of His preſent Majeſty's Reign, and all and every the Clauſes, Proviſions, Penalties, Forfeitures, Allowances, Matters, and Things therein contained, ſhall be further continued, from the Expiration thereof, until the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-ſix, as fully and effectually, to all Intents and Purpoſes, as if the ſame were inſerted and re-enacted in the Body of this preſent Act.

further continued until March 25, 1776.

After the paſſing hereof, Salted Beef, Pork, Bacon, Hams, and Cheeſe, from any Part of Europe, ſhall be admitted Duty free till January 1, 1774.

'II. And whereas the free Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, from any 'Part of *Europe*, for a limited Time, may be of great Advantage;' be it enacted, That, from and after the paſſing of this Act, the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe, from any Part of *Europe* into *Great Britain*, be admitted free of Duty, until the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four; and that all the Clauſes, Proviſions, Penalties, Forfeitures, Allowances, Matters, and Things, contained in the ſaid Act of the Seventh Year of His preſent Majeſty's Reign, ſhall extend, and be conſtrued to extend, to the Importation of Salted Beef, Pork, Bacon, Hams, and Cheeſe.

CAP. VI.

An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three.

CAP. VII.

An Act for allowing the free Importation of Rice into this Kingdom, from any of His Majeſty's Colonies in *America*, for a limited Time; and for encouraging the making of Starch from Rice.

Preamble.

After the paſſing hereof, Rice may be imported into Britain from America, at any Time before May 1, 1780, without Payment of Duty.

'WHEREAS the allowing the free Importation of Rice, from any of His Majeſty's Colonies 'in *America* into *Great Britain* for a limited Time, is, and will be, of great Advantage, and may 'be a Means of encouraging the making of Starch from Rice: May it therefore pleaſe Your Majeſty 'that it may be enacted;' and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, it ſhall and may be lawful for any Perſon or Perſons to import into *Great Britain*, from any of His Majeſty's Colonies in *America*, at any Time or Times before the Firſt Day of *May*, One thouſand ſeven hundred and eighty, any Rice, without the Payment of any Subſidy, Cuſtom, Duty, or Impoſition whatſoever; any Thing in any former Act or Acts of Parliament to the Contrary thereof in anywiſe notwithſtanding.

II. And

II. And be it further enacted by the Authority aforesaid, That for and upon all Rice which shall be imported into this Kingdom Duty-free, by virtue of this Act, and which shall be again exported thereout, there shall be paid and answered to His Majesty, His Heirs and Successors, a Subsidy of Poundage of Sixpence in the Pound, according to the Value or Rate set upon Rice imported, in the Book of Rates referred to by the Act of the Twelfth Year of King *Charles* the Second; which said Subsidy of Sixpence in the Pound, upon such Rice so exported, shall be raised, levied, collected, and recovered, by such Ways and Means, and under such Rules, Regulations, Penalties, and Forfeitures, as the Subsidy or Poundage for any Goods or Merchandise exported from *Great Britain*, may be raised, levied, collected, or recovered, by any Act of Parliament now in force, as fully and effectually, to all Intents and Purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures, relating thereto, were particularly repeated and again enacted in the Body of this present Act.

All such Rice being afterwards exported, to pay to His Majesty, &c. a Subsidy of 6 d. in the Pound, as by Act 12 Car. II.

III. And be it further enacted by the Authority aforesaid, That the said Duties, granted by this Act upon Rice exported, shall (the necessary Charges of Management excepted) be paid into the Receipt of His Majesty's Exchequer, and be there reserved for the Disposition of Parliament.

The Duties to be paid into the Receipt of Exchequer.

IV. And whereas *William Prince* is intitled, under certain Letters Patent, granted to him some Time in the Year One thousand seven hundred and sixty-eight, to the sole and exclusive Right of making Starch from Rice for the Term of Fourteen Years, commencing from the Date thereof; and the said *William Prince* hath consented to waive all Benefit, under the said Letters Patent, for the general Advantage of the Starch Manufactory; be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful for any Person or Persons whomsoever to make Starch of Rice, the said Letters Patent, or other Matter or Thing to the Contrary notwithstanding.

After the passing hereof, all Persons may make Starch of Rice, William Prince's Letters Patent notwithstanding.

CAP. VIII.

An Act for granting an Aid to His Majesty by a Land Tax, to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and seventy-three.

CAP. IX.

An Act to restrain the *East India Company*, for a limited Time, from making any Appointment of Commissioners for superintending and regulating the Company's Affairs, at their Presidencies in the *East Indies*.

CAP. X.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

CAP. XI.

An Act for the Regulation of His Majesty's Marine Forces, while on Shore.

CAP. XII.

An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments within the Time limited by Law, and for giving further Time for that Purpose; and to give further Time to such Persons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors.——Preamble. Persons who have omitted to take the Oaths appointed by Act 1 Geo. 1. or to have qualified themselves according to the Act 13 Car. 2. Or according to the Act 25 Car 2. Or according to the 30 Car. 2. Or according to the 8 Geo. 1. Or according to the 9 Geo. 2. Or according to the 18 Geo. 2. Or according to the Act 6 Geo. 3. Such Persons qualifying themselves before the passing of this Act, or before Dec. 25, 1773, shall be, and are indemnified against Forfeitures. Incapacities or Disabilities incurred or to be incurred by Neglect or Omission. Provided that this Act not to extend to restore Persons to any Office avoided by Judgment of any of the King's Courts of Record. And it is further enacted, that Persons who shall cause Affidavits to be made and filed, on or before the first Day of Michaelmas Term 1773, of the actual Execution of Contracts in Writing to serve as Clerks to Attornies or Solicitors are indemnified, and discharged from Penalties. Forfeitures, Incapacitates and Disabilities incurred or to be incurred by Neglect or Omission.

CAP. XIII.

An Act to enable certain Persons therein named to continue to work a Pestle Mill, heretofore employed and used in making Battle Gunpowder, at *Old Forge Farm*, in the Parish of *Tonbridge*, in the County of *Kent*.

CAP. XIV.

An Act to encourage the Subjects of Foreign States to lend Money upon the Security of Freehold or Leasehold Estates, in any of His Majesty's Colonies in the *West Indies*; and to render the Securities granted to such Aliens effectual for recovering Payment of the Money so to be lent, by Sale of such Freehold or Leasehold Estates.

Preamble.

'WHEREAS the Cultivation and Improvement of Estates in His Majesty's Colonies in the *West Indies*, and the erecting of Sugar Works and other necessary Buildings thereon, are attended with great Expence; and the Proprietors of such Estates are often obliged to borrow large Sums of Money for these Purposes, upon the Credit of such Estates: And whereas it has been found difficult to procure sufficient Loans from the Subjects of this Kingdom, and it would tend greatly to the Improvement of such Estates, and to the publick Benefit, if Money could be borrowed at a reasonable Rate of Interest, from the Subjects of Foreign States, for the Purposes aforesaid; but Doubts have arisen, whether, as the Law now stands, any Security, in the Nature of a Mortagage granted to a Foreigner, or Alien, or to any Person in Trust for him, can be made effectual against such Estates, for recovering the Money lent thereon: And whereas no Foreigner or Alien, as the Law now stands, can bring or prosecute any Suit, for the Recovery of Money, in any Court of Law or Equity within His Majesty's Dominions, at a Time when the State of which such Alien is a natural-born Subject, is at War with this Kingdom': In order to remove such Doubts, and to encourage Foreigners, or Aliens, to lend Money upon the Security of such Estates; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful to and for all and every Person and Persons, being Foreigners, or Aliens, to lend Money at a Rate of Interest not exceeding Five Poonds *per Centum per Annum*, upon the Security of any Freehold or Leasehold Estate, in any of His Majesty's Colonies in the *West Indies*, and to hold the same as an effectual Security for the Money lent, and to prosecute any Suit or Suits for recovering the same, as herein-after mentioned, whether the Foreign State, of which such Alien is a natural-born Subject, be at War with this Kingdom or not.

After the passing of this Act, Foreigners may lend Money at Interest, not exceeding 5l. per Cent. on the Security of Freehold Estates in the West Indies.

In case of Non-payment, Suits may be brought at Common Law, for recovery of Demands; or in the Court of Chancery for the Colony; and the Plaintiff be intitled to the like Remedy for Recovery, as British Subjects.

II. And be it enacted by the Authority aforesaid, That in case of Non-payment of the Money lent upon any such Security at the Time therein stipulated and agreed upon; it shall and may be lawful to and for all and every such Foreigners, or Aliens, to bring and prosecute, by themselves or their lawful Attornies respectively, any Suit or Suits at Common Law for the Recovery of their Demands, on any Bond, or other collateral Security, given or entered into, or on any Covenant on the Part of the Borrower, contained in any such Mortgage, Deed, or Deeds; and also his, her, or their Bill or Bills in the Court of Chancery of the Colony, where the Estate, on which such Security shall have been granted, lies, praying a Decree of Sale of the said mortgaged Premises, for Payment of the Debt due thereon; in which said Suit or Suits the Plaintiff or Plaintiffs shall be intitled to like Remedy and Remedies, for Recovery of his Debt and Costs due, as any *British* Subject now may or can have; except the being intitled to have or obtain, directly or indirectly, the actual Possession of any such mortgaged Premises, by any Proofs of Execution whatsoever at the Common Law; or to foreclose the Equity of Redemption of such mortgaged Premises by any Decree or Order of any Court of Equity whatsoever.

Court of Chancery to order the Sale of mortgaged Premises as in Cases where the Mortgager hath consented to a Sale.

III. And be it enacted by the Authority aforesaid, That the said Court of Chancery, where such Bill or Bills shall be brought, may and shall direct and order the Sale of such mortgaged Premises, in the Manner as in Cases where the Mortgager hath consented to a Sale of the same; any Law, Usage, or Practice to the Contrary thereof in any-wise notwithstanding.

Inconveniencies arising from the want of Means to compel Foreigners to appear to such Bills, how to be prevented.

IV. And whereas upon Bills brought for the Redemption of such Mortgages, Inconveniencies may arise from the Want of Means to compel such Foreigners, or Aliens, or their Representatives, to appear to such Bills, who may reside out of the Jurisdiction of the Court where such Bills may be brought; be it enacted by the Authority aforesaid, That in all such Cases, Service of any Writ or Process of such Court, upon the known Attorney or Agent of such Foreigners or Aliens residing within the Jurisdiction of the said Court respectively, shall be deemed good Service of such Writ or Process upon any such Foreigner or Alien: And in case the Defendant or Defendants shall be absent, and have no such Attorney or Agent resident within the Jurisdiction of the Court, upon Affidavit thereof made by the Person or Persons seeking such Relief, or by his, her, or their Attorney, duly constituted to the Satisfaction of the Court out of which such Writ or Process shall issue, (in which Affidavit shall be expressed the Place of Residence of such Foreigner, according to the best of the Deponent's Information and Belief), it shall be lawful for such Court to issue a Commission under Seal to Commissioners therein to be named, authorising such Commissioners to take Affidavit of the Service of such Writ or Process on the Defendant or Defendants personally, or his, her, or their usual Place of Residence, and to certify the same; and such Affidavit, returned with such Commission into the said Court shall be com-

competent Evidence of the Service of such Writ or Process; any Law, Custom or Usage to the Contrary in any-wise notwithstanding: And if the Defendant or Defendants shall not, within Six Months after Service of the said Writ or Process, upon the Attorney or Agent in the Colony, or upon the Defendant or Defendants abroad, appear to the said Bill, either in Person, or by some Attorney or Attornies for that Purpose, lawfully to be appointed under Hand and Seal, or according to the Usage of the Country to which the Defendant belongs; then, and in such Case the Court of Chancery in which such Suit shall be brought is hereby authorised and required to take the Bill *pro confesso*, and to order and decree an Account to be taken, by One of the Masters of the said Court, of what is due to the Defendant or Defendants for Principal and Interest, and also for Costs, if any; in taking of which Account, the Complainant or Complainants shall be obliged to shew or produce, before the Master, proper Vouchers for all Credits that he, she, or they shall claim: And the said Court is hereby further authorised, on the Coming in of the Master's Report, to make a final Decree, appointing a Time and Place for Payment of the Sum, which, by such Report, shall appear to be due to the Defendant or Defendants, together with Interest on the said principal Sum, until tendered as herein-after mentioned, and adjudging a Redemption of the mortgaged Premises, upon the Payment of the said Principal and Interest, and Costs, if any, either to the Defendant or Defendants, or to his, her, or their lawful Attorney or Attornies to be constituted as aforesaid, or into the Bank of *England* as hereinafter prescribed.

Court of Chancery may on the Coming in of the Master's Report, make a final Decree for Payment.

V. And be it further enacted, That, after a Time and Place for Redemption of any such Mortgage, and the Sum of Money to be paid for such Redemption shall be ascertained by the said Court, according to the usual Course of Proceeding in Cases of Redemption of Mortgages, if the Sum of Money so to be paid shall be then and there lawfully tendered, and if such Mortgagee or Mortgagees, or his or their Representative or Representatives, Attorney or Attornies, shall refuse to receive the same, or shall not attend for that Purpose; then, and in either of such Cases, it shall be lawful for the Mortgager or Mortgagers, or his or their legal Representative or Representatives, or his, her, or their Attorney or Attornies, to pay such Sum of Money into the Bank of *England*, in the Name, and with the Privity of the Accountant-general of the High Court of Chancery of *England*, to be placed to his Account there *ex parte*, the Mortgager or Mortgagers, or his or their Representative or Representatives, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, (intituled, *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds)*, and the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, (intituld, *An Act to impower the High Court of Chancery to lay out, upon proper Securities, any Monies not exceeding a Sum therein limited, out of the Common and General Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant-general of the said Court)*, there to remain for the Benefit of the Mortgagee or Mortgagees, their Executors, Administrators, or Assigns, and to be laid out on Government or Parliamentary Securities, as herein after mentioned, until he, she, or they shall, upon a Petition to be preferred to the High Court of Chancery, in a summary Way, at his, her, or their Expence, obtain an Order of that Court for the Payment thereof, and of all Interest, Profits, and Dividends arising therefrom.

Mortgagees refusing to receive the Sum tendered, the Mortgager is to pay the same into the Bank of England.

pursuant to Act 12 Geo. I.

and according to the General Rules of Court, and Act 12 Geo. II.

for the Benefit of the Mortgagees.

VI. And it is hereby further enacted by the Authority aforesaid, That a Certificate or Certificates of the Accountant-general, under his Hand, (which he is hereby directed to give without Fee or Reward, as well to the Mortgager or Mortgagers, his, her, or their Heirs, as to the Morgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, upon Application made to him for that Purpose), that the Mortgager or Mortgagers, or his, her, or their Heirs or Representatives, Attorney or Attornies, have paid such Sum into the Bank of *England*, shall be a good and effectual Discharge to the Mortgager or Mortgagers, or his, her, or their Heirs; and that after such Certificate shall be so given, the Mortgager or Mortgagers, his, her, or their Heirs or Assigns, and all and every other Person and Persons who shall or may be Surety or Sureties for the Payment of the Sum originally lent, or the Interest thereof, shall be, and are hereby absolutely acquitted, released, and discharged of and from the same; and that the legal Estate, and all other the Interest of the Mortgagee or Mortgagees, or of his, her, or their Representative or Representatives, in the mortgaged Premises, shall be, and is hereby declared to be, from and after the granting such Certificate or Certificates, revested in the Mortgager or Mortgagers, or his, her, or their Heirs respectively, or in whom he, she, or they shall respectively appoint.

A Certificate of the Accountant-general for the Payment, to be an effectual Discharge to the Mortgager.

VII. And be it further enacted by the Authority aforesaid, That in the mean Time, and until the Mortgagee or Mortgagees, or his, her, or their legal Representative or Representatives, shall apply by Petition to the High Court of Chancery for an Order to receive the said Sum, the said Accountant-general shall, and he is hereby directed and impowered to place out the same on Government or Parliamentary Securities; and shall pay the Interest, Dividends, or Profits therefrom arising, from Time to Time, as the same shall become due and payable unto the Person or Persons who shall be intitled to the Sum so paid into the said Bank.

Before Application to Chancery for an Order to receive the sum, the Accountant is to place it out on Government Security.

VIII. And be it further enacted by the Authority aforesaid, That the said High Court of Chancery shall, and is hereby required and authorised to make an Order for the Payment of the Sum that shall be so paid into the said Bank as aforesaid, and of all Dividends, Profits, and Interest therefrom arising, to the Person or Persons intitled thereto, upon an Application made to the said Court by Petition, in a sum-

Court of Chancery to order Payment of Money paid into the Bank, &c.

on Application in a ſummary Way by the Mortgagee.

a ſummary Way, by the Mortgagee or Mortgagees, his, her, or their Executors, Adminiſtrators, or Aſſigns; on hearing of which Petition it ſhall be ſufficient for the Petitioner or Petitioners to prove, to the Satisfaction of the Court, that he, ſhe, or they, is or are the Perſon or Perſons for whoſe Uſe or Benefit the Money was ſo paid into the ſaid Bank, or that he, ſhe, or they, are the legal Repreſentative or Repreſentatives of ſuch Perſon or Perſons, without requiring any of the Proceedings in the Court of Chancery of the Colony in the Cauſe to be tranſmitted hither; and upon producing ſuch Order to the Accountant-general, the Money ſhall be paid to the Perſon ſpecified in ſuch Order, or to his, her, or their lawful Attorney or Attorneis, without Fee or Reward.

Publick Act.

IX. And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without being ſpecially pleaded.

CAP. XV.

An Act for paving, cleanſing, and lighting the *High Street*, *Eaſt Street*, and *Weſt Street*, in the Town and Pariſhes of *Graveſend* and *Milton*, in the County of *Kent*; and for lighting the other Streets; and for removing all Incroachments and Annoyances within the ſaid Town and Pariſhes.——Preamble. Names of the Commiſſioners. Qualification of Commiſſioners. No Penalty upon the High Steward, Governors, &c. Firſt Meeting of Commiſſioners. For appointing Officers. Penalty on Officers offending. Property of Pavements, &c. veſted in Commiſſioners. Commiſſioners to order the Streets, &c. to be paved; and to cauſe all Incroachments to be removed. Penalty on altering Pavements, &c. without Conſent of the Commiſſioners. Commiſſioners may contract for paving, &c. and cauſe a certain Proportion of the old Materials to be uſed. Commiſſioners, &c. to take neceſſary Materials for paving, according to Law. Commiſſioners may cauſe Pavements to be repaired upon Complaint of any Two Houſekeepers. The Limits of the *High Street*, *Eaſt Street*, and *Weſt Street*, aſcertained. Rates to be paid by Occupiers, &c.; who may deduct the ſame out of their Rents. How Rates are to be recovered from Perſons quitting Poſſeſſion. Leſſees deemed Owners. Not to make void any Contract between Landlord and Tenant. Additional Rates. Poor's Rates may be inſpected. Perſons paying the laſt-mentioned Rate to be excuſed doing Statute-duty. No Perſons to be excuſed who keep Teams. All Perſons liable to pay additional Rates, &c. Money to be raiſed by Annuities. Annuities not to be ſubject to Land-tax. Rates to be lowered in proportion as Annuitants drop. Annuitants dying, others may purchaſe, but not to be above the Value of 200 *l.* Commiſſioners may borrow an additional Sum of 700 *l.* at common Intereſt. When the Surplus-money in the Hands of the Commiſſioners amounts to a certain Sum, it is to be applied in paying off Debts. Annuities and Money borrowed to be entered in Books. Securities may be transferred. No Preference to be given in reſpect of the Priority of advancing Money. Commiſſioners impowered to erect Lamps, &c. Perſons breaking Lamps, &c. how to be puniſhed. The Expence of lighting the Lamps how to be defrayed. Rates to commence from *March* 25, 1773. Commiſſioners to appoint Collectors. The Penalty on refuſing to execute the Office of Collector, is 5 *l.* and he is liable to be again elected. How the Rates ſhall be collected, when Houſes are let to different Tenants. How Rates on Tenants or Occupiers are to be recovered. Occupiers ſhall pay the Rates in Proportion to the Time of occupying. Commiſſioners to take down Signs, &c. Carriages prohibited to drag, except with flat Iron Drags. Penalty on driving Carriages on the Footways, not to exceed 10 *s.* nor leſs than 3 *s.* Penalty on hooping Caſks, &c. in the Streets, not to exceed 20 *s.* nor leſs than 3 *s.* Commiſſioners, &c. to give Licence for erecting Hoards, &c. Foot-ways to be ſwept. To prevent making Bow-windows, &c. The Act to extend to other Streets in the ſaid Town and Pariſh. New Commiſſioners how to be elected. A ſufficient Number of Commiſſioners not appearing, the Clerk may adjourn the Meeting. Commiſſioners to defray their own Expences. Commiſſioners at any Meeting, not leſs than Three, may act, (except as excepted.) Proceedings to be entered in Books. Orders, &c. to be made by the Majority of the Commiſſioners preſent. The Expences of the Act to be paid out of the firſt Monies. Penalties and Forfeitures how to be recovered and applied. Commiſſioners may act as Juſtices. Perſons aggrieved may appeal to the Quarter-ſeſſions. Diſtreſs not unlawful for want of Form. Proceedings not to be quaſhed for want of Form, nor removed by *Certiorari*. Writings to be without Stamps. No Action to be commenced till after Notice given, &c. General Iſſue. Treble Coſts. Public Act.

CAP. XVI.

An Act for taking down the Shire Hall of the County of *Devon*, and for building a new Shire Hall in a more commodious Manner.——Preamble. Shire Hall, veſted in Commiſſioners, to be taken down; and a new one to be built. Manner of holding Meetings. Expences of Building to be defrayed by the Commiſſioners. Money to be raiſed by Commiſſioners, by Aſſeſſment on the County. Not more than 4000 *l.* to be raiſed. The Shire Hall to be ſupported at the Expence of the County. Proceedings to be entered in Books. All Accounts to be depoſited with the Clerk of the Peace. 1231 *l.* 13 *s.* 2 *d.* veſted in Truſtees for the Uſe of the ſaid County, may be applied for the Purpoſes of this Act. The Scite of the Building veſted in His Majeſty, granted by Act 9 *Anne*, to ſeveral Perſons in Truſt; and by 2 *Geo.* 1. The Caſtle veſted in Truſtees, in Truſt, for the Purpoſes of the Act. From the paſſing hereof, the ſaid Term ſhall ceaſe: Proviſo and Condition, that the Truſtees

pay

pay the yearly Rent of 10 Pounds. General Saving. The Act not to prevent guarding or fortifying the Caſtle. When the Truſtees ſhall be reduced to leſs than Seven, others to be appointed. Perſons damaging the Buildings how to be puniſhed. Limitation of Actions. General Iſſue. Treble Coſts. Publick Act.

CAP. XVII.

An Act for making the Exemplification of the Laſt Will and Teſtament of *William* Earl of *Bleſington*, in the Kingdom of *Ireland*, deceaſed, Evidence as well in *Ireland* as in *Great Britain*.

CAP. XVIII.

An Act to repeal an Act, paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual Relief of the Poor in the County of* Devon; and for other Purpoſes therein mentioned.

CAP. XIX.

An Act to amend and render more effectual an Act paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and improving certain Fen Lands within the Manor and Pariſhes of* Upwell *and* Outwell, *and in the Pariſhes of* Denver *and* Welney, *in the* Iſle of Ely, *and Counties of* Cambridge *and* Norfolk, ſo far as the ſame relates to the Lands lying on the South Side of *Popham's Eau*.

CAP. XX.

An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds in the* Iſle of Ely, *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall *River, South*; Plant Load *and* Brandon *River, North*; *bounded on the Weſt by the River* Ouſe; *and on the Eaſt by* Winter Load, Earſwell *Brook, and the Hard Lands of* Mildenhall; *and for impowering the Governor, Bailiffs and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *to ſell certain Fen Lands lying within the Limits aforeſaid commonly called* Inveſted Lands; ſo far as the ſame relates to the ſeveral Fen Lands and Low Grounds lying in the Firſt Diſtrict deſcribed in the ſaid Act.——Preamble. Act 33 *Geo.* 2. A further Tax to be laid. No further Sum to be borrowed during the Continuance of the additional Tax, except on Emergency. Commiſſioners may ſuſpend the additional Tax if Monies due ſhall be reduced to 6000 *l.* Additional Tax to be paid in Moieties by Landlord and Tenant. Penalty for deſtroying the Banks by burning Lands, to be levied by Diſtreſs and Sale; or Offenders may be committed. Owners and Occupiers to repair and ſcour Ditches and Tunnels. Penalty on Neglect, is 3 *d. per* Rod. Owners of Mills reſtrained from throwing Water upon the Lands of other Perſons. Acting Commiſſioners are to prevent any Injury from private Drainage. River Banks not to be cut but under the Inſpection of the Commiſſioners Officers. Nothing contained to prevent Mr. *Jones* from imbanking and ſeparately draining his Lands. Limitation for the Digging of Turf. The Time of paying the Taxes to be appointed by Commiſſioners. Penalty in caſe of Nonpayment, is 3 *s.* 4 *d.* for every 20 *s.* due. Commiſſioners may ſell Lands for Payment of Taxes. Commiſſioners to give Notice to Owners of Lands to be ſold; and alſo Notice of Sale. Proviſo. Taxes to be levied on Goods of Perſons driving their Cattle off their Lands chargeable with the Taxes. Lands to be rated to the Poor's Rates, according to reduced Rent. The South Bank of *Brandon* River, and the Weſt Bank of *Lakenheath-Load*, how to be repaired. Commiſſioners impowered to erect Turnpikes, and take Tolls to repair the Banks. Tolls veſted in the Commiſſioners. Penalty on Perſons refuſing to pay Tolls. Penalty on taking off Horſes to avoid the Tolls. Commiſſioners to erect a Toll-houſe for maintaining certain Banks. Proviſo. No Toll on Horſes haling Boats with Materials for Repair of Banks, *&c.* Appeal may be made to the Quarter Seſſions. Juſtices Determination not removeable by *Certiorari*. Rights of the Conſervators of *Bedford Level* ſaved as by 15 *Car.* 2. Limitation of Actions. General Iſſue. Treble Coſts. Publick Act.

CAP. XXI.

An Act to extend the Proviſions of an Act, made in the Fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to explain a Clauſe in an Act made in the Seventh Year of the Reign of Her late Majeſty Queen* Anne, *for naturalizing Foreign Proteſtants, which relates to the Children of the natural-born Subjects of the Crown of* England, *or of* Great Britiain, *to the Children of ſuch Children.*

'WHEREAS divers natural-born Subjects of *Great Britain*, who profeſs and exerciſe the Proteſtant Religion through various lawful Cauſes, eſpecially for the better carrying on of Commerce, have been, and are, obliged to reſide in ſeveral trading Cities and other Foreign Places, where they have contracted Marriages, and brought up Families: And whereas it is equally juſt and expedient Preamble.

'expedient that the Kingdom ſhould not be deprived of ſuch Subjects, nor loſe the Benefit of the 'Wealth that they have acquired; and therefore that not only the Children of ſuch natural-born 'Subjects, but their Children alſo, ſhould continue under the Allegiance of His Majeſty, and be in-'tituled to come into this Kingdom, and to bring hither and realize, or otherwiſe employ, their 'Capital; but no Proviſion hath hitherto been made to extend farther than to the Children born out 'of the Ligeance of His Majeſty, whoſe Fathers were natural-born Subjects of the Crown of *Eng-'land*, or of *Great Britain*:' May it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Perſons born, or who hereafter ſhall be born, out of the Ligeance of the Crown of *England*, or of *Great Britain*, whoſe Fathers were or ſhall be, by virtue of a Statute made in the Fourth Year of King *George* the Second, to explain a Clauſe in an Act made in the Seventh Year of the Reign of Her Majeſty Queen *Anne*, for naturalizing Foreign Proteſtants, which relates to the natural-born Subjects of the Crown of *England*, or of *Great Britain*, intitled to all the Rights and Privileges of natural-born Subjects of the Crown of *England* or of *Great Britain*, ſhall and may be adjudged and taken to be, and are hereby declared and enacted to be, natural-born Subjects of the Crown of *Great Britain*, to all Intents, Conſtructions, and Purpoſes whatſoever, as if he and they had been and were born in this Kingdom: any Thing contained in an Act of the Twelfth Year of the Reign of King *William* the Third, intituled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject*, to the Contrary in any-wiſe notwithſtanding.

Proviſoes, &c. of 4 Geo. II. not repealed by this Act.

II. Provided always, and be it enacted and declared by the Authority aforeſaid, That nothing in this preſent Act contained ſhall extend, or be conſtrued, adjudged, or taken to extend, to make any Perſons born, or to be born, out of the Ligeance of the Crown of *England*, or of the Crown of *Great Britain*, to be natural-born Subjects of the Crown of *Great Britain*, contrary to all or any of the Proviſoes, Exceptions, Limitations, and Reſtrictions, contained in the aforeſaid Act, made in the Fourth Year of the Reign of His ſaid late Majeſty, or to repeal, abridge, or alter the ſame; but all ſuch Clauſes ſhall be, and remain in the ſame State, Plight, and Condition, to all Intents, Conſtructions, and Purpoſes whatſoever, as they would have been if this preſent Act had never been made.

Not to abridge or alter the Act 5 Geo. I.

III. Provided alſo, and be it further enacted by the Authority aforeſaid, That nothing in this preſent Act contained ſhall extend, or be conſtrued, adjudged, or taken to repeal, abridge, or any-ways alter, an Act made in the Fifth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act to prevent the Inconveniencies ariſing from ſeducing Artificiers in the Manufactures of* Great Britain, *into Foreign Parts*; nor to repeal, abridge, or any ways alter, any Law, Statute, Cuſtom or Uſage whatſoever, now in Force, concerning Aliens, Duties, Cuſtoms, and Impoſitions, nor to cauſe any Privilege, Exemption, or Abatement relating thereto, in favour of any Perſon naturalized by virtue of this Act, unleſs ſuch Perſon ſhall come into this Realm, and there inhabit and reſide, and ſhall take and ſubſcribe the Oaths, and make, repeat, and ſubſcribe the Declaration appointed by an Act, made in the Firſt Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*, in ſuch Manner and Form, and at ſuch Place and Places as are in and by the ſaid Act directed, and alſo receive the Sacrament of the Lord's Supper, according to the Uſage of the Church of *England*, or in ſome Proteſtant or reformed Congregation within this Kingdom of *Great Britain*, within Three Months before their taking the Oaths in the ſaid Act mentioned; and ſhall, at the Time and Place of taking and ſubſcribing the ſaid Oaths, and of the making, repeating, and ſubſcribing the ſaid Declaration, produce a Certificate ſigned by the Perſon adminiſtering the ſaid Sacrament, and atteſted by Two credible Witneſſes, whereof an Entry ſhall be made of Record in the Court and Courts reſpectively wherein ſuch Oaths ſhall have been taken and ſubſcribed, without any Fee or Reward.

Not to defeat any Right veſted in another Perſon on the laſt Day of this Seſſion.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be enabled hereby to defeat any Eſtate, Right, or Intereſt, which upon the laſt Day of this Seſſion ſhall be lawfully veſted in any other Perſon, or to claim or demand any Eſtate or Intereſt, which ſhall hereafter accrue, unleſs ſuch Claim or Demand be made within Five Years next after the ſame ſhall accrue.

CAP. XXII.

An Act to continue an Act made in the Sixth Year of His preſent Majeſty, intituled, *An Act to regulate the Loading of Ships with Coals, in the Ports of* Newcaſtle *and* Sunderland.

Preamble. Act 6 Geo. III.

'WHEREAS an Act was made in the Sixth Year of His preſent Majeſty, intituled, *An Act 'to regulate the Loading of Ships with Coals, in the Ports of* Newcaſtle *and* Sunderland; which 'was to continue in Force for Seven Years: And whereas the ſaid Act has proved uſeful to the Coal 'Trade;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal,

poral, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act ſhall be, and is hereby continued, from the Expiration thereof, for the further Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament. continued for a further Term of Seven Years.

CAP. XXIII.

An Act for defraying the Charge of the Pay and Cloathing of the Militia in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March*, One thouſand ſeven hundred and ſeventy-three.

CAP. XXIV.

An Act for further continuing Two Acts, made in the Sixth and Ninth Years of His Majeſty's Reign for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, in His Majeſty's Dominions in *America*.——Preamble. Act 12. *Geo.* 3. further continued until *March* 24, 1775.

CAP. XXV.

An Act to explain Two Acts of Parliament, One of the Thirteenth Year of the Reign of of His late Majeſty, for naturalizing ſuch Foreign Proteſtants, and others, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in *America*; and the other of the Second Year of the Reign of His preſent Majeſty, for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve, as Officers or Soldiers in His Majeſty's Royal *American* Regiment, or as Engineers, in *America*.

'WHEREAS by an Act, made in the Thirteenth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in* America), all Perſons born out of the Allegiance of His Majeſty, His Heirs or Succeſſors, who ſhall have inhabited and reſided, or ſhall inhabit or reſide, for the Space of Seven Years or more, in any of His Majeſty's Colonies in *America*, or ſhall not have been abſent out of the ſaid Colonies for a longer Space than Two Months at any One Time, during the ſaid Seven Years, are, upon the Conditions preſcribed by the ſaid Act, naturalized and made Partakers of all the Benefits and Privileges which the natural-born Subjects of this Realm do enjoy, other than ſuch as are ſpecified in a Proviſo in the ſaid Act contained: And wherers by an Act, made in the Second Year of the Reign of His preſent Majeſty, (intituled, *An Act for naturalizing ſuch Foreign Proteſtants as have ſerved, or ſhall ſerve, for the Time therein mentioned, as Officers or Soldiers in His Majeſty's Royal* American *Regiment, or as Engineers in* America,) it is enacted, That all ſuch Foreign Proteſtants, as well Officers as Soldiers, who have ſerved, or ſhall hereafter ſerve, in the Royal *American* Regiment, or as Engineers in *America*, for the Space of Two Years, ſhall, upon the Terms required by the ſaid recited Act, be deemed, adjudged, and taken to be His Majeſty's natural-born Subjects of this Kingdom, to all Intents, Conſtructions, and Purpoſes, as if they and every of them had been, or were, born within this Kingdom; and in both which Acts reſpectively are contained Proviſoes, That no Perſon, who ſhall become a natural-born Subject of this Kingdom by virtue of the ſaid Acts, ſhall be thereby enabled to be of the Privy Council, or a Member of either Houſe of Parliament, or to be capable of taking, having, or enjoying any Office or Place of Truſt within the Kingdom of *Great Britain* or *Ireland*, either Civil or Military, or of having, accepting, or taking any Grant from the Crown, to himſelf, or to any other in Truſt for him, of any Lands, Tenements, or Hereditaments, within the Kingdoms aforeſaid:' And whereas Doubts may nevertheleſs ariſe, whether ſuch Perſons as have been, or may be naturalized under or by virtue of the ſaid recited Acts, are capable of taking, having, or enjoying any Office or Place of Truſt, either Civil or Military, or of taking any Grant of Lands, Tenements, and Hereditaments, from the Crown whatſoever; be it enacted and declared by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons that have become, or ſhall become His Majeſty's natural-born Subjects, by Force or Virtue of the ſaid Acts, or either of them, are and ſhall be deemed to be capable of taking and holding any Office or Place of Truſt, either Civil or Military, and of taking and holding any Grant of Lands, Tenements, and Hereditaments, from the Crown to himſelf or themſelves, or to any other or others in Truſt for him or them, as well under the Great Seal of *Great Britain*, as otherwiſe, (other than and except Offices and Places, and Grants of Lands, Tenements, and Hereditaments, within the Kingdoms of *Great Britain* and *Ireland*); any Law or Act of Parliament to the Contrary notwithſtanding.

Preamble. Act 13 Geo. II.

Act 2 Geo. III.

All Perſons who have, or ſhall become His Majeſty's natural-born Subjects, by virtue of the ſaid Acts, are hereby deemed capable of taking and holding Places of Truſt, either Civil or Military, &c.

CAP.

CAP. XXVI.

An Act for preventing Abuſes in the Sale of Shares of *Britiſh* built Ships to Foreigners.

Preamble. Act 12 Car. II.

WHEREAS by an Act of Parliament, made in the Twelfth Year of the Reign of His Majeſty King *Charles* the Second, intituled, *An Act for the encouraging and increaſing of Shipping and Navigation)*; it is, amongſt other Things enacted, That from and after the Firſt Day of *December*, One thouſand ſix hundred and ſixty, and from thenceforward, no Goods or Commodities whatſoever ſhall be imported into, or exported out of, any Lands, Iſlands, Plantations, or Territories to His Majeſty belonging, or in His Poſſeſſion, or which may thereafter belong unto, or be in the Poſſeſſion of His Majeſty, His Heirs or Succeſſors, in *Aſia*, *Africa*, or *America*, in any other Ship or Ships, Veſſel or Veſſels whatſoever, but ſuch Ships and Veſſels as did truly and without Fraud belong only to the People of *England* or *Ireland*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or were of the Built of, or belonging to, any of the ſaid Lands, Iſlands, Plantations, or Territories, as the Proprietors and right Owners thereof; and whereof the Maſter and Three-fourths of the Mariners at leaſt were *Engliſh*, under the Penalty of the Forfeiture and Loſs of all the Goods and Commodities which ſhould be imported into, or exported out of, any of the aforeſaid Places, in any other Ship or Veſſel, as alſo of the Ship or Veſſel, with all its Guns, Furniture, Tackle, Ammunition, and Apparel; One-third Part thereof to His Majeſty, His Heirs and Succeſſors; One-third Part to the Governor of ſuch Land, Plantation, Iſland, or Territory, where ſuch Default ſhould be committed, in caſe the ſaid Ship and Goods be there ſeized, or otherwiſe; that Third Part alſo to His Majeſty, His Heirs and Succeſſors, and the other Third Part to him or them who ſhould ſeize, inform, or ſue for the ſame, in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Eſſoin, Protection, or Wager of Law, ſhould be allowed; and all Admirals and other Commanders at Sea, of any of the Ships of War, or other Ships having Commiſſion from His Majeſty, His Heirs or Succeſſors, were thereby authoriſed and ſtrictly required, to ſeize and bring in as Prize, all ſuch Ships or Veſſels as ſhall have offended contrary hereunto, and deliver them to the Court of Admiralty, there to be proceeded againſt; and in caſe of Condemnation, One Moiety of ſuch Forfeiture ſhall be to the Uſe of ſuch Admirals or Commanders, and their Companies, to be divided and proportioned amongſt them, according to the Rules and Orders of the Sea, in caſe of Ships taken Prize, and the other Moiety to the Uſe of His Majeſty, His Heirs and Succeſſors: And it is alſo by the ſaid Act further enacted, That no Alien or Perſon not within the Allegiance of our Sovereign Lord the King, His Heirs and Succeſſors, or naturalized or made a free Denizen, ſhall, from and after the Firſt Day of *February*, which ſhould be in the Year of our Lord One thouſand ſix hundred and ſixty-one, exerciſe the Trade or Occupation of a Merchant or Factor in any of the ſaid Places, upon the Pain of the Forfeiture and Loſs of all his Goods and Chattels, or which are in his Poſſeſſion, One-third to His Majeſty, His Heirs and Succeſſors, One-third to the Governor of the Plantation where ſuch Perſon ſhall ſo offend, and the other Third to him or them that ſhall inform or ſue for the ſame, in any of His Majeſty's Courts in the Plantation where ſuch Offence ſhall be committed: And whereas by One other Act of Parliament, made and paſſed in the Seventh and Eighth Years of the Reign of His late Majeſty King *William* the Third, (intituled, *An Act for preventing Frauds, and regulating Abuſes, in the Plantation Trade*,) it is, amongſt other Things, enacted, That after the Twenty-fifth Day of *March*, One thouſand ſix hundred and ninety-eight, no Goods or Merchandiſes whatſoever ſhall be imported into, or exported out of, any Colony or Plantation to His Majeſty in *Aſia*, *Africa*, or *America*, belonging, or in His Poſſeſſion, or which may hereafter belong unto, or be in the Poſſeſſion of His Majeſty, His Heirs or Succeſſors, as ſhall be laden in, or carried from, any One Port or Place in the ſaid Colonies or Plantations to any other Port or Place in the ſame, the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, in any Ship or Bottom, but what is or ſhall be of the Built of *England*, or of the Built of *Ireland*, or the ſaid Colonies or Plantations, and wholly owned by the People thereof, or any of them, and navigated with the Maſters and Three-fourths of the Mariners of the ſaid Places only, (except ſuch Ships only as are or ſhall be taken as Prize, and Condemnation thereof made in One of the Courts of Admiralty in *England*, *Ireland*, or the ſaid Colonies or Plantations), to be navigated by the Maſter and Three-fourths of the Mariners *Engliſh*, or of the ſaid Plantations as aforeſaid, and whereof the Property did belong to *Engliſhmen*; and alſo, except for the Space of Three Years, ſuch foreign-built Ships as ſhould be employed by the Commiſſioners of His Majeſty's Navy for the Time being or upon Contract with them, in bringing only Maſts, Timber, and other Naval Stores, for the King's Service, from His Majeſty's Colonies or Plantations to this Kingdom, to be navigated as aforeſaid, and whereof the Property doth belong to *Engliſhmen*, under Pain of Forfeiture of Ship and Goods, One-third whereof to be to the Uſe of His Majeſty, His Heirs and Succeſſors, One-third Part to the Governor of the ſaid Colonies or Plantations, and the other Third Part to the Perſon who ſhall inform or ſue for the ſame, by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in any Court in His Majeſty's Plantations, where ſuch Offence ſhall be committed; and it is by the ſaid laſt-recited Act further enacted, That from and after the Twenty-fifth Day of *March*, One thouſand ſix hundred and ninety-eight, no Ship or Veſſel whatſoever ſhall be deemed or paſs as a Ship of the Built of *England*, *Ireland*, *Wales*, *Berwick*, *Guernſey*, *Jerſey*, or any of His Majeſty's Plantations in *America*, ſo as to be

and 7 & 8 Gul. III. recited.

'qualified to trade to, from, or in, any of the Plantations, until the Perſon or Perſons claiming 'Property in ſuch Ship or Veſſel, ſhall regiſter the ſame as followeth; that is to ſay, If the Ship at 'the Time of ſuch Regiſter, doth belong to any Port in *England*, *Ireland*, *Wales*, or to the Town of '*Berwick upon Tweed*, then Proof ſhall be made, upon Oath, of One or more of the Owners of ſuch 'Ship or Veſſel before the Collector and Comptroller of His Majeſty's Cuſtoms in ſuch Port; or if 'at the Time of ſuch Regiſter the Ship belong to any of His Majeſty's Plantations in *America*, or to 'the Iſlands of *Guernſey* or *Jerſey*, then the like Proof to be made before the Governor, together with 'the principal Officer of His Majeſty's Revenue reſiding on ſuch Plantation or Iſland; which Oath 'the ſaid Governor and Officers of the Cuſtoms reſpectively are thereby authoriſed to adminiſter in 'the Tenor following; *videlicet*,

"*JURAT A. B.* That the Ship [Name] of
"[Port] whereof [Maſter's Name] is at preſent Maſter,
"being a [kind of built] of Burthen Tons was
"built at [Place where] in the Year [Time
"when] and that [Owners Name] of and
"of *et cetera*, are at preſent Owners thereof; and that no Foreigner, directly or indirectly, hath any
"Share or Part or Intereſt therein."

'Which Oath being atteſted by the Governor or Cuſtom-houſe Officer reſpectively, who admini-'ſtered the ſame under their Hands and Seals, ſhall, after having been regiſtered by them, be de-'livered to the Maſter of the Ship for the Security of her Navigation, a Duplicate of which Re-'giſter ſhall be immediately tranſmitted to the Commiſſioners of His Majeſty's Cuſtoms in the Port 'of *London*, in order to be entered in a general Regiſter to be there kept for this Purpoſe; with 'Penalty upon any Ship or Veſſel trading to, from, in any of His Majeſty's Plantations in *Ame-'rica*, after the ſaid Twenty-fifth Day of *March*, and not having made Proof of her Built and Pro-'perty, as is here directed, that ſhe ſhall be liable, and ſhe is thereby made liable to ſuch Proſecution 'and Forfeiture, as any Foreign Ship, (except Prizes condemned in the High Court of Admiralty), 'would for trading with theſe Plantations by ſuch Law be liable to: And it is alſo further enacted, 'That no Ships Name regiſtered ſhall be afterwards changed without regiſtering ſuch Ship *de novo*, 'which is thereby required to be done, upon any Transfer of Property to another Port, and de-'livering up the former Certificate to be cancelled, under the ſame Penalties, and in the like Manner 'as is therein-before directed; and that in caſe there be any Alteration of Property in the ſame 'Port, by the Sale of One or more Shares of any Ship after regiſtering thereof, ſuch Sale ſhall al-'ways be acknowledged by Indorſement on the Certificate of the Regiſter, before Two Witneſſes, in 'order to prove that the entire Property in ſuch Ship remains in ſome of the Subjects of *England*, 'if any Diſpute ariſes concerning the ſame: And whereas, notwithſtanding the ſaid good and whole-'ſome Laws, many Inconveniencies have ariſen, and may hereafter ariſe, by Foreigners, or other 'Perſons not natural-born Subjects of His Majeſty, becoming poſſeſſed of, and intitled unto, any 'Part or Share of any *Britiſh* Ship or Veſſel whatſoever, belonging only to natural-born Subjects of His 'Majeſty, whereby the other Part Owners of ſuch Ship or Veſſel cannot obtain the Regiſter required 'by the ſaid Act of the Seventh and Eighth Years of His ſaid late Majeſty King *William* the Third, 'for the Security of the Navigation of ſuch Ship or Veſſel, whereby the Trade and Commerce 'of this Kingdom hath been and may be greatly hindered and obſtructed:' For Remedy whereof, may it pleaſe Your Majeſty that may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Foreigner or other Perſon or Perſons whatſoever, not being a natural-born Subject of His Majeſty, His Heirs or Succeſſors, ſhall be intitled to or ſhall purchaſe or contract for any Part or Parts, Share or Shares, of any *Britiſh* Ship or Veſſel whatſoever, belonging only to natural-born Subjects of His Majeſty, His Heirs or Succeſſors, without the Conſent in Writing of the Owner or Owners of Three-fourth Parts in Value at leaſt of ſuch Ship or Veſſel, for that Purpoſe firſt had and obtained, and indorſed on the Certificate of the Regiſter of ſuch Ship before Two Witneſſes; and all Agreements, Contracts, Purchaſes, and Sales, of any Part or Share of any *Britiſh* Ship or Veſſel, belonging only to natural-born Subjects of His Majeſty, His Heirs or Succeſſors, made, entered into, contracted for, or concluded by any ſuch Foreigner or other Perſon or Perſons not being a natural-born Subject or Subjects of His Majeſty, His Heirs or Succeſſors, without ſuch Conſent firſt had and obtained and indorſed as aforeſaid, ſhall be, and are hereby declared to be abſolutely null and void, to all Intents and Purpoſes whatſoever.

No Foreigner to contract for any Share of a Britiſh Ship without the Conſent of the Owners of Three-fourths of the Value.

CAP. XXVII.

An Act for the more eaſy and ſpeedy Recovery of Small Debts, within the City and County of the City of *Exeter*.

CAP. XXVIII.

An Act for deepening, cleanſing, and making more commodious the Harbours of the Town of *Greenock*; for ſupplying the Inhabitants with freſh and wholſome Water; and for paving, cleanſing, lighting, and watching the Streets, and other publick Places, within the ſaid Town.

Preamble.

'WHEREAS the Harbours of *Greenock*, in the County of *Renfrew*, have of late Years, by 'the Flux and Reflux of the Tide, and various other Cauſes, been greatly choaked and filled 'up with Mud and Dirt, which hinder Veſſels of Burthen from getting into the Piers and Quays, 'and expoſe the Shipping lying in the ſaid Harbours to many Dangers and Inconveniencies: And 'whereas the Trade of the Town of *Greenock* has of late Years greatly increaſed, and the Ships 'and Veſſels now belonging, and trading to and from the ſaid Port, are more numerous, and of 'larger Dimenſions than heretofore: And whereas the Quays and Piers already made and conſtructed 'by and at the Expence of the Town of *Greenock*, within the ſaid Port or Harbours are not ſufficient 'for the Reception and convenient Lying of the Ships and Veſſels reſorting thereto, and for the 'requiſite and convenient Diſpatch in loading and unloading the ſame, which render the deepening, 'cleanſing, and ſcouring of the ſaid Harbours, and the building and erecting new and additional 'Piers and Quays, highly neceſſary, and the ſame will be of great publick Utility, as well as of 'Advantage to the Trade of the ſaid Town: And whereas the Inhabitants of the Town of *Greenock*, 'and Shipping there, have, in certain Seaſons of the Year, much Difficulty in getting freſh and 'wholeſome Water; and the Streets of the ſaid Town are ill paved, cleanſed, and not lighted, nor a 'Watch kept for preventing Diſorders in the Night-time: And as the deepening, cleanſing, and 'ſcouring of the ſaid Harbours, and the building and erecting the ſaid new and additional Piers and 'Quays, and the bringing in Water into the Town; and the paving, cleanſing, and lighting the 'Streets, and keeping Watchmen in the ſaid Town, will be attended with conſiderable Expence, 'which the ordinary Revenue of the ſaid Town cannot defray; and as the ſame cannot be effected 'without the Aid and Authority of Parliament;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Magiſtrates or Bailies, and Town Council of the Burgh or Barony of *Greenock*, and their Succeſſors in Office, or ſuch Perſon or Perſons as they ſhall appoint, from Time to Time, and at all Times hereafter, as they ſhall ſee Occaſion, to deepen, clean, ſcour, and preſerve the ſaid Harbours of *Greenock*, and the Improvements and Additions which ſhall be made thereto by virtue of this preſent Act, from Dirt and Mud, and other Obſtructions whatſoever; and alſo to build and erect, or cauſe to be built and erected therein, (except as herein-after is excepted), Piers and Quays of proper Dimenſions; particularly a Quay or Pier Eaſtward from the preſent Harbours, to a Point of Land called *MacGilp's Tenement*, and to carry out the ſame from the ſaid Point into the River; and likewiſe ſuch and ſo many other Quays, Piers, Jettees, and Breaſts to the Eaſt of the aforeſaid Point, or to the Weſtward of the preſent Harbours, and other neceſſary Works within the ſaid Harbours and Bay of *Greenock*, for the Reception of all Ships and Veſſels reſorting to the ſaid Port and Harbours, and for the more convenient loading and unloading of ſuch Ships and Veſſels, and to be executed in ſuch Manner, as the Commiſſioners herein-after named, or any Thirteen or more of them, at a General Meeting aſſembled, in Manner as herein-after directed, ſhall judge to be neceſſary and expedient.

Magiſtrates of Greenock may deepen and ſcour the Harbours, and build Piers, &c.

Piers, &c. not to be built Eaſt of MacGilp's Tenement, or Weſt, without Lord Cathcart's Conſent.

II. Provided always, That no Quay, Peer, Jettee, Breaſt, or any other Work hereby authoriſed to be built and erected, ſhall be built and erected to the Eaſtward of the ſaid Point of Land called *MacGilp's Tenement*, or to the Weſtward of the preſent Harbours of *Greenock*, without the Conſent in Writing of *Charles Schaw* Lord *Cathcart*, his Heirs or Aſſigns, under his or their Hands and Seals firſt had and obtained for that Purpoſe; any Thing herein-before contained to the Contrary in any-wiſe notwithſtanding.

Truſtees.

III. And be it further enacted by the Authority aforeſaid, That the Two Bailies named by the Feuars and Subfeuars and Town Council of *Greenock*, and their Succeſſors in Office, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution: And, for the better effecting the Ends and Purpoſes of the ſame, and that the Fee and Property of the Quays, Piers, Breaſts, and other Works to be made, built, and erected, by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, to and for the Ends and Purpoſes aforeſaid; and that the ſaid Truſtees are and ſhall be bound to apply the Rates and Duties herein-after mentioned in making and repairing, and keeping and maintaining the ſame in good Order and Repair, and in preſerving the ſaid Port and Harbours clean and free from Mud, Dirt, and other Obſtructions.

Harbour Duties.

IV. And be it enacted by the Authority aforeſaid, That from and after the Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful to and for the ſaid Truſtees, and ſuch Perſon and Perſons as they ſhall appoint, to demand, collect, receive, and take (over and above all other Rates and Duties which at preſent ſubſiſt, and are levied from Ships, Veſſels, Barks, Lighters, and Boats, coming into, or going out of the ſaid Port or Harbours of *Greenock*) of and from all and every the Maſters and Owners of any Ships, Veſſels, Barks, and Lighters, bound outward from

from the said Port and Harbours of *Greenock*, on any foreign Voyage, or to any foreign Country or Place, or *British* Plantation, One Penny Halfpenny Sterling for each and every Ton which such Ships, Veſſels, Barks, and Lighters, ſhall meaſure; and alſo One Penny Halfpenny Sterling for each and every Ton of ſuch Ships, Veſſels, Barks, and Lighters, coming into the Port and Harbours aforeſaid, from any foreign Voyage, Country, or Place, or *British* Plantation; and from the Maſters and Owners of all Veſſels of Thirty Tons or upwards, trading and coming into and out of the ſaid Port, from or to any Part of *Great Britain* or *Ireland*, without proceeding to, or coming from, any other Place or Country, Three Farthings Sterling for each Ton Burthen ſuch Veſſel ſhall meaſure, every Time they ſhall arrive in, or ſail from, the Port or Harbours aforeſaid; and from the Maſters and Owners of all ſmall Veſſels above the Burthen of Fifteen Tons, and under the Burthen of Thirty Tons, trading to or from any Port of *Great Britain* or *Ireland*, without proceeding to or coming from any other Place or Country, Threepence Sterling for each Ton or Burthen every Year they ſhall ſail to, or come from, the Port and Harbours aforeſaid, the Commencement of which Year to be reckoned from the Time of their coming into or going out of the ſaid Harbours after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three; and the Payment of the ſaid Duty for the then current Year to be paid before clearing out of the Port and Harbours aforeſaid.

Veſſels loaded with Proviſions, &c. exempted from Duties.

V. Provided always, That only ſuch Ships, Veſſels, Lighters, and Boats, as ſhall enter into the ſaid Harbours of *Greenock*, between the *Kirkburn* on the Weſtward, and the *Delingburn* on the Eaſtward, or which ſhall load or unload within the Port of *Greenock*, ſhall be liable for, and pay the aforeſaid Rates and Duties: And that all Ships and Veſſels, Lighters and Boats, coming into the Port and Harbours of *Greenock* aforeſaid, ſolely and only loaded with Fiſh freſh or ſalted, or with Proviſions of any Kind, or ſolely and only loaded with Corn, Grain, and Meal, or with Stones, Slates, and Coals, which ſhall be diſcharged within the Port and Harbours aforeſaid, or that may proceed from thence with the ſaid Loading to any Part within the River *Clyde*; and all Lighters, Boats, and Veſſels, loaded with Salt and Caſk only, going to or coming from the Herring Fiſhing; and all Ships or Veſſels arriving in the Port and Harbours aforeſaid in Ballaſt, and without any Kind of Goods or Merchandiſe on Board, ſhall be free and exempted from the Rates and Duties granted by this Act.

Ships, &c. to be meaſured.

VI. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, trading to and from the ſaid Port and Harbours, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall, from Time to Time, appoint for that Purpoſe, and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

Collectors and other Officers to be appointed,

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them, for carrying the ſame into Execution, and from Time to Time, to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead; and to ſettle ſuch reaſonable Fees or Salary for them as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Money received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, and to the Commiſſioners herein-after named, or any Two of them, at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed: And that the Collector and Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts ſo often as he or they ſhall be thereunto required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe to the beſt Bidder or Bidders, at publick Roup or Sale for that Purpoſe appointed, (and advertiſed in all the *Glaſgow* News-papers Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale), the Rates or Duties aforeſaid, for any Time or Space not exceeding Three Years.

and Fees ſettled by the Truſtees.

Collectors to give Security.

To prevent evading the Payment of the Duties.

VIII. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-three, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms of *Greenock*, by the Maſters or Owners of every Ship, Veſſel, Bark or Lighter, coming into or ſailing out of the ſaid Port or Harbours of *Greenock*, or liable in the Rates and Duties in this Act granted, a Receipt or other ſufficient Voucher of the Payment of the ſaid Rates and Duties; and that until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocquet, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or *Britiſh*, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Five Pounds Sterling.

Duties to be levied by Diſtreſs in caſe of Refuſal.

IX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, and to ſuch Perſon and Perſons as ſhall be for that Purpoſe authoriſed by them, to go on board

board any Ship, Bark, Lighter, or Veſſel, and to take the Dimenſions thereof, and to demand, collect, and receive from any Owner, Maſter, or other Perſon, having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed and made due and payable; and in caſe of Delay or Refuſal of Payment, to take, ſeize, and detain, preferable to, and notwithſtanding of, any Attachment, Arreſtment, or other Right whatſoever, claimable by, or due to, any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel, of or belonging to any ſuch Ship, Bark, Lighter or other Veſſel, and the ſame to detain until the ſaid Duty and Duties be ſatisfied and paid; and that in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, and detaining aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them as aforeſaid, to cauſe the ſame to be appraiſed by Two or more ſufficient Perſons, and afterwards, to ſell and diſpoſe of the Goods and other Effects ſo taken and appraiſed, and therewith to ſatisfy the Duty or Duties ſo neglected or delayed to be paid, together with the Charge of ſuch ſeizing, taking, ſelling, and detaining, (as the ſame ſhall be aſcertained by the Sellers upon Oath), rendering to the Maſter or Owners of ſuch Ship, Bark, Lighter, or other Veſſel, or Owners of ſuch Goods, the Overplus (if any be) on Demand.

Penalty on Shipmaſters evading the Payment of the Duties.

X. And be it further enacted by the Authority aforeſaid, That if any Maſter, Commander, or other Perſon taking upon himſelf the Command, or appearing to be Maſter or Commander, or any Owner, Factor, or Conſignee of any Ship, Bark, or other Veſſel, ſhall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatſoever, every ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Five Pounds Sterling, and ſhall, notwithſtanding, ſtand charged with and be liable to the Payment of the ſaid Rates and Duties.

Truſtees impowered to borrow Money.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding at any One Time the Sum of Five thouſand Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates, Duties, and Tonnage, given and granted by this Act, to any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt reſpectively; and that the Money ſo to be borrowed and advanced ſhall be employed for the Ends and Purpoſes of this Act and not otherwiſe.

Rates, &c. to be applied to the Repair of the Works of the Harbour.

XII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money which ſhall be levied and received from the Rates and Duties aforeſaid, and which ſhall be recovered for Forfeitures incurred under and by virtue of this Act, ſhall, by the ſaid Truſtees, after paying Two-thirds of the Expence of this Act, be applied for and towards the deepening, clearing, ſcouring, enlarging, and improving, maintaining and cleanſing, the Harbours of *Greenock*, from all Dirt and Mud, and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean, and for and towards making, erecting, building, and finiſhing ſuch Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided by this Act, and for the executing and performing of all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame, and to no other Uſe or Purpoſe whatſoever.

Ships laid by, as unfit for Service, not to lie in the Harbour.

XIII. And be it further enacted by the Authority aforeſaid, That no Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by as unfit for further Sea Service, or neglected by the Owner, ſhall be permitted to be and remain in the preſent Harbours of *Greenock*, or in any of the Piers and Quays to be erected, ſo as to encumber the ſame; but that in every ſuch Caſe, it ſhall and may be lawful to and for the Shoremaſter nominated yearly by the ſaid Bailies and Town Council of *Greenock*, and their Succeſſors in Office for the ſaid Port, immediately to cauſe ſuch Ship, Bark, Lighter, Boat, or Veſſel, ſo unſerviceable or neglected, to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Quays and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the Strand or Sea-ſhore, within the High-water Mark, or any other Place of Safety without the ſaid Harbours, and there to moor ſuch Ship or other Veſſel; and that on or before Demand of Payment is made by ſuch Shoremaſter from the Owner or Owners, Maſters or Agents, of ſuch Ship, Bark, or other Veſſel, of the Charge of removing and mooring ſuch Ship, Bark, or other Veſſel, as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by One of the Bailies of *Greenock* for the Time being: And that in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid for the Space of Five Days after Demand ſhall be made; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Shoremaſter to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, (after deducting the Charge of taking, keeping, and Sale of ſuch Diſtreſs), to the Owner or Owners, Maſter, Factor, or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Goods to be removed from the Quays.

XIV. And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, or in the Power of, any Perſon or Perſons who ſhall have landed, and cauſed to be landed and laid any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving-ſtones, Lime-ſtones, Slates, Soapers Waſte, Dung, or Manure, or any other Thing (other than Materials for the neceſſary Repairs of the Piers and Quays, or for immediate Uſe in Shipping) upon any of the Piers and Quays, or Landing-places, within the ſaid Harbours, or in

any

any of the adjacent Streets and Avenues leading to the ſaid Quays and Piers, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon for any longer Time than Forty-eight Hours; and in all Caſes where the ſaid Goods, and others aforeſaid, ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Shoremaſter for the Time being to remove, or cauſe to be removed, all ſuch Goods and other Things as he ſhall ſo find lying, continuing, and being, on the ſaid Quays and Piers, and other Places above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Dentention, and of ſuch Conſideration beſides to the ſaid Officers for their Trouble in and about the ſame, as any One of the ſaid Bailies of *Greenock* ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof by the ſaid Shoremaſter; then, and in every ſuch Caſe, he and they reſpectively are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels ſo reſpectively ſecured, and render the Overplus, (if any be) to the Owner or Owners thereof, the Charges of taking, keeping, and making Sale of ſuch Diſtreſs, being deducted and allowed whenever the ſame ſhall be demanded.

Warehouſes, &c. may be hired.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or their Shoremaſter aforeſaid, ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire, by the Year or otherwiſe, any convenient Warehouſe, Yard, or other Place, for the receiving, ſafe keeping, or lodging of ſuch Goods and other Things ſo to be removed from off the Quays and other Places as aforeſaid; or to incloſe, erect, or build any ſuch Yard, Warehouſe, or other Buildings, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder, and other combuſtible Matter, to be removed after a certain Time.

XVI. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy, or other ſpirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Piers and Quays aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Port or Harbours of *Greenock*, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Piers or Quays lying in the Harbours aforeſaid, for above the Space of Twenty-four Hours after paſſing the Cuſtom-houſe Officers: And that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Quays, Place or Places, by Day-light; that then, and in every ſuch Caſe, the Owners of ſuch Goods and Things ſhall be obliged, and are hereby required to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons, to guard and watch over the ſame, for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Shoremaſter ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter and Maſters of Ships, Barks, and other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds Sterling.

Ships may be removed from one Birth to another.

XVII. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees or Shoremaſter for the Time being, or ſuch other Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he or they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbours of *Greenock*, or at any Pier, Quay, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbours, from the Birth or Lying-place at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying-place, as he or they ſhall think proper: And in caſe the Maſter, Mate, or any other Perſon having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on Board the Ship or Veſſel intended to be removed, Twelve Hours before the Time of Removal, by the ſaid Shoremaſter, or ſuch other Perſon or Perſons as he ſhall appoint, neglect, or refuſe to remove, or cauſe to be removed, during the firſt High-water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat, from her ſaid Birth, to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Shoremaſter, or any other Perſon authoriſed by him; that then the ſaid Truſtees or Shoremaſter for the Time being, or any other Perſon or Perſons he or they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove, or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place to ſuch other Birth and Mooring-places as the ſaid Shoremaſter ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees of ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Truſtees all ſuch Coſt and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat, to be recovered, levied, and applied, in the ſame Manner as the Forfeitures and Penalties impoſed by this Act are herein ordered to be recovered, levied, and applied; and that every Maſter, Commander, Mate, or other Perſon, taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall for every ſuch Offence, forfeit the Sum of Five Pounds Sterling.

Veſſels in Diſtreſs to have the Preference of other Ships.

XVIII. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Road or Harbours of *Greenock* in Diſtreſs, or meet with any Misfortune in the Road or Harbours aforeſaid, it ſhall and may be lawful to and for any of the Bailies of *Greenock*,

Greenock, upon Requeſt made to them in Writing by the Maſter, Commander, or Owner of ſuch Ship or Veſſel, or Owner of any Goods on board of ſuch Ship or Veſſel, and upon Proof being made before him of ſuch Diſtreſs, to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to Birth at the Piers and Quays, and as to the Courſe of Diſcharging, to any other Ship or Veſſel arrived before her in the Port aforeſaid; and that every Maſter or Commander of any Ship or Veſſel lying within the Harbours of *Greenock*, who ſhall refuſe or delay to comply with the Order of the ſaid Bailie, in favour of the ſaid Ship or Veſſel in Diſtreſs, ſhall forfeit the Sum of Ten Pounds Sterling, to be levied and applied in the Manner herein-after directed.

Ballaſt, &c. not to be thrown into the Harbour;

XIX. And be it enacted by the Authority aforeſaid, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle, Stones or other Things, into the ſaid Harbours, or bring Rafts of Wood into the ſame, or to dig and take away any Ballaſt, Shingle, Stones, or other Things, from within the ſame, to the Hurt and Prejudice of the ſaid Harbours, or of the Works erected, or to erected, for the Security and Accommodation of the ſame, or to do any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch Offence.

ner to lie on any Quay, Pier, &c. on Pain of 40 s.

XX. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel upon any Quay, Pier or Breaſt, or other Place in or about the ſaid Quays, Piers, Breaſts, or other Works, made or to be made, as before mentioned, belonging to the ſaid Port and Harbours, ſhall not ſuffer the ſame to be and remain on the ſaid Quays, Piers, Breaſts, or other Places, but ſhall immediately thereafter cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as any of the Bailies of *Greenock*, or the Shoremaſter aforeſaid, ſhall for ſuch Purpoſes, provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Owners of Veſſels anſwerable for Damages done by their Crews.

XXI. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of every Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbours of *Greenock*, ſhall be and is hereby made anſwerable to the ſaid Truſtees for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on board the ſame, to any of the Piers, Quays, Breaſts, or other Works already conſtructed, or that ſhall be conſtructed by virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts ſhall be ſued for, and recovered in Manner herein-after directed.

Herrings, and other Fiſh, not to lie on the Piers, &c. above a certain Time.

XXII. And be it enacted by the Authority aforeſaid, That it ſhall not be lawful for any Perſon or Perſons whatſoever to pack, or cauſe to be packed, upon any of the Quays, Piers, or Breaſts, built or to be built, as aforeſaid, any Herrings, or other Fiſh, or to ſuffer Herrings, and other Fiſh, which are packed, to lie upon the ſaid Piers, Quays, and Breaſts, longer than Forty-eight Hours; and that after they have laid the ſaid Space, it ſhall and may be lawful to and for the ſaid Shoremaſter aforeſaid to carry away the ſaid Herrings, or other Fiſh, and lay them up in a Cellar or Warehouſe, at the Expence of the Owner or Proprietor; and that the ſaid Shoremaſter ſhall detain the ſaid Herrings, and other Fiſh, till the Charges of carrying them from the Piers, Quays, and Breaſts, ſhall be ſatisfied, and the Cellar Rent paid.

Shoremaſter to inſpect the State of the Piers.

XXIII. And be it enacted by the Authority aforeſaid, That the Shoremaſter nominated and appointed by the ſaid Truſtees for the ſaid Ports and Harbours of *Greenock* ſhall be, and is hereby authoriſed and required, from Time to Time, and at all Times after the paſſing of this Act, carefully to inſpect into the State of the ſaid Piers, Quays, Breaſts, and other Places within the Port and Harbours of *Greenock*, and to prevent, as far as his Power ſhall extend, any Offences made puniſhable by this Act from being committed; and that in any Caſe of any wilful Neglect or Default therein, the ſaid Shoremaſter ſhall forfeit and pay Twenty Shillings Sterling for each and every ſuch Offence.

Fines and Forfeitures, &c. of 5 l. or upwards how to be ſued for and recovered.

XXIV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, or any Collector to be appointed by them, for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, in all ſuch Caſes where the Sum to be recovered ſhall amount to Five Pounds Sterling or upwards, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before the Bailies of *Greenock*, or any Two or more Juſtices of the Peace, or any other Judge competent for civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide, and be apprehended; and that the ſaid Bailies or Juſtices of the Peace ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgments, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit herein-before enacted, which ſhall be awarded and ordered by the Bailies Juſtices of Peace, or Judge aforeſaid, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed, ſhall and may be ſent by the Bailies, Juſtices of the Peace, or Judges aforeſaid, to the Priſon or Houſe of Correction, next to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept at hard Labour for ſuch Time, not exceeding Six Months, as ſuch Bailies, Juſtices, or Judges, ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors, as aforeſaid, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting,

erecting, maintaining, and repairing the Work or Works aforesaid, and to no other Use or Purpose whatsoever.

Fines, and Forfeiture, &c. under 5 l. how to be recovered.

XXV. And be it further enacted by the Authority aforesaid, That every other Penalty, Fine, and Forfeiture, imposed, and which shall be incurred by Virtue of this Act, and not amounting to the Sum of Five Pounds Sterling, shall and may be sued for and recovered by the said Trustees, or any Collector appointed by them, before any One of the Bailies of *Greenock*, or any One Justice of the Peace within whose Jurisdiction the Offender or Offenders before mentioned shall be apprehended or reside for the Time, by Action, Bill, and Complaint, or Information made in that Behalf, within Six Months after such Offence shall have been committed; and that the said Bailie or Justice of Peace aforesaid shall have Power, and he and they is and are hereby impowered and required to proceed to the Trial of such Offences summarily; and, upon Conviction of the Offender or Offenders in any of the Ways before-mentioned, to give such Orders, Judgements and Decrees, as to him or them shall seem most agreeable to the true Intent and Meaning of this Act; and in Default of Payment of the several Fines, Forfeitures, and others last-mentioned, so to be awarded by the said Magistrate or Justice of the Peace, the Person which shall be convicted, as aforesaid, shall and may be sent by the said Bailie and Justice of the Peace, to the nearest Prison or House of Correction, for such Time as the said Judges shall direct, not exceeding Three Months, and that the said pecuniary Penalties, not amounting to Five Pounds Sterling, shall, after Deduction of the necessary Charge of recovering the same, be applied, One Half thereof to the Use of the Informer, and the other Half to the Ministers and Kirk Sessions of *Greenock*, for the Use of the Poor of these Parishes.

Justices may mitigate Penalties.

XXVI. Provided always, That it shall and may be lawful to and for the said Justices of the Peace, Bailie, and other Judges aforesaid, or any of them, by whom such Judgment, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, where they see Cause, to mitigate, compound, or lessen any of the Penalties and Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above one Moiety of the Penalty inflicted and directed to be levied by this Act; and that every such Mitigation or Composition shall be a sufficient Discharge for the Persons offending respectively for so much of the said Penalties and forfeitures as shall be so mitigated, lessened, or remitted.

Trustees, &c. may take Materials from any Place within Six Miles.

XXVII. And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries Sand, Clay, and Gravel Pits, and to dig, gather, take, and carry away, from such Quarries and Pits any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Grounds lying within Six Miles of the Town of *Greenock*, (not being Ground on which stands any Houses, Garden, Orchard, planted Walk or Walks, or Avenue to a House), where such Materials are or may be found, and from Time to Time to cause the same to be carried off, or so much thereof as the said Trustees and their Deputies, Agents, Officers, or Servants, shall judge necessary for carrying on, executing, and repairing, the several Piers, Quays, and Breasts, and other Works already built in the said Harbours of *Greenock*, or authorised to be built by virtue of this Act, and for keeping the said Works in good Order and Repair, the said Trustees paying the Value (to be estimated according to the Prices of such Materials at the Time in that Part of the Country) of the Stones, Sand, Gravel, Clay, and other Materials, so to be carried in and out of the aforesaid Ground, to the Proprietors, Life-renters, Tacksmen, and other Parties interested in such Grounds, out of which such Materials shall be carried away in Manner aforesaid.

paying the Value to the Proprietors.

Roads to be made to the Harbour.

XXVIII. And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Deputies, Agents, Officers, and Servants, to make, use, and maintain Roads from the said Grounds opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, to any Part of the River and Firth of *Clyde*, or from the said Pits and Quarries so to be opened as aforesaid, directly to the Harbours of *Greenock*; and to make the same through any Ground belonging to any Person or Persons whatsoever, (not being the Ground on which stands any House, or any Garden, Orchard, and Walk or Walks planted, or Avenue to any House), the said Trustees making reasonable Satisfaction for the Damage done to the Ground through which the said Road or Roads pass to the Proprietor, Life-renter, Tacksman, and other Parties concerned and interested in such Grounds, to which such Damage shall be done or occasioned, as aforesaid.

Exception as to the Sandbanks, &c. belonging to Dumbarton.

XXIX. Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall not be in the Power of the said Bailies and Council of *Greenock*, or of their Servants or Agents, or of any other Person or Persons employed by them, to dig or carry away any Sand or other Materials for the making of the said Piers, Quays, and other Works, as aforesaid, from or out of any of the Sand Banks and Fishing Places belonging to the Burgh of *Dumbarton*, in the River *Clyde*, or in the River *Leven*, without the Consent of Magistrates and Town Council of the said Burgh of *Dumbarton* first had and obtained.

Penalty on any Person destroying the Works.

XXX. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, after passing of this Act, maliciously, wilfully, or wantonly demolish, break down, destroy, or set on fire, any of the Jettees, Piers, Quays, Breasts, or other Works constructed, or to be constructed, in or belonging to the said Harbours of *Greenock*, or any Ship, Boat, or other Vessel, lying or being therein, every such Person or Persons so offending shall be adjudged guilty of Felony, and the Court and Courts by and before whom such Person or Persons shall be indicted and tried, shall, and hereby have Power and Authority to transport such Felon or Felons for the Space of Seven Years, in

in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Bye-laws, &c. may be made.

XXXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Bailies and Council of *Greenock*, and their Succeſſors in Office, in Common Council aſſembled, at any Time or Times hereafter, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better deepening, clearing, cleanſing, and keeping in Repair the Harbours of *Greenock* aforeſaid; and for the better regulating, governing, and managing, the Jettees, Piers, Quays, and every other the Works erected, or to be erected, made, or ſet up in the Harbours aforeſaid, and for the better executing the other Purpoſes of this Act; and alſo from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem meet, fitting, and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobſervance or other Breach of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according as the Penalties under Five Pounds Sterling are ordained to be recovered, levied, and applied; and the ſaid Bailies and Council, and their Succeſſors in Office, ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up in the moſt conſpicuous Place of the Cuſtom-houſe of *Greenock*, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Who are to be Commiſſioners.

XXXII. And be it enacted by the Authority aforeſaid, That the following Perſons ſhall be Commiſſioners for allowing, authoriſing, and confirming, all the additional Piers, Quays, Breaſts, and other Works which ſhall be made in purſuance of this Act, and for directing what Part of the ſaid Work ſhall be firſt begun; and for inſpecting, auditing, and adjuſting, the Accounts, and all the Collectors Receipts and Diſburſements under and by virtue of the ſame, for the Ends and Purpoſes before mentioned; that is to ſay, The Two Bailies and Town Council of *Greenock* for the Time being, *Charles Schaw* Lord *Cathcart*, and his Heirs; Sir *Michael Stewart* of *Blackhall* Baronet, and his Heirs in the Eſtate of *Ardgowan*; *John Schaw Stewart* Eſquire of *Greenock*, and his Heirs in the Eſtate of *Greenock*; the Repreſentative in Parliament of the County of *Renfew* for the Time being; Nine Merchants, Inhabitants of the Town of *Greenock*, to be nominated as herein-after mentioned; and the Provoſt and Dean of Guild for the Time being; and Eight Merchants, Inhabitants of the City of *Glaſgow*, to be alſo nominated in Manner as herein-after mentioned, ſhall be Commiſſioners for the Ends and Purpoſes laſt mentioned.

Who may not be Commiſſioners.

XXXIII. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of being elected of the Number of the ſaid Nine Commiſſioners, who for himſelf (as Owner or Part Owner of Ships or Veſſels belonging to the ſaid Town of *Greenock*) ſhall not contribute and pay yearly, and within each Year, the Sum of Two Pounds Ten Shillings Sterling at leaſt to the laſt-mentioned Uſes and Purpoſes of this preſent Act; and that no Owner, or Part Owner, of any Ships or Veſſels belonging to the ſaid Town of *Greenock*, and being Inhabitants of the ſame, who ſhall not contribute and pay as aforeſaid yearly, and within the Year, Ten Shillings Sterling at leaſt, ſhall be received or admitted to vote in the Election of the Nine Commiſſioners before mentioned.

Time of Firſt Meeting for the Choice of Commiſſioners.

XXXIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Bailies of *Greenock*, and they are hereby authoriſed and required to call and convene the Owners, or Part Owners, of Ships or Veſſels belonging to the ſaid Town of *Greenock*, being Inhabitants of the ſame, by publick Advertiſements, Fourteen Days preceding the Meeting; and they are hereby required to meet together in the Town-houſe of *Greenock*, at Eleven of the Clock in the Forenoon, on the Firſt *Tueſday* of *November*, One thouſand ſeven hundred and ſeventy-three, and ſo yearly thereafter on the Firſt *Tueſday* of *November*, and then and there elect, nominate, and appoint, by Plurality of Voices of ſuch as are preſent, Nine Perſons to be Commiſſioners on their Part, for the Purpoſes before mentioned; and that the Nine Perſons ſo elected and choſen ſhall be and continue Commiſſioners under this preſent Act for One Year afterwards, and until the Firſt *Tueſday* of *November* immediately following.

Proviſo.

XXXV. Provided always, That none of the ſaid Commiſſioners, to be nominated as aforeſaid, ſhall be Members of the Town Council of *Greenock* at the Time of ſuch Nomination.

Dean of Guild of Glaſgow to call yearly Meetings for chuſing Commiſſioners.

XXXVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Dean of Guild of *Glaſgow* for the Time being, and he is hereby authoriſed and required to call and convene the Merchants of *Glaſgow*, Owners or Part Owners of Ships or Veſſels trading in or belonging to the Port of *Greenock*, by publick Advertiſements in the *Glaſgow* News-papers, Fourteen Days preceding the Meeting; and they are hereby required to meet togetner at and in the Merchants Hall of the City of *Glaſgow*, at Eleven of the Clock in the Forenoon, upon the Firſt *Tueſday* of *November*, One thouſand ſeven hundred and ſeventy-three, and ſo yearly, on every following Firſt *Tueſday* of *November*, and then and there, by Plurality of Voices of ſuch as are preſent, to nominate and appoint Eight Perſons to be Commiſſioners for the Purpoſes before mentioned; and that the ſaid Eight Perſons ſo choſen ſhall continue Commiſſioners for One Year, and until the Firſt *Tueſday* of *November* immediately following.

Annual Meetings appointed.

XXXVII. And be it further enacted by the Authority aforeſaid, That an annual General Meeting of the ſaid Commiſſioners ſhall be held at the Town-houſe of *Greenock* upon the Firſt *Tueſday* of *February* in every following Year; and that the ſaid Bailies and Council, and their Succeſſors, ſhall, at every ſuch General Meeting, cauſe to be laid before the ſaid Commiſſioners, or any Seven or more of them, a true and fair Account of all the Monies which ſhall have been collected and levied the Year preceding from the Rates, Duties, Fines, and Forfeitures before mentioned; and of every Sum or

Sums

Sums of Money which ſhall have been borrowed during the Year preceding, for the Uſes and Purpoſes before mentioned; and alſo of all the Monies which ſhall have been uſed, paid, and applied out of the ſame, for the deepening, cleanſing, ſcouring, preſerving, and maintaining of the ſaid Harbours of *Greenock*, and for making, building, and erecting the Piers, Quays, Jettees, Breaſts, and other Works before mentioned; and that all the ſaid Accounts ſhall be examined and certified by the Commiſſioners preſent at ſuch annual Meeting, or by the Majority of them; and that the ſaid Commiſſioners ſhall, at every ſuch Meeting, bear their own Charges.

Meetings may be adjourned.

XXXVIII. And be it enacted by the Authority aforeſaid, That it ſhall be in the Power of the ſaid Commiſſioners, or the Majority of them ſo aſſembled at ſuch annual General Meeting, to adjourn themſelves from Time to Time, as they ſhall ſee Cauſe; and alſo that it ſhall be in the Power of the ſaid Truſtees, at all Times, to call Meetings of the ſaid Commiſſioners, by Advertiſements for that Purpoſe, publiſhed at leaſt Fourteen Days before the Day of ſuch Meeting, in all the *Glaſgow* Newspapers for the Time being; and that no Buſineſs ſhall be proceeded on at any of the ſaid Meetings unleſs there be Seven Commiſſioners at leaſt preſent.

Duties may be leſſened.

XXXIX. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Thirteen or more of them, at General Meetings as aforeſaid aſſembled, may, and they are hereby impowered, by and with the Conſent of the Lenders of Money, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the Rates and Duties aforeſaid will permit.

After Repayment of the Money borrowed, the Rates to ceaſe.

XL. Provided always, and it is hereby further enacted, That from and after the Repayment, out of the Rates, Duties, and Forfeitures aforeſaid, of all and every Sum and Sums of Money which ſhall be borrowed or advanced by the ſaid Truſtees by virtue of this Act, and applied in Terms thereof, with the legal Intereſt, from the reſpective Terms of borrowing and advancing the ſame; and after levying and raiſing the Sum of One thouſand Two hundred Pounds Sterling for thereafter upholding and keeping in Repair the ſaid Works, the Rates and Duties hereby granted and impoſed ſhall ceaſe and determine.

Proviſo.

XLI. Provided always, and be it enacted by the Authority aforeſaid, That the Truſtees by this Act appointed ſhall pay to all Perſon and Perſons, Bodies Politick and Corporate, claiming and intitled unto any Right or Intereſt in the ſaid Harbours of *Greenock*, or in the Grounds within the ſaid Harbours, or on which the Piers, Quays, and other Works already built, or to be built, are or ſhall be erected, the full Value of every ſuch Right and Intereſt, after the ſame ſhall be eſtabliſhed in due Courſe of Law, (in caſe ſuch Right and Intereſt ſhall be conteſted by the ſaid Truſtees); and that the Perſon and Perſons ſo claiming and intitled as aforeſaid ſhall, and he, ſhe, and they are hereby required to accept of the ſame from the ſaid Truſtees, in full Satisfaction for ſuch Right and Intereſt as aforeſaid: And in caſe of any Difference between them, reſpecting ſuch Value, that it ſhall and may be lawful to and for the Sheriff-depute of the County of *Renfrew*, and he is hereby impowerd and required to ſummon and impanel a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, not leſs than Fifteen; and, out of ſuch Perſons ſo ſummoned and returned, to name and appoint a Jury of Ten Perſons, to come and appear before him, at ſuch Time or Place as by his Warrant or Precept ſhall be directed, and to receive ſuch Evidence as ſhall, by either Party, be brought before him: And the ſaid Sheriff-depute ſhall examine ſuch Witneſſes as ſhall be brought by either Party in the Courſe of the ſaid Evidence, upon Oath, (which Oath he is hereby authoriſed and impowered to adminiſter), touching the Value to be paid to the Perſon and Perſons intereſted and intitled as aforeſaid, for his, her, or their Right and Intereſt in the Premiſes; and that the Verdict of the ſaid Jury ſhall be final and concluſive, in ſo far as ſhall reſpect the Conſideration or Purchaſe Money to be paid to the ſaid Perſon and Perſons reſpectively as aforeſaid: And that in the mean Time, and until ſuch Value ſhall be aſcertained in Manner as herein-before mentioned, it ſhall be in the Power of the ſaid Truſtees, and they are hereby authoriſed and impowered, to take, poſſeſs, and uſe, to the laſt-mentioned Uſes and Purpoſes of this preſent Act, the Ground, and others aforeſaid; any Thing in this preſent Act to the contrary notwithſtanding.

Rights of the Town of Greenock reſerved.

XLII. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction or Power of the Bailies and Council of the Town of *Greenock*, and Corporation thereof, in, about, or concerning the Harbours, Docks, Piers, and Quays, built or to be built, as aforeſaid: And alſo ſaving and reſerving to the Magiſtrates, Council, and Community of the City of *Glaſgow*, all Rights and Privileges they have, and are in Poſſeſſion of, in, and upon the River *Clyde*, and to them, and to the ſaid Bailies and Town Council of *Greenock*, and to the ſaid *Charles Schaw* Lord *Cathcart*, his Heirs and Aſſigns, and to the ſaid *John Schaw Stewart*, and his Heirs in the Eſtate of *Greenock*, and unto all other Lords of Baronies, and to all other Bodies Politick or Corporate, all their legal Right, Eſtates, and Intereſts, in the Premiſes aforeſaid; declaring always, that nothing herein contained ſhall hurt or prejudice the Charter granted to the Town of *Greenock*, in the Year One thouſand ſeven hundred and fifty-one, by the deceaſed Sir *John Schaw* of *Greenock*.

Truſtees may contract with Owners of Springs for bringing Water to the Town.

XLIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Bailies and Town Council of *Greenock*, and to Nine Feuars, Sub-feuars, or Burgeſſes, of the ſaid Town, (to be choſen by the Feuars, Sub-feuars, Corporations, Burgeſſes, and Houſeholders, in the Town of *Greenock*, in Manner as herein-after mentioned), and their Succeſſors in Office for the Time being, and they are hereby authoriſed and impowered to contract and agree with Owners or Proprietors of any Springs or Fountains within Three Statute meaſured Miles of the Town of *Greenock*, and with ſuch other Perſon and Perſons as they ſhall judge proper, for the Liberty

of collecting, receiving, and conveying the ſaid Springs and Fountains for the ſupplying the Inhabitants of the ſaid Town of *Greenock* with freſh Water, and for the laying down Pipes and other Conductors for conveying the ſaid Water, and building Ciſterns and Reſervoirs for collecting and receiving the ſame; and that the ſaid Bailies, Town Council, and Nine Feuars, Sub-feuars, or Burgeſſes aforeſaid, ſhall pay ſuch Rates or Conſideration for the ſame as ſhall be agreed on between them and the Owners and Proprietors of ſuch Springs and Fountains as aforeſaid, (either by abſolute Purchaſe, or by Payment of a certain annual Sum for the Uſe of the ſame), and as ſhall be agreed upon with the aforeſaid other Perſon and Perſons, for undertaking, doing, and performing, the ſeveral Works before mentioned; and that the ſaid Bailies and Town Council, and Nine Feuars, Sub-feuars, or Burgeſſes, and their Succeſſors, ſhall be, and they are hereby appointed Truſtees for putting ſo much of this Act into Execution as relates to the bringing Water into, and lighting, cleaning, paving, and watching, the Streets of the ſaid Town of *Greenock*, with Power to the ſaid Truſtees, and they are hereby authoriſed and impowered, to convey ſuch Water into the ſaid Town of *Greenock*, by Pipes to be laid in and through the Grounds lying between ſuch Springs and Fountains as aforeſaid and the ſaid Town of *Greenock*, and the Ciſterns and Reſervoirs built or to be built therein.

Who are excluded from being Truſtees.

XLIV. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be capable of being elected of the Number of the ſaid Nine Truſtees laſt mentioned, who, for himſelf, (or for Dwelling-houſes, Cellars, Vaults, or other Tenements, in his actual Poſſeſſion) is not aſſeſſed and rated, ſo as to contribute and pay yearly, and within each Year, the Sum of Seven Shillings and Sixpence Sterling at leaſt to the laſt-mentioned Uſes and Purpoſes of this preſent Act: And that no Feuar, Sub-feuar, Burgeſs, or Houſe-holder, and who does not contribute and pay as aforeſaid yearly, and within the Year, Two Shillings and Sixpence Sterling at leaſt, ſhall be received or admitted to vote in the Election of the Nine Truſtees before mentioned.

Where Proprietors of Springs are unwilling to contract, or under any Diſability, Sheriffs to determine Differences.

XLV. And whereas it may happen that ſome of the Owners, Proprietors, or Occupiers, of ſuch Springs and Fountains as aforeſaid, and of the Lands through which it may be neceſſary to convey the Water from the ſaid Springs and Fountains, and to lay down Pipes and other Conductors for that Purpoſe, may not agree with the ſaid Truſtees for the Purchaſe of the ſaid Water, and for the Privilege of laying ſuch Pipes, or erecting other Works on their reſpective Lands or Grounds, or may, through Infancy, Minority, Defect of the Title Deeds, Incumbrances, Debts, or other Diſabilities or Cauſes, be diſabled to grant valid and effectual Conveyances of the Premiſes in favour of the ſaid Truſtees; be it therefore enacted by the Authority aforeſaid, That in all and every of the Caſes herein immediately before mentioned, it ſhall and may be lawful to and for the Truſtees aforeſaid, and they are hereby authoriſed and impowered to apply to the Sheriff-depute of the County where ſuch Springs or Grounds ſhall reſpectively lie, who, upon ſuch Application, ſhall, and he is hereby impowered and required, to order a Viſitation and Inſpection to be made of ſuch Springs, Fountains, and Grounds, and to call before him the reſpective Owners and Occupiers thereof, or the Truſtees, Tutors, or Curators, or others having the Charge and Adminiſtration of the Affairs of ſuch Owners and Occupiers, and requiring them, within a limited Time, to ſhew Cauſe why ſuch Springs or Fountains ſhould not be aliened or granted, or why the ſaid Pipes ſhould not be laid through their Grounds, and Ciſterns built thereon, for the Purpoſes aforeſaid; and that thereupon the ſaid Sheriff ſhall proceed to hear the ſaid Parties, and to pronounce Sentence upon the ſaid Matter, in ſuch Manner as ſhall appear to him reaſonable and juſt.

Perſons aggrieved may apply to the Lords of Council and Seſſion.

XLVI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by the Sentence of the ſaid Sheriff, that it ſhall and may be lawful to and for ſuch Perſon or Perſons to apply, by Petition, to the Lords of Council and Seſſion, to have ſuch Sentence reviewed, altered, or amended; and that the ſaid Lords of Seſſion are hereby impowered and required to proceed and determine therein ſummarily, without abiding the Courſe of any Roll.

Proviſo.

XLVII. Provided always, That ſuch Application ſhall be made to the Lords of Seſſion within Fifteen Days, to commence and be computed from the Day on which the ſaid Court ſhall ſit, after the ſaid Sheriff ſhall have pronounced his Sentence as aforeſaid.

Purchaſe-money to be ſettled by a Jury.

XLVIII. And be it enacted, That if, upon Trial, it ſhall appear to the ſaid Sheriff-depute, that the Springs, Fountains, and Grounds aforeſaid, may be ſo aliened and granted without eſſential Hurt or Prejudice to the Owners and Occupiers of the ſame, and ſhall be ſo found and declared; that then, and in ſuch Caſe, for aſcertaining the Value or Conſideration to be paid for the ſame, it ſhall and may be lawful to and for the ſaid Sheriff-depute, and he is hereby impowered and required, after the elapſing of the ſaid Space in which the Perſons who think themſelves aggrieved are allowed to apply to the Court of Seſſion for Redreſs as aforeſaid, or in Caſe of any ſuch Application, after a Decree of the ſaid Lords ſhall be extracted thereupon, to ſummon and impanel a competent Number of diſcreet, ſubſtantial, and diſintereſted Perſons, not leſs than Fifteen; and, out of ſuch Perſons ſo ſummoned and returned, to name and appoint a Jury of Nine Perſons, each of them poſſeſſed of an Eſtate of Four hundred Pounds *Scots* of valued Rent in the County of *Renfrew*, to come and appear before him, at ſuch Time and Place as by his Warrant or Precept ſhall be directed, and to receive ſuch Evidence as ſhall by either Party be brought before him; and the ſaid Sheriff-depute ſhall examine ſuch Witneſſes as ſhall be brought by either Party in the Courſe of the ſaid Evidence, upon Oath, (which Oath he is hereby authoriſed and impowered to adminiſter), touching the Value to be paid to the reſpective Proprietors and Occupiers, for the Liberty of collecting and uſing the ſaid Springs or Fountains, and for laying Pipes and Conductors through the ſaid Grounds, and building Ciſterns thereon, and for altering, amending, and repairing the Ciſterns and Pipes in all Times thereafter reſpectively as the

ſaid

ſaid Caſe ſhall be; and that the Verdict of the ſaid Jury ſhall be final and concluſive, in ſo far as ſhall reſpect the Conſideration or Purchaſe Money to be paid to Owners and Occupiers of ſuch Springs, Fountains, or Grounds reſpectively as aforeſaid: Provided always, That all Parties concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen.

Sheriff-depute to pronounce Judgement for Payment of the Purchaſe-money.

XLIX. And be it further enacted by the Authority aforeſaid, That the Sheriff-depute aforeſaid ſhall, and he is hereby authoriſed and required, upon ſuch Verdict being given as before mentioned, to pronounce Judgement for the Payment of ſuch Sum or Sums ſo to be awarded by the ſaid Jury, and to ordain the Owners or Proprietors and Occupiers of ſuch Springs, Fountains, and Grounds, or their Truſtees, Tutors, Curators, or Adminiſtrators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Springs and Fountains to be collected or received into Ciſterns or proper Reſervoirs to be erected by the Truſtees named and appointed by this Act, or by ſuch Perſon or Perſons as they ſhall appoint; and alſo to permit proper Pipes, and other Conductors, to be laid for the Conveyance of the ſaid Water through their reſpective Lands or Grounds, and Ciſterns to be built thereon; and the Truſtees named and appointed by this Act, and their Officers and Servants to have Acceſs and Liberty to make, alter, amend, and repair the ſame for ever hereafter, in ſuch Manner as the ſaid Truſtees ſhall order and direct; and that the Judgement, Decree, or Determination, pronounced by the ſaid Sheriff, upon the ſaid Verdict or Verdicts, conformable to the Method above preſcribed, ſhall be binding and concluſive, to all Intents and Purpoſes whatſoever, againſt the ſeveral Proprietors and Occupiers of ſuch Springs, Fountains, and Grounds, and the ſaid Truſtees reſpectively; and that the ſame, or Extracts thereof from the Sheriff Court Books, ſhall be deemed and taken as good and effectual Evidence and Proof in any Court of Law or Equity whatſoever.

Truſtees may make Bye laws.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Truſtees, in General Meetings aſſembled, at any Time or Times hereafter, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better carrying the Purpoſes of this preſent Act into Execution, with reſpect to the ſupplying the Inhabitants of the ſaid Town of *Greenock* with freſh Water, and paving, cleanſing, lighting, and watching, the Streets and other Places within the ſaid Town; and alſo from Time to Time, as Occaſion may require, to repeal, add to, or amend or alter, ſuch Orders, Rules, and Bye-laws, as to them ſhall ſeem meet, fitting, and requiſite; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance, or other Breach, of all or any ſuch Rules or Bye-laws, or any Part of them; to be recovered and applied in ſuch Manner, and according as the Penalties under Five Pounds Sterling are ordered to be recovered, levied, and applied, by this Act: And the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up in the moſt conſpicuous Place of the Town-houſe of *Greenock*, and to pay the Expence and Charge thereof out of the Aſſeſſments aforeſaid.

Continuance of the Act with reſpect to purchaſing Springs, &c.

LI. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue and be in Force, ſo far as relates to the purchaſing of Springs, Fountains, and Grounds, for the Purpoſes aforeſaid, for the Space of Fifteen Years, to be computed from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Truſtees to appoint Perſons to watch and cleanſe the Streets, &c.

LII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, and their Succeſſors in Office, to appoint proper Perſons for watching and cleanſing the ſeveral Streets, Squares, Lanes, Alleys, Avenues, and Paſſages, in and about the ſaid Town of *Greenock*, and to appoint the Streets which are already paved to be properly repaired; and alſo to appoint Lamps to be erected at the moſt convenient Places within the ſame; and to lay a Tax on the Inhabitants in the ſaid Town of *Greenock*, for bringing in Water, cleanſing and paving, lighting and watching the ſame as aforeſaid, the ſaid Tax always never exceeding Sixpence Sterling in the Pound, of the real Rent of the Houſes and other Subjects poſſeſſed by them; and that all Veſſels taking Water from the Pipes to be laid by virtue of this Act ſhall pay at the Rate of Eight-pence Sterling for every Ton of Two hundred and Fifty-two Gallons.

and at what Time the Lamps are to be lighted.

LIII. And it is hereby further enacted, That all and each of the Lamps which now are, or hereafter ſhall be, erected by or in purſuance of this Act, ſhall be lighted in the Afternoon of every Day, at ſuch Hour or Hours as the ſaid Truſtees ſhall direct and appoint, from and after the Firſt Day of *October* in each Year, to the Firſt Day of *April* immediately following.

Time of lighting may be altered.

LIV. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to order and direct the Lamps to be lighted ſooner than the Firſt Day of *October* in each Year, or to continue the lighting of ſuch Lamps longer than the Firſt Day of *April*, or both, as they ſhall ſee Cauſe.

Penalty on Perſons taking away Lamps is 40 s.

LV. And it is alſo further enacted, That if any Perſon or Perſons ſhall ſteal, take away, break, or throw down, or damage any Lamp or Lamps that now is, or hereafter ſhall be, ſet up for enlightening any of the ſaid Streets, Squares, Courts, Lanes, Alleys, Avenues, or Paſſages, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or damage the Iron, or other Furniture thereof, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, as alſo to and for any Perſon or Perſons to aſſiſt in ſeizing, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to convey him, her, or them, into the Cuſtody of a Peace Officer, or any of the Baron Officers of *Greenock*, in order to be ſecured and conveyed before any One of the Bailies of the ſaid Town of *Greenock*; and that ſuch Bailie

ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Information touching ſuch Offence, (which Oath the ſaid Bailie is hereby authoriſed and required to adminiſter); and that if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their own Confeſſion, or upon ſuch Information as aforeſaid, he, ſhe, or they, ſo convicted, ſhall forfeit and pay the Sum of Two Pounds Sterling for each Lamp ſo broke, thrown down, or damaged, or for every Light ſo extinguiſhed as aforeſaid; and moreover ſhall make full Satisfaction to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint to receive the ſame, for the Damages ſo by him, her, or them, done as aforeſaid; and that in caſe ſuch Offender or Offenders ſhall not, on Conviction, pay ſuch Forfeiture, and make ſuch Satisfaction as aforeſaid, ſuch Bailie is hereby required to commit him, her, or them, to the common Gaol of the ſaid Town of *Greenock* for the Space of Two Months; and that ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Perſons breaking Lamps accidentally, &c to pay as the Bailie ſhall judge reaſonable.

LVI. And it is hereby further enacted, That in caſe any Perſon or Perſons ſhall careleſsly or accidentally break, throw down, or damage, any of the Lamps ſo ſet up, or hereafter to be ſet up, as aforeſaid, or the Irons or other Furniture thereof, and ſhall not immediately, upon Demand, make Satisfaction for the Damage done thereto; then, and in every ſuch Caſe, it ſhall and may be lawful to and for any One of the ſaid Bailies of the Town of *Greenock* for the Time being, upon Complaint to him made by any One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage as aforeſaid; and upon hearing the Allegations and Proofs on both Sides, or upon the Nonappearance of the Party or Parties ſo complained of and ſummoned, to award ſuch Sum or Sums of Money, by way of Satisfaction for ſuch Damage, as ſuch Bailie ſhall think reaſonable; and (in caſe of Neglect or Refuſal of the ſaid Party or Parties to pay ſuch Sum or Sums of Money ſo awarded within Ten Days next after Demand thereof) to cauſe the ſame to be levied by Diſtreſs and Sale of his, her, or their Goods or Chattels, the Surplus, (if any be), ariſing by ſuch Sale, to be paid to him, her, or them, when demanded.

Truſtees may appoint Collectors and Watchmen.

LVII. And be it further enacted, That the ſaid Truſtees ſhall have Power, and they are hereby impowered to nominate and appoint a Collector or Collectors, and other proper Officers, with ſuitable Salaries; and to change and remove ſuch Collector and Collectors, and other Officers, at the Pleaſure of the ſaid Truſtees; and that the ſaid Truſtees may, yearly and every Year, order and appoint ſuch Number of Watchmen as they ſhall judge proper to be kept within the ſaid Town of *Greenock*, and ſhall elect ſuch honeſt and able-bodied Men to be employed in that Service as they ſhall think beſt qualified for the ſame; and ſhall alſo direct where the ſeveral Watchmen ſhall be ſtationed, and in what Manner they ſhall be armed, and how often they ſhall go their Rounds, how long they ſhall continue upon Duty, and what Wages ſhall be allowed to ſuch Watchmen for their Attendance; and alſo ſhall or may hire, erect, or maintain, any proper Place or Places, within the ſaid Town, for the Reception of the ſaid Watchmen; and ſhall make all ſuch Regulations and Orders in Writing, as the Nature of each particular Service ſhall appear to them to require.

When Aſſeſſments are to be levied.

LVIII. And it is hereby further enacted and declared, That the Aſſeſſments by this Act impoſed for defraying the Expences of bringing Water into, and paving, cleanſing, lighting, and watching the Streets of the ſaid Town of *Greenock*, ſhall be leviable and levied at the Term of *Lammas* yearly: And that if any Perſon or Perſons who ſhall be rated and aſſeſſed by virtue and in purſuance of this Act ſhall refuſe or neglect to pay the Rate or Aſſeſſment charged upon him, her, or them, in purſuance of this Act, for the Space of Ten Days next after his, her, or their reſpective Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be due, and demanded by the Collector or Collectors authoriſed and impowered to collect and receive the ſame, (ſuch Demand being either perſonally made to the reſpective Perſon or Perſons ſo charged, or left in Writing at his, her, or their reſpective Houſe or Houſes, or Place or Places of Abode); that then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand of any One of the Bailies of the Town of *Greenock* for the Time being, (which Warrant or Warrants the ſaid Collector or Collectors is and are hereby required to apply for, and the ſaid Bailie is hereby authoriſed and required to grant), and with the Aſſiſtance of a Peace Officer, or any Officer of the ſaid Burgh of Barony, to enter his, her, or their Houſe or Houſes, Apartment or Apartments, and then and there to ſeize and keep Poſſeſſion of his, her, or their Goods and Chattels; and if the ſaid Rate or Aſſeſſment ſhall not be paid within three Days next after ſuch Seizure ſhall be made, (together with the Coſts and Charges thereof), to ſell by publick Auction, at the Market-Croſs of *Greenock*, ſo much and ſuch Part of the ſaid Goods and Chattels as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, with the Coſts and Charges attending ſuch Seizure and Sale, returning the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattels, (the ſaid Coſts and Charges to be ſettled and allowed by the ſaid Bailie who ſhall have granted ſuch Warrant reſpectively).

Aſſeſſments to be laid on occupied Premiſes only.

LIX. And be it enacted by the Authority aforeſaid, That the Aſſeſſments ſhall be laid upon Dwelling-houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, actually poſſeſſed, occupied, and tenanted at the Time of laying on the ſame only; and that the Poſſeſſors, whether Proprietors or Tenants, ſhall be liable for the Payment thereof; and that if any Dwelling-houſes,

houſes, Cellars, Vaults, or other Tenements, which are not poſſeſſed at the Time of laying on the general Aſſeſſment, ſhall afterwards, during the Currency of that Year, become poſſeſſed, it ſhall be lawful to, and in the Power of, the ſaid Truſtees, to meet and aſſeſs the ſame in Manner above preſcribed; and that it ſhall be in the Power of the ſaid Truſtees, if they ſee Cauſe for ſo doing, totally to exempt Houſes of the yearly Rent of Twenty-five Shillings Sterling or under from Payment of any Aſſeſſments by virtue of this Act.

Proviſo.

LX. Provided always, and be it enacted, That no Aſſeſſment ſhall be made, nor Tax levied, by virtue of this preſent Act, for Buildings ſtanding detatched from Dwelling-houſes, which are and ſhall be uſed only as Cellars and Warehouſes, for the ſole Purpoſe of keeping Merchandiſe therein, ſo long as the ſame ſhall continue to be ſo ſolely uſed as aforeſaid; any Thing herein to the Contrary notwithſtanding.

Tenants obliged to declare the Extent of their Rents.

LXI. And, for determining the real Rent of each Dwelling-houſe, Shop, Warehouſe, or other Tenement, liable to the Payment of any Aſſeſſment to be impoſed by virtue of this Act, it is hereby further enacted, That the Tenant or Poſſeſſor ſhall be obliged to declare upon Oath the Extent thereof, if required, (which Oath any of the ſaid Bailies are hereby impowered to adminiſter); and that in caſe the Poſſeſſor or Poſſeſſors ſhall happen to be alſo Proprietor or Proprietors, he, ſhe, or they ſhall be obliged, in like Manner, to declare the Price he, ſhe, or they paid for his, her, or their Poſſeſſion, or what it coſt him, her, or them; and he, ſhe, or they ſhall be aſſeſſed, at the Rate aforeſaid, according to the Rent, equal to Six Pounds Sterling *per Centum* of ſuch Price or Coſt.

Obſtructions to be removed.

LXII. And it is further enacted, That the ſaid Bailies and Town Council of *Greenock* ſhall have Power to make Regulations from Time to Time, for removing Obſtructions, and preventing Nuiſances of every Kind, within the Bounds compriſed in this Act; and to enforce the ſame by ſuch ſmall Penalties as they ſhall appoint, not exceeding, in any Caſe, Ten Shillings Sterling for each Tranſgreſſion; to be levied in Manner herein-after mentioned.

For borrowing Money.

LXIII. And be it likewiſe enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding, at any One Time, the Sum of One thouſand five hundred Pounds Sterling, and to grant, aſſign, and ſet over the ſeveral Rates and Duties given and granted by this Act for bringing in Water, and lighting, paving, and watching the Streets, to any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereon, for ſecuring the Payment of the ſame, with Intereſt reſpectively; and that the Monies ſo to be borrowed and advanced ſhall be employed for bringing in Water, lighting, paving, cleanſing, and watching the Streets, and not otherwiſe.

Application of the Monies.

LXIV. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, which ſhall be levied and received from the Rates and Duties upon Houſes and Water for Shipping, ſhall, after paying One-third of the Expence of the paſſing of this Act, by the ſaid Truſtees, be applied for and towards bringing in Water into the Town of *Greenock*, and for lighting, paving, cleanſing, and watching the Streets; and for keeping and preſerving the ſame, and paying the Officers and Servants to be employed in and about or concerning the ſame, and to no other Uſe or Purpoſe Whatſoever.

How Meetings are to be appointed for chuſing Truſtees.

LXV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Two Bailies of *Greenock*, and they are hereby authoriſed and required, to call and convene the Feuars, Sub-feuars, Corporations, Burgeſſes, and Houſe-holders in the Town of *Greenock*, by publick Advertiſement from the Readers Deſks in the Churches of *Greenock*, upon the *Sunday* immediately before ſuch Meeting; and they are hereby required to meet together at and in the Town-houſe of *Greenock*, at Eleven of the Clock in the Forenoon, on the Firſt *Tueſday* of *July*, One thouſand ſeven hundred and ſeventy-three, and ſo yearly on every following Firſt *Tueſday* of *July*, and then and there, by Plurality of Voices of ſuch as are preſent, by giving in Liſts ſigned by them, to nominate and appoint Nine Feuars, Sub-feuars, or Burgeſſes, to be Truſtees on their Part for the Purpoſes before mentioned; and that the Nine Perſons ſo elected and choſen, ſhall be and continue Truſtees under this preſent Act for One Year afterwards, and until the Firſt *Tueſday* of *July* immediately following.

Time of the Four General quarterly Meetings.

LXVI. And be it further enacted, That in every Year there ſhall be held Four Quarterly General Meetings of the ſaid Truſtees, upon the Second *Tueſday* of *July*, Second *Tueſday* of *October*, Second *Tueſday* of *January*, and Second *Tueſday* of *April*, during the Continuance of this Act; and that the Firſt General Quarterly Meeting ſhall be held on the Second *Tueſday* of *July*, in the Year One thouſand ſeven hundred and ſeventy-three, within the Town-houſe of *Greenock*, in the Forenoon; and that the ſaid Truſtees, or the major Part of them, in ſuch General Meeting aſſembled, may adjourn themſelves to ſuch Time and Place as they ſhall think proper, for the better carrying the Purpoſes of this Act into Execution.

Queſtions to be determined at Meetings by Plurality of Voices.

LXVII. And be it enacted by the Authority aforeſaid, That all Queſtions which ſhall ariſe before the ſaid Truſtees in the Execution of this Act, and aſſembled in General Meetings as aforeſaid, ſhall be determined by Plurality of Voices; and that the ſenior Magiſtrate of *Greenock*, preſent at the Time, ſhall preſide at all Meetings of the ſaid Truſtees; and beſides his ſingle Voice in common with the other Truſtees, ſhall, in all Caſes of Equality of Voices, have a caſting and deciſive Vote.

Penalties and Forfeitures how to be recovered and applied.

LXVIII. And it is hereby further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed),

rected), shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand of any One of the Bailies of the Town of *Greenock*, or any One of the Justices of the Peace for the County or Place where the Offender shall dwell; which Warrant such Bailie or Justice is hereby authorised and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses upon Oath; and that the Penalties and Forfeitures, when recovered, (after rendering the Overplus, if any be, upon Demand, to the Party or Parties whose Goods shall be so distrained and sold, the Charges of such Distress being first deducted), shall be paid to the Treasurer of the Town of *Greenock* for the Time being, and be applied towards the Purposes of this Act; and that in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Bailie or Justice as aforesaid, and he is hereby authorised and required, by Warrant under his Hand, to cause such Offender or Offenders to be committed to the Gaol of the County, therein to continue for a Time, not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Oaths may be administred by Bailies or Justices of the Peace.

LXIX. And it is hereby further enacted, That in all Cases where Cognizance is given to any of the said Bailies, or any Justice or Justices of the Peace by this Act, it shall be lawful for the Bailie or Bailies, Justice or Justices of the Peace, to administer an Oath to any Person or Persons, for his or their more certain Information in the Matters therein depending.

Act may be produced in Actions brought in pursuance thereof.

LXX. And be it further enacted by the Authority aforesaid, That in case any Suit or Action shall be commenced against the said Bailies and Council, or their Successors, or the said Trustees, or any other Person or Persons, for any Thing done in pursuance of this Act, the Defendnat or Defendants in such Suit or Action may produce this Act and plead that the said Things were done by Authority and in pursuance of this Act; and if it shall appear so to be done, that then the Defendants shall be absolved from every such Suit, Action or Actions, and shall have Costs and Expences in the Defence thereof awarded to them from and against the Prosecutor or Prosecutors of the same.

Sheriff, &c. to assist in putting the Act in Execution.

Publick Act.

LXXI. And be it further enacted by the Authority aforesaid, That all Sheriffs, Justices of the Peace, Judges and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executioners of the Law whatsoever, and every of them, are hereby required to be aiding and assisting in putting this Act into due and effectual Execution; and that this Act shall be deemed, taken, and allowed in all Courts of Law and Equity as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. XXIX.

An Act for deepening, cleansing, and making more commodious, the Harbour of *Aberdeen*; for erecting new Piers and Quays therein; and for regulating Ships and Vessels trading into, and going out of, the said Harbour.

Preamble.

'WHEREAS the Entrance to the Harbour of *Aberdeen*, in the County of *Aberdeen*, is greatly 'obstructed by a Bar or large Bank of Sand, which runs across the same, hinders Vessels of 'Burthen from getting into the Piers and Quays, and exposes the Shipping lying in the Bay of *Aberdeen* 'to many Dangers and Inconveniencies; and the Piers, Quays, and other Works within the said 'Harbour, are, in their present State, insufficient for the Accommodation of the Trade of the said 'City of *Aberdeen*, which, of late Years hath greatly increased: And whereas the Navigation of the 'said Harbour, and the Harbour itself, may be greatly improved by running out a Pier into the Sea 'on the North Side of the said Harbour, and by cleansing, deepening, and widening the same, and the 'Entrance thereto, by erecting proper Piers, Quays, and other Works, for the Accommodation of 'Trade and Shipping within the said Harbour; and by making and establishing proper Rules and 'Regulations for all Ships and Vessels trading into, and going out of, the said Harbour: But as 'these salutary Purposes (for want of proper Powers, and of a sufficient Fund to defray the Expence 'thereof) cannot be accomplished without the Aid and Authority of Parliament;' may it therefore please Your Majesty that it may be enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Magistrates and City Council of *Aberdeen*, and their Successors in Office, and to and for such other Person or Persons as they shall, from Time to Time, for the Purposes herein-after mentioned, nominate and appoint, to deepen, cleanse, scour, and preserve the said Harbour of *Aberdeen*, and the Improvements and Additions which shall be made thereto by virtue of this present Act, from Sand, Shingle, Dirt, Mud, and other Obstructions whatsoever; and also to raise, repair, and make, or cause to be raised, repaired, and made sufficient the Dykes, Piers, Quays, and other Works, at present belonging to the said Harbour of *Aberdeen*; and to alter and extend the same, or any Part thereof, as the said Magistrates and City Council, or any Five or more of them, to be named and appointed by themselves, (whereof the Provost or senior Magistrate of the said City for the Time being shall always be One), shall judge to be necessary for the more effectual Improvement of the said Harbour, and for scouring and cleansing the Bed and Channel of the River of *Dee*, from the said Harbour to the Bay of *Aberdeen*; and likewise to build and erect, or cause to be built and erected in the said Harbour, Piers, Quays, Jettees, Breasts, Docks, Locks, and other necessary Works, for the Improvement of the said Harbour,

Magistrates of Aberdeen may deepen and scour the Harbour, and build Piers, &c.

Harbour, particularly a Quay or Pier upon the North Side of the Entry of the ſaid Harbour, extending from the Point of *Sandneſs* into the Sea, ſo far, and of ſuch Dimenſions, as ſhall be found neceſſary; and to fix and maintain ſuch Buoys, Moorings, Lamps, Light-houſes, and other Land-marks, as ſhall be judged neceſſary by the ſaid Truſtees, or any Five or more of them, to be named as aforeſaid; and to do, or cauſe to be done, ſuch other and further Works as ſhall be deemed by them proper and neceſſary for the Improvement of the ſaid Harbour, and for the more ſafe and eaſy Reception of Ships and Veſſels reſorting thereto, and for the more convenient lading and unlading of ſuch Ships and Veſſels.

Truſtees. II. And be it further enacted by the Authority aforeſaid, That the ſaid Magiſtrates and City Council of *Aberdeen*, and their Succeſſors in Office, or any Five or more of them, to be named as aforeſaid, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution: And, for the better effecting the Ends and Purpoſes of the ſame, and that the Fee and Property of the Quays, Piers, Breaſts, and other Works to be made, built, and erected, by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, to and for the Ends and Purpoſes aforeſaid; and that the ſaid Truſtees are and ſhall be bound to apply the Rates and Duties herein-after mentioned (after paying the Expences of this preſent Act) in improving and repairing the ſaid Harbour, and in keeping and maintaining the ſame in good Order and Repair, and in preſerving the ſaid Harbour clean and free from Sand, Shingle, Mud, Dirt, and other Obſtructious whatſoever.

Harbour Duties. III. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *June*, in the Year of our Lord One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to be named as aforeſaid, and to and for ſuch Perſon or Perſons as they ſhall appoint, to demand, collect, receive, and take (over and above the preſent Harbour Dues of One Penny Sterling for every Barrel Bulk, and all other Rates, Dues, and Duties, which at preſent ſubſiſt, and are levied within the ſaid Harbour) of and from all and every the Owners and Proprietors, being Burgeſſes of Guild of the ſaid City of *Aberdeen*, of all Goods, Merchandiſe, Wares, and Commodities whatſoever, which ſhall be imported or exported in any Ship, Veſſel, Bark, or Lighter, or that ſhall be loaded into, or unloaded out of, any Ship, Veſſel, Bark, Boat, or Lighter, coming into, or going out of, the ſaid Harbour of *Aberdeen*; or from their Agents, Factors, or Managers, the additional Sum of One Penny Sterling for each and every Barrel Bulk of ſuch Goods, Wares, and Commodities aforeſaid, which ſhall be ſo imported and exported by Burgeſſes of Guild as aforeſaid; and of and from all and every other Perſon or Perſons, (not being Burgeſſes of Guild of the ſaid City), Owners and Proprietors of Goods, Merchandiſe, Wares, and Commodities, as aforeſaid, which ſhall be imported or exported in any Ship Veſſel, Boat, or Lighter, coming into, or going out of, the ſaid Harbour of *Aberdeen*, or from their Agents, Factors, or Managers, the additional Sum of Twopence Sterling for each and every Barrel Bulk of ſuch Goods, Merchandiſe, Wares, and Commodities, that ſhall be ſo imported and exported as aforeſaid, by Unfreemen, or Perſons not being Burgeſſes of Guild of the ſaid City of *Aberdeen*; and, in like Manner, (over and above the Rates and Duties which at preſent ſubſiſt and are levied within the ſaid Harbour), to demand, receive, collect, and take, of and from all and every the Maſters and Owners of ſuch Ships, Veſſels, Barks, and Lighters, coming into, or going of, the ſaid Harbour of *Aberdeen*, and of and from the Owners and Proprietors of all Goods, Merchandiſe, Wares, and Commodities whatſoever, which ſhall be loaded or unloaded within the ſaid Harbour of *Aberdeen*, and which, by the preſent Uſage and Cuſtom of the ſaid Harbour, are not chargeable for Shore or Harbour Dues by the Barrel Bulk, or from their Agents and Managers, a further additional Sum, which ſhall be, and is hereby declared to be the ſame with the Sum which, by the preſent Cuſtom and Uſage of the ſaid Harbour and Port of *Aberdeen*, is and ſhall be chargeable upon and paid by the ſaid Maſters, Owners, or other Perſons concerned, for Anchorage, Laſtage, Balaſt Money, and other Shore and Harbour Dues, of the Ships and other Veſſels, Goods, Merchandiſe, Wares, and Commodities aforeſaid, which ſhall be ſo loaded and unloaded within the ſaid Harbour of *Aberdeen*; and alſo, to demand, collect, and receive, of and from the Maſters and Owners of all Ships, Barks, and Lighters, arriving in the ſaid Harbour of *Aberdeen*, or which ſhall put into the ſame by Streſs of Weather, or otherwiſe, the Sum of Two-pence Sterling for each and every Ton which ſuch Ship, Veſſel, Bark, and Lighter, ſhall reſpectively meaſure: Provided always, that every ſuch Ship, Veſſel, Bark, or Lighter, which ſhall have Once paid the ſaid Tonnage Duty of Two-pence Sterling, ſhall not be liable or obliged to pay the ſame again, notwithſtanding that ſhe may be put back, and return into the ſaid Harbour, upon and during the ſame Voyage for which ſhe had before paid the Tonage Duty aforeſaid.

Ships coming into or going out of the Harbour to pay Double Tonnage Duty. IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That every Ship, Veſſel, Boat, or Lighter, coming into or going out of the ſaid Harbour, and all Goods, Merchandiſe, Wares, and Commodities, which ſhall be loaded or unloaded within the ſaid Harbour, ſhall in all Caſes pay a Tonnage Duty, for the Uſes and Purpoſes of this preſent Act, at leaſt equal to Double the Sum which ſuch Ship, Veſſel, Boat, or Lighter, and Goods, Merchandiſe, Wares, and Commodities aforeſaid, are liable for, and do and ſhall actually pay, on account of Shore and Harbour Dues, according to the preſent Cuſtom and Uſage of the ſaid Harbour and Port of *Aberdeen*; and that the ſaid Magiſtrates and City Council, as Truſtees aforeſaid, and ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, ſhall have full Power and Authority, and are hereby impowered and authoriſed, (in all Caſes where-ever any Doubt or Difficulty ſhall ariſe reſpecting the Amount of the Tonnage, and other Duties by this Act intended to be impoſed), to demand, collect, and receive, of and from all and every Perſon or Perſons concerned in the ſhipping Goods, Merchandiſe, Wares, and Commodities aforeſaid, Double the Sum and Sums of Money which, by the preſent Cuſtom

Cuſtom and Uſage of the Harbour and Port of *Aberdeen*, is and are now exigible by, and in uſe to be paid, as Shore and Harbour Dues for ſuch Ships and other Veſſels, Goods, Wares, and Commodities, to the ſaid Magiſtrates and City Council, and their Collectors, or Tackſmen of the Shore Dues of the ſaid City.

Ships, &c. formerly free, now to pay certain Dues.

V. Provided nevertheleſs, and be it alſo further enacted, That all ſuch Ships, Veſſels, Barks, and Lighters, as are not at preſent chargeable with, or liable in the Payment of any Dues within the ſaid Harbour, ſhall only be, and they are here by chargeable (to the Uſes and Purpoſes of this preſent Act) with the reſpective Rates and Duties following, which the Maſters and Owners of all ſuch Ships and Veſſels ſhall be obliged, and are hereby required, to pay to the ſaid Truſtees, or the Collector or Collectors, to be appointed by them for that Purpoſe; *videlicet*, For each and every ſuch Ship or Veſſel, under the Burthen of Fifty Tons, the Sum of Two Shillings and Sixpence Sterling; for every Ship or Veſſel from Fifty to One hundred Tons Burthen, the Sum of Five Shillings Sterling; and for each and every Ship above One hundred Tons Burthen, the Sum of Seven Shillings and Sixpence Sterling.

The Duties.

Exemption.

VI. Provided alſo, That all open Boats under the Burthen of Twenty Tons, coming into the ſaid Harbour, (except ſuch Boats as ſhall be employed in unloading of Ships and Veſſels in the Bay of *Aberdeen*), ſhall be, and are hereby declared to be exempted from the Rates and Duties by this Act impoſed.

Ships, &c. to be meaſured.

VII. And be it alſo further enacted, That the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters trading to and from the ſaid Harbour, and liable to the Payment of the Rates and Duties by this Act impoſed, ſhall permit and ſuffer the ſaid Ships, Veſſels, Barks, and Lighters, to be meaſured by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall from Time to Time appoint for that Purpoſe, and ſhall pay the Rates and Duties aforeſaid according to ſuch Meaſurement; and that every Owner or Maſter aforeſaid who ſhall refuſe to have his or their Ship, Veſſel, Bark, or Lighter, meaſured as aforeſaid, ſhall, for every ſuch Offence reſpectively, forfeit and pay to the ſaid Truſtees the Sum of Five Pounds Sterling.

Collectors and other Officers to be appointed by Truſtees.

VIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them for carrying the ſame into Execution; and from Time to Time to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead, and to ſettle ſuch reaſonable Fees or Salaries for them as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts ſhall be open and patent to the ſaid Truſtees, at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed: And that the Collector and Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or received, and ſhall make Oath to the Truth of his or their Accounts, ſo often as required; and that it ſhall be in the Power of the ſaid Truſtees to let in Leaſe to the beſt Bidder or Bidders, at publick Roup or Sale for that Purpoſe appointed, and advertiſed in the *Aberdeen Journal* Two ſeveral Times, Fourteen Days at leaſt before ſuch Roup or Sale, the Rates and Duties aforeſaid, for any Time or Space not exceeding Three Years.

To prevent evading the Payment of the Duties.

IX. And to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-three, there ſhall be produced to the Collector, or other Officers of His Majeſty's Cuſtoms at *Aberdeen*, by the Maſter or Owner of every Ship, Veſſel, Bark, or Lighter, coming into or ſailing out of the ſaid Harbour of *Aberdeen*, or liable in the Rates and Duties by this Act granted, a Receipt, or other ſufficient Voucher, of the Payment of the ſaid Rates and Duties; and that until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward, of any Ship, Veſſel, Bark or Lighter, Foreign or *Britiſh*, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Twenty Pounds Sterling.

Duties to be levied in caſe of Refuſal.

X. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and to ſuch Perſon or Perſons as ſhall be for that Purpoſe authoriſed by them, to go on board any Ship, Bark, Boat, Lighter, or Veſſel, and to take the Dimenſions thereof, and to demand, collect, and receive from any Owner, Maſter, or other Perſon, having the Charge of any Ship, Bark, Lighter, or Veſſel, the Rates and Duties by this Act impoſed, and made due and payable; and in caſe of Delay or Refuſal of Payment, to ſeize, take, and detain, preferable to, and notwithſtanding of an Attachment, Arreſtment, or other Right whatſoever, claimable by, or due to any other Perſon or Perſons, any of the Goods, Merchandiſe, Tackle, Furniture, and Apparel of or belonging to any ſuch Ship, Bark, Lighter, or other Veſſel, and the ſame to detain and keep until the ſaid Duty and Duties be ſatisfied and paid; and that in caſe of any Neglect or Delay in the Payment of the ſaid Rates and Duties, or any of them, for the Space of Three Days after ſuch taking, ſeizing, or detaining as aforeſaid, it ſhall and may be then lawful to and for the ſaid Truſtees, and to and for ſuch Perſon and Perſons authoriſed by them, as aforeſaid, to cauſe the ſame ſo appraiſed by Two or more ſufficient Perſons, and afterwards to ſell and diſpoſe of the Goods and other Effects taken and appraiſed, and therewith

therewith to satisfy the Duty and Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling, (as the same shall be ascertained by the Sellers upon Oath), rendering the Master or Owner of such Ship, Bark, Boat, Lighter, or other Vessel, or to the Owners of such Goods, the Overplus (if any be) on Demand.

Penalty on Ship-masters, &c. evading the Payment of the Duties.

XI. And be it further enacted by the Authority aforesaid, That if any Master, Commander, or other Person taking upon himself the Command, or appearing to be Master or Commander, or any Owner, Factor, or Consignee of any Ship, Bark, or other Vessel, or any Owner or Proprietor of any Goods, Wares, or Merchandise, liable in the Rates and Duties by this Act imposed, shall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatsoever, every such Master, Commander, or other Person aforesaid, shall, for every such Offence, forfeit unto the said Trustees the Sum of Five Pounds Sterling, and shall, notwithstanding, stand charged with and be liable to the Payment of the said Rates and Duties.

Rates, &c. to be applied to the Repair of the Works of the Harbour.

XII. And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money which shall be levied and received from the Rates and Duties aforesaid, and which shall be recovered for Forfeitures incurred under and by virtue of this Act, shall, by the said Trustees, (after paying the Expences of this Act), be applied for and towards the deepening, scouring, enlarging, and improving, maintaining and cleansing, the said Harbour of *Aberdeen*, from all Sand, Shingle, Dirt and Mud, and other Obstructions whatsoever, and for keeping and preserving the same clean, and for and towards making, erecting, building, and finishing such Docks, Piers, Quays, and Jettees, and other Works, in Manner directed, appointed, and provided by this Act, and for the executing and performing of all necessary Works, and paying the Officers and Servants to be employed in and about or concerning the same; and towards the Payment and Discharge of such Sum and Sums of Money as shall be borrowed by the said Trustees upon the Credit of the said Rates and Duties, in Manner as herein-before mentioned; and to no other Use or Purpose whatsoever.

Trustees impowered to borrow Money.

XIII. And be it further enacted by the Authority aforesaid, That the said Trustees shall and may, and they are hereby authorised and impowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, not exceeding at any One Time the Sum of Twenty thousand Pounds Sterling, and to grant, assign, and set over the several Rates, Duties, and Tonnage, given and granted by this Act, to any Person or Persons whatsoever, who shall be willing to advance and lend Money thereon, for securing the Payment of the same, with Interest respectively; and that the Money so to be borrowed and advanced shall be employed for the Ends and Purposes of this Act, and not otherwise.

Proper Pilots to be appointed by Trustees.

'XIV. And whereas the said Magistrates and City Council of *Aberdeen* have already a Jurisdiction 'within and over the whole Limits of the said Harbour of *Aberdeen*, and also have the Nomination and 'Appointment of, and do yearly name and appoint a Shoremaster, and other proper Persons, for superintending and taking care of the said Harbour of *Aberdeen*, and of the Quays, Piers, and other Works 'belonging to the same; and that it will tend greatly to the Improvement of the said Harbour, and to 'the Accommodation of the Publick, as well as to the more effectual executing the Purposes of this 'Act, that the said Magistrates and City Council had Power and Authority to appoint Pilots for the 'said Harbour; and by themselves, their Deputies, and other Officers and Servants, to remove (after 'reasonable Notice to the Person or Persons immediately interested) all unnecessary Obstructions within 'the said Harbour of *Aberdeen*, and upon the Docks, Quays, and Piers belonging to the same; and to 'order and regulate, with respect to the Stations and Places of Mooring of the Ships and other Vessels 'within the said Harbour and Docks, and with respect to the Time of Continuance upon the said Docks, 'Piers, Quays, and others aforesaid, of Goods and Merchandise, or other Things whatsoever; and to 'make such other Bye-laws, Orders, and Regulations, for the better Government and Management of 'the said Harbour, as to them the said Magistrates and Council shall seem meet and expedient:' Be it therefore further enacted by the Authority aforesaid, That it shall be in the Power of the said Magistrates and City Council of *Aberdeen*, and they and their Successors in Office are hereby authorised and impowered to licence, limit, regulate, and appoint proper Persons for piloting all Ships and Vessels coming into and going out of the said Harbour of *Aberdeen*; and that all Ships, Barks, Lighters, Boats, or Vessels, which shall be laid by as unfit for Sea Service, or neglected by the Owner, shall not be permitted to be and remain in any of the Docks, Piers, or Quays, erected, or to be erected, within the said Harbour of *Aberdeen*, so as to incumber the same; but that in every such Case, it shall and may be lawful to and for the the said Magistrates and Town Council, and their Successors in Office, or any Person or Persons whom they shall authorise for that Purpose, immediately to cause such Ship, Bark, Lighter, Boat, or Vessel, so unserviceable or neglected, to be, at the Expence of the Owner or Owners of the same, removed from the said Docks, Quays, and Piers, or any of them, and to lay the said Ship or other Vessel on any Part of the Strand or Sea-shore within the High-water Mark, or any other Place of Safety without the said Harbour, and there to moor such Ship or other Vessel; and that, on or before Demand of Payment is made by the said Trustees, or the Person authorised by them, as aforesaid, from the Owner or Owners, Master or Agents, of such Ship, Bark, or other Vessel, as aforesaid, such Charges and Expences shall be first seen and allowed by One of the Magistrates of *Aberdeen* for the Time being: And that in case of Refusal or Neglect of Payment of such Charges and Expences allowed as aforesaid for the Space of Five Days after Demand shall be made; then, and in every such Case, it shall and may be lawful to and for the said Trustees, or the Person so authorised as aforesaid, to levy such Expences by Distress and Sale of such Ship, Bark,

Lighter, Boat, or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, (if any be) after deducting the Charge of taking, keeping, and Sale of ſuch Diſtreſs, to the Owner or Owners, Maſter, Factor, or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Goods to be removed from the Quays.

XV. And be it alſo enacted by the Authority aforeſaid, That it ſhall not be lawful to, and in the Power of, any Perſon or Perſons who ſhall have landed, or cauſed to be landed and laid, any Goods or Merchandiſe, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors Cables, Caſks, Guns, Ballaſt, paving or other Stones, Limeſtones, Lime, Chalk, Slates, Dung, or Manure, or any other Thing, (other than Materials for the neceſſary Repair of the Docks, Piers, and Quays, before mentioned, or for immediate Uſe in Shipping), upon any of the Docks, Piers, and Quays, or Landing-places, within the ſaid Harbour, or on any of the adjacent Streets and Avenues leading to the ſaid Docks, Piers, and Quays, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon, for any longer Time than Forty-eight Hours: And that in all Caſes where the ſaid Goods, or others aforeſaid, ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Truſtees, or any Perſon or Perſons authoriſed and appointed by them, as aforeſaid, to remove, or cauſe to be removed, all ſuch Goods and other Things as ſhall be ſo found lying, continuing, and being on the ſaid Docks, Quays, and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration beſides to the ſaid Perſon or Perſons authoriſed as aforeſaid, for their Trouble in and about the ſame, as the Provoſt, or any One of the Bailies of the ſaid City of *Aberdeen* ſhall think reaſonable: And if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof, by the ſaid Perſon or Perſons authoriſed as aforeſaid by the ſaid Truſtees; then, and in that Caſe, they are hereby authoriſed and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels ſo reſpectively ſecured, and to render the Overplus (if any be) to the Owner or Owners of ſuch Goods, Merchandiſe, and others aforeſaid, (the Charges of taking, keeping, and making the Sale being deducted and allowed) whenever the ſame ſhall be demanded.

Warehouſes, &c. may be hired.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authoriſed and impowered, out of any of the Rates and Duties aforeſaid, to rent or hire by the Year, or otherwiſe, any convenient Warehouſe, Yard, or other Place, for the receiving and ſafe-keeping or lodging of ſuch Goods and other Things ſo to be removed from off the Quays and other Places as aforeſaid, or to incloſe, erect, or build, any ſuch Yard, Warehouſe, or other Building, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt meet and fitting.

Gunpowder and other Combuſtibles to be removed after a certain Space.

XVII. And be it further enacted by the Authority aforeſaid, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy, or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other ſuch combuſtible Things, ſhall be ſuffered to be and remain on the Docks, Quays, and Piers aforeſaid, already conſtructed, or hereafter to be conſtructed, within the ſaid Harbour of *Aberdeen*, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Docks, Piers, and Quays, lying in the Harbour aforeſaid, for above the Space of Twenty-four Hours after paſſing the Cuſtom-houſe Officers; and that in caſe ſuch Goods and Things cannot be conveniently removed, or got off from ſuch Docks, Quays, Place or Places, by Day-light, that then, and in every ſuch Caſe, the Owner of ſuch Goods and Things ſhall be obliged, and are hereby required to ſet and maintain, at their own Expence, a ſufficient Number of careful, diſcreet, and ſober Perſons to guard and watch over the ſame for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Truſtees, or the Perſon or Perſons authoriſed as aforeſaid, ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter or Maſters of Ships, Barks, or other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Pounds Sterling.

Ships may be removed from one Birth to another.

XVIII. And be it alſo enacted by the Authority aforeſaid, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall authoriſe and appoint, ſhall and may, and he or they are hereby authoriſed and impowered, when and ſo often as he or they ſhall judge neceſſary, to remove, or cauſe to be removed, any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbour of *Aberdeen*, or at any Dock, Quay, Pier, and Breaſt, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the ſaid Harbour, from the Birth or Lying-place, at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying-place as he or they ſhall think proper: And in caſe the Maſter, Mate, or any other Perſon having and taking the Command and Charge of the ſaid Ship, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing aboard the Ship or Veſſel intended to be moved, Twelve Hours before the Time of Removal, by the ſaid Truſtees, or ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint, neglect, or refuſe to move, or cauſe to be removed, during the firſt High Water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat, from her ſaid Birth, to ſuch other Birth or Mooring-places as are or ſhall be appointed unto them by the ſaid Truſtees, or any Perſon authoriſed as aforeſaid, that then the ſaid Truſtees, or any Perſon or Perſons they ſhall order or appoint, ſhall have Power, and are hereby directed and impowered, immediately after ſuch Notice, Neglect, or Refuſal, to remove or cauſe to be removed, ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring-place, to ſuch other Birth or Mooring-place, as the ſaid Truſtees, or any Perſon or Perſons authoriſed as aforeſaid, ſhall judge proper;

proper; and that the Maſters, Commanders, Owners, and Conſignees, of ſuch Ship, Veſſel, Bark, Lighter, and Boat, ſo to be removed, ſhall reſpectively pay to the ſaid Truſtees all ſuch Coſts and Charges as ſhall be reaſonably expended in removing ſuch Ship, Veſſel, Bark, Lighter, or Boat; to be recovered, levied, and applied, in like Manner as the Forfeitures and Penalties impoſed by this Act are herein-after ordered to be recovered, levied, and applied; and that every Maſter, Commander, Mate, or other Perſon taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, Conſignee, or Agent, or other Perſon or Perſons whatſoever, who ſhall obſtruct or hinder the Removal of any ſuch Ship, Veſſel, Bark, Lighter, or Boat, ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds Sterling.

Veſſels in Diſtreſs to be preferred.

XIX. And be it further enacted by the Authority aforeſaid, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Harbour of *Aberdeen* in Diſtreſs, or meet with any Misfortune in the Bay of *Aberdeen*, or in the Harbour aforeſaid, it ſhall and may be lawful to and for the Provoſt, or any One of the Bailies of the ſaid City of *Aberdeen*, upon Requeſt made to him in Writing by the Maſter, Commander, or Owner of any ſuch Ship or Veſſel, or Owner of any Goods aboard ſuch Ship or Veſſel, and upon Proof being made before him of ſuch Diſtreſs, to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to the Births at the Docks, Piers, and Quays, and as to the Courſe of diſcharging, to any other Ship or Veſſel arrived before her in the Harbour aforeſaid; and that every Maſter or Commander of any Ship or Veſſel lying within the Harbour of *Aberdeen*, who ſhall refuſe or delay to comply with the Order of the ſaid Provoſt or Bailie, in favour of the Ship or Veſſel in Diſtreſs as aforeſaid, ſhall forfeit the Sum of Twenty Pounds Sterling; to be levied and applied in Manner herein-after directed.

Ballaſt, &c. not to be thrown, under Penalty of 40 s.

XX. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-three, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Dirt, Aſhes, or Rubbiſh, Shingle, Stones, or other Things, into the ſaid Harbour, or to dig and take away any Ballaſt, Shingle, Stones, or other Things, from within the ſame, to the Hurt and Prejudice of the ſaid Harbour, or of the Works erected, or to be erected, for the Security and Accommodation of the ſame, or to do any other Act or Deed to prejudice or annoy the ſame, or any Part thereof, under the Penalty of Forty Shillings Sterling for every ſuch Offence.

and no ſuch to be ſuffered to remain on the Quays.

XXI. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel upon any Dock, Quay, Pier, or Breaſt, or other Place in or about the ſaid Docks, Quays, Piers, Breaſts, or other Works, made or to be made, as before mentioned, belonging to the ſaid Harbour, ſhall not ſuffer the ſame to be and remain on the ſaid Docks, Quays, Piers, Breaſts, or other Places, but ſhall immediately after cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as the ſaid Truſtees ſhall, for ſuch Purpoſe, provide and appoint, on Pain of forfeiting, for every ſuch Offence, Forty Shillings Sterling.

Shipmaſters anſwerable for Damages done by their Crews.

XXII. And be it enacted by the Authority aforeſaid, That the Maſter or Owner of every Ship, Bark, Lighter, Boat, or other Veſſel, lying or trading in the Harbour of *Aberdeen*, ſhall be and is hereby made anſwerable to the ſaid Truſtees for the Amount or Value of any Damage or Miſchief that ſhall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on Board the ſame to any of the Docks, Quays, Piers, Breaſts, or other Works already conſtructed, or that ſhall be conſtructed by virtue of this Act, with full Coſts of Suit; and that ſuch Damages and Coſts ſhall be ſued for, and recovered in Manner herein-after directed.

Fines and Forfeitures, &c. how to be ſued for and recovered.

XXIII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Collector to be appointed by them, for receiving any Part of the Rates and Duties granted by this Act, to proſecute and recover the ſeveral Fines, Penalties, and Forfeitures, Damages, and Coſts of Suit, by this preſent Act impoſed, by Action, Bill, Complaint, or Information, within Six Months after ſuch Offence is committed, before the Provoſt or any One of the Bailies of *Aberdeen*, or any other Judge competent for civil Actions, within whoſe Juriſdiction the Offender or Offenders ſhall reſide, or be apprehended; and that the ſaid Magiſtrates, or other Judges aforeſaid, ſhall, and they are hereby impowered and required to proceed to the Trial of ſuch Offences in a ſummary Way; and upon Conviction of the Offender or Offenders, by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, to award and give ſuch Orders, Judgments, and Decrees, as to them ſhall ſeem moſt agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the ſeveral Fines, Penalties, Forfeitures, Damages, and Coſts of Suit, herein-before enacted, which ſhall be awarded and ordered by the ſaid Magiſtrates or other Judges, the Perſon or Perſons which ſhall be convicted of any of the Offences before deſcribed ſhall and may be ſent by them to the Priſon or Houſe of Correction neareſt to the Place where the Offender or Offenders ſhall be apprehended, and there to be kept to hard Labour for ſuch Time, not exceeding Six Months, as ſuch Magiſtrate or Magiſtrates ſhall direct; and that the whole Fines, Penalties, and Forfeitures aforeſaid, which ſhall be recovered by the ſaid Truſtees, or their Collectors, as aforeſaid, after Deduction of the neceſſary Charges of recovering the ſame, ſhall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforeſaid, and to no other Uſe or Purpoſe whatſoever.

Penalties may be mitigated.

XXIV. Provided always, That it ſhall and may be lawful to and for the ſaid Magiſtrates, and other Judges aforeſaid, or any of them, by whom ſuch Judgement, Sentence or Determination ſhall be given, pronounced, or made, from Time to Time, where they ſee Cauſe, to mitigate, compound, or leſſen

any of the Penalties or Forfeitures aforeſaid, as he or they in his or their Diſcretion ſhall think fit, ſo as ſuch Mitigation or Compoſition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every ſuch Mitigation or Compoſition ſhall be a ſufficient Diſcharge for the Perſons offending reſpectively for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo mitigated, leſſened, or remitted.

Truſtees, &c. impowered to dig Gravel, &c. out of Waſte or Common Grounds.

XXV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away from ſuch Quarries and Pits any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Waſte or Common Grounds lying within Two Miles of the ſaid Harbour of *Aberdeen*, for carrying on, executing, and repairing, the ſeveral Docks, Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour, or authoriſed to be built by virtue of this Act: And that in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away, Stones and Gravel, Clay, and other Materials, from the ſaid Waſte or Common Ground, and that ſufficient Materials for the Purpoſes aforeſaid cannot be eaſily got from the ſame; that then it ſhall and may be lawful to, and in the Option of, the ſaid Truſtrees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons within Two Miles of the ſaid Harbour of *Aberdeen*, (not being Ground on which ſtands any Houſes, Garden, Orchard, planted Walk or Walks, or Avenue to a Houſe), where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried off, or ſo much thereof, as the ſaid Truſtees and their Deputies, Agents, Officers, and Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair; the ſaid Truſtees making a reaſonable Satisfaction for the Damage done to the Surface of the ſaid Grounds, and for the Value of the ſaid Stones, Sand, Gravel, Clay, and other Materials, which ſhall be ſo carried out of the ſaid Waſte and Common, or other Grounds, to the Proprietors, Life-renters, Tackſmen, Poſſeſſors, and other Parties, intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, or Materials taken away in Manner aforeſaid; which Damage or Damages ſhall be aſcertained, in caſe of Difference of Opinion between the Parties, by Reference to the Sheriff-depute of the County of *Aberdeen*, and Sheriff-depute of the County of *Kincardine*, jointly, with Power to them, in caſe of any Difference of Opinion between them, to name and appoint an Umpire or Overſman, and with Power to the ſaid Sheriffs-deputes, or Umpire or Overſman, ſo to be choſen by them, to take and receive ſuch Evidence as ſhall be offered to them or him for either of the ſaid Parties, and thereupon to ſettle and determine the Amount of ſuch Damage or Satisfaction to be paid or made; and that the Award of ſuch Sheriffs or Umpire ſhall, in reſpect of the Amount and Value aforeſaid, be final and concluſive; and ſuch Sheriffs or Umpire ſhall, and they are hereby required to aſcertain and award by whom the Coſts of ſuch Reference ſhall be paid.

XXVI. And it is hereby further enacted, That the ſaid Truſtees, their Agents and Servants, ſhall, and they are hereby required, at their own Coſts and Charges, within Ten Days next and immediately after the firſt breaking of the Ground for the opening of ſuch Quarries or Pits, or the working of any ſuch Quarries or Pits as are already opened for getting Materials as aforeſaid, either in Common and Waſte, or in any other Grounds whatever, rail in or fence off the ſame in a ſufficient Manner, and afterwards keep in Repair, and maintain ſuch Rails and Fences, ſo long as they the ſaid Truſtees, their Agents or Servants, ſhall work and uſe ſuch Quarries or Pits for the Purpoſes aforeſaid; and that within Six Months after the ſaid Truſtees, their Agents or Servants, ſhall deſert, abandon, or give up the working of ſuch Quarries or Pits, for ſuch Materials as aforeſaid, they ſhall, and are hereby required, at their own Coſts and Charges, to fill up and level ſuch Quarries or Pits in a ſufficient and laſting Manner

Roads to the Harbour.

XXVII. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, to make, uſe, and maintain, Roads from the ſaid Waſte and Common Ground, or other Grounds aforeſaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, from the ſaid Pits and Quarries ſo to be opened as aforeſaid, directly to the Harbour of *Aberdeen*, and to make the ſame through any Grounds belonging to any Perſon or Perſons whatſoever, (not being the Grounds on which ſtands any Houſe, or any Garden, Orchard, Walk or Walks planted, or Avenue to any Houſe), the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Ground through which the ſaid Road or Roads paſs to the Proprietor, Life-renter, Tackſman, and other Parties concerned and intereſted in ſuch Grounds, to which ſuch Damage ſhall be done or occaſioned, to be aſcertained and awarded in Manner above directed.

Penalty on Perſons deſtroying the Works.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, maliciouſly, wilfully, or wantonly demoliſh, break down, deſtroy, or ſet on fire, any of the Docks, Jettees, Piers, Quays, Breaſts, Land-marks, or Buoys, or any Lights or Light-houſes, or other Works, conſtructed or to be conſtructed, in or belonging to the ſaid Harbour of *Aberdeen*, or ſhall maliciouſly, wilfully, or wantonly, extinguiſh or put out any of the Fires or Lights uſed in the ſaid Light-houſes, and others aforeſaid, every ſuch Perſon or Perſons ſo offending ſhall be adjudged guilty of Felony; and the Court and Courts by and before whom ſuch Perſon or Perſons ſhall be indicted and tried, ſhall, and have hereby Power and Authority to tranſport

ſuch

ſuch Felon or Felons, for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Bye-laws. XXIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, at any Time or Times hereafter, in General Meetings aſſembled, to make, ordain, and eſtabliſh, ſuch Orders, Rules, and Bye-laws, for the better deepening, cleanſing, and keeping in Repair the ſaid Harbour of *Aberdeen*, and piloting of the Ships, and other Veſſels, going in and coming out of the ſaid Harbour, and for the better regulating, governing, and managing, the Docks, Piers, Quays, and Jettees, and every other the Works erected, and to be erected, made, or ſet up, in the Harbour aforeſaid, and for the better executing the other Purpoſes of this Act; and alſo from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter, ſuch Rules, Orders, and Bye-laws, as to them ſhall ſeem moſt fitting and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobſervance, or other Breach, of all or any ſuch Rules or Bye-laws, or any Part of them, to be recovered and applied in ſuch Manner as the Fines and Penalties impoſed by this Act are ordered to be recovered, levied, and applied; and the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-laws, to be printed and diſtributed, and hung up at the moſt conſpicuous Places within the Harbour of *Aberdeen*, and to pay the Expence and Charge thereof out of the Rates and Duties aforeſaid.

Time and Place of General Meetings. XXX. And be it alſo enacted by the Authority aforeſaid, That there ſhall be held Four General Meetings of the ſaid Truſtees within the Town-houſe of the ſaid City of *Aberdeen*, upon every Firſt *Tueſday* of *January*, Firſt *Tueſday* of *April*, Firſt *Tueſday* of *July*, and Firſt *Tueſday* of *October*, during the Continuance of this preſent Act; and that the Firſt of the ſaid General Meetings ſhall be held upon the Firſt *Tueſday* of *July*, One thouſand ſeven hundred and ſeventy-three; and that the ſaid Truſtees ſhall have Power, and are hereby impowered, to adjourn to ſuch other Times and Places as to them, or to the Majority of them, at ſuch Quarterly Meetings aſſembled, ſhall ſeem meet and expedient; and in all ſuch Meetings the Provoſt, or Senior Magiſtrate of the City of *Aberdeen*, preſent for the Time being, ſhall preſide; and beſides his Vote in common with the other Truſtees, ſhall, in Caſes of Equality, have a caſting or deciſive Voice.

Duties may be leſſened. XXXI. And be it enacted by the Authority aforeſaid, That the ſaid Magiſtrates and City Council, as Truſtees aforeſaid, in General Meetings aforeſaid, may, and they are hereby impowered, to leſſen and reduce the aforeſaid Rates and Duties granted by this Act, as they ſhall judge reaſonable and expedient, and the State of the ſaid Rates and Duties will permit.

Commencement and Expiry of the Act. XXXII. And be it further enacted by the Authority aforeſaid, That this Act, and all the Powers and Authorities of the ſame, and the Rates and Duties thereby granted, ſhall commence and take place from and after the Firſt *Tueſday* of *June*, One thouſand ſeven hundred and ſeventy-three, and ſhall continue for the Space of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Juriſdiction of the City of Aberdeen, &c. ſaved. XXXIII. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction, Power, or Authority, of the Magiſtrates and Council of the City of *Aberdeen*, and Community thereof, in and about or concerning the ſaid Harbour of *Aberdeen*, or the Piers, Quays, and other Works, built or to be built, as aforeſaid; nor to take away, abridge, leſſen, or intrude upon, the private Rights, Privileges, and Property, of any Perſon or Perſons whatſoever, but that the ſame ſhall remain as entire and effectual, to all Intents and Purpoſes, as if this preſent Act had not been made; and alſo ſaving and reſerving to the ſaid Magiſtrates and City Council, and other Perſon or Perſons, all their legal Rights and Intereſts in the Premiſes aforeſaid.

Act may be pleaded, &c. XXXIV. And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Magiſtrates and Council, or their Succeſſors, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Suit or Action, may produce this Act, and plead, that the ſaid Things were done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, that then the Defendant or Defendants ſhall be abſolved from every ſuch Suit, Action, or Actions, and ſhall have Treble Coſts and Expences in the Defence thereof awarded to them from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriff, &c. to aſſiſt. XXXV. And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers, and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act into due and effectual Execution: And that this Act ſhall be deemed, taken, and allowed, in all the Courts of Law and Equity as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act.

CAP.

CAP. XXX.

An Act for the better Regulation and Government of the Pilots conducting Ships and Veſſels to and out of the Port of *King's Lynn*, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the ſame; and for laying down Moorings in the Harbour of the ſaid Port, and for preventing Miſchiefs by Fire therein.

Preamble.

'WHEREAS the Borough of *Leune Regis*, commonly called *King's Lynn*, in the County of *Norfolk*, is a very ancient Borough, within the Liberties wher of there are a Port and Harbour of the Sea for importing and exporting Merchandiſe; and the Mayor and Burgeſſes of the ſaid Borough have, by Royal Charter, been a Corporation for Two hundred Years laſt paſt and upwards, and by certain Letters Patent, granted them by King *James* the Firſt, dated the Nineteenth Day of *November*, in the Second Year of His Reign, were conſtituted (and now are) Admirals within the ſaid Borough, and the Port, Limits, and Bounds thereof; and, by virtue of the ſame Letters Patent, and others ſince granted to them by the Crown, and by long Uſage have erected and put down proper Buoys and Beacons in the Channel of the ſaid Port, and appointed Pilots for conducting Ships and Veſſels into and out of the ſaid Borough and Port, from and to a certain Place called *Saint Edmund's Neſs*, otherwiſe *Gore End*, and from thence North and by Weſt to another Place or Sand called *Longſand*, being the utmoſt Bounds Northwards of the ſaid Admiralty Juriſdiction, and have alſo appointed other Perſons, commonly called *Bridgemen*, to conduct Gangs of Lighters or Barges into and out of the ſaid Borough and Port, from and to a certain Place called *Staple Weere*, being the utmoſt Bounds Southwards of the ſaid Admiralty Juriſdiction: And whereas the Channel from *Gore End* and the *Longſand* aforeſaid to the ſaid Port or Habour of *King's Lynn*, and from thence to *Staple Weere* aforeſaid, is become a more difficult and dangerous Navigation than heretofore for Ships, Veſſels, and Lighters reſpectively uſing the ſame, and many Ships have been wrecked, and Lighters and Barges ſunk, by Means of the large Bodies of Sand which often ſhift from Place to Place, and by Means of the double-fluked Anchors now uſed in the ſaid Harbour, and divers unſkilful Perſons, without the Licence or Authority of the ſaid Mayor and Burgeſſes, have often taken upon themſelves to act as Pilots and Bridgemen for the Conducting and Guidance of Ships, Veſſels, and Lighters, to and from the ſaid Port, to the great Hazard of ſuch Ships, Veſſels, and Lighters, and their Cargoes, and the Lives of the Perſons on Board the ſame, and to the Obſtruction of Navigation: And whereas the Flood and Ebb Tides in the ſaid Harbour run very rapid and ſtrong, and the Harbour oppoſite the Town of late Years is become much wider towards the South-weſt, ſo that when the Ebb runs ſtrong, and the Wind blows hard at the ſame Time, Ships and Veſſels lying there, are often driven from their Moorings, and ſunk in the ſaid Harbour: And whereas Loſſes by Fire have happened to Merchants and Owners of Ships and trading Veſſels, lying in the ſaid Harbour, occaſioned by the heating of Pitch, Tar, Roſin, Oil, or other combuſtible Matters on board ſuch Ships and Veſſels: And whereas the Powers and Authorities veſted in the ſaid Mayor and Burgeſſes are found not ſufficient or effectual to regulate and govern the ſaid Pilots and Bridgemen, and to remedy and prevent the ill Practices and Miſchiefs before mentioned: And whereas the Damages ſuſtained in the Harbour might, in a great Meaſure be prevented by laying down ſubſtantial Anchors for publick Uſe, furniſhed with proper Rings, Chains, and Floats, commonly called *Harbour* Moorings, for the more effectual ſecuring the Ships and Veſſels riding in the ſaid Harbour from driving on Shore by voilent Storms of Wind, by raging Tides, by great Land Floods, or otherwiſe; but as the laying down ſuch Moorings will be attended with great Expence, the ſame cannot be carried into Execution without the Aid of Parliament;' therefore, and for the Benefit and Improvement of Trade and Navigation, and promoting the Safety of His Majeſty's Subjects, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons ſhall take upon him or themſelves to conduct or pilot any Ship or Veſſel, or any Gang of Lighters or Barges, into or out of the ſaid Port of *King's Lynn*, or between *Saint Edmund's Neſs*, otherwiſe *Gore End*, and *Steeple Weere* aforeſaid, without being licenſed ſo to do by the ſaid Mayor and Burgeſſes for the Time being, which Licences the ſaid Mayor and Burgeſſes are hereby impowered to grant under their Common Seal; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings.

No Perſon to pilot Ships or Lighters without Licence;

Penalty.

II. Provided nevertheleſs, That the ſaid Mayor and Burgeſſes ſhall not licenſe or authoriſe any Perſon or Perſons to be Pilots of the ſaid Borough and Port as aforeſaid, unleſs ſuch Perſon or Perſons ſhall have firſt obtained the Recommendation in Writing of Twelve Maſters or Commanders of Ships of the Burthen of One hundred Tons and upwards, trading to and from the ſaid Port, (not more than Two of ſuch Maſters or Commanders being Maſters or Commanders of Ships belonging to One Merchant or Owner), certifying the Ability and Skill of ſuch Perſon or Perſons to pilot or conduct Ships and Veſſels to and from the ſaid Port; nor ſhall they licenſe or authoriſe any Perſon or Perſons

No Pilot to be licenſed, unleſs approved by 12 Ship-maſters;

to

to be Bridgemen of the said Borough and Port, as aforesaid, unless such Person or Persons shall in like Manner have first obtained the Recommendation in Writing of Six Masters of Gangs of Lighters, certifying the Ability and Skill of such Person or Persons to conduct and pilot Gangs of Lighters and Barges to and from the same Port. nor Bridgemen, unless approved by Six Masters of Gangs of Lighters.

III. Provided also, That this Act shall not extend to hinder or to subject to the said Penalty the Master or Commander for the Time being of any Ship or Vessel, not exceeding the Burthen of Thirty Chaldrons of Coals, *Lynn* Measure, or Thirty Tons, Builders Admeasurement, from piloting or conducting such Ship or Vessel to and from the said Port; nor the Master or Commander for the Time being of any Gang of Lighters or Barges coming unladen to or going unladen from the said Port from piloting or conducting such Gang of Lighters or Barges to or from the said Port, nor any Person or Persons from assisting any Ship or Vessel, or Gang of Lighters or Barges in Distress; any Thing herein contained to the Contrary thereof in any-wise notwithstanding. Master of a Ship of not more than 30 Chaldrons Burthen, or of a Gang of Lighters unladen, may conduct the Ship and Lighters, and any Person may assist Ships and Lighters in Distress.

IV. And, for the preventing any exorbitant Demands being made by any Pilot or Pilots, licensed or authorised as aforesaid, for the conducting or piloting any Ship or Vessel into or out of the said Port and Limits aforesaid; be it enacted by the Authority aforesaid, That the following and no greater or other Rates or Prices shall be demanded or taken by such Pilot or Pilots than what are hereinafter mentioned; (that is to say), For piloting or conducting into or out of the said Port any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded not more than Ten Feet of Water, the Sum of One Shilling and Sixpence a Foot for every Foot of Water such Ship or Vessel shall then draw; and for piloting or conducting into or out of the said Port, any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded more than Ten Feet, but not more than Twelve Feet of Water, the Sum of One Shilling and Ninepence a Foot for every Foot of Water such Ship or Vessel shall then draw; and for piloting or conducting into or out of the said Port any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded more than Twelve Feet, but not more than Fourteen Feet and an Half of Water, the Sum of Two Shillings a Foot for every Foot of Water such Ship or Vessel shall then draw; and for piloting or conducting into or out of the said Port any Ship or Vessel belonging to His Majesty's Subjects, drawing when loaded more than Fourteen Feet and an Half of Water, the Sum of Two Shillings and Sixpence a Foot, for every Foot of Water such Ship or Vessel shall then draw, and so in proportion for Half a Foot of Water in all and every of the Cases aforesaid; but no Allowance shall be made for any Number of Inches not amounting to Half a Foot; and for piloting or conducting into or out of the said Port, any Ship or Vessel belonging to the Subjects of any foreign Nation, double the Rate or Price above limited for piloting or conducting the like Ship or Vessel belonging to His Majesty's Subjects. Rates of Pilots ascertained, for British Ships, and for foreign Ships.

V. And be it further enacted by the Authority aforesaid, That in case any Ship or Vessel, which shall be piloted or conducted by any of the said Pilots, shall not be got to the Place of her Delivery the same Tide she arrives at the *Dolphins* then such Pilot shall, and he is hereby required to conduct or pilot, or procure to be conducted or piloted by some other such licensed Pilot, such Ship or Vessel to the Place of her Delivery, and shall receive Two Shillings and Sixpence for every Tide he shall be so employed, if belonging to His Majesty's Subjects, and double that Sum if belonging to the Subjects of foreign Nations, over and above the said Rates or Prices of Pilotage. If the Ship cannot be got to her Delivery the same Tide she arrives at the Dolphins, the Pilot is to conduct her there, and be paid 2 s. 6 d. per Tide.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners herein-after nominated, constituted, and appointed, or any Seven or more of them, (whereof the Mayor or Deputy Mayor of the said Borough of *King's Lynn* for the Time being shall be One), from Time to Time, to ascertain, rate, and appoint, what Part of the said Rates or Prices of Pilotage shall be allowed and paid by the said Pilots to such Person or Persons as they the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being to be One), shall, from Time to Time, appoint or authorise to receive the same, for the Hire and Use of Two or more Sloops for the carrying and conveying such Pilots up and down the Channel of the said Port, and for the Maintenance of Boys to assist on Board and go in the said Sloops, and for and towards the Maintenance of the superanuated Pilots heretofore licensed by the said Mayor and Burgesses, or to be hereafter licensed in pursuance of this Act. Commissioners to ascertain what Part of the Pilotage shall be paid for the Hire of Sloops, &c. and appoint a Receiver of it.

VII. And, for the preventing any exorbitant Demands by any Bridgeman or Bridgemen, licensed or authorised as aforesaid, for conducting any Gangs of Lighters or Barges down to or from the said Port, be it enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, (whereof the said Mayor, or Deputy Mayor for the Time being to be One), shall, and they are hereby authorised and required, from Time to Time, to ascertain and appoint what Rates or Prices shall be demanded and taken by such Bridgeman or Bridgemen, for the conducting of such Gangs of Lighters or Barges down to, or from the said Port; and that no greater or other Rates or Prices shall be demanded or taken by such Bridgeman or Bridgemen for the conducting of such Gangs of Lighters or Barges down to or from the said Port, than what shall from Time to Time be so ascertained and appointed as aforesaid. Bridgemen's Pilotage to be ascertained by the Commissioners.

VIII. And be it further enacted by the Authority aforesaid, That the Mayor, Recorder, Aldermen, and Common Council of the Borough of *King's Lynn* aforesaid, for the the Time being, together with *Joseph Peckover*, *Bartholomew Nelson*, *Thomas Goddard*, *Thomas Audley*, *George Collins*, *James Hamilton*, *Osbert Denton*, *James Taverner Read*, *Thomas Steward*, *Isaac Lambly*, *Joseph Lambly*, and *Robert Forster*, Merchants; *Hugh Crawforth*, *William Wilkinson*, *George Johnson*, *Robert Farthing*, *Lionel Selfe*, *Thomas Scott Henzell*, *Thomas Huggins*, *John Town*, *James Stratton*, *Bland Winniffe*, *Edward* Commissioners.

ward Hubbard, *William Ayre*, *John Middleton*, *John Headly*, *William Holmes*, *William Robinſon*, *William Clarke*, *William Standcliffe*, *Richard Barett*, and *John Hubbard*, Owners or Commanders of Veſſels trading to and from the ſaid Port, ſhall be, and they are hereby nominated, conſtituted, and appointed Commiſſioners for carrying this preſent Act into Execution, and for the Purpoſes herein-before and herein-after mentioned and expreſſed; and they or any Seven or more of them, (whereof the Mayor or Deputy Mayor of the ſaid Borough of *King's Lynn* for the Time being to be One), ſhall and may, and they are hereby authoriſed and required, as ſoon as conveniently may be after the paſſing of this Act, to meet in the Guildhall within the ſaid Borough, upon publick Notice to be given by Seven or more of the ſaid Commiſſioners, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), of the Day and Hour of ſuch Meeting, by Writing affixed on the Cuſtom-houſe, Guildhall, and Market-croſs, within the ſaid Borough of *King's-Lynn*, Seven Days excluſive before ſuch Meeting; and then, and from Time to Time, when and as often as any Meeting ſhall be held in purſuance of this Act, to adjourn themſelves, if they ſhall ſee Occaſion to any Time and Place within the ſaid Borough; or otherwiſe, in caſe no Adjournment ſhall be then, or from Time to Time made or ſubſiſting, or there ſhall be Occaſion to meet previous to the Day of ſuch Adjournment, to meet from Time to Time, at ſuch Day, Hour, and Place, within the ſaid Borough, as ſhall be appointed by like publick Notice to be given as aforeſaid, by Seven or more of the ſaid Commiſſioners, (whereof the ſaid Mayor or Deputy-mayor for the Time being ſhall be One): And a General Meeting of the ſaid Commiſſioners ſhall be held on the Third *Friday* in the Month of *January* in every Year, at the Guildhall in the ſaid Borough, for the paſſing and ſettling all Accounts of their Treaſurer, Collector, or other Officers; and if at any Meeting the Commiſſioners preſent ſhall be equally divided upon any Queſtion which may come before them, then the Mayor of the ſaid Borough for the Time being, if preſent, or in his Abſence the Deputy Mayor, ſhall have the caſting Vote: And all Orders, Determinations, and Proceedings of the ſaid Commiſſioners in the Execution of this Act, ſhall be at Meetings held in purſuance of this Act, and not otherwiſe; and the ſaid Commiſſioners, at all ſuch their Meetings, ſhall defray their own Expences.

First Meeting.

Commiſſioners may adjourn, and call new Meetings.

Annual Meetings.

All Proceedings to be at Meetings.

Commiſſioners to defray their own Expences.

IX. Provided always, That in caſe the Mayor of the ſaid Borough, or his Deputy for the Time being, ſhall at any Time or Times refuſe to join in giving Notice of a Meeting as herein-before mentioned, being thereunto required by any Twenty-five of the ſaid Commiſſioners, by Writing under their Hands, it ſhall and may be lawful for any Seven or more of the ſaid Commiſſioners to give Notice of ſuch Meeting, and to meet without the ſaid Mayor or his Deputy for the Time being; and in caſe at any Meeting to be held in purſuance of this Act, the Mayor of the ſaid Borough or his Deputy, ſhall decline or refuſe to attend; then, and in every ſuch Caſe, the Commiſſioner who at ſuch Meeting, ſhall, by the Majority of the Commiſſioners then preſent, be elected Chairman at ſuch Meeting, ſhall in all Things have ſuch Power and Authority at the ſame Meeting as the Mayor of the ſaid Borough, or his Deputy, would have had if preſent; and all Orders and Proceedings, at ſuch Meetings, ſhall be as valid and effectual as if the ſaid Mayor, or Deputy had been preſent.

Proviſion for Meetings without the Mayor.

X. And for the conſtant ſupplying the Number of Commiſſioners, be it further enacted by the Authority aforeſaid, That as often as any of the ſaid Commiſſioners for the Time being, not being the Mayor or Recorder, or an Alderman or Common Councilman of the ſaid Borough, ſhall die or refuſe to act, (ſuch Refuſal to be certified in Writing), being choſen a Member of the ſaid Corporation, accept of any Office of Profit under this Act, or reſide out of the ſaid Borough for the Space of Six Calendar Months; then, and in any of the ſaid Caſes, and not otherwiſe, it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners for the Time being, by this Act appointed or to be appointed in purſuance thereof, or any Seven or more of them (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), from Time to Time, at any of their Meetings, to elect (by Appointment or Order entered into in the Minute Book wherein they enter their Orders and Proceedings) ſuch other Perſon, being a Merchant, Owner, or Commander, of a Ship or Veſſel trading to and from the ſaid Port, and an Inhabitant of the ſaid Borough, to be a Commiſſioner in the Place of each Commiſſioner ſo dying or refuſing to act, being choſen a Member of the ſaid Corporation, accepting of any Office of Profit under this Act, or reſiding out of the ſaid Borough as aforeſaid, as they ſhall think fit; and each and every ſuch Commiſſioner, ſo from Time to Time elected and appointed ſhall, from and after ſuch Election and Appointment have the ſame Powers and Authorities in all Things as if he had been particularly named and appointed by this preſent Act.

New Commiſſioners to be choſen in the Room of thoſe dying, &c.

Commiſſioners to make Bye laws for the Regulation of the Maſters of Ships and Lighters, and of the Pilots and Bridgemen; and to fix Penalties not exceeding 5 l.

XI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), at any Time or Times hereafter, to make, ordain, and eſtabliſh ſuch Orders, Rules, and Bye-laws, for the better Regulation and Government of the Maſters and Commanders of Ships and Veſſels, and of Gangs of Lighters and Barges trading to and from the ſaid Port, and of the Pilots and Bridgemen to be licenſed by the ſaid Mayor and Burgeſſes as aforeſaid, and alſo from Time to Time, as Occaſion may be, to repeal, add to, amend, or alter ſuch Orders, Rules, and Bye-laws, as to them the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), ſhall ſeem meet and convenient, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Five Pounds, for the Nonobſervance, Nonperformance,

Nonperformance, or other Breach, of such Orders, Rules, or Bye-laws, or any of them, to be recovered by such Ways and Means as are herein-after directed for the Recovery of the Penalties by this Act inflicted; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), to suspend any of the Pilots and Bridgmen who shall be licensed as aforesaid, who shall break such Orders, Rules, or Bye-Laws, or act in any-wise contrary thereto; and if any Pilot or Bridgeman so suspended shall (during the Time of such Suspension) take upon himself to pilot or conduct any Ship or Vessel, or any Gang of Lighters or Barges, into or out of the said Port within the Limits aforesaid, such Pilot or Bridgeman shall be liable to the Penalty which is provided by this Act against unlicensed Persons acting as Pilots or Bridgemen.

and the Pilots and Bridgemen may be suspended for Breach of such Laws; and acting during such Suspension are subject to the Penalty.

XII. And be it further enacted, That the said Commissioners shall cause the said Orders, Rules, and Bye-laws, and also a List of the Pilots and Bridgemen so to be licensed as aforesaid, with the Rates or Prices of Pilotage, to be from Time to Time printed and distributed, and likewise hung up in some conspicuous Place at the *Custom-house*, *Town Dues Office*, *and Meters Office*, in *King's Lynn* aforesaid.

The Bye-laws to be printed, with a List of the Pilots and Bridgemen, and their Fees.

XIII. Provided always, That the said Orders, Rules, and Bye-laws, or any of them, be not contrary or repugnant to the Laws or Statutes of the Realm of *Great Britain*.

But not to be repugnant to the Statutes.

XIV. And be it further enacted by the Authority aforesaid, That in case any Pilot or Pilots shall refuse to take the Charge of any of His Majesty's Ships, or of any Ship or Vessel in the Merchants Service; and in case any Bridgeman or Bridgemen shall refuse to take the Charge of any Gang of Lighters or Barges; or in case it shall appear to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), that any Pilot or Pilots, Bridgeman or Bridgemen, shall have misbehaved him or themselves in the conducting of any Ship or Vessel, or Gang of Lighters or Barges, or in the Execution of any other Part of his or their Duty as Pilots or Bridgemen; or if any Pilot or Pilots, Bridgeman or Bridgemen, shall refuse to obey the Summons of the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), requiring his or their Appearance; or shall break, or act contrary to, such Orders, Rules, and Bye-laws, as the said Commissioners for the Time being shall from Time to Time make in the Premises, or in any-wise offend against this Act; then the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One) upon Examination thereof, are hereby authorised to annul the Licence or Licences granted to such Pilot or Pilots, Bridgeman or Bridgemen, and to declare the same to be from thenceforth utterly void; and if any such Person or Persons so offending shall (after such Declaration and Notice thereof given to him or them in Person, or left at his or their usual Place of Abode) act as a Pilot or Bridgeman within the said Port, or the Limits afore-mentioned, he or they shall be subject to the Penalty inflicted by this Act on unlicensed Persons acting as Pilots or Bridgemen.

Pilots and Bridgemen to have their Licences vacated for Misbehaviour, and if they act afterwards, to be subject to the Penalty.

XV. And be it further enacted by the Authority aforesaid, That in case the Master or Commander of any Ship or Vessel, either inward or outward bound, shall refuse to take on Board and employ a Pilot to be licensed as aforesaid, who shall offer his Service, such Master or Commander shall pay, or cause to be paid, to the Pilot who first, or who only shall offer his Service as aforesaid, and shall be so refused, the full Pilotage, according to the several Rates and Prices herein-before directed to be paid, as if the said Pilot had been received and employed in conducting or piloting such Ship or Vessel into or out of the said Port of *King's Lynn*.

Pilots offering to conduct Vessels inward or outward bound, and refused, are notwithstanding to be paid.

XVI. And be it further enacted by the Authority aforesaid, That the Master or Commander of every Ship or Vessel, so to be piloted or conducted into the Port of *King's Lynn* aforesaid, shall and is hereby required to declare and give a true Account to the Pilot employed in conducting or piloting, or offering to conduct or pilot such Ship or Vessel, of the Draught of Water such Ship or Vessel shall then draw: And in case such Master or Commander shall refuse so to do, or shall give an untrue Account of the Draught of Water of such Ship or Vessel, then he shall forfeit for every such Refusal, or untrue Account so by him given, the Sum of Forty Shillings; and further, in case of such Refusal, or if the Pilot so employed, or offering to be employed, shall suspect the Truth of the Declaration or Account given, then such Pilot shall be, and he is hereby authorised to mark such Ship or Vessel on her Arrival, and when unloaded to lay her on Shore in some proper and convenient Place within the said Port, and there to admeasure, or cause to be admeasured, the said Ship or Vessel, in order to find the true Draught of Water she drew on her said Arrival; the Expence whereof, in case of such Refusal, or if upon such Admeasurement it shall appear that the said Declaration or Account shall be untrue, shall be paid by such Master or Commander; but in case the said Declaration or Account shall upon such Admeasurement appear to be true, then the said Expences shall be paid by the said Pilot: And if any Dispute shall arise between the said Master or Commander and Pilot, concerning the Expence of laying the said Ship or Vessel on Shore, and admeasuring her as aforesaid, then the same shall be settled and ascertained by the Mayor of the said Borough or his Deputy for the Time being, or any Justice or Justices of the Peace for the said Borough; and the said Expences, if refused to to be paid by such Master or Commander when he is liable to pay the same, shall be levied and recovered, with all Charges attending such Levying and Recovery, in the same Manner, and by the same Means, as are herein-after given and directed, for the Levying and Recovery of the Pilotage by this Act directed to be paid.

Master to give the Pilot the true Draught of the Ship; 4 s. Penalty in case of Refusal or Suspicion of Truth of the Account.

Pilot may admeasure the Ship.

Expences how to be paid.

any Part or Parts thereof, to any Perſon or Perſons for any Term or Number of Years, as a Security or Securities for the Sums of Money that ſhall be borrowed, and the Intereſt thereof, as aforeſaid; and Copies of all ſuch Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners; and no Preference ſhall be given to any Perſon or Perſons advancing any Part or Parts of the ſaid groſs Sum of Five thouſand Pounds, in reſpect of Priority of advancing his, her, or their Part or Parts thereof; but that all ſuch Lenders and Perſons to whom ſuch Aſſignments ſhall be made as aforeſaid, ſhall, ſo far as the groſs Sum ſhall extend, be, and are hereby declared to be Creditors on the ſaid Tonnage or Duties, in equal Degree One with another.

Aſſignments to be entered in a Book.

Securities may be transferred.

XXVI. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to whom any Aſſignment or Aſſignments of the ſaid Tonnage or Duties ſhall be made by virtue of this Act, his, her, or their Executors or Adminiſtrators, ſhall and may, and he, ſhe, and they is and are hereby authoriſed, from Time to Time, by any Inſtrument in Writing, or by ſigning any Indorſement on his, her or their Security or Securities, in the following Words, or in Words to the ſame or the like Effect:

I A. B. *do hereby aſſign and transfer all my Title and Intereſt in the principal Sum and Intereſt ſecured by the within Aſſignment to* C. D. *his Executors, Adminiſtrators, and Aſſigns:*

To aſſign and transfer his, her, and their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever; which Inſtrument or Indorſement ſhall be without Stamp, and the ſame ſo made, and ſigned, and entered with the Clerk to the ſaid Commiſſioners, (for which he ſhall be paid the Sum of Two Shillings and Sixpence, and no more), ſhall intitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof; and ſuch Perſon and Perſons, Executors, and Adminiſtrators, may, in like Manner, indorſe and transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of the Perſon or Perſons who ſhall have made ſuch Inſtrument or Indorſement to make void, releaſe, or diſcharge the ſame.

and entered with the Clerk.

Commiſſioners may appoint Officers,

allow them Salaries.

and remove them.

Commiſſioners to take Security of the Treaſurer and Collector.

Officers to ſettle Accounts when required by the Commiſſioners.

XXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), to chuſe and appoint a Clerk, Treaſurer, Collector, and ſuch other Officers or Perſons as they ſhall judge neceſſary for carrying this Act into Execution; and to ſettle ſuch Fees and Salaries to be taken by ſuch Officers as the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall from Time to Time judge reaſonable; and from Time to Time to remove ſuch Officers, or any of them, and to appoint others in their Stead; and that the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall take of ſuch Treaſurer and Collector, ſo to be choſen and appointed as aforeſaid, ſuch good and ſufficient Security for the due Execution of their reſpective Offices as to them the ſaid Commiſſioners ſhall ſeem meet; and that all ſuch Officers and Perſons ſhall, from Time to Time, when thereunto required by the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), deliver to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or to ſuch other Perſon or Perſons as they, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), ſhall for that Purpoſe appoint, true and perfect Accounts in Writings under their reſpective Hands, upon Oath, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), of all Monies which he, they, and every of them reſpectively ſhall to that Time have received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall then appear to be in their Hands to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or to ſuch Perſon or Perſons as they, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being to be One), ſhall appoint to receive the ſame: And if any ſuch Officer or other Perſon ſhall refuſe or neglect to give ſuch Account as aforeſaid, or ſhall refuſe or neglect to deliver up all the Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall neglect or refuſe to pay the Money due on ſuch Account in Manner aforeſaid; or if any ſuch Officer or other Perſon ſhall refuſe or neglect to deliver up to the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days next after his or their being required ſo to do by the ſaid Commiſſioners, or any Seven or more of them, (whereof the ſaid Mayor or Deputy Mayor for the Time being ſhall be One), all the Books, Papers, and other Writings, in his or their Cuſtody or Power, relating to the Execution of this Act; then, and in all or any of the ſaid Caſes, it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid Borough, and he or they is and are hereby required, upon Complaint made thereof, to make Enquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter); and if any ſuch Officer or other Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit

On Refuſal to account,

or upon Conviction of any Offence, to be committed till they compound, or make Satisfaction.

mit the Offender or Offenders to the common Gaol of the said Borough, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded for the same with the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), are hereby impowered to make; and until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One).

Commissioners accepting an Office of Profit under this Act, if a Member of the Corporation, not to act while he holds it.

XXVIII. Provided always, and be it further enacted by the Authority aforesaid, That if any Commissioner appointed by or to be elected in pursuauce of this Act shall at any Time accept of any Office of Profit under this Act, such Commissioner, if a Member of the said Corporation, shall not, during his Continuance in such Office, act as a Commissioner in the Execution of this Act, and such Commissioner, if not a Member of the said Corporation, shall cease to be a Commissioner, and another Person shall be elected a Commissioner in his Place, as herein before directed.

In case a Ship departs out of the Port before the Duties are paid, the Custom-house Officers shall not give her a Clearance.

XXIX. And, to the Intent the said Tonnage or Duties may be truly answered and paid, be it further enacted by the Authority aforesaid, That in case any Ship or Vessel shall depart out of the said Port without the said Tonnage or Duties being paid, then the Collector of the said Tonnage or Duties shall give Notice thereof to the Collector of His Majesty's Customs, Comptroller, Receiver of Entries, or their respective Deputies, at the Port of *King's Lynn* aforesaid; and such Collector, Comptroller, Receiver of Entries, or their Deputies, shall not, after such Notice, take or receive any Entry or Cocquet, or Discharge or Clearance, or take any Report outwards for such Ship or Vessel *British* or Foreign, liable or subject to the Payment of the said Tonnage or Duties, until double the Tonnage or Duties so left unpaid shall be paid to the Collector of the said Tonnage or Duties.

The King's Ships and Revenue Vessels exempted from Duties.

XXX. Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to charge any of the Ships or Vessels of War belonging to His Majesty, His Heirs or Successors, or any Vessel or Wherry, employed in the Service of His Majesty's Revenue, with any of the Duties hereby granted.

The Harbour Moorings to be kept in Repair.

XXXI. And be it further enacted and declared by the Authority aforesaid, That the said Harbour Moorings shall, from Time to Time, be maintained and kept in good and sufficient Repair, so as the Shipping and Trade of the said Borough and Port may be effectually benefited thereby, according to the true Intent and Meaning of this Act; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, (whereof the said Mayor or Deputy Mayor for the Time being shall be One), out of the said Tonnage and Duties granted by this Act, or out of the Monies to be borrowed on the Credit thereof, to pay all just and reasonable Sums of Money and Charges that shall or may be expended and accrue in obtaining this Act, and in buying and laying down, maintaining, and repairing the said Harbour Moorings, together with all Salaries and other Charges which shall be proper and necessary for the several Purposes directed by this Act.

Application of the Duties arising by this Act, &c.

For saving of the Corporation Rights.

XXXII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to invalidate, alter, lessen, take away, impeach, or defeat any of the Rights, Grants, Liberties, Powers, Franchises, Privileges, Dues, Payments, and Revenues heretofore granted, or which by any Charter, ancient Usage, Prescription, or Custom, have, from Time to Time, been had enjoyed, received, taken, and used by the Mayor and Burgesses of the said Borough (save and except as to such Powers and Authorities as were heretofore vested in the said Mayor and Burgesses, which have been found to be insufficient and ineffectual to regulate and govern the said Pilots and Bridgemen), nor to affect any landed Property adjoining to the said Harbour, but that the same shall stand, remain, and be in their full Force and Effect, in the same Manner as if this Act had not been made; any Thing in this Act contained to the Contrary thereof in any-wise notwithstanding.

Distress not to be deemed unlawful for want of Form;

nor the Party distraining a Trespasser ab initio.

Tender of Amends may be made.

XXXIII. And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, or the Party or Parties making the same deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case: Provided that no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, if sufficient Tender of Amends shall have been made to him, her, or them, by or on Behalf of the Defendant or Defendants before such Action brought.

Limitation of Actions.

XXXIV. And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Person or Persons against whom the same is to be brought; and every such Action or Suit shall be commenced within Six Calendar Months next after the Cause of Action shall arise, and shall be laid and brought in the County of *Norfolk*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and

General Issue.

and that the Matter in Queſtion was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time herein-before limited in that Behalf, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts of Suit, upon Affidavit made or Certificate of the Judge or Judges before whom ſuch Cauſe ſhall be tried, of all or any of the Circumſtances before mentioned, as the Caſe may happen, and ſhall have the like Remedy for recovering the ſame, as any Defendant or Defendants hath or have in other Caſes of Law.

Treble Coſts.

Publick Act.

XXXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be taken and allowed, in all Courts of Judicature within this Kingdom, as a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof judicially as ſuch, without ſpecially pleading the ſame.

CAP. XXXI.

An Act for the more effectual Execution of Criminal Laws in the Two Parts of the United Kingdom.

Preamble.

'WHEREAS it frequently happens that Felons, and other Malefactors, in that Part of *Great Britain* called *England*, make their Eſcape into that Part of *Great Britain* called *Scotland*; and alſo that Felons, and other Malefactors, in that Part of *Great Britain* called *Scotland*, make their Eſcape into that Part of *Great Britain* called *England*; whereby their Offences often remain unpuniſhed, there being no ſufficient Proviſion, by the Laws of either of the Two Parts of the United Kingdom for apprehending ſuch Offenders, and tranſmitting them into that Part of the United Kingdom in which their Offences were committed:' For Remedy thereof, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, if any Perſon or Perſons, againſt whom a Warrant ſhall be iſſued by any Juſtice or Juſtices of Peace of any County, Riding, Diviſion, City, Liberty, Town, or Place, within that Part of *Great Britain* called *England*, for any Crime or Offence againſt the Laws of that Part of the United Kingdom, ſhall eſcape, go into, reſide, or be in any Place of that Part of *Great Britain* called *Scotland*, it ſhall and may be lawful for the Sheriff, or Steward-depute, or Subſtitute, or any Juſtice of Peace of the County or Place where ſuch Perſon or Perſons ſhall eſcape, go into, reſide, or be, to indorſe his Name on the ſaid Warrant; which Warrant, ſo indorſed, ſhall be a ſufficient Authority to the Perſon or Perſons bringing ſuch Warrant, and to all Perſons to whom ſuch Warrant was originally directed; and alſo to all Sheriffs Officers, Stewards Officers, Conſtables, and other Peace Officers of the County or Place where ſuch Warrant ſhall be ſo indorſed, to execute the ſaid Warrant in the County or Place where it is ſo indorſed, by apprehending the Perſon or Perſons againſt whom ſuch Warrant is granted, and to convey him, her, or them, into the County, Riding, Diviſion, City, Liberty, Town, or Place, of that Part of *Great Britain* called *England*, being adjacent to that Part of *Great Britain* called *Scotland*, in which the Crime was committed, and before One of the Juſtices of Peace of ſuch County, Riding, Diviſion, City, Liberty, Town, or Place, to be there dealt with according to Law: Or, in caſe the Crime was committed in a County not next adjacent to that Part of *Great Britain* called *Scotland*; then, and in every ſuch Caſe, to convey him, her, or them, into any County of that Part of *Great Britain* called *England*, next adjacent to that Part of *Great Britain* called *Scotland*, and before One of the Juſtices of Peace of ſuch County, which Juſtice of Peace is hereby authoriſed and required to proceed with regard to ſuch Perſon or Perſons, in the Manner directed by an Act, made in the Twenty-fourth Year of the Reign of His Majeſty King *George* the Second, intituled, *An Act for amending and making more effectual a Clauſe in an Act, paſſed in the laſt Seſſion of Parliament, for the apprehending of Perſons in any County or Place, upon Warrants granted by Juſtices of the Peace of any other County or Place*, as if the ſaid Perſon or Perſons had been apprehended in the ſaid County.

Perſons againſt whom Warrants are iſſued by Juſtices in England, for Offences, who ſhall eſcape into Scotland, may be conveyed into that County where the Offence was committed by the Juſtices, &c. in Scotland, who are to indorſe their Names on ſuch Warrants.

II. And, for Remedy of the like Inconveniency, by the Eſcape of Perſons guilty of Crimes in that Part of *Great Britain* called *Scotland*, be it further enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, if any Perſon or Perſons, againſt whom a Warrant ſhall be iſſued by the Lord Juſtice General, Lord Chief Juſtice Clerk, or any of the Lords Commiſſioners of Juſticiary, or by any Sheriff, or Steward-depute, or Subſtitute, or Juſtice of the Peace of that Part of *Great Britain* called *Scotland*, for any Crime or Offence againſt the Laws of that Part of the United Kingdom, ſhall eſcape, go into, reſide, or be, in any Place of that Part of *Great Britain* called *England*, it ſhall and may be lawful for any Juſtice of Peace of the County, Riding, Diviſion, City, Liberty, Town, or Place, where ſuch Perſon or Perſons ſhall eſcape, go into, reſide, or be, to indorſe his Name on the ſaid Warrant; which Warrant, ſo indorſed, ſhall be a ſufficient Authority to the Perſon or Perſons bringing ſuch Warrant, and to all Perſons to whom ſuch Warrant was originally directed;

Perſons guilty of like Crimes in Scotland, may be apprehended, and returned.

and

and also to all Constables, or other Peace Officers of the County, Riding, Division, City, Liberty, Town, or Place, where such Warrant shall be so indorsed, to execute the said Warrant in the County, Riding, Division, City, Liberty, Town, or Place, where it is so indorsed, by apprehending the Person or Persons against whom such Warrant is granted, and to convey him, her, or them, into the County or Place of that Part of *Great Britain* called *Scotland*, being adjacent to that Part of *Great Britain* called *England* where the Crime was committed; and before the Sheriff, or Steward depute, or Substitute, or One of the Justices of the Peace of such County or Place, to be there dealt with according to Law: Or in case the Crime was committed in a County not next adjacent to that Part of *Great Britain* called *England*; then, and in such Case, to convey him, her, or them, into any County of that Part of *Great Britain* called *Scotland*, next adjacent to that Part of *Great Britain* called *England*, and before the Sheriff, or Steward-depute, Substitute, or One of the Justices of the Peace of such County; which Sheriff, Steward, or Justice of the Peace, is hereby required to proceed with regard to such Person or Persons according to the Rules and Practice of the Law of *Scotland*, as if the said Person or Persons had been apprehended in the said County.

Expence of removing Prisoners to be defrayed by the Treasurer of the County in England, or by the Sheriff-depute in Scotland.

III. And be it further enacted by the Authority aforesaid, That the Expence of removing Prisoners as aforesaid shall be repaid to the Person defraying the same by the Treasurer of the County of that Part of *Great Britain* called *England*, or by the Sheriff, or Steward-depute, or Substitute, of the County of that Part of *Great Britain* called *Scotland*, in which the Crime was committed, the Amount of that Expence being previously ascertained by an Account thereof, verified upon Oath before Two of the Justices of the Peace of such county, and allowed and signed by them.

Persons who shall have stolen Money, &c. in either Part of the United Kingdom, may be indicted for Theft.

'IV. And whereas it frequently happens in both Parts of the United Kingdom, that Persons having 'stolen or otherwise feloniously taken away Money, Cattle, Goods, or other Effects, carry the same 'into the other Part of the United Kingdom, and there have the said Money, Cattle, Goods, or other 'Effects, in their Possession or Custody; and Doubts have been entertained, whether they could 'be indicted and tried in that Part of the United Kingdom, as the original Offence was not there 'committed;' be it therefore enacted by the Authority aforesaid, That, from and after the passing of this Act, if any Person or Persons having stolen, or otherwise feloniously taken Money, Cattle, Goods, or other Effects, in either Part of the United Kingdom, shall afterwards have the same Money, Cattle, Goods, or other Effects, or any Part thereof, in his, her, or their Possession or Custody, in the other Part of the United Kingdom, it shall and may be lawful to indict, try, and punish such Person or Persons for Theft or Larceny in that Part of the United Kingdom where he, she, or they shall so have such Money, Cattle, Goods, or other Effects, in his, her, or their Possession or Custody, as if the said Money, Cattle, Goods, or other Effects, had been stolen in that Part of the United Kingdom.

Receivers of Money, &c. in either Part of the Kingdom, knowing the same to be stolen, also liable to be punished.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons, in either Part of the United Kingdom, shall hereafter receive or have any Money, Cattle, Goods, or other Effects, stolen, or otherwise feloniously taken, in the other Part of the United Kingdom, knowing the same to be stolen, or otherwise feloniously taken, every such Person or Persons shall be liable to be indicted, tried, and punished for such Offence in that Part of the United Kingdom where he, she, or they shall so receive or have the said Money, Cattle, Goods, or other Effects, in the same Manner, to all Intents and Purposes, as if the said Money, Cattle, Goods, or other Effects, had been originally stolen, or otherwise feloniously taken, in that Part of the United Kingdom.

CAP. XXXII.

An Act for repealing so much of an Act, made in the Twenty-third Year of His late Majesty King *George* the Second, as relates to the preventing the stealing or destroying of Turnips; and for the more effectually preventing the stealing or destroying of Turnips, Potatoes, Cabbages, Parsnips, Pease, and Carrots.

Preamble.

'WHEREAS the Cultivation of Turnips, Potatoes, Cabbages, Parsnips, Pease, and 'Carrots, is of great Consequence to this Kingdom, and the Laws in being are ineffectual 'for preventing the stealing and destroying the same;' be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *June*, One thousand seven hundred and seventy-three, if any Person shall steal and take away, or maliciously pull up or destroy, any Turnips, Potatoes, Cabbages, Parsnips, Pease, or Carrots, growing or being in any Garden, Lands, or Grounds, open or inclosed, and shall be thereof convicted before any Justice or Justices of the Peace for the County or Place where the Offence shall be committed, either by the Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice or Justices is and are hereby impowered to administer), every Person so offending, and being convicted as aforesaid, shall forfeit and pay, upon such Conviction, such Sum of Money not exceeding the Sum of Ten Shillings, over and above the Value of the Goods stolen, as to such Justice or Justices shall seem meet; which Sum of Money shall be distributed between the Owner of such Turnips, Potatoes, Cabbages,

After June 1, 1773, Persons stealing Turnips, Potatoes, Cabbages, &c. from any Garden, Lands, &c. shall forfeit 10 s. on Conviction, besides the Value of the Goods stolen.

bages, Parſnips, Peaſe, or Carrots, and the Overſeers of the Poor, or other Perſons having the Charge and Diſpoſal of the Funds of the Poor of ſuch Pariſh or Place where the Offence ſhall be committed, for the Uſe of the Poor of ſuch Pariſh or Place, in ſuch Proportion as ſuch Juſtice or Juſtices ſhall think fit; or the whole of ſuch Sums ſhall be given to the Owner of ſuch Turnips, Potatoes, Cabbages, Parſnips, Peaſe, or Carrots, or to the Overſeers of the Poor, or other Perſons having the Charge and Diſpoſal of the Funds for the Uſe of the Poor of ſuch Pariſh or Place, according to the Diſcretion of ſuch Juſtice or Juſtices: And in Default of Payment of ſuch Penalty, of which the Offender hath been convicted as aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Offender to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month, unleſs ſuch Penalty ſhall be ſooner paid or ſatisfied: And if the Offence is committed in that Part of *Great Britain* called *Scotland*, ſuch Juſtice or Juſtices ſhall and may commit ſuch Offender to Priſon, there to remain any Time not exceeding One Calendar Month, unleſs ſuch Penalty ſhall be ſooner paid or ſatisfied: And the bringing of the Offender or Offenders before ſuch Juſtice or Juſtices of the Peace may be done, and the Proceedings againſt Offenders, under the Authority of this Act, may be carried on, in the moſt ſummary Manner.

Informations of Owners to be taken and allowed.

II. And, for the more eaſy Conviction of Perſons offending againſt this Act, be it enacted by the Authority aforeſaid, That in all Informations, and other Proceedings for any of the Offences aforeſaid, the Evidence of the Owner or Owners of ſuch Turnips, Potatoes, Cabbages, Parſnips, Peaſe, or Carrots, and of the Inhabitants of the Pariſh or Place where the Offence ſhall be committed, ſhall be taken and allowed; any Law, Cuſtom, Rule, Order, or Uſage, to the Contrary notwithſtanding.

Where Conviction ſhall be on Oath of the Owners, the Forfeiture to be paid to the Overſeers of the Poor.

III. Provided always, That where any ſuch Conviction ſhall be upon the Oath of the Owner or Owners, the whole of the Penalty or Forfeiture ſhall be paid to the Overſeer or Overſeers of the Poor for the Pariſh or Place where the Offence ſhall be committed, for the Uſe of the Poor of ſuch Pariſh or Place.

Conviction to be drawn in the following Form.

IV. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the ſame Effect, as the Caſe ſhall happen, *videlicet*:

BE it remembered, That on the Day of in the Year of our Lord A. B. *having been brought before me, or having been duly ſummoned, and not having appeared, or having appeared,* (as the Caſe may happen), *and having confeſſed, or being convicted,* (as the Caſe may happen), *of the Charge exhibited againſt him, is duly convicted before me* C. D. *One of His Majeſty's Juſtices of the Peace for the County of* [ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be]. *Given under my Hand and Seal, the Day and Year aforeſaid.*

Proviſo.

V. Provided always, That no Perſon ſhall be proſecuted for any ſuch Offence, unleſs ſuch Proſecution be begun within Thirty Days after the Offence committed.

Act 23 Geo. II. ſo far as the ſame relates to the ſtealing Turnips, ſhall, after the Commencement of this Act, be repealed.

VI. And be it further enacted, That ſo much of an Act, made in the Twenty-third Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act to continue ſeveral Laws for the better regulating of Pilots for the conducting of Ships and Veſſels from* Dover, Deal, *and* Iſle of Thanet, *up the River of* Thames *and* Medway; *and for permitting Rum or Spirits of the* Britiſh *Sugar Plantations to be landed before the Duties of Exciſe are paid thereon; and to continue and amend an Act for preventing Frauds in the Admeaſurement of Coals within the City and Liberty of* Weſtminſter, *and ſeveral Pariſhes near thereunto; and to continue ſeveral Laws for preventing Exactions of Occupiers of Locks and Weirs upon the River* Thames, *Weſtward, and for aſcertaining the Rates of Water Carriage upon the ſaid River; and for the better Regulation and Government of Seamen in the Merchants Service; and alſo to amend ſo much of an Act, made in the Firſt Year of the Reign of King* George *the Firſt, as relates to the better Preſervation of Salmon in the River* Ribble; *and to regulate Fees in Trials at Aſſizes, and* Niſi Prius, *upon Records iſſuing out of the Office of Pleas of the Court of Exchequer; and for the apprehending of Perſons in any County or Place, upon Warrants granted by Juſtices of the Peace in any other County or Place; and to repeal ſo much of an Act, made in the Twelfth Year of the Reign of King* Charles *the Second, as relates to the Time during which the Office of Exciſe is to be kept open each Day, and to appoint for how long Time the ſame ſhall be kept open on each Day for the future; and to prevent the ſtealing or deſtroying of Turnips; and to amend an Act, made in the Second Year of His preſent Majeſty, for better Regulation of Attorneys and Solicitors*; ſo far as the ſame relates to the ſtealing of Turnips; ſhall, from and after the Commencement of this preſent Act, be repealed.

CAP.

CAP. XXXIII.

An Act to extend the Provisions of an Act, made in the Sixth Year of His present Majesty's Reign, (intituled, *An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants*), to Poplar, Alder, Maple, Larch, and Hornbeam.

Preamble. Act 6 Geo. III.

'WHEREAS by an Act, passed in the Sixth Year of His present Majesty's Reign, (intituled, *An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants*), it was enacted, That every Person who 'should wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, 'damage, spoil, or destroy, or carry away, any Timber Tree or Trees, likely to become Timber, 'or any Part thereof, or the Lops or Tops thereof, without the Consent of the Owner or Owners 'thereof first had and obtained, or in any of His Majesty's Forests or Chases, without the Consent of 'the Surveyor or Surveyors, or his or their Deputy or Deputies, or Person or Persons intrusted with 'the Care of the same, and should be thereof convicted, upon the Oath of One or more credible 'Witness or Witnesses, before any One or more of His Majesty's Justices for the County, City, 'Riding, Division, District, or Place, wherein such Offence should be committed, should, for the 'First Offence, forfeit and pay such Sum of Money, not exceeding Twenty Pounds, as to such 'Justice or Justices should seem meet, together with the Charges previous to and attending such 'Conviction, to be ascertained by such Justice or Justices who should convict the Offender; and, 'upon Nonpayment thereof, such Justice or Justices should commit the Offender to the Common 'Gaol of the County or Place where the Offence should be committed, there to remain without 'Bail or Mainprize, for any Time not exceeding Twelve Months, nor less than Six Months, or un-'til the Penalty and Charges should be paid; and if any Person so convicted should be guilty of the 'like Offence a Second Time, and should be thereof convicted in like Manner, such Person should 'forfeit and pay such Sum of Money, not exceeding Thirty Pounds, as to such Justice or Justices 'should seem meet, together with the Charges previous to and attending such Conviction, to be ascer-'tained by such Justice or Justices who should convict the Offender; and, upon Nonpayment thereof, 'such Justice or Justices should commit the Offender to the Common Gaol of the County or Place 'where the Offence should be committed, there to remain without Bail or Mainprize, for any Time 'not exceeding Eighteen Months, nor less than Twelve Months, or until the Penalty and Charges 'should be paid; and if any Person so convicted should be guilty of the like Offence a Third Time, 'and should be thereof convicted in like Manner, such Person should be deemed guilty of Felony, and 'the Court by and before whom such Person should be tried, should and thereby had Authority to 'transport such Person or Persons, for the Space of Seven Years, to any of His Majesty's Planta-'tions in *America*, in like Manner as other Felons are directed to be transported by the Laws and 'Statutes of this Realm: And by the said Act it was enacted, That all Oak, Beech, Chesnut, Wal-'nut, Ash, Elm, Cedar, Fir, Asp, Lime, Sycamore, and Birch Trees, should be deemed and taken 'to be Timber Trees, within the true Meaning and Provision of the said Act: And whereas Doubts 'have arisen since the passing the said Act, whether any Trees shall be deemed and taken to be Tim-'ber Trees, other than such as are declared so to be in the said Act:' Now, for the better Preserva-tion of the several useful and valuable Timber Trees hereafter mentioned, casually omitted to be men-tioned in the said Act, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trees called Poplar, Alder, Larch, Maple, and Horn-beam, shall also be deemed and taken to be Timber Trees, immediately after the First Day of *May*, One thousand seven hundred and seventy-three: And all and every Person or Persons who shall after the said First Day of *May*, One thousand seven hundred and seventy-three next, wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away any Poplar, Alder, Larch, Maple, and Hornbeam, or any Part thereof, or the Lops or Tops thereof, without the Consent of the Owner or Owners thereof first had and obtained, or of some Person intrusted with the Care of such Tree or Trees, such Person or Persons shall, if found guilty of any Offence or Offences, be convicted in like Manner as Persons are directed so to be, for Offences of the like Kind, concerning Trees deemed Timber Trees, in the above in-part recited Act; and upon such Conviction or Convictions shall be liable to all and every the Penalties, Forfeitures, and Punishments therein inflicted for any such like Offence or Offences; and all and every Justice and Justices of the Peace is and are hereby authorised, on Complaint made to him or them of any Offence or Offences, to administer Oaths, and to proceed in like Manner to Conviction and Punishment of every Offender against this Act, as fully and effectually as if the said Trees hereby declared, deemed, and taken to be Timber Trees, had been expressly so deemed and declared to be in the said Act passed in the Sixth Year of His present Majesty's Reign; and such Conviction and Convictions shall be cer-tified by the Justice or Justices before whom the same shall be made to the next Quarter-sessions of the Peace to be holden for the County wherein such Offence or Offences were committed, in the Form of Words, or to that Effect, directed by the said Act; and all and every the Forfeitures for Offences against

After May 1. 1773, Poplar, Alder, Larch, Maple, and Hornbeam, to be deemed Timber Trees.

Penalties on destroying any of these Trees the same as for other Timber Trees.

againſt this Act ſhall be paid and applied in the Manner Forfeitures are directed to be paid in the ſaid recited Act.

CAP. XXXIV.

An Act for paving, lighting, and cleanſing the Streets, Lanes, and Places within the Town of *Brighthelmſtone*, in the County of *Suſſex*; for removing Nuiſances and Annoyances, and preventing the like for the future; for holding and regulating a Market within the ſaid Town; for building and repairing Groyns, in order to render the Coaſt ſafe and commodious for Ships or Veſſels to unload and land Sea-Coal, Culm, and other Coal, for the Uſe of the Inhabitants of the ſaid Town; and for laying a Duty thereon, and for other Purpoſes.

CAP. XXXV.

An Act for raiſing a further Sum of Money for the Purpoſe of rebuilding the Common Gaol of the County of *Eſſex*.

CAP. XXXVI.

An Act to amend an Act, paſſed in the Ninth Year of His preſent Majeſty, intituled, *An Act for laying open and widening of certain Ways and Paſſages within the Town of* Birmingham; *and for cleanſing and lighting the Streets, Lanes, Ways, and Paſſages there; and for removing and preventing Nuiſances and Obſtructions therein*; and for widening certain other Streets and Places; for eſtabliſhing a Nightly Watch; and for regulating Carts and Carmen employed in the ſaid Town.

CAP. XXXVII.

An Act for making and extending the Navigation of the River *Bure*, (commonly called the *North River*), by and from *Coltiſhall* to *Aylſham Bridge*, in the County of *Norfolk*.

CAP. XXXVIII.

An Act to incorporate certain Perſons therein named, and their Succeſſors, with proper Powers for the Purpoſe of eſtabliſhing One or more Glaſs Manufactories within the Kingdom of *Great Britain*; and for the more effectually ſupporting and conducting the ſame upon an improved Plan, in a peculiar Manner, calculated for the caſting of large Plate Glaſs.

Preamble.

'WHEREAS the Eſtabliſhment of a Glaſs Manufactory in *Great Britain*, upon an improved 'Plan, in a peculiar Manner, calculated for the caſting of Plate Glaſs, would be of great 'Benefit and Utility to this Kingdom, and may tend, as well to increaſe the publick Revenue 'ariſing from the Duties laid thereon, as to improve the preſent Method of making Plate Glaſs, 'which is not brought to a State of Perfection equal to that in foreign Countries: And whereas 'ſuch Manufactory cannot be eſtabliſhed without great Riſk in the Undertaking, and without a very 'large Expence, nor can be conveniently carried on, unleſs a conſiderable Joint Stock is raiſed for 'that Purpoſe: And whereas ſeveral Perſons have already formed themſelves into a Society, and 'ſubſcribed conſiderable Sums, and purchaſed Materials, and engaged proper Perſons, for the Pur-'poſe of eſtabliſhing and carrying on the ſaid Manufactory; but ſuch Perſons are apprehenſive that 'Difficulties may ariſe, as well in recovering Debts which may grow due to the Proprietors of the 'ſaid Manufactory, as alſo in defending Suits or Actions which may be commenced or brought 'againſt the ſaid Proprietors for any Matter or Thing relative to the ſaid Manufactory, as by Law 'all the ſeveral Proprietors and Subſcribers to the ſaid Manufactory muſt in ſuch Caſes both ſue 'and be ſued, implead and be impleaded, by their ſeveral and diſtinct Names and Deſcriptions; and 'therefore, for the more eaſily carrying on the Manufacture, and avoiding the Difficulties aforeſaid, 'are deſirous of being incorporated, and having a Common Seal and Name, by which they may 'ſue and be ſued: And whereas many Perſons who are not now liable to become Bankrupts, within 'the Intent and Meaning of any of the Laws now in Force concerning Bankrupts, are likewiſe 'fearful of ſubſcribing Money to carry on the ſaid Manufacture, as by becoming Subſcribers to, 'and Part Owners thereof, they may be liable to have Commiſſions of Bankrupt iſſued againſt them 'as Traders;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *John Stuart*, commonly called *Lord Mountſtuart*, the Honourable Major General *Charles Fitzroy*, *Herbert Mackworth*, *Peregrine Cuſt*, *Thomas Dundas*, *Robert Palk*, *John Mackay*, *Philip Affleck*, *James Mowbray*, *Robert Digby*, *Angus Mackay*, *Henry Dagge*, *Albany Wallis*, *Henry Haſtings*, *Ranald MacDonald*, *Thomas Davenport*, *Aſheton Curzen*, *John Dolben*, *Thomas Potter*, *Thomas Durell*, *Stephen Cæſar Lemaiſtre*, and *Henry Errington*, Eſquires; and every other Perſon or Perſons who ſhall hereafter, either in their own Right, or as Executors, Adminiſtrators, Succeſſors, or Aſſigns, in Right of any other Perſon or Perſons become Proprietors of, or intereſted in any

any Part or Share of the Joint Capital Stock or Fund herein-after mentioned, shall be One distinct and separate Body Politick and Corporate, in Deed and in Name, by the Name and Stile of *The Governor and Company of* British-*cast Plate Glass Manufacturers*, and that by the same Name they shall have Succession and a Common Seal; and that they and their Successors may, from Time to Time, break, alter, make new, or change such Common Seal, as shall be found most expedient; and that such Corporation shall be able and capable in Law, and shall have perfect and full Power and Ability in Law to have, purchase, receive, take, and enjoy, to them and their Successors, Lands, Tenements, and Hereditaments of what Kind, Nature, or Quality soever, for the Use of the said Manufactory, notwithstanding the Statutes of Mortmain, so as the same do not exceed the yearly Value of Five hundred Pounds; and any Person or Persons, Bodies Politic or Corporate, may give, grant, bargain, sell, or convey, to the said Company of Proprietors, any Lands, Tenements, or Hereditaments, for the Use and Benefit of the said Manufactory, so as the same do not exceed the annual Value aforesaid, without License of Alienation in Mortmain; and that such Corporation shall have Power and Ability in Law to grant, sell, demise, alien, or dispose of such Lands, Tenements, or Hereditaments, or any Part thereof, at their free Will and Pleasure; and, in their Corporate Name, shall and may be able and capable in Law to sue and implead, be sued and impleaded, answer and be answered, in any Court of Record, or elsewhere, in all Causes and Actions whatsoever, for, touching, or concerning the said Corporation, or the Manufactory by them carried on, as aforesaid.

Company may raise a joint Stock.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Corporation to raise a Capital Joint Stock, to be applied for the carrying on the said Manufacture, not exceeding the Sum of Forty thousand Pounds, at such Times, and in such Proportion, as at any General Court or Courts of such Corporation, to be holden in pursuance of this Act, shall be directed; and that the same be divided into such Number of Shares as herein-after mentioned, each Share not exceeding the Sum of Five hundred Pounds; and that no Person subscribing thereto, or becoming a Proprietor of such Manufactory, do become a Proprietor of less than One Share, or more than Twelve Shares, either in his or her own Name, or in the Name of any other Person or Persons in Trust for him or her, (except the same shall come to him or her by Devise, Bequest, Marriage, or Act of Law), upon Pain of forfeiting to the said Company of Proprietors all such Shares, exceeding Twelve Shares, as aforesaid; and the Money so to be raised, is hereby directed and appointed to be applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction, of the Expences hitherto incurred on account of the establishing the said Manufactory, and preparatory to the passing of this Act, and also the Expences to be incurred in the passing thereof, and the Residue of such Monies shall be applied in and about the Business of the said Manufacture.

Joint Stock to be divided into Shares.

III. And be it further enacted by the Authority aforesaid, That the said Sum of Forty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, or by such other Person or Persons who shall or may hereafter become Proprietor or Proprietors of the said Manufacture, shall be divided into Eighty Shares, at a Price not exceeding the Sum of Five hundred Pounds for every such Share, and that the said Eighty Shares shall be, and are hereby vested in the several Persons herein-before described, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto, and all and every the said Shares shall be deemed to be personal Estate, and transmissible as such, and not of the Nature of real Property; and all and every Person and Persons, their several and respective Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of Five hundred Pounds, or such Sum or Sums as shall be demanded in Part thereof, towards the establishing and carrying on the said Undertaking, shall be intitled to, and receive the entire and neat Distribution of One-eightieth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received, by the Authority of this Act; and so in Proportion for any greater Number of Shares, not exceeding Twelve Shares as aforesaid; and every Person or Persons, having such Property of One-eightieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay a proportionable Sum of Money towards carrying on the said Undertaking, in Manner herein-after enacted, directed, and appointed.

Interest to be paid till the Profits can be divided.

IV. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors or Assigns, and they are hereby required, out of the Money to be raised as aforesaid, until the said Manufactory shall be so established, that the Profits arising therefrom are sufficient to make a Dividend equal to an Interest of Five Pounds *per Centum* on the Capital advanced, to pay unto all and every the said Proprietors, their several and respective Successors, Executors, Administrators, or Assigns, who shall severally pay in or subscribe any Sum or Sums of Money, for and towards the carrying on and establishing the said Manufactory, an Interest for such Sum or Sums as they shall respectively pay in, after the Rate of Five Pounds for every One hundred Pounds for One Year, from the Time that each of such Sum or Sums shall be respectively advanced as aforesaid, and be paid and payable at such Place or Places as shall be agreed on and appointed for that Purpose, at the First General Meeting of the said Company of Proprietors, to be held as herein-after is mentioned.

Persons subscribing may vote at Meetings.

V. And, to the End that all Matters or Things touching or relating to the establishing and carrying on the said Manufactory may be managed and conducted in the most beneficial Manner, be it further enacted by the Authority aforesaid, That every Person or Persons, who shall have subscribed for One or more Share or Shares of the said Manufactory, his and their respective Executors, Administrators,

miniſtrators, or Aſſigns, in every or any publick Meeting or Aſſembly, to be held as herein-after appointed for carrying on the Buſineſs of the ſaid Manufactory, ſhall have Liberty by him, her, or themſelves, to give One Vote, and no more, without any Regard being had to the Number of Shares he, ſhe, or they, ſhall reſpectively be poſſeſſed of, and intereſted in, as aforeſaid; and whatever Queſtion, Election of Officers, or other Matter or Thing ſhall be propoſed, diſcuſſed, or conſidered, in any publick Aſſembly or Meeting, to be held under and by virtue of this Act, ſhall be finally determined by the Majority of Votes then preſent, computing One Vote for every Member then preſent, and no more.

Books to be provided for Subſcriptions.

VI. And be it further enacted by the Authority aforeſaid, That a Book for Subſcriptions ſhall be provided within One Month after the paſſing of this Act, in which ſaid Book the ſaid joint Stock, which ſhall not be leſs than the Sum of Forty thouſand Pounds, ſhall be ſubſcribed by the Proprietors of the ſaid Manufactory; and that each of the ſaid Proprietors ſhall not ſubſcribe leſs than the Sum of Five hundred Pounds, nor more than the Sum of Six thouſand Pounds; and that all and every the ſaid Proprietors ſhall pay his, her, or their Shares and Proportions of the Monies ſubſcribed at ſuch Time and Place as ſhall be appointed for the Receipt of ſuch Sums of Money as ſhall, from Time to Time, be ordered to be paid, in purſuance of any Call or Calls to be made by the Order of any General Meeting, in Manner and Form as is herein-after directed; of which ſeveral Calls, Three Calendar Months Notice at the leaſt ſhall be given, by publiſhing the ſame in the *London Gazette*, and One or more of the publick News-papers, at the Diſcretion of the General Meeting of the ſaid Proprietors: And if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share, Parts or Shares, of ſuch Monies to be called for, as aforeſaid, within One Calendar Month after the Time appointed for Payment thereof; and after perſonal Notice given to him or her, or Notice in Writing left at his or her uſual or laſt Place of Abode, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit the Sum of Twenty Shillings for every One hundred Pounds of his, her, or their reſpective Share or Shares in the ſaid Manufacture.

Proprietors not making their Payments to forfeit their Property in the Manufactory.

VII. And be it further enacted by the Authority aforeſaid, That whenever any Proprietor ſhall have incurred the Penalty aforeſaid of Twenty Shillings for every One Hundred Pounds of ſuch Share or Shares as he or ſhe may be poſſeſſed of in the ſaid Manufactory, for Nonpayment in due Time as aforeſaid of his or her rateable Proportion of Money called for, and ſuch Forfeiture ſhall have been declared at ſome General Meeting of the Proprietors, it ſhall and may be lawful at the ſame, or at any ſubſequent General Meeting, for any Five or more of the Proprietors then preſent to order and direct a further Notice to be given to ſuch Proprietor; and in caſe he or ſhe ſhall not, within Six Months after ſuch Notice ſerved perſonally, or left at his or her moſt uſual or laſt Place of Abode, pay, or cauſe to be paid, all ſuch Sum or Sums of Money as ſhall be then due and owing upon any Call or Calls as aforeſaid, and for Nonpayment of which ſuch former Forfeiture ſhall have been incurred, and ſhall alſo pay, or cauſe to be paid, an additional Sum of Five Pounds for every One hundred Pounds which ſuch Proprietor ſhall have ſubſcribed towards the ſaid Manufactory, then ſuch Proprietor, in caſe the Non-payment of ſuch Sum or Sums of Money ſhall have been declared at ſome General Meeting of the ſaid Proprietors, ſhall forfeit all his Intereſt, Share, and Property, in the ſaid Manufactory, together with all ſuch Sums as ſhall have been paid in, or ſhall be then due and owing from any Call or Calls as aforeſaid; which laſt-mentioned Sum or Sums due and owing from any Call or Calls as aforeſaid, and the reſpective Penalties of Twenty Shillings, and Five Pounds, herein-before mentioned, ſhall and may be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*: Provided always, That it ſhall and may be lawful for the ſaid Proprietors, at any General Meeting to be held after ſuch Forfeiture ſhall have been incurred, to poſtpone, mitigate, or remit the ſame.

Governor, Deputy-governor, and Committee to be choſen.

VIII. And be it further enacted by the Authority aforeſaid, That within the Space of Twenty Days after paſſing this Act, any Five or more of them, the ſaid Perſons herein-before named, ſhall ſummon and call together a General Meeting of all the Proprietors in the ſaid Joint Stock, who ſhall and may quietly and freely aſſemble themſelves, and meet together at the Time and Place ſo appointed; and then and there, at their Will and Pleaſure, name, chuſe, and elect, One of the ſaid Proprietors to be Governor of the ſaid Company, and One other Proprietor to be Deputy-governor of the ſaid Company, and alſo Five or more other fit Perſons to be Committee-men of the ſaid Company; the ſaid Governor, Deputy-governor, and Committee-men, to continue in their reſpective Offices and Places, until a new Election ſhall be had and made of a Governor, Deputy-governor, and Committee-men, in purſuance and according to the Directions of this Act.

Governor and Deputy-governor to take an Oath.

IX. And be it further enacted by the Authority aforeſaid, That every Governor and Deputy-governor of the ſaid Company ſo to be elected as aforeſaid, before they be admitted to the Execution of their reſpective Offices or Places of Governor and Deputy-governor, ſhall take the following Oath before any Two or more of the ſaid Proprietors, who are hereby impowered to adminiſter the ſame:

The Oath.

YOU ſwear that you will aſſiſt, and with all your Power ſupport and maintain the Company of Britiſh-*caſt Plate Glaſs Manufacturers, and the Privileges of the ſame, having no Reſpect to yourſelf in Derogation, Hinderance, or Prejudice of the good Government, Order, and Commonweal thereof; the Bye-laws and Ordinances which ſhall be made by Authority of this Company, and which are not repugnant to the Laws*

Laws of this Kingdom, you shall duly execute according to your Knowledge, and to the utmost of your Power endeavour to favour and maintain the true Interest and Welfare of the said Company.

So help you GOD.

X. And be it enacted by the Authority aforesaid, That every One of the said Committee-men of the said Company for the Time being, before they be admitted to the Execution of their said respective Offices or Places of Committee-men, shall take the following Oath before any Two or more of the said Proprietors, who are hereby impowered to administer the same : Committee-men to take an Oath.

YOU swear to be faithful and true during the Time of your Place of Trust, as One of the Committee-men of the Company of British-*cast Plate Glass Manufacturers, and their Successors ; the good Estate of the Adventurers in this present Joint Stock you shall, as far as you are able, favour and preserve, and the Privileges granted to them to the utmost of your Power endeavour to maintain.* The Oath.

So help you GOD.

XI. And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act may be the more regularly carried into Execution, be it enacted by the Authority aforesaid, That there shall be One annual General Meeting of all the said Proprietors on the Second *Wednesday* in *March* in every Year for the future, at some convenient Place for that Purpose to be appointed, at or after the Hour of Eleven in the Forenoon, at which said annual General Meeting the Proprietors assembled shall chuse a Governor and Deputy-governor of the said Company, and also Five or more Persons, each of whom shall be for the Time being a Proprietor of One or more Shares in the said Manufactory, to be a Committee or Committees, to assist in managing the Affairs of the said Company of Proprietors, in such Manner as is herein directed, and as shall, from Time to Time, be ordered by any such annual General Meeting, or by any Special General Meeting, to be held as herein-after mentioned, the said Governor and Deputy-governor always to be Members of such Committee or Committees ; and the said Governor and Deputy, and Committee-men, shall serve and continue in their respective Offices and Places for One whole Year next ensuing their respective Elections, or until others shall be elected and appointed in their Room. General Meeting to be held annually.

XII. And be it further enacted by the Authority aforesaid, That if at any Time it shall appear to any Five or more Proprietors, that, for the more effectually putting this Act in Execution, an occasional General Meeting of Proprietors shall be necessary to be held, the Governor, Deputy-governor, or any Three or more of the said Committee, on Request made in Writing by the said Five Proprietors to the said Governor, Deputy-governor, or Committee-men, shall cause Notice to be given thereof in the *London Gazette*, or in such other Manner as the said Proprietors, their Successors or Assigns, shall at any General Meeting direct or appoint, declaring in such Notice the Place where and the Time when such Meeting is to be held, the same to be held within One Month from and after such Notice given ; and likewise specifying in every such Notice the Reason for and Intention of such Meetings respectively ; and the Proprietors are hereby authorised to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them ; and every Act of the Proprietors, or the major Part of them, at such Meetings assembled, shall be as valid to all Intents and Purposes as if the same had been done at an annual General Meeting, held in Manner herein-before appointed.

XIII. And it is hereby further enacted by the Authority aforesaid, That the Committee so to be chosen as aforesaid, shall, from Time to Time, be subject to the Examination and Controul of the said annual or occasional General Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions, in and about the Premises, as they shall from Time to Time receive from the said Proprietors, at any such General Meetings ; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

XIV. And it is hereby further enacted, That in case the Governor, Deputy-governor, or any of the Committee-men for the Time being, shall happen to die or resign his Office or Offices, before the Expiration of the said Year for which he or they shall be so elected ; that then, and from thenceforth, it shall and may be lawful to and for the said Governor, or Deputy-governor, or any Three of the Committee, to summon and call together a General Meeting of the Proprietors aforesaid, and then and there to chuse into the Place or Places of him or them so dying or resigning One or more other fit Person or Persons, as the Case may happen, to continue in their respective Offices or Places, during the Remainder of such Year. Governors, &c. dying, others to be chosen.

XV. And be it further enacted by the Authority aforesaid, That from and after the First General Meeting hereby appointed as aforesaid, all and every the General Meetings of the said Company, hereby established, shall be, from Time to Time, called and summoned by the Order of the said Governor or Deputy-governor, or any Three or more of the Committee for the Time being ; at all which General Meetings before-mentioned the Governor for the Time being shall be present, or, in his Absence, the Deputy-governor for the Time being, and in case of Equality of Votes or Voices, shall have a casting Voice. Meetings to be called by Governors, &c. and Committee-men.

XVI. Provided

No Choice of Governor, &c. or Committee, but by Members poſſeſſed of 20 Shares.

XVI. Provided always, That if at any General Meeting the Number of Perſons preſent ſhall be leſs than Nine, and the Members preſent ſhall not be poſſeſſed of Twenty Shares in the ſaid Manufactory at the leaſt, no Choice of a Governor, Deputy-governor, or Committee, ſhall be made at that Time; but in ſuch Caſe there ſhall be an adjourned Meeting of the ſaid Company, at the ſame Place, within One Month, of which Notice ſhall be given in the *London Gazette*, and ſuch other publick News-papers as ſhall be then agreed upon, or in ſuch other Manner as at any General Meeting ſhall be directed for that Purpoſe, and ſo from Time to Time as Occaſion ſhall require, until ſuch Choice ſhall be made of the Governor, Deputy-governor, and Committee, as ought to have been made at the firſt Day herein-before appointed, had there been a ſufficient Number of Votes preſent, and the Perſons ſo choſen ſhall have the ſame Power which they would have had, and continue in ſuch Office until ſuch Time as they would have done, had they been choſen on the ſaid Day herein-before firſt appointed.

Company may make Bye-laws, &c.

XVII. And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors and Aſſigns for the Time being, ſhall have Power and Authority at any General Meeting, to be held as aforeſaid, in caſe Nine or more Proprietors are preſent at ſuch General Metting, poſſeſſed of Twenty Shares at leaſt, but not otherwiſe, to make ſuch Rules, Bye-laws, and Conſtitutions, for the ſaid Government of the ſaid Company, and for the good and orderly carrying on the Buſineſs of the ſaid Manufacture; and alſo for the well-governing of the Officers, Servants, Workmen, and others who ſhall be employed in and about the Buſineſs and carrying on of the ſaid Manufacture, or any Part thereof; and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Meeting ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence; ſuch Fines and Forfeitures to be levied and recovered by ſuch Ways and Means as are herein-after mentioned.

Bye-laws may be altered.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, at any General Meeting to be held as aforeſaid, in caſe Thirteen or more Proprietors are preſent at ſuch General Meeting, poſſeſſed of Forty Shares at leaſt, but not otherwiſe, to alter or repeal any Rules, Bye-laws, or Conſtitutions, made by the ſaid Company, at any former General Meeting or General Meetings: And all ſuch Rules, Bye-laws, and Conſtitutions, ſo to be made by the ſaid Company, at any General Meeting or Meetings, being fairly wrote and entered in the Books of the ſaid Company of Proprietors, ſhall be binding to and obſerved by all the Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame.

Books to be under the Care of ſuch Perſons as the Company ſhall appoint.

XIX. And be it further enacted by the Authority aforeſaid, That the Book and Books in which the Accounts relating to the ſaid Undertaking ſhall be ſtated and ſettled, and all other Matters and Things relating thereunto, ſhall be depoſited under the Care and Cuſtody of ſuch Perſon or Perſons as the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall, from Time to Time, direct and appoint, and every Proprietor or Proprietors, at reaſonable Times, ſhall have free Acceſs to ſuch Book and Books, for his, her, or their Inſpection.

Proprietors at General Meetings may ſettle Accounts.

XX. And be it further enacted, That at every ſuch annual General Meeting as aforeſaid, the Proprietors ſhall call for, audit, and ſettle all Accounts of Money which ſhall hereafter be received or paid in, for, about, or concerning the ſaid Manufactory, and ſhall ſettle and declare what Dividend or Dividends ſhall be made to the Proprietors thereof: Provided always, That no Dividend ſhall at any Time be made amongſt the ſaid Proprietors, out of the Profits ariſing from the ſaid Manufactory, over and above Five Pounds *per Centum*, upon the Capital Stock actually advanced, during ſuch Time as there ſhall be due and owing from the ſaid Company any Sum or Sums of Money borrowed upon the Credit of their Capital Stock, or upon the Profits and Produce ariſing from the ſaid Manufactory.

Proprietors at General Meetings have Power to make Calls of Money.

XXI. And be it further enacted, That at any ſuch General Meeting as aforeſaid, the Proprietors ſhall have Power to make ſuch Call or Calls of Money, for the Purpoſes of this Act, as they ſhall find wanting and neceſſary, not exceeding Ten Pounds *per Centum* on each Share at One Call, under ſuch Conditions, Penalties, and Forfeitures as herein-before mentioned, ſuch Notice or Notices of ſuch Call or Calls having firſt been duly given as aforeſaid; which Money, ſo called for, ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Meetings ſhall, from Time to Time appoint and direct, for the Uſe of the ſaid Manufactory.

General Meetings may be adjourned.

XXII. And be it further enacted, That for all or any of the Purpoſes aforeſaid, every ſuch General Meeting ſhall have Power to adjourn themſelves, from Time to Time, and from Place to Place, as ſhall be thought convenient, and be agreed upon by the Majority of Votes then preſent: And in caſe there ſhall not be a ſufficient Number of Perſons preſent to form ſuch General Meeting before Two of the Clock in the Afternoon, on the Day on which ſuch General Meeting ſhall have been called, then any One of the ſaid Proprietors preſent, or their Clerk for the Time being, ſhall adjourn the ſaid Meeting to the ſame Day Fortnight, and ſhall give Notice of ſuch Adjournment in Manner before mentioned.

Owners of Shares dying before Calls made for the full Sums to be advanced on each Share.

XXIII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Manufactory ſhall die before ſuch Call or Calls ſhall be made for the full Sum to be advanced on each Share, which he, ſhe, or they, ſhall have been poſſeſſed of, or intitled unto, without having made Proviſion by Will, or otherwiſe, how ſuch Share or Shares ſhall be diſpoſed of, and the Money

paid

paid in upon Calls for the future; then, and in such Case, the Executors or Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant, or other Person or Persons whatsoever, intitled to the Estate and Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, or other Persons whatsoever, for paying any Sum or Sums of Money, when called for, as aforesaid, to compleat every such Subscription: And if such Owner deceased shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Guardian, Trustees or Guardians, shall refuse or neglect to answer such Calls and Payments within the Space of Six Calendar Months next after personal Notice served on, or Notice left at the usual or last Place of Abode of such Executors or Administrators, or some or One of them, or such Trustee or Guardian, Trustees or Guardians, then such Share or Shares of such deceased Owner or Owners, as also his, her, or their personal Estate, (in case they shall die, leaving Assets), shall be subject and liable to the same Penalties and Forfeitures as are herein-before directed, in respect of the Share or Shares of such Person or Persons as shall neglect or refuse to pay in his, her, or their rateable or proportionable Part or Share of such Monies as shall be called for, in Manner herein-before mentioned.

Trustees, &c. indemnified for making Payment.

Trustees neglecting Payment after Six Months, such Shares of Owners to be liable to the Forfeitures as before directed.

XXIV. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Manufactory to sell and dispose of any Share or Shares he, she, or they, shall or may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate of the Deed of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons, of whom he, she, or they, shall purchase the same, and also by the Purchaser or Purchasers thereof, One Part whereof, duly executed, both by the Seller and Purchaser, shall be delivered to the Company's Clerk for the Time being to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered in to the said Clerk, and filed and entered, as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Manufactory, nor any Interest for his said Share paid to him, her, or them, or any Vote as a Proprietor or Proprietors.

Proprietors may sell and dispose of their Shares.

XXV. Provided always, and be it further enacted by the Authority aforesaid, That no such Sale or Sales, except to a Proprietor or Proprietors of the said Company, shall be made of any such Share or Shares, by any Proprietor or Proprietors, unless Three Months Notice in Writing shall be given to the Governor, Deputy-governor, or any Three of the Committee, of such his, her or their Intentions to sell the same; and unless Consent shall be given by a Majority of the whole Number of Proprietors, signified by Ballot at some General Meeting, which shall be held within Four Months after such Notice given.

Notice to be given of Sales.

XXVI. And be it further enacted, That in case the Number of Proprietors of the said Manufactory shall at any future Time be reduced to the Number of Fifteen or under then all the Powers of this Act, shall be fully exercised and enforced, in like Manner as is herein-before directed, by a Majority of such Number, in all Cases where more than Five Proprietors are herein-before required to be present at any Meeting.

Proprietors reduced to 15, a Majority may exercise the Powers of this Act in all Cases where more than Five are to be present at a Meeting.

XXVII. And be it enacted by the Authority aforesaid, That in case the said Sum of Forty thousand Pounds, herein-before authorised to be raised, shall be found insufficient for the Establishment and carrying on of the said Manufacture; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors, by and with the Consent, Assent, and Approbation of not less than Three-fourths in Number of the said Proprietors, and not otherwise, to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, upon such Terms as they shall think proper, any further or other Sum or Sums of Money, for establishing and carrying on the said Manufactory, not exceeding the Sum of Twenty thousand Pounds; and every Contributor or Subscriber towards raising such further or other Sum or Sums of Money, shall have a like Vote in respect of every such Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in the Profits and Produce of the said Manufactory, for such Share or Shares as he, she, or they, may subscribe thereto, as generally and extensively, to all Intents and Purposes, as if such further Share or Shares so subscribed had originally been Part of the said Stock of the said Company; any Thing herein-before contained to the Contrary in any-wise notwithstanding.

A further Sum may be raised by the Company if original Sum not sufficient.

XXVIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forge or counterfeit the Seal of the Corporation, or any Deed or Writing under the common Seal, or shall demand any Money in pursuance of any such forged or counterfeited Deed or Writing, either from the Corporation or any Members or Servants thereof, knowing such Writing to be forged, with Intent to defraud the same Corporation, or their Successors, or any other Person or Persons whomsoever, every Person so offending, and being convicted thereof in due Form of Law, shall be judged guilty of Felony, and shall be transported to One of His Majesty's Colonies or Plantations in *America* for a Term not exceeding Seven Years.

Forging the Seal of the Company made Felony.

XXIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by Day or Night, break into any House, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any House, Shop, Cellar, Vault, or other Place or Building belonging to the said Manu-

Stealing or destroying the Works, Felony.

Manufactory, or wherein the ſame ſhall be then carrying on, with Intent to ſteal, cut, break, or otherwiſe deſtroy any Glaſs or Plate Glaſs, wrought or unwrought, or any Materials, Tools, or Implements, uſed in, for or about the making thereof, or any Goods and Wares belonging to the ſaid Manufactory, or ſhall ſteal, or wilfully or maliciouſly cut, break, or otherwiſe deſtroy, any ſuch Glaſs Materials, Tools, or Implements, every ſuch Offender, being thereof lawfully convicted, ſhall be judged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Colonies or Plantations in *America* for a Term not exceeding Seven Years.

Writings to be without Stamps.

XXX. And be it further enacted by the Authority aforeſaid, That no Contract, Agreement, Tranſfer, or Aſſignment of any Share or Shares, or other Writing whatſoever, made in purſuance of the Powers given in and by this preſent Act, ſhall be charged or chargeable with any Stamp-duty whatſoever; and that no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form only.

Fines and Forfeitures how to be recovered.

XXXI. And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or by any Rules, Bye-laws, or Conſtitutions, made by the ſaid Company of Proprietors, their Succeſſors or Aſſigns, by the Authority thereof, the levying and recovering of which ſaid Fines, Penalties, and Forfeitures, are not herein before particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County wherein the ſaid Manufacture ſhall be carried on, as aforeſaid; which ſaid Juſtice or Juſtices is and are hereby authoriſed to hear and examine a Witneſs or Witneſſes upon Oath, and determine the ſame, and may, according to his or their Diſcretion, mitigate any Fine, Penalty, or Forfeiture, to be inflicted on any Offender or Offenders by virtue of the Powers in this Act contained; ſave and except ſuch Forfeitures and Penalties as are herein-before directed for Nonpayment of ſuch Sum or Sums of Money as ſhall be called for from the ſaid Proprietors, as aforeſaid; and all ſuch reſpective Fines, Forfeitures, and Penalties, by this Act impoſed and inflicted, the Application whereof is not herein-before particularly directed, ſhall be paid, and ſhall be applied and diſpoſed of, to, and for the Uſe of the ſaid Manufacture, and to and for no other Uſe or Purpoſe whatſoever.

Limitation of Actions.

XXXII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every ſuch Action, Suit, or Information, ſhall be brought and commenced within Six Calendar Months next after the Fact committed for which ſuch Action or Suit ſhall be commenced, and not afterwards, and ſhall be brought, laid, and tried, in the County where the ſaid Manufacture ſhall be carried on as aforeſaid, and not elſewhere; and the Defendant or Defendants in all ſuch Actions or Suits may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or if any Action, Suit, or Information, ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought or laid in any other County or Place than as aforeſaid, that then, and in every ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff ſhall become nonſuited, or diſcontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, or otherwiſe, Judgment ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant or Defendants, in every ſuch Caſe, ſhall have Treble Coſts, and ſhall have ſuch Remedy for Recovery of the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Commencement and Continuance of this Act.

XXXIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall take Place and have Continuance, from and after the paſſing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Publick Act.

XXXIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

CAP. XXXIX.

An Act for draining and preſerving certain Fen Lands and Low Grounds, called *King's Delph and Eight Roods*, and alſo other Fen Lands and Low Grounds in a certain Place called *Farcett Fen*, adjoining thereto, lying near to the Hamlet and Village of *Farcett* and *Standground*, in the County of *Huntingdon*.

CAP. XL.

An Act for amending and rendering more effectual an Act, made in Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; ſo far as the ſame relates to the ſeveral Fen Lands lying in the Second Diſtrict in the ſaid Act deſcribed.

Preamble. Act 27 Geo. II.

'WHEREAS by an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid North Level in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid North Level; and for the more effectual draining and preſerving the ſaid North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; the Commiſſioners therein named, or to be nominated and appointed, in Manner therein mentioned, or the major Part of them, were authoriſed and impowered to aſſeſs, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and ſingular the Lands and Grounds ſituate and being within the Second Diſtrict or Diviſion, (One of the Five Diſtricts or Diviſions into which the ſaid North Level was by the ſaid Act divided), except as in the ſaid Act is excepted, by and with an equal and proportionable yearly Rate, Tax, or Sum of One Shilling for every Acre of Land or Ground within the ſaid Second Diſtrict, to be paid by the Owners or Occupiers thereof to ſuch Perſon or Perſons, at ſuch Time or Times, as the ſaid Commiſſioners for the Time being, or the major Part of them, ſhould, from Time to Time, order, direct, or appoint, the ſame to be applied and diſpoſed of, in making Works, Banks, Drains, Mills, and Engines, within the ſaid Diſtrict, neceſſary for draining the ſame, and for the other Purpoſes therein mentioned: And whereas the ſaid Rates and Taxes have accordingly been applied by the Commiſſioners acting for the ſaid Second Diſtrict, in purſuance of the Directions given by the ſaid Act, for and towards the erecting proper Water Engines, and making Banks, Drains, and other Works, neceſſary for the proper draining the ſaid Diſtrict, and in maintaining and keeping the ſame in Repair: And whereas the ſaid Rate and Tax of One Shilling an Acre, charged on the ſaid Lands and Grounds in the ſaid Second Diſtrict, by virtue of the ſaid Act, has not for many Years paſt, by reaſon of the Wetneſs of the Seaſons, and many Breaches in the North Bank of *Moreton's Leam*, being the Great Barrier Bank of the ſaid North Level, againſt the Waters of *Northamptonſhire* and *Huntingdonſhire*, been ſufficient to pay the yearly Expences of the ſaid Diſtrict, or to defray the Debts which the ſaid Commiſſioners have been obliged to contract, by reaſon of ſuch Inſufficiency of the ſaid Tax of One Shilling an Acre ſo charged for the Purpoſes of the ſaid Diſtrict: And whereas the ſaid Works already compleated are neceſſary to be maintained; and, in order to pay the ſaid Debts ſo contracted by the ſaid Commiſſioners, and to carry on the ſaid Works with Effect, and to make other Works, a further Tax is neceſſary to be charged on all the Lands within the ſaid Diſtrict, (except as herein-after is excepted); and the ſeveral Owners and Proprietors of the ſaid Lands are willing and deſirous that their ſaid Lands ſhould be charged therewith accordingly, in order to raiſe Money to anſwer the Purpoſes aforeſaid: And whereas ſuch Rate or Tax cannot be laid, nor the ſaid Lands effectually drained and preſerved without the further Aid and Aſſiſtance of Parliament;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the Lands and Grounds, ſituate and being in the ſaid Second Diſtrict or Diviſion, and every of them, (except ſuch Lands and Grounds as in the ſaid former Act are excepted, and exept alſo all other Lands and Grounds in the Pariſh of *Eye*, within the ſaid Second Diſtrict), ſhall yearly, and every Year, from and after the paſſing of this Act, be, and the ſame are hereby rated, taxed, charged, and aſſeſſed, with an equal annual Rate, Tax, or Sum, not exceeding in any One Year the Sum of Two Shillings and Sixpence for every Acre of the ſaid Lands and Grounds, over and above the ſaid Rate or Tax of One Shilling an Acre, charged thereon by the ſaid former Act.

Tax of 2s. 6d. per Acre.

II. And be it further enacted, That the ſaid Rate or Tax, hereby charged on the ſaid Second Diſtrict, ſhall be, and is hereby laid and made payable for the Space of Fourteen Years from the Time of the paſſing of this Act, or until the ſaid Debts ſhall be paid and diſcharged, by Two equal Half-yearly Payments;

Tax payable for 14 Years.

Payments; (that is to say), On the Twenty-fourth Day of *June*, and the Twenty-fourth Day of *December*, in every Year, after the passing of this Act, during the Term and Time aforesaid; the First Payment thereof to be made on the Twenty-fourth Day of *June* next, after the passing of this Act, to the Treasurer or Receiver of the said District or Division, to be applied by the said Commissioners, in full Discharge and Satisfaction of the several Debts and Sums of Money, now due from the said Commissioners to any Person or Persons whomsoever, for or on Account of the said District.

Persons allowed to purchase off the Tax of 2 s. 6 d. an Acre.

III. And be it enacted by the Authority aforesaid, That in case any Owner or Proprietor, Owners or Proprietors, of any of the Lands and Grounds within the said District, and charged by this Act with the Payment of the said Rate, Tax, or Sum of Two Shillings and Sixpence an Acre for the said Term of Fourteen Years, shall be desirous to pay in any One Year the whole Rate or Tax of Two Shillings and Sixpence an Acre, so charged on his said Lands and Grounds, it shall and may be lawful for the said Commissioners, or any Five or more of them, to accept and receive the same, and to pay and apply the several Sum and Sums of Money so received in the Payment of the Debts due and owing from the said Commissioners, and for which the said Rate or Tax of Two Shillings and Sixpence an Acre is hereby directed to be paid annually, on Receipt of the said Commissioners, or any Five or more of them, for such Rate or Tax, to the Person or Persons paying the same, shall be a full Discharge to such Person or Persons; and, from the Date of such Receipt or Receipts for the same, as aforesaid, the Lands and Tenements charged by virtue of this Act with the Payment of the said Rate or Tax of Two Shillings and Sixpence an Acre, shall be for ever exonerated, released, and discharged from the Payment thereof; any Thing herein contained to the Contrary notwithstanding.

After Expiration of 14 Years, Commissioners to have Power to lay a further Tax of 1 s. 6 d. per Acre.

IV. And be it further enacted, That from and after the Expiration of the said Term of Fourteen Years, or so soon as the said Debts shall be paid and satisfied, and the said Rate of Two Shillings and Sixpence an Acre shall cease and determine, it shall and may be lawful for the Commissioners of the said District, and their Successors, or the major Part of them, over and above the said Rate or Tax of One Shilling an Acre, charged upon the Lands and Grounds lying in the said Second District or Division by the said former Act, Once in every Year; that is to say, On the First *Tuesday* in *July* next after the Expiration of the said Term of Fourteen Years, or after the said Debts shall be so paid and satisfied, to assess, tax, and charge all and every the Owner and Owners, Occupier or Occupiers, of all and every the said Lands and Grounds, lying within the said Second District or Division, (except as in the said former Act is excepted), with a further equal annual Rate or Tax, not exceeding the Sum of One Shilling and Sixpence *per* Acre for every Acre of the Lands and Grounds, lying within the said Second District or Division; which said last-mentioned additional Rate and Tax so to be laid, taxed, or assessed by the said Commissioners, as aforesaid, shall be paid by the Owners and Occupiers of the Lands or Grounds comprised in the said District, to such Person or Persons, at such Time or Times, and in such Manner and Proportion, as the Commissioners for the said Second District or Division, or any Five or more of them present at any such annual Meeting, shall, from Time to Time, order and direct; and shall, together with the Monies to be raised and borrowed on the Credit thereof, be applied and disposed of at the Discretion of the said Commissioners, or the major Part of them, present at any Meeting to be held for the said District, (of which Meeting Seven Days Notice shall be given to the said Commissioners), in or about the particular Works, Banks, Drains, Mills, Engines, and other Matters and Things, necessary for draining the said District, in such and the same Manner as the said Rate or Tax of One Shilling an Acre, charged on the said District or Division by the said former Act, is directed to be applied, and to and for no other Use or Purpose whatsoever.

Quantities of Lands as in former Act.

V. And be it further enacted, That the Quantities of the Lands and Grounds hereby rated, taxed, charged, and assessed, shall be taken according to the respective Quantities thereof ascertained in pursuance of the said former Act, (except the Lands and Grounds in the said Parish of *Eyre* hereinbefore excepted); and that the respective Owners or Occupiers of the said Lands and Grounds shall pay the said Rates and Taxes hereby rated and assessed, according to the same Number of Acres, Roods, and Perches, as they are now rated and taxed at under the said former Act; and the said Commissioners are hereby impowered and required to rate such Lands accordingly.

Tax of 2 s. 6 d. for 14 Years, vested in Commissioners, in order to pay the Debts of the District, &c.

VI. And be it further enacted, That the said Rate and Tax of Two Shillings and Sixpence an Acre, hereby charged upon the Lands and Grounds within the said District, for and during the said Term of Fourteen Years, shall be vested in, and applied, and disposed of by the said Commissioners for the said District, and their Successors, for and towards the paying and discharging such Debts as shall have been incurred and contracted by the said Commissioners, in and for repairing the several Works of the said District or Division, or for repairing or rebuilding any of the Mills, Banks, Headings, Trays, Drains, Tunnels, Sluices, Doors, or other Works, within the said District or Division, or in or for the Purchase of any Piece or Pieces of Land, in order that proper Drains, Slamps, and Soak Banks, and Floor Works, might be made, cut, and laid out through the same, for conveying the Waters of the said District the more easily and quickly to their respective Engines for draining the same; but, in case the said Debts so contracted by the said Commissioners, together with the Interest thereof, shall be fully paid and satisfied before the Expiration of the said Term of Fourteen Years; then, from and immediately after such Payment, the said Rate, Tax or Payment of Two Shillings and Sixpence an Acre, so charged by virtue of this Act, shall cease, determine, and be utterly void; any Thing in this Act contained to the Contrary thereof notwithstanding.

The Tax of 2 s. 6 d. per Acre to cease if the Debts are paid before the said 14 Years.

VII. And

VII. And be it further enacted, That the Commiſſioners nominated and appointed for the ſaid Second Diſtrict by the ſaid former Act, or elected or choſen in purſuance thereof, and their Succeſſors, ſhall be, and are hereby appointed Commiſſioners for carrying into Execution this preſent Act, and all the Powers and Authorities hereby given: And that it ſhall and may be lawful for the ſaid Commiſſioners nominated and appointed, or to be nominated and appointed, for the ſaid ſecond Diſtrict or Diviſion, as aforeſaid, or any Five or more of them, to meet at the ſeveral Times and Places mentioned in the ſaid former Act, and in this Act, as well to put in Execution the ſeveral Powers and Authorities of this Act, as of the ſaid former Act, ſo far as the ſame relates to the ſaid Second Diſtrict or Diviſion; and, from Time to Time, to adjourn ſuch Meetings, and meet again at ſuch other Times and Places as they ſhall think proper: And in caſe of the Diſqualification or Reſignation of any of the ſaid Commiſſioners for the ſaid Second Diſtrict or Diviſion, the Vacancy or Vacancies occaſioned thereby ſhall, at all Times after the paſſing of this Act, be filled up, in ſuch and the ſame Manner, as by the ſaid former Act is directed, out of the Perſons qualified by the ſaid former Act, to ſit, vote, and act as Commiſſioners for the ſaid Second Diſtrict, under the ſaid Act: And that ſuch Perſon or Perſons, ſo to be choſen and elected Commiſſioners, as aforeſaid, ſhall and may, after he or they ſhall be ſo choſen and elected a Commiſſioner or Commiſſioners, as aforeſaid, ſit, vote, and act as a Commiſſioner or Commiſſioners for the ſaid Second Diſtrict or Diviſion, and ſhall be, and is, and hereby are declared to be a Commiſſioner or Commiſſioners for putting this Act, and the ſaid former Act, in Execution, and ſhall be, and are hereby veſted with the ſame Powers and Authorities as the Commiſſioners under the ſaid former Act are veſted with; any Thing to the Contrary notwithſtanding.

Commiſſioners appointed by the former and this preſent Act to have equal Power.

VIII. Provided alſo, and be it enacted, That ſuch Commiſſioner or Commiſſioners, before he or they ſhall take upon himſelf or themſelves the Execution of any of the Powers or Authorities given by this Act, or the ſaid former Act, ſhall take the Oath (or being of the People called *Quakers*, the ſolemn Affirmation) required and directed to be taken by the ſaid former Act; which ſaid Oath or Affirmation any One of the ſaid Commiſſioners is hereby impowered and required to adminiſter.

Commiſſioners to take an Oath.

IX. And, to the End the ſaid Rates and Taxes hereby charged and aſſeſſed may be from Time to Time the more eaſily collected and received, be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay the reſpective Rates, Taxes, or Sums of Money, rated, charged, or aſſeſſed, upon him, her, or them, or the Lands and Grounds in his, her, or their Poſſeſſion or Occupation, by virtue of and under the Powers of this Act, or the ſaid former Act, within Twenty-one Days next after the ſame ſhall become due and payable, and Demand made thereof by the Collector or Collectors appointed to receive the ſame, on the Lands or Grounds charged therewith, or at the Dwelling-houſe of the Tenant or Occupier thereof, it ſhall and may be lawful to and for ſuch Collector or Collectors, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of the ſaid Commiſſioners, (which ſaid Warrant or Precept ſuch Commiſſioners, or any Two or more of them, are hereby impowered and required, from Time to Time, to make, as Occaſion ſhall require), to enter into and upon the the Lands and Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment as aforeſaid, and all Meſſuages and Tenements thereupon ſtanding, or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money, by him, her, or them, payable for ſuch Rate and Tax, by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, in ſuch and the ſame Manner as is directed by virtue of the ſaid former Act.

On Default of Payment of Taxes.

Commiſſioners to have Power to diſtrain.

X. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſeveral and reſpective Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds within the ſaid Second Diſtrict, which ſhall be aſſeſſed, taxed, and charged, by virtue of this Act, to pay, and they are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed, taxed, and charged, upon their ſaid Lands and Grounds reſpectively, and to deduct the ſame out of his or her Rent or Rents, in ſuch and the ſame Manner as by the ſaid former Act is directed; and the Landlord and Landlords, both mediate and immediate, according to their reſpective Intereſts therein, are hereby required to allow ſuch Deduction and Payment accordingly: But ſuch Landlord or Landlords ſhall be intituled to the ſame Powers with reſpect to ſuch Deductions and Payments as are mentioned and contained in the ſaid former Act; any Thing herein-before contained to the Contrary notwithſtanding.

Tenant to pay Taxes, and deduct the ſame out of his Rent.

XI. Provided always, That in caſe any of the ſaid Lands and Grounds ſhall, at any Time after the paſſing of this Act; be unoccupied, and no Diſtreſs can be found, by reaſon whereof the Sums of Money ſo aſſeſſed, taxed, and charged thereon, cannot be raiſed; then, and in ſuch Caſe, the Rate or Tax, and the Arrears thereof, ſo due, and to become due, by virtue of this Act, or the ſaid former Act, ſhall remain a Charge upon the ſaid Lands and Grounds until the ſame ſhall be occupied; and when and ſo ſoon as the ſame ſhall be ſo occupied, it ſhall and may be lawful for ſuch reſpective Collector or Collectors, Receiver or Receivers, for the Time being, or for any other Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to enter into and upon the ſaid Fen Lands and Low Grounds, and diſtrain for ſuch Taxes, and the Arrears thereof, when there ſhall be any Diſtreſs thereon to be found, in whoſe-ſoever Poſſeſſion ſuch Fen Lands or Low Grounds ſhall happen to come or be, and the Diſtreſs and Diſtreſſes there found to ſell, as in Manner herein-before and in the ſaid former Act, is directed.

In caſe Lands are untenanted,

Tax to remain a Charge thereon,

and to be entered and diſtrained on at any future Time when tenanted.

Clauſe for borrowing Money.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid Second Diſtrict, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they ſhall think proper, upon the Credit of the ſaid Rate or Tax of One Shilling an Acre charged by the ſaid former Act; and alſo from and after the Commencement of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, to be charged upon the Lands and Grounds within the ſaid Second Diſtrict by virtue of this Act, to borrow, take up, and receive, upon the Credit of the ſaid Rate or Tax of One Shilling and Sixpence an Acre; and by Writing, without Stamp, under the Hands and Seals of any Seven or more of the ſaid Commiſſioners, to mortgage, charge, aſſign, convey, or incumber, the ſaid Rates and Taxes, or any Part or Proportion of ſuch Rates and Taxes, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption, as ſhall be agreed upon; and it ſhall be particularly ſet forth in every ſuch Aſſignment which of the ſaid Rates or Taxes ſhall be charged with the Payment of the Monies ſo reſpectively borrowed.

Not to affect the Creditors under the former Acts.

XIII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in any-wiſe to affect, impeach, or leſſen, any Right or Priority of Claim, which any Perſon or Perſons who have advanced any Money upon the Credit of any former Acts, in which any Rate, Tax, or Aſſeſſment, has been laid upon the Lands to be taxed by virtue of this Act, now have upon ſuch Lands in reſpect of ſuch Money ſo advanced; but that the ſaid Lands ſhall, in the Firſt Place, be liable to the Rates and Taxes charged by the ſaid former Acts, and to the Money borrowed thereon; any Thing in this Act to the Contrary notwithſtanding.

What Sums may be borrowed.

XIV. Provided always, and be it enacted, That no more than the Sum of One thouſand Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling an Acre, charged by the ſaid former Act on the Lands and Grounds lying within the ſaid Second Diſtrict; and that no more than the Sum of One thouſand five hundred Pounds ſhall be borrowed or owing, at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged by virtue of this Act upon the ſaid Second Diſtrict, and that the ſaid Rate or Tax of One Shilling an Acre, laid by the ſaid former Act, and the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged by this Act upon the Lands and Grounds within the ſaid Diſtrict or Diviſion, ſhall not, during the Time any Principal Monies or Intereſt ſhall be due on the ſeveral Securities thereof, be leſs in any One Year than the ſeveral Sums charged upon the ſaid Diſtrict by the ſaid former Act, and by this Act reſpectively.

Writings may be without Stamps.

XV. And be it further enacted, That that the ſaid Mortgages and Securities ſo to be made by the ſaid Commiſſioners of the ſaid ſeveral and reſpective Rates and Taxes ariſing within the ſaid Diſtrict, ſhall and may be aſſignable or transferrable by Indorſement on the original Grant or Security thereof made, or otherwiſe, without Stamp, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, ſhall and may, from and after the Time that the ſame is entered in a Book to be kept for that Purpoſe, be well and ſufficiently intitled to ſuch Mortgage Monies and Intereſt, and all the Monies due and to grow due thereon; which Entries are hereby required to be made, on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence for every ſuch Entry; and ſuch Aſſignee and Aſſignees ſhall and may, in like Manner, by Indorſement, or otherwiſe, without Stamp, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid; and ſo *toties quoties*, as Occaſion may require, every ſuch Aſſignment or Transfer being entered in ſuch Book, as aforeſaid.

Perſons poſſeſſed of Aſſignments intitled to Mortgage Monies and Intereſt.

Former Tax of 1 s. per Acre, and the preſent Tax of 1 s. 6 d. per Acre, ſubject to Debts.

XVI. Provided always, and be it enacted, That the ſaid Rate or Tax of One Shilling an Acre, charged on the ſaid Diſtrict by the ſaid former Act, and the ſaid Rate of One Shilling and Sixpence an Acre, charged by virtue of this Act, ſhall be reſpectively chargeable with the Payment of the Principal Money ſo to be borrowed by the ſaid Commiſſioners, and the Intereſt thereof, and ſhall veſt in the Creditors of the ſaid reſpective Rates or Taxes upon which the ſame ſhall be ſo borrowed; and, upon Default of Payment of ſuch Principal Money and Intereſt, and until the ſame, and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof, the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall have the ſame Powers, Rights, and Privileges, of aſſeſſing, raiſing, and recovering, the reſpective Rates and Taxes payable by the ſeveral Owners and Occupiers of the ſeveral Lands and Grounds within the ſaid Diſtrict, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners, and their Collectors and Receivers could have had, in caſe ſuch Principal Money and Intereſt had been regularly and fully paid and ſatisfied.

Application of the 1000 l. to be borrowed on the 1 s. per Acre, charged by the former Act.

XVII. And be it enacted by the Authority aforeſaid, That the ſaid principal Sum of One thouſand Pounds, ſo to be raiſed, borrowed, or received, by the ſaid Commiſſioners, upon the Credit of the ſaid Rate or Tax of One Shilling *per* Acre ſo charged upon the ſaid Diſtrict by virtue of the ſaid former Act, or ſo much thereof as the ſaid Commiſſioners ſhall find requiſite, ſhall be raiſed, paid, and applied, by the ſaid Commiſſioners, for and towards paying and defraying the Charges of this preſent Act; and the Reſidue of the ſaid Sum of One thouſand Pounds, ſo to be raiſed, borrowed, or received, by the ſaid Commiſſioners, upon the Credit of the ſaid Rate or Tax of One Shilling an Acre ſo charged by the ſaid former Act, ſhall be paid, applied, and diſpoſed of, by the ſaid Commiſſioners, and their Succeſſors, for and towards the Works of the ſaid Diſtrict, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall direct, order, and appoint the ſame, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

XVIII. And

Proceedings to be entered in Books.

XVIII. And be it enacted by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners, at any Meeting to be held for the said District by virtue of the said former Act, or of this Act, shall be entered in Books to be provided and kept for that Purpose, and shall be signed by Five or more of the said Commissioners, so assembled at such Meeting, and being so signed, shall be deemed and taken to be original Orders; and all such Books, and also the Books hereby directed to be kept for registering the Securities, Assignments, and Transfers, shall and may be read in Evidence on all Trials at Law, of any Suits or Actions touching any Thing done in relation to, or in pursuance of, this Act, or of the said former Act: And that no Order which shall be made by the said Commissioners of the said Second District, or any Five or more of them, at any of their Meetings to be held by virtue of this Act, or of the said former Act, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Notice in Writing, signed by Three of the said Commissioners, be delivered to all the Commissioners of the said Second District, signifying for what Purpose such Meeting is intended to be held, Seven Days before such subsequent Meeting, and affixed on the Market Cross and Church Door of *Saint Mary's* Church in *Whittlesea* in the *Isle* of *Ely*, and the *Dog in the Doublet's Sluice* on the North Bank of *Moreton's Leam*; at which Meeting no less Number than Seven of the said Commissioners shall be present, and Five of such Commissioners shall be assenting to the Reversal of such former Order.

Orders not to be without Notice.

Engines and Mills to be insured.

XIX. And be it further enacted by the Authority aforesaid, That the said Commissioners for the said District, or any Five or more of them, shall cause all and every the Engines and Mills already erected by virtue of the said former Act, or which shall be erected and employed by virtue of this Act, to be insured against Fire in some of the public Insurance Offices; and, from Time to Time, to pay the Expence attending such Insurance out of the Monies arising out of the said former Act, or this Act.

Mole Catching.

XX. And be it further enacted, That the said Commissioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies arising in or upon the said District by virtue of this Act, or of the said former Act, to make such Allowance for catching or destroying Moles, or other Vermin, in the Banks and Lands belonging to or in the said District, as they the said Commissioners, or any Five or more of them, shall think proper.

No Houses or Buildings to be erected within 40 Poles of the Mills or Engines.

Penalty for offending.

XXI. Provided always, and be it enacted, That from and after the passing of this Act, no Houses or Buildings shall be erected within the said District, or any other Obstruction whatsoever laid or placed, (except Stacks of Corn or Hay in Yards already laid out for that Purpose), or Trees or Holts planted in the said District, within Forty Poles, being the Pole of Eighteen Feet, of any Mill or Engine already built, erected, or employed, for draining the Fen Lands and Low Grounds within the said District: And if any Person or Persons shall build or erect any House, Barn, or other Building, or shall plant any Tree or Holt, or place, lay, or put any other Obstruction in the said District, within any less Distance than Forty Poles of any such Mill or Engine, or shall plant any Tree or Holt upon any of the Banks of the said District, or within Ten Feet of the said Banks, every such Person shall forfeit and pay, for every such House and Building, the Sum of One Hundred Pounds; One Moiety thereof to be paid to the Person so suing for the same, and the other Moiety to be paid to the Receiver or Collector for the Time being for such District, as the Case shall happen; such Penalty, Compensation, and Satisfaction, to be recovered, together with Double Costs of Suit, by Action of Debt, Bill Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obstruction, so planted or laid, as aforesaid, within the said District: Which said Penalties of One Shilling and Five Pounds, shall and may be recovered by Distress and Sale of the Offender's Goods and Chattels within the said District, by Warrant under the Hand and Seal of any Justice of the Peace of the *Isle of Ely*, or Counties of *Huntingdon* or *Northampton*, (not interested in the Premises), upon Conviction of the Party so offending before such Justice, which Warrant such Justice is hereby impowered to issue; and the said Commissioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to order their Agents or Servants to take down such Buildings so erected, and to pull up and remove such Trees, Holts, and other Obstructions, so placed contrary to this Act.

Owners to fill up their Soak Dikes and Soak Gripples.

XXII. And be it further enacted by the Authority aforesaid, That in case the Owners or Occupiers of the Fen Lands and Low Grounds within the said Second District shall, for Sixty Days after the passing of this Act, neglect or refuse to fill up their several Soak Dikes and Soak Gripples, already cut next the several Banks within the said Second District at a less Distance from the said Banks than Sixty Feet from the same, or shall neglect or refuse to make proper Soak Dikes and Soak Gripples at the full Distance of Sixty Feet from such Banks; then, and in either of the said Cases, it shall and may be lawful for the Commissioners of the said former Act, or of this Act, or any Five or more of them, to order their Surveyor to give Notice to such Person or Persons so neglecting or refusing, that unless the same are filled up, or new Soak Dikes or Soak Gripples cut, as the Case shall be, pursuant to such Notice, that then the same will be filled up, and others cut in Manner aforesaid; and in case the Person or Persons shall, after receiving such Notice, neglect or refuse to fill up, make, and cut the same, it shall and may be lawful for the Commissioners of this Act, or of the said former Act, or any Five or more of them, to order the Surveyor of the said Second District to fill up, or make and cut the same, as the Case shall be, in such Manner as they shall think proper; and that the Charges of filling up such Soak Dikes or Soak Gripples, or of making and cutting others in lieu thereof, shall be borne

borne and paid by the Perſon or Perſons ſo neglecting or refuſing, and be recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing, in ſuch and the ſame Manner as the Rates and Taxes by this Act are herein-before directed to be recovered.

Commiſſioners to have Power to remove Trees or Holts already planted, making Satisfaction to the Owners.

XXIII. Provided always, and it is hereby enacted, That if any Trees or Holts are now growing in the ſaid Second Diſtrict, within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter to be built, within the ſaid Diſtrict, or upon any of the Banks within the ſaid Diſtrict, or within Ten Feet of ſuch Banks, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, by a like Order under their Hands and Seals, to order the ſame to be taken up or pulled down, as if the ſame had been planted ſince the paſſing of this Act, making ſuch Satisfaction out of the Monies ariſing by virtue of this or the ſaid former Act to the Owner or Owners of ſuch Trees or Holts as ſhall be agreed upon between ſuch Owners and the ſaid Commiſſioners; and in caſe any Difference or Diſpute ſhall ariſe between the Commiſſioners and ſuch Owner, touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Satisfaction and Recompence ſhall be finally ſettled and determined by Two Juſtices of the Peace for the ſaid *Iſle of Ely*, (not intereſted in the Premiſes), whoſe Determination ſhall be final to all Parties.

Diſtreſs not unlawful for want of Form.

XXIV. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by Virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Recital of the Manner formerly uſed in the Navigation on the River Nen to the Town of Thorney.

'XXV. And Whereas the Navigation from the River *Nen* to the Town of *Thorney* had uſed, Time immemorial, to be carried on through *The Dog and Doublet Sluice*, in the North Bank of *Moreton's* '*Leam*, along a certain Cut called *The Delph* or *Slype River*, in the ſaid Second Diſtrict of the ſaid 'North Level, unto a certain Bridge called *The Stone*, otherwiſe *Red Lyon Bridge*, in the ſaid Lordſhip 'of *Thorney*, which ſaid Sluice and *Delph* or *Slype River* have been, Time immemorial, and were the 'ſole Property of the moſt Noble *John* Duke of *Bedford*, and his Anceſtors, Owners of *Thorney* aforeſaid; 'but, ſince the paſſing of the ſaid Act of the ſaid Twenty-ſeventh Year of His late Majeſty King '*George* the Second, the ſaid Navigation has been obſtructed by ſome Works made by the Commiſ'ſioners for executing the Powers of the ſaid Act within the ſaid Second Diſtrict, and the Navigation 'from the ſaid River *Nen* to the Town of *Thorney* aforeſaid has, ſince that Time, being carried along '*Thorney Dike*, from *Knar Lake* to the ſaid *Stone*, otherwiſe *Red Lyon Bridge*, which is attended with 'great Inconvenience to the ſaid Navigation, and the draining of *Thorney* Lordſhip aforeſaid, as 'well as of the ſaid Second Diſtrict;' be it therefore enacted by the Authority aforeſaid, That it

Duke of Bedford's preſent Powers under this Act.

ſhall and may be lawful for the Deviſees in Truſt under the Will of the ſaid *John* late Duke of *Bedford*, and the Survivor and Survivors of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of *Bedford*, for the Time being, and, after his attaining the Age of Twenty-one Years, for the Duke of *Bedford*, his Heirs and Aſſigns, and he and they is and are hereby authoriſed and impowered to make One Pen Sluice in the ſaid *Delph* or *Slype River* next the counter Drain in the ſaid Second Diſtrict, and alſo One other Pen Sluice in the ſaid *Delph* or *Slype River* next *Thorney Dike*, in the ſaid Diſtrict, and to remove the Dams in the ſaid *Delph* or *Slype River* againſt the counter Drain and *Thorney Dike* aforeſaid; and alſo to lay a Tunnel under the ſaid *Delph* or *Slype River*, where the Mill Drain now croſſes the ſame, Seven Feet below the Level of the Lands adjoining thereto, and Ten Feet wide; and alſo to ſcour out and deepen the ſaid *Delph* or *Slype River* in the ſaid Second Diſtrict, from the counter Drain to *Thorney Dike* aforeſaid, Four Feet below the Level of the loweſt Land adjoining to the ſame.

Method of throwing Water out of Thorney Dike.

XXVI. And be it further enacted by the Authority aforeſaid, That when the Water in *Thorney Dike* aforeſaid, Weſtward, or above the pointing Doors, hereafter directed to be placed in the ſaid Dike, ſhall be higher than the Level of the loweſt whole Lands in ſaid Second Diſtrict, by any or either of the Mills or Engines in the ſaid Lordſhip of *Thorney* throwing the Water into the ſaid Dike Weſtward, or above the ſaid pointing Doors, the ſaid Deviſees, and the Survivors and Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of *Bedford* for the Time being, and afterwards the Duke of *Bedford*, his Heirs and Aſſigns, ſhall work One Mill or Engine ſtanding near the lower End of the ſaid *Thorney Dike*, to drain the Water out of the ſame, for which Purpoſe a pair of pointing Doors, or Flood-gates, ſhall be placed and kept in the ſaid *Thorney Dike*, a little above the Place where ſaid Mill now ſtands; and in caſe at any Time the Water in the ſaid *Thorney Dike* ſhall be above the Level of the loweſt whole Lands in the ſaid Second Diſtrict, by any or either of the Engines or Mills in *Thorney* Lordſhip throwing into the ſaid Dike, Weſtward, or above the ſaid pointing Doors, and the ſaid Mill or Engine near the lower End of the

Power of Commiſſioners with reſpect to the Water Engine at the Bottom of Thorney Dike.

ſame, ſhall not work at the Dike to throw the Water out of the ſaid Dike, that it ſhall and may be lawful for any Five or more of the Commiſſioners appointed, or to be appointed, by virtue of this Act, or by the ſaid former Act, for the ſaid Second Diſtrict, to give Notice in Writing under their Hands to the Steward of the ſaid Deviſees, or of the Duke of *Bedford*, (ſuch Notice to be left at the Manor-houſe in *Thorney* aforeſaid), that the Water in the ſaid Dike, called *Thorney Dike*, Weſtward, or above the ſaid pointing Doors, is higher than the Lands in the ſaid Second Diſtrict, by any or either of the Engines or Mills in *Thorney* Lordſhip throwing into the ſaid Dike above the ſaid pointing Doors,

Doors, or Flood-gates: And in case the said Engine or Mill, at or near the lower End of the said Dike, shall not, after Two Days, to be computed from the Time of delivering such Notices as aforesaid, work at and throw the Water out of the said Dike, it shall and may be lawful for the said Commissioners, or any Person appointed by them, or any Five of them, in Writing under their Hands, to work the said Engine or Mill for the Purpose aforesaid: And, in order to enable such Person and Persons so employed by the said Commissioners, as aforesaid, to work the said Engine for the Benefit of the said District, it shall and may be lawful for such Person or Persons to enter into and upon the said Lands and Mill of the said Devisees, or of the said Duke of *Bedford*, his Heirs or Assigns, by Order of the said Commissioners, as aforesaid, for that Purpose, without being liable or subject to any Action of Trespass, or other Prosecution whatsoever, by the said Devisees, or the said Duke of *Bedford*, his Heirs or Assigns, or any other Person or Persons whomsoever, for so doing.

Commissioners to have Power to enter on the Duke of Bedford's Property to work the Engines.

XXVII. Provided nevertheless, and it is hereby enacted by the Authority aforesaid, That if at any Time the Water in the said Second District shall overflow the Bank of *Thorney Dike* in the said Second District; or if, by any Means, the Water in the said Second District shall run into *Thorney Dike* aforesaid; that then the said Mill or Engine, at or near the lower End of *Thorney Dike* aforesaid, shall not work for the Benefit of throwing the Water out of the same, until such Bank shall be raised, and the Water of the said Second District shall be distrained, stopped, and prevented from running into *Thorney Dike* aforesaid; any Thing herein contained to the Contrary in any-wise notwithstanding.

At what Times the Mill at the lower End of Thorney Dike is not to work for the Benefit of the District.

XXVIII. And be it further enacted by the Authority aforesaid, That, during such Time as the said Devisees of the said *John* late Duke of *Bedford*, or the Duke of *Bedford*, his Heirs or Assigns for the Time being, shall make, erect, uphold, maintain, repair, and support, the said *Delph* or *Slype River*, Sluices, Tunnel, Mill, or Engine, and Doors or Flood-gates, as aforesaid, at his and their Expence, in Manner before mentioned, it shall and may be lawful for the said Devisees, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, during the Minority of the Duke of *Bedford* for the Time being, and afterwards for the Duke of *Bedford*, his Heirs and Assigns, to have the Use and Disposal of the said Navigation, from the River *Nene*, through *the Dog and Doublet Sluice* aforesaid, along the said *Delph* or *Slype River* to *Thorney* aforesaid; together with all such Rights, Powers, and Authorities, in and over the said Sluices, *Delph* or *Slype River*, and the Sides thereof, and the Navigation in, through, and along the same, as have at any Time heretofore been had, used, exercised, and enjoyed, by the said *John* Duke of *Bedford*, deceased, or *Wriothesly*, late Duke of *Bedford*, deceased, or by any of their Ancestors; any Thing contained in the said recited Act of the Twenty-seventh Year of King *George* the Second to the Contrary thereof in any-wise notwithstanding: But in case the said Works, or any of them, shall at any Time or Times hereafter be out of Repair, and the Lands in the said Second District be endangered thereby, it shall and may be lawful for the said Commissioners, or any Five or more of them, to give Notice in Writing at the Manor-house in *Thorney* aforesaid, to the Steward of the said Devisees, or the Survivor of them, or to the Duke of *Bedford*, his Heirs or Assigns, that such Works, or any of them, are out of Repair, specifying in such Notice what Part of such Works are out of Repair; and that if the Repairs thereof are not set about within Six Days after such Notice, it shall be lawful for the Officer to the said Commissioners for the said Second District, by an Order in Writing under the Hands of the said Commissioners, or any Five or more of them, to lock up the Sluices in the said Second District, until such Works shall be repaired: And, in no other Case, it shall be lawful for the said Commissioners, or any other Person or Persons acting under them, to intermeddle, or use any Authority in or over the said Navigation, or any of the Works to be made upon the same, or in *Thorney Dike*, or either of them.

The Duke of Bedford to have the Property of the Navigation, so long as he supports the Works thereof.

XXIX. And, for preventing the damming up, stopping, throwing down, demolishing, destroying, or damaging the said *Delph* or *Slype River*, or the Sides thereof, and the said Tunnel, Sluices, pointing Doors, or Flood Gates, herein-before directed to be made, kept, and preserved, for the Benefit of the said Navigation, and the draining *Thorney Dike* as aforesaid, it is hereby enacted by the Authority aforesaid, That if any Person or Persons shall at any Time hereafter, wilfully or maliciously dam up, cut, break down, demolish, damage, or destroy any of the Works in the said *Delph* or *Slype River*, or the Sides thereof, or the said Tunnel, Sluices, pointing Doors, Flood Gates, or other Works, made, or hereafter to be made, for the Benefit of the said Navigation, and draining *Thorney Dike* aforesaid; every Person so offending, being thereof lawfully convicted before One or more Justice or Justices of the Peace for the *Isle of Ely* aforesaid, not interested in the Premises, who are hereby required to hear and determine the same on the Oath of One or more credible Witness or Witnesses, or Confession of the Party or Parties so offending, shall forfeit and pay for every such Offence the Sum of Twenty Pounds to the said Devisees, their Executors and Administrators, during the Minority of the Duke of *Bedford*, and afterwards to the Duke of *Bedford*, his Heirs and Assigns; and in Default of such Payment, the same shall be levied by Distress and Sale of the Goods and Chattles of all and every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices before whom such Conviction shall be made; and in Default of such Payment, or Distress, the Person or Persons so offending shall be sent by the said Justice or Justices to the House of Correction of the *Isle of Ely* aforesaid, there to be kept to hard Labour for such Time as such Justice or Justices shall order and direct, not exceeding Six Calendar Months, nor less than Three Calendar Months.

Works of the Navigation how to be prevented from Damage.

XXX. And

Conviction of Offenders to be drawn up in the following

XXX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, and the ſaid former Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, or the ſaid former Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen, (*videlicet:*)

Form.

BE it remembered, That on the *Day of* *in the Year of our Lord* A. B. *is convicted before me* C. D. *One of His Majeſty's Juſtices of the Peace for the* Iſle of Ely, (*either on his own Confeſſion, or on the Oath of One or more credible Witneſs or Witneſſes*, (as the Caſe ſhall be), *by virtue of an Act, made in the Thirteenth Year of the Reign of His Majeſty King* George *the Third, for amending and rendering more effectual an Act made in the Twenty-ſeventh Year of the Reign of His late Majeſty King* George *the Second*, intituled, "An Act for diſcharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called *Bedford Level*, from a "Debt due to the Duke of *Bedford*, and Earl of *Lincoln*; and for enabling the Proprietors of "Lands in the *North Level*, Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid *North Level*, in the Debts of the ſaid Corporation; and for aſcertaining, and appropriating the Taxes to be laid on the ſaid *North Level*; and for the more effectual draining and preſerving the ſaid *North Level*, and divers Lands adjoining thereto, in the Manor of *Crowland*; *ſo far as the ſame relates to the ſeveral Fen Lands lying in the Second Diſtrict in the ſaid Act deſcribed*;" [ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be]. *Given under my Hand and Seal, the Day and Year above written.*

Limitation of Actions.

XXXI. Provided always, and be it enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, or in Execution of any of the Powers or Authorities hereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Twelve Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid or brought in the Counties of *Cambridge*, *Huntingdon*, or *Northampton*, or the *Iſle of Ely*, or One of them, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, Not Guilty; and if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting under and by Authority of Commiſſioners of Sewers are intitled to do, and give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Juriſdiction, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Judgment ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then, or in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Double Coſts, for which he, ſhe, or they ſhall have the like Remedy as where Coſts by Law are awarded.

General Iſſue.

Double Coſts.

This Act not to alter the former Act.

XXXII. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, alter, or take away any of the Clauſes, Powers, and Authorities, given by the ſaid former Act to the Commiſſioners acting by virtue and in purſuance thereof; but that every Clauſe, Power, and Authority, therein contained, ſhall remain, and be in the ſame Force and Effect, as if this Act had never been made; any Thing herein contained to the Contrary thereof notwithſtanding: But that all the Clauſes, Powers, and Authorities given by the ſaid former Act, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion, ſhall extend, and be conſtrued to extend, to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act; ſave only and except ſuch Part or Parts thereof as are altered and taken away by virtue of this Act.

Rights of Corporation of Bedford Level reſerved.

XXXIII. Provided always, and be it enacted, That all and every the Rights, Powers, Juriſdictions, and Authorities, ſhall be ſaved and reſerved unto the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, and their Succeſſors, and to all and every other Perſon and Perſons, his, her, and their Heirs, Executors, and Adminiſtrators, now veſted in and enjoyed by them.

Publick Act.

XXXIV. And be it further enacted and declared, That this Act ſhall be deemed and allowed, in all Courts within this Kingdom, and upon all Occaſions whatſoever, to be a Publick Act; and ſhall be judicially taken Notice of as ſuch by all Courts, Judges, and other Perſons, without ſpecially pleading the ſame.

CAP. XLI.

An Act for enabling *James Cox*, Jeweller, to diſpoſe of his Muſeum, commonly called *Cox's Muſeum*, by Way of Chance, in ſuch Manner as may be moſt for the Benefit of himſelf and his Creditors.

CAP.

CAP. XLII.

An Act for amending, lighting, and watching, the Highways or Roads within the Town, Village, or Chapelry, of *Peterſham*, in the County of *Surrey*.

CAP. XLIII.

An Act to regulate the Importation and Exportation of Corn.

Preamble.

'WHEREAS the ſeveral Acts of Parliament heretofore made concerning the Duties and Bounties reſpectively payable on the Importation and Exportation of Corn and Grain have have greatly tended to the Advancement of Tillage and Navigation; yet nevertheleſs, it having been of late Years found neceſſary, on account of the ſmall Quantities of Corn and Grain in Hand, and of the Shortneſs of the Crops, to ſuſpend the Operation of thoſe Laws by Temporary Statutes, whereby the Benefits derived from the ſaid Acts of Parliament have been, during ſuch Emergencies, withheld and ſuſpended: And whereas the regulating the Importation and Exportation of Corn and Grain by a permanent Law, under ſuch general Rules and Proviſions as might render, for the Time to come, ſuch temporary Laws unneceſſary, would afford Encouragement to the Farmer, be the Means of increaſing the Growth of that neceſſary Commodity, and of affording a cheaper and more conſtant Supply to the Poor, and preventing Abuſe in that Article of Trade;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four, whenever the Price of middling *Britiſh* Wheat, at the Ports and Places where Wheat ſhall be imported into this Kingdom, ſhall appear according to the Methods directed by the ſeveral Acts of Parliament for aſcertaining the Rates and Prices of Corn and Grain imported, or as herein-after directed by this Act to be at or above Forty-eight Shillings *per* Quarter, or whenever the Price of middling *Britiſh* Rye, Peaſe, or Beans, ſhall in like Manner appear reſpectively to be at or above Thirty-two Shillings *per* Quarter, or whenever the Price of middling *Britiſh* Barley, Beer, or Bigg, ſhall in like Manner appear reſpectively to be at or above Twenty-four Shillings *per* Quarter, or whenever the Price of middling *Britiſh* Oats ſhall in like Manner appear to be at or above Sixteen Shillings *per* Quarter, all Cuſtoms and Duties now payable reſpectively, upon Wheat, Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, and Oats, imported into this Kingdom, ſhall reſpectively ceaſe, determine, and be no longer paid or payable during the reſpective Continuance of ſuch reſpective Prices as aforeſaid; and in lieu of the former Duties, a Duty of only Sixpence *per* Quarter ſhall be laid upon all Wheat; and a Duty of Two pence for every Hundred Weight of Wheat-flour; and a Duty of Three-pence *per* Quarter ſhall be laid reſpectively upon all Rye, Peaſe, and Beans; and a Duty of Two-pence *per* Quarter ſhall be laid reſpectively upon all Barley, Beer, and Bigg; and a Duty of Two-pence *per* Quarter ſhall be laid upon all Oats imported into ſuch Ports and Places, during the Continuance of the Prices aforeſaid; ſuch Duties to be levied, collected, paid, and applied, in the ſame Manner as ſuch former Duties were before the making of this Act: And ſuch Wheat, Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, or Oats, may be carried Coaſtwiſe, and entered or landed in any other Ports of this Kingdom at which the Prices of middling *Britiſh* Corn, Grain, or Flour, are at or above the reſpective Rates aforeſaid, and aſcertained in Manner aforeſaid, and in no other, under ſuch Regulations as Wheat, Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, or Oats, of the Growth of this Kingdom, are now allowed to be carried Coaſtwiſe.

In caſe Wheat, Wheat-flour, Rye, &c. be imported, when the Duties not repealed ſhall be due, the ſame may be landed without Payment of Duties;

II. And it is hereby further enacted by the Authority aforeſaid, That in caſe any Wheat, or Wheat-flour, Rye, Peaſe, Beans, Barley, Beer, Bigg, or Oats, ſhall be imported into the Ports of *Briſtol*, *Berwick*, *Beaumaris*, *Dover*, *Exeter*, *Falmouth*, *Harwich*, *Hull*, *London*, *Lynn Regis*, *Lancaſter*, *Liverpoole*, *Milford*, *Newcaſtle*, *Newhaven*, *Poole*, *Southampton*, *Stockton*, *Whitehaven*, *Yarmouth*, *Ayr*, *Leith*, *Port Glaſgow*, *Aberdeen*, *Kirkwall*, or any or either of them, at any Time when the Duties not repealed by this Act ſhall be due and payable for ſuch Species of Corn, Grain, or Flour reſpectively, the ſame, upon due Entry thereof, may be forthwith landed from on Board the Ship or Veſſel in which ſuch Species of Corn, Grain, or Flour, ſhall be ſo imported, in the Preſence of the proper Officer or Officers of the Cuſtoms, without Payment of the ſaid Duties: Provided that an exact Account be taken of the Quantity thereof, and entered in a Book to be kept by the proper Officer in the Cuſtom-houſes of the ſaid Ports reſpectively; and that ſuch Corn, Grain, or Four, ſhall, upon landing, be immediately lodged and ſecured under the Joint Locks of the King and the Importer or Proprietor of ſuch Corn, Grain, or Flour, in ſuch Warehouſes as ſhall be for that Purpoſe provided, at the ſole Expence of the Importer or Proprietor of ſuch Corn, Grain or Flour, with the Approbation, and under the Care and Inſpection, of the Commiſſioners of the Cuſtoms, or any Three or more of them, or the Collector and Comptroller of the Cuſtoms for the Port where ſuch Corn, Grain, or Flour, ſhall be imported, with Liberty for the Proprietor or his Servants to ſcreen, turn, and take ſuch other Care of the ſame, as Neceſſity ſhall require, in the Preſence of ſome Officer or Officers of the Cuſtoms, to be appointed for that Purpoſe by ſuch Commiſſioners of the Cuſtoms, or the Collector and Comptroller of the Port; and ſuch Corn, Grain, or Flour, ſhall not be delivered or taken

and warehouſed under the Joint Locks of the King and the Importer.

Conditions of Delivery of such Corn, Grain, or Flour.

out of any such Warehouse, but upon the following Conditions; that is to say, If such Corn, Grain, or Flour, or any Part thereof, shall be delivered, in order to be used or consumed in this Kingdom, the Person or Persons so taking out the same shall first pay down, in ready Money, such Duties as shall at the Time of taking out such Corn, Grain, or Flour, be due and payable for the like Sort of Corn, Grain, or Flour, imported into the same Port; and such Corn, Grain, or Flour, shall be measured out from the said Warehouses, and shall pay the Duties by the stricken Bushel, and not by the heaped Bushel, and shall, in all other Respects be liable to the same Restrictions and Regulations as it would have been liable to if the same had not been warehoused in pursuance of this Act; and if such Corn, Grain, or Flour, so warehoused as aforesaid, shall be delivered or taken out for Exportation to foreign Parts, the Owner or Exporter thereof, together with One other sufficient Person, to be approved of by the Collector and Comptroller of the Customs at the Port of Exportation), shall enter into Bond to His Majesty, His Heirs and Successors, in Treble the Amount of the full Duties which would be then due and payable for such Corn, Grain, or Flour, if the same was consumed in this Kingdom, with Condition that no Part of such Corn, Grain, or Flour, shall be relanded in *Great Britain*, *Ireland*, the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or the Islands of *Faro* or *Ferro*; which Bonds shall be discharged without Fee or Reward, upon Certificate returned under the Common Seal of the Chief Magistrate for, or under the Hands and Seals of Two known *British* Merchants residing at the Place where such Corn, Grain, or Flour, was landed, or upon Proof by credible Persons, that such Corn, Grain, or Flour, was taken by Enemies, or perished in the Seas, the Examination and Proof thereof being left to the Judgment of the respective Commissioners of the Customs where such Bond was given, or any Three or more of them; and if the said Bond shall not be prosecuted within Three Years, the same shall be void.

Corn transported from Ireland may be carried back.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to the prohibiting such Corn, Grain, or Flour, as hath been, under the Permission herein allowed, transported from *Ireland* into this Kingdom, and here warehoused, from being again carried back to *Ireland*, subject to the like Securities and Restrictions in all other Respects as is required upon the Exportation of any other foreign Corn, Grain, or Flour.

Penalty on relanding Corn, Grain, or Flour, so delivered.

IV. And the better to prevent the relanding of such Corn, Grain, or Flour, be it further enacted by the Authority aforesaid, That all such Corn, Grain, or Flour, so delivered as aforesaid for Exportation, shall be exported directly from the Port where the same was so delivered, and shall not be removed or carried, by Land or Water, to any other Port or Place in this Kingdom; and if the same shall be so removed or carried, or relanded, or unshipped to be relanded in this Kingdom, over and besides the Forfeiture of the Bond herein-before mentioned, all such Corn, Grain, or Flour, together with the Boats, Lighters, or any other Vessels, Horses, Carts, or other Cattle or Carriages, which shall be employed or made use of in the Removal, Carriage, or Conveyance, of such Corn, Grain, or Flour, as also the Ship or Vessel from which the same shall be unloaded, together with her Tackle, Apparel, and Furniture, shall be also forfeited, and shall and may be seized by any Officer or Officers of the Customs; and all and every Person and Persons who shall be assisting or otherwise concerned in such removing or carrying, or the unshipping or relanding of such Corn, Grain, or Flour, or to whose Hands the same shall knowingly come after the unshipping thereof, shall also forfeit Treble the Value of such Corn, Grain, or Flour; which said Penalties and Forfeitures shall and may be prosecuted, sued for, recovered, and divided, in such Manner and Form, and by such Rules and Regulations, as Penalties and Forfeitures inflicted for unshipping prohibited or uncustomed Goods in this Kingdom, may be prosecuted, sued for, recovered, and divided, by any Law now in Force.

Corn of the Species mentioned not to be transported, viz. British Wheat, when at 44 s. per Quarter,

British Rye, Pease, or Beans, when at 28 s. per Quarter;

British Barley, Beer, or Bigg, when at 22 s. per Quarter;

V. And be it further enacted by the Authority aforesaid, That whenever the Price of middling *British* Wheat, at any Port or Place within the Kingdom of *Great Britain* from whence the same shall be intended to be exported, shall appear to be at or above the Price of Forty-four Shillings *per* Quarter, such Price being ascertained in Manner aforesaid, no Person or Persons whatsoever shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such Port or Place, or load or lay on board, or cause or procure to be laden or laid on board, in any Ship or other Vessel, or Boat, in order to be exported or carried out of any such Port or Place, any Wheat, Wheat-meal, or Flour, or Malt, Bread, Biscuit, or Starch, made of Wheat: And whenever the Price of middling *British* Rye, Pease or Beans, at such Port or Place, shall appear respectively to be at or above the Price of Twenty-eight Shillings *per* Quarter, such Price being ascertained in Manner aforesaid, no Person or Persons whatsoever shall, directly or indirectly, export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such Port or Place, or load or lay on board, or cause or procure to be laden or laid on board, in any Ship or other Vessel, or Boat, in order to be exported or carried out of any such Port or Place, any Rye, Pease, or Beans respectively, ground or unground, or any Bread or Biscuit made of Rye, Pease, or Beans respectively: And whenever the Price of middling *British* Barley, Beer, or Bigg, at such Port or Place, shall appear respectively to be at or above the Price of Twenty-two Shillings *per* Quarter, such Price being ascertained in Manner aforesaid, no Person or Persons whatsoever shall, directly or indirectly export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from any such Port or Place, or load or lay on board, or cause or procure to be laden or laid on board, in any Ship or other Vessel or Boat, in order to be exported or carried out of any

such

ſuch Port or Place, any Barley, Beer, or Bigg, or Malt, Bread or Biſcuit made of Barley, Beer, or Bigg reſpectively: And whenever the Price of middling *Britiſh* Oats ſhall appear to be at or above the Price of Fourteen Shillings *per* Quarter, ſuch Price being aſcertained in Manner aforeſaid, no Perſon or Perſons whatſoever ſhall, directly, or indirectly, export, tranſport, carry, or convey, or cauſe or procure to be exported, tranſported, carried, or conveyed, out of or from any ſuch Port or Place, or load or lay on board, or cauſe or procure to be laden or laid on board, in any Ship or other Veſſel, or Boat, in order to be exported or carried out of any ſuch Port or Place, any Oats or Oatmeal, or Malt, Bread or Biſcuit made of Oats, under the Penalties and Forfeitures herein-after mentioned; that is to ſay, That all and every the ſaid Commodities that ſhall be ſo exported, or ſo laden or laid on board in any Ship or other Veſſel, or Boat, in order to be exported or carried out contrary to this Act, ſhall be forfeited; and that every Offender or Offenders therein ſhall forfeit the Sum of Twenty Shillings for every Buſhel of Wheat, Wheat-meal, or Flour, Rye, Peaſe, or Beans, Barley, Beer, or Bigg, Oats, or Oatmeal, or Malt, made of any of the Grains aforeſaid, ground or unground, and Twelve-pence for every Pound Weight of Bread, Biſcuit, or Starch, as aforeſaid, which ſhall be ſo exported, or ſo laden or laid on board in any Ship or other Veſſel, or Boat, in order to be exported or carried out; and alſo the Ship, Veſſel, or Boat, in which any of the ſaid Articles herein-before ſpecified ſhall be exported, or upon which any of the ſaid Articles ſhall be laden or laid, in order to be exported, and all her Guns, Tackle, Apparel, or Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms; and One Moiety of all the ſaid Penalties and Forfeitures ſhall be to the King's Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who will ſue for the ſame: And for Offences which ſhall be committed in that Part of *Great Britain* called *England*, ſuch Penalties and Forfeitures ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or before the Judges of Aſſize, or at the Great Seſſions in *Wales*; or where the Value of ſuch Penalties or Forfeiture ſhall not exceed the Sum of Fifty Pounds, the ſame may be recovered by Information, at any General Quarter Seſſions of the Peace, for the County, City, Riding, Diviſion, or Place, where the Offence was committed; and in ſuch Suit no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed: And for Offences which ſhall be committed in that Part of *Great Britain* called *Scotland*, the ſame may be recovered by Action, or ſummary Bill or Information, in the Courts of Seſſion or Exchequer in *Scotland*; or where the Value of ſuch Penalties or Forfeitures ſhall not exceed the Sum of Fifty Pounds, the ſame may be recovered by ſummary Bill or Information, at any General Quarter Seſſions of the Peace, by Action in the Sheriffs or Stewards-Court of the County, or Stewartry where the Offence ſhall be committed: And that the Maſter and Mariners of any ſuch Ship, Veſſel, or Boat, wherein any ſuch Offence ſhall be committed, knowing ſuch Offence, and wittingly and willingly aiding and aſſiſting thereunto, and being thereof duly convicted in any ſuch Courts reſpectively, as aforeſaid, ſhall be impriſoned for the Space of Three Months, without Bail or Mainprize.

British Oats, when at 14 s. per Quarter;

under Penalty of forfeiting the ſaid Commodities, and 20 s. per Buſhel of the Grain aforeſaid;

with the Ship, Veſſel, or Boat, in which they are laden.

Penalty how recoverable.

VI. Provided always, That this Act, or any Thing herein contained, ſhall not extend to prohibit the Exportation or carrying out of ſuch or ſo much of the ſaid Articles herein-before enumerated as ſhall be neceſſary to be carried in any Ship or Ships, or other Veſſel or Veſſels, in their reſpective Voyages out and Home, for the Suſtenance, Diet, and Support of the Commanders, Maſters, Mariners, Paſſengers, or others, in the ſame Ships or Veſſels only, and taking their Paſſage in ſuch Ships or Veſſels, or for the victualling or providing any of His Majeſty's Ships of War, or other Ships or Veſſels in His Majeſty's Service, or for His Majeſty's Forces, Forts, or Garriſons; any Thing herein contained to the Contrary notwithſtanding.

Not to extend to the Suſtenance of Ships of War, &c.;

VII. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to prohibit any Perſon or Perſons to ſhip or put on board any of the Articles aforeſaid, to be carried Coaſtwiſe; that is to ſay, From any Port, Creek, Member, or Part of the Kingdom of *Great Britain*, to any other Port, Creek, Member, or Part of the ſame reſpectively, having ſuch or the like Coaſt Cocquet, or Sufferance for that Purpoſe, or ſuch or the like ſufficient Security being firſt given for the landing and diſcharging the ſame in ſome other Port, Member, Creek, or Part of the ſaid Kingdom, and returning a Certificate in Six Months, as is required by Law in Caſes where Goods which are liable to pay Duties on Exportation are carried Coaſtwiſe from one Port of *Great Britain* to another.

nor to Veſſels carrying the ſame Coaſtwiſe.

VIII. Provided alſo, That nothing herein-before contained ſhall extend to prohibit the ſeveral Articles herein-after expreſſed being exported out of and from the reſpective Ports in this Kingdom herein-after mentioned, and from no other, to the ſeveral Places as herein-after mentioned, for the Suſtenance and Uſe of the Inhabitants thereof, ſo as the ſame do not exceed the ſeveral Quantities reſpectively limited to thoſe Places within Twelve Calendar Months; (that is to ſay),

Articles which may be exported from Ports mentioned.

From the Port of *London*.	To *Gibraltar*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Two thousand five hundred Quarters in the Whole.
	To *Minorca*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Three thousand five hundred Quarters in the Whole.
	To *St. Helena*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Five hundred Quarters in the Whole.
From the Port of *Southampton*.	To the Islands of *Guernsey* and *Jersey*.	Any Quantity of Wheat, Meal, Flour, Rye, Barley, or Malt, not exceeding Five thousand Quarters in the Whole to both Places.
From the Ports of *Whitehaven* and *Liverpoole*,	To the *Isle of Man*.	Any Quantity of Wheat, Barley, Oats, Meal, or Flour, not exceeding Two thousand five hundred Quarters in the Whole; One Moiety thereof to be exported from the said Port of *Whitehaven*, and the other Moiety thereof to be exported from the said Port of *Liverpoole*.

Security to be taken from the Exporters without Fee or Reward.

So as the Exporters, before the shipping thereof, do declare the Island or Place for which the said Articles are respectively designed, and do become bound to His Majesty, His Heirs and Successors, with One other sufficient Security, (to be approved by the Collector and Comptroller of the Customs at the Port of Exportation), in Treble the Value thereof, with Condition that the said Articles so permitted to be exported shall be landed at the respective Island or Place for which the same shall be so declared and entered for the Use and Sustenance of the Inhabitants there, and shall not be landed or sold in any other Parts whatsoever, the Danger of the Seas and Enemies excepted; and that a Certificate, under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Customs, or if no such, of the Naval Officer, or some other principal Officer of the Place where the same shall be landed, shall, within Twelve Calendar Months from the Date of the Bond given for landing such Commodities in *Gibraltar* or *Minorca*, and within Eighteen Calendar Months from the Date of the Bond given for landing such Commodities in *Saint Helena*, and within Six Calendar Months from the Date of the Bond given for landing such Commodities in the Islands of *Guernsey*, *Jersey*, or *Man*, (the Danger of the Seas excepted), be returned to the Officers who took the said Bonds, that the said Commodities have been landed at the Place for which the same shall have been so declared and entered; and for the taking such Security, and giving such Certificate, which the respective Officers are hereby required on Demand to give, no Fee or Reward shall be demanded or received: And if any Officer shall make any false Certificate of any such Commodities being so landed, such Officer shall forfeit the Sum of Two hundred Pounds, and lose his Employment, and be incapable of serving His Majesty, His Heirs or Successors, in any Office relating to the Customs: And if any Person shall counterfeit, erase, or falsify any Certificate, directed or required by this Act, or knowingly publish any such counterfeit, erased, or false Certificate, he shall forfeit the Sum of Two Hundred Pounds; and such Certificate shall be void and of no Effect: Which said Penalties, for Offences committed in *Great Britain*, shall be recovered in the same Courts, and in the same Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in any other the Dominions belonging to the Crown of *Great Britain* in *Europe*, shall be recovered in the High Court of Admiralty, or in any other chief Court of Civil or Criminal Jurisdiction, in such respective Dominions, and shall be divided into equal Moieties between His Majesty and the Informer; and the said Bond or Bonds, if not prosecuted within Three Years, shall be void.

Penalty on making a false Certificate.

Beans may be exported to Africa.

IX. Provided also, That nothing herein contained shall extend to prohibit the Exportation of Beans to the *British* Forts, Castles, or Factories, in *Africa*, or for the Use of the Ships trading upon that Coast that have been usually supplied with the same from *Great Britain*, or to prohibit the Committee of the Company of Merchants trading to *Africa* from exporting annually any Quantity of Wheat-flour, not exceeding Two hundred Quarters, or any Quantity of Bread or Biscuit, not exceeding Fifteen Tons in the whole of such Bread or Biscuit, or of such Bread and Biscuit together, to the *British* Forts, Castles, or Factories, in *Africa*, for the Support of the Persons residing there, so as the Exporter of such Articles aforesaid to such Forts, Castles, or Factories aforesaid, doth, before the Shipping thereof, enter into such or the like Bond or Bonds as are herein before directed to be entered into by the Exporters from the Port of *London* to the Island of *Saint Helena*, of the particular Species and Quantity of Corn, Grain, or Flour, allowed by this Act to be exported to that Island.

Not to prohibit Grain from being exported to Ireland.

X. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prohibit Corn, Grain, or Flour, from being exported from *Great Britain* to the Kingdom of *Ireland*, during such Time, and so long as any General Prohibition of, or Embargo on, the Exportation of Corn, Grain, or Flour, shall be in Force in that Kingdom, but that it shall and may be lawful, during the Time that such Prohibition or Embargo shall be in Force in that Kingdom,

to

to export Corn, Grain, or Flour, from *Great Britain* to *Ireland*, ſo as the Exporters of all ſuch Corn, Grain, or Flour, from *Great Britain* do, before the ſhipping thereof, declare, that all ſuch Corn, Grain, or Flour, is intended to be imported into *Ireland*, and alſo do become bound to His Majeſty, His Heirs and Succeſſors, in the like Bond or Bonds as are by this Act directed to be entered into by the Exporters of Corn, Grain, or Flour, to the Iſlands of *Guernſey*, *Jerſey*, or *Man*, under Condition of returning, in the like Time, Certificates under the Hands and Seals of the Collector, Comptroller, and Surveyor of the Cuſtoms, or of any Two of them, in ſuch Port or Ports where ſuch Corn, Grain, or Flour, ſhall be landed, of ſuch Corn, Grain, or Flour, being landed in *Ireland*, as are hereby directed to be returned with reſpect to the landing of Corn, Grain, or Flour, in the Iſlands of *Guernſey*, *Jerſey*, or *Man*; and that all Perſons who ſhall, within the Kingdom of *Ireland*, counterfeit, eraſe, or falſify, any Certificate directed or required by this Act, or knowingly publiſh any ſuch counterfeit, eraſed, or falſe Certificate, ſhall be liable to all the like Penalties and Forfeitures as Perſons committing the like Offences are liable to in *Great Britain*; which ſaid Penalties for Offences ſo committed in *Ireland* ſhall be recovered in His Majeſty's Courts of Record in *Dublin*, and ſhall be divided between His Majeſty and the Informer, in like Manner as is herein-before directed, ſo as the ſaid Bonds be proſecuted within the like Time as is herein-before directed for the Proſecution of Bonds of the like Nature.

After January 1, 1774, the Bounties on Grain are to determine and ceaſe, and the Bounties mentioned take Place.

XI. And it is hereby further enacted by the Authority aforeſaid, That from and after the Firſt Day of *January*, One thouſand ſeven hundred and ſeventy-four, the ſeveral Bounties which are now allowed by Law upon the Exportation of any Sort of Corn or Grain, ground or unground, ſhall ceaſe and determine, and inſtead and in lieu thereof, when the Prices of the Corn or Grain hereinafter mentioned, (the ſame being aſcertained according to the Methods directed by the ſeveral Acts of Parliament for aſcertaining the Rates and Prices of Corn and Grain imported, or as herein-after directed by this Act), ſhall appear to be under the Rates herein-after reſpectively mentioned, at the Ports or Places in this Kingdom from whence the ſame ſhall be exported, there ſhall be allowed upon the Exportation of ſuch Corn or Grain, either ground or unground, being the Growth and Product of this Kingdom, and put on Board in *Britiſh* Shipping, the Maſter and at leaſt Two-thirds of the Mariners of ſuch Ship being his Majeſty's Subjects, the following Bounties; that is to ſay, When the Price of midaling *Britiſh* Wheat ſhall be under Forty-four Shillings *per* Quarter, there ſhall be allowed a Bounty of Five Shillings for every Quarter of Wheat, and Five Shillings for every Quarter of Malt made of Wheat; when the Price of middling *Britiſh* Rye ſhall be under Twenty-eight Shillings *per* Quarter, there ſhall be allowed a Bounty of Three Shillings for every Quarter of Rye; when the Price of middling *Britiſh* Barley, Beer, or Bigg, ſhall be under Twenty-two Shillings *per* Quarter, there ſhall be allowed a Bounty of Two Shillings and Sixpence for every Quarter of Barley, Beer, or Bigg, and Two Shillings and Sixpence for every Quarter of Malt made of Barley, Beer, or Bigg; and when the Price of middling *Britiſh* Oats ſhall be under Fourteen Shillings *per* Quarter, there ſhall be allowed a Bounty of Two Shillings for every Quarter of Oats, and Two Shillings and Sixpence for every Quarter of Oatmeal, computed at the Rate of Two hundred and ſeventy-ſix Pounds Averdupois to the Quarter; which ſaid reſpective Bounties ſhall be paid and allowed in all other Reſpects not altered by this Act, by the ſame Rules and Regulations, and ſubject to the ſame Securities, Reſtrictions, Penalties, and Forfeitures, as the former Bounties on Corn or Grain exported were paid and allowed, and were ſubject and liable to, in as full and ample Manner as if the ſeveral Clauſes relating thereto were again repeated and enacted in this preſent Act.

Not to prohibit Perſons who ſhall have entered the above Articles when the Prices ſhall be under the Rates mentioned, from exporting the ſame.

XII. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall have entered outwards any of the Articles herein-before mentioned, and ſhall have begun to ſhip or lay the ſame on Board, during the Time that the Prices of middling *Britiſh* Corn in this Kingdom ſhall be under the Rates herein-before reſpectively ſpecified, ſuch Perſon ſhall not be prohibited from exporting the ſaid Articles actually ſo ſhipped or laden on Board, or ſo much of the ſaid Articles expreſſed in ſuch Entry as ſhall be ſo ſhipped or laden on Board, within Twenty Days from the Entry thereof, at the Cuſtom-houſe for Exportation, nor from receiving the Bounty by this Act granted thereon; any Thing in this Act contained to the Contrary notwithſtanding, although the Prices of Corn in this Kingdom may have ariſen above the Rates herein-before reſpectively ſpecified, after ſuch Articles ſhall have been ſhipped, and before the Exportation thereof.

Any Corn for which Duty has been paid, if again exported within Six Months, the Duty to be drawn back, and repaid.

XIII. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That in all Caſes where any Corn, Grain, or Flour, for which the Duties hereby granted have been paid, ſhall at any Time or Times be again exported by any Merchant or Merchants within Six Calendar Months from the Importation thereof, the Duty by this Act granted, and which ſhall have been actually paid for ſuch Corn, Grain, or Flour, ſhall, without any Delay or Reward, be drawn back, and repaid unto ſuch Merchant or Merchants who ſhall export the ſame to any Place where a Drawback is allowed on the Exportation of any foreign Goods from this Kingdom by any Act or Acts of Parliament now in Force, and to no other: And ſuch Drawback ſhall, in all other Reſpects, be paid and allowed under the like Reſtrictions, Rules, and Regulations, and ſhall be ſubject to the like Penalties and Forfeitures, as the Drawback upon foreign Goods exported is ſubject and liable to.

Recital of Act of the Scots Parliament, 1703;

XIV. And whereas the Modes directed by the ſeveral Acts of Parliament aſcertaining the Rates and Prices of Corn and Grain in *England*, for regulating the Duties payable for Corn and Grain imported into *England* cannot eaſily, and with Certainty, be carried into Execution in *Scotland*: And whereas by the Ninth Act, paſſed in the Parliament of *Scotland*, holden by Her late Majeſty Queen *Anne*, in the Year One thouſand ſeven hundred and three, intituled, *An Act diſcharging Importation of Iriſh Victual, Beef, and Cattle*, the Importation of Victual from *Ireland*, or any other Places beyond the

the Seas into *Scotland*, was reſtrained and prohibited, under ſeveral Penalties contained in the ſaid Act, and in other Acts of the Parliament of *Scotland* therein referred to; but with this Proviſo, That when, by reaſon of Dearth, the Prices of Victual ſhould exceed the Rates ſpecified in the ſaid Act, the Lords of Her Majeſty's Privy Council of *Scotland* ſhould have Power, after due Trial by them taken of the Prices of Victual, to ſuſpend and diſcharge the Execution of the ſaid prohibitory Acts for ſuch Space of Time as the Exigence of the Dearth ſhould require: And whereas, by the Sixth Article of the Treaty of Union it is provided, that the Prohibition, as then in Force by the Law of *Scotland* againſt the Importation of Victual from *Ireland*, or any other Place beyond the Seas, into *Scotland*, ſhould, after the Union, remain in the ſame Force as it then was, until more proper and effectual Ways ſhould be provided by the Parliament of *Great Britain* for diſcouraging the Importation of the ſaid Victual from beyond the Sea: And whereas by an Act paſſed in the Fourteenth Year of the Reign of His late Majeſty *George* the Second, intituled, *An Act for licenſing the Importation of Victual from* Ireland, *and other Parts beyond the Seas, into* Scotland, *in Time of Dearth and Scarcity*, the Power of ſuſpending and diſcharging the Execution of the ſaid prohibitory Laws, which was before veſted in the Lords of the Privy Council, by the ſaid Act of Her late Majeſty Queen *Anne*, paſſed in the Year One thouſand ſeven hundred and three, in the Parliament of *Scotland*, was thereby veſted in the Judges of the Court of Seſſion, Juſticiary, and Exchequer, in *Scotland*; and it is declared, that any Nine of them, in Time of Seſſion, and any Five of them, in Time of Vacance, upon the Petition of any Perſon or Perſons deſirous to import Victual from *Ireland*, or other Parts beyond the Seas, into *Scotland*, are authoriſed and required to examine, inquire into, and determine the common Market Prices of middling Corn and Grain, as the ſame ſhall and may be commonly bought in County and City of *Edinburgh*, and to fix and aſcertain the ſame by a proper Act or Determination, to be publiſhed and made known in the Manner therein directed; and if the ſaid Act and Determination ſhall aſcertain the current Prices of Victual in the City and County of *Edinburgh* to exceed the Rates and Prices ſpecified in the ſaid Act, it is declared to be a ſufficient Warrant to the Collector and other Officers of the ſeveral Ports in *Scotland* to allow Victual from *Ireland*, or other Parts beyond the Seas, to be entered, unſhipped, and landed, upon Payment of the Duties charged and directed to be paid upon Foreign Corn imported in and by an Act, paſſed in the Twenty-ſecond Year of His late Majeſty *Charles* the Second, intituled, *An Act for the Improvement of Tillage and the Breed of Cattle*; which Duties are to be collected and paid according to the Rates and Prices to be aſcertained and determined by the ſaid Judges, in purſuance of the ſaid Act paſſed in the Fourteenth Year of His late Majeſty King *George* the Second; and the Judges are likewiſe authoriſed and required to determine and aſcertain the Prices of Victual, when they do not exceed the Rates and Prices ſpecified in the ſaid Act, ſo that the aforeſaid prohibitory Laws may thereupon be revived, to prevent further Importation of Victual from *Ireland*, or other Parts beyond the Seas: And whereas the Mode of aſcertaining the Prices by the ſaid Act for permitting the Importation of Victual from *Ireland*, and other Parts beyond the Seas, has been found to be attended with great Inconvenience, and is inconſiſtent with the Principle of this Act, in making the Prices of Corn and Grain at the Ports and Places of Importation and Exportation to regulate the Prohibitions, Bounties, and Duties, at ſuch reſpective Ports and Places:' For Remedy hereof, and for rendering this Act more eaſy to be executed in that Part of *Great Britain* called *Scotland*, be it enacted by the Authority aforeſaid, That from and after the Commencement of this Act, the Mode of aſcertaining the Prices of Victual preſcribed by the aforeſaid Act, paſſed in the Fourteenth Year of His late Majeſty King *George* the Second, and the Powers veſted in the Judges of the Courts of Seſſion, Juſticiary, and Exchequer, for that Purpoſe, ſhall ceaſe and determine; and that thereafter the Sheriff or Steward-deputes of the ſeveral Shires and Stewartries in *Scotland*, within which there are Ports and Places for the Importation and Exportation of Goods and Merchandiſe, or their Subſtitutes, ſhall, and they are hereby authoriſed and required, Four Times in every Year; that is to ſay, Upon the Firſt Day of *November*, Firſt Day of *February*, Firſt Day of *May*, and Firſt Day of *Auguſt*, or as ſoon after theſe Days as may be, to ſummon and convene before them Two or more honeſt and ſubſtantial Perſons of their reſpective Counties or Stewartries, not being Corn Merchants nor Factors for Corn, nor any Way intereſted or concerned in any Corn to be imported, and being ſkilful in the Prices of Corn; and upon the Oaths of ſuch Two or more Perſons, which Oaths the ſaid Sheriff or Steward-deputes, or their Subſtitutes reſpectively, are hereby impowered to adminiſter, and by ſuch other Ways and Means as to them ſhall ſeem proper and neceſſary, to examine, inquire into, and determine the common Market Prices of middling *Britiſh* Corn and Grain, and Oatmeal, as the ſame ſhall and may be commonly bought in their reſpective Counties or Stewartries, and to fix and aſcertain the ſame, by proper Acts or Determinations to be ſubſcribed by them reſpectively; and thereafter, without Delay, to tranſmit their reſpective Acts or Determinations to the Collector or Chief Officer of every Port within their reſpective Counties or Stewartries and the Collector or chief Officer of the ſeveral Ports, to whom ſuch Acts or Determinations ſhall be tranſmitted are hereby ordered and required to hang up the ſame in ſome publick Place in the Cuſtom-houſe of the reſpective Ports, to which all Perſons may reſort for their Information, there to remain until a ſucceeding Act and Determination ſhall be tranſmitted to be hung up in its Place, and to tranſmit a Copy thereof to the Commiſſioners of the Cuſtoms at *Edinburgh*, and the Prices ſo aſcertained ſhall regulate the Prohibitions in this Act, and the Duties and Bounties upon the Importation and Exportation of all Corn and Grain imported into or exported from the ſeveral Counties of *Scotland*,

Act VI Treaty of Union;

and Act 14 Geo. II.

Mode of aſcertaining Prices of Victual by the laſt-mentioned Act to ceaſe;

and Market Prices of Corn, &c. to be examined and fixed by Sheriffs and Steward-deputes;

who are to tranſmit Copies of their Determinations to the Collector at the Ports.

land, where the Prices are aſcertained in Manner before directed; and every Act and Determination ſhall remain in Force for that Purpoſe, until a ſubſequent Act or Determination ſhall be tranſmitted to ſupply its Place; and the Sheriffs or Stewards, who ſhall fix and aſcertain the Prices of middling *Britiſh* Corn and Oatmeal in Manner before directed, are hereby ordered and required to cauſe preſerve, as Matter of Record of their reſpective Courts, the Evidence upon which their Acts or Determinations of the Prices are founded; and the Clerks of their reſpective Courts are hereby ordered and required to give Extracts of the Evidence to all Perſons calling for the ſame, upon receiving Payment of the uſual Fees exigible for Extracts of judicial Proceedings.

When the Price does not exceed 16 s. per Boll, Oatmeal from Ireland, &c. with the Veſſel, to be forfeited.

XV. And be it further enacted by the Authority aforeſaid, That from and after the Commencement of this Act, all Oatmeal imported from *Ireland*, or from any other Part beyond the Seas, into any Port or Place in *Scotland*, where the Price of Oatmeal, aſcertained in the Manner before directed, does not exceed Sixteen Shillings *per* Boll, weighing Eight Stone Troys, as alſo the Ship or Veſſel in which ſuch Oatmeal ſhall be imported, together with her Tackle, Apparel, and Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer or Officers of the Cuſtoms; and all and every Perſon and Perſons who ſhall be aiding and aſſiſting in the unſhipping of ſuch Oatmeal, or to whoſe Hands the ſame ſhall knowingly come, after the unſhipping thereof, ſhall forfeit Treble the Value of of ſuch Oatmeal; and which ſaid Forfeitures and Penalties ſhall and may be proſecuted, ſued for, and recovered, and divided in ſuch Manner and Form, and by ſuch Rules and Regulations, as Penalties and Forfeitures inflicted for unſhipping prohibited and unaccuſtomed Goods in this Kingdom may be proſecuted, ſued for, recovered, and divided, by any Law now in Force.

When Oatmeal does exceed 16 s. it may be imported.

XVI. Provided always, That from and after the Commencement of this Act, it ſhall be lawful to import Oatmeal from *Ireland*, or from any other Part beyond the Seas, into any Port or Place in *Scotland*, where the Price of Oatmeal aſcertained in Manner directed by this Act does exceed the Price of Sixteen Shillings *per* Boll, weighing Eight Stone Troys.

CAP. XLIV.

An Act to allow a Drawback of the Duties of Cuſtoms on the Exportation of Tea to any of His Majeſty's Colonies or Plantations in *America*; to increaſe the Depoſit on Bohea Tea to be ſold at the *India Company*'s Sales; and to impower the Commiſſioners of the Treaſury to grant Licences to the *Eaſt India Company* to export Tea Duty-free.

Preamble.

'WHEREAS by an Act, made in the Twelfth Year of His preſent Majeſty's Reign, (intituled *An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to* Ireland, *and the* Britiſh *Dominions in* America; *for altering the Drawback upon foreign Sugars exported from* Great Britain *to* Ireland; *for continuing the Bounty on the Exportation of* Britiſh *made Cordage*; *for allowing the Importation of Rice from the* Britiſh *Plantations into the Ports of* Briſtol, Liverpoole, Lancaſter, *and* Whitehaven, *for immediate Exportation to foreign Parts*; *and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Ceritificate required by Law, upon the Removal of certain Goods to* London, *which have been ſent into the Country for Sale*); it is, amongſt other Things, enacted, That for and during the Space of Five Years, to be computed from and after the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, there ſhall be drawn back and allowed for all Teas which ſhall be ſold after the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, at the publick Sale of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or which after that Time ſhall be imported, by Licence, in purſuance of the ſaid therein and herein-after mentioned Act, made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, and which ſhall be exported from this Kingdom, as Merchandiſe, to *Ireland*, or any of the *Britiſh* Colonies or Plantations in *America*, Three-fifth Parts of the ſeveral Duties of Cuſtoms which were paid upon the Importation of ſuch Teas; which Drawback or Allowance, with reſpect to ſuch Teas as ſhall be exported to *Ireland*, ſhall be made to the Exporter, in ſuch Manner, and under ſuch Rules, Regulations, Securities, Penalties, and Forfeitures, as any Drawback or Allowance was then payable, out of the Duty of Cuſtoms upon the Exportion of foreign Goods to *Ireland*; and with reſpect to ſuch Teas as ſhall be exported to the *Britiſh* Colonies and Plantations in *America*, the ſaid Drawback or Allowance ſhall be made in ſuch Manner, and under ſuch Rules, Regulations, Penalties, and Forfeitures, as any Drawback or Allowance payable out of the Duty of Cuſtoms upon foreign Goods exported to foreign Parts, was, could, or might be made, before the paſſing of the ſaid Act of the Twelfth Year of His preſent Majeſty's Reign, (except in ſuch Caſes as are otherwiſe therein provided for): And whereas it may tend to the Benefit and Advantage of the Trade of the ſaid United Company of Merchants of *England*, trading to the *Eaſt Indies*, if the Allowance of the Drawback of the Duties of Cuſtoms upon all Teas ſold at the publick Sales of the ſaid United Company, after the Tenth Day of *May*, One thouſand ſeven hundred and ſeventy-three, and which ſhall be exported from this Kingdom, as Merchandiſe, to any of the *Britiſh* Colonies or Plantations in *America*, were to extend to the Whole of the ſaid Duties of Cuſtoms payable upon the Importation of ſuch Teas;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty,

After May 1773, on all Teas ſold at publick Sales, or imported by Licence, and afterwards exported as Merchandiſe to America, the Whole Duties of Cuſtoms to be drawn back.

Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That there ſhall be drawn back and allowed for all Teas, which, from and after the Tenth Day of *May*, One thouſand ſeven hundred and ſeventy-three, ſhall be ſold at the publick Sales of the ſaid United Company, or which ſhall be imported by Licence, in purſuance of the ſaid Act made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, and which ſhall, at any Time hereafter, be exported from this Kingdom, as Merchandiſe, to any of the *Britiſh* Colonies or Plantations in *America*, the Whole of the Duties of Cuſtoms payable upon the Importation of ſuch Teas; which Drawback or Allowance ſhall be made to the Exporter in ſuch Manner, and under ſuch Rules, Regulations, and Securities, and ſubject to the like Penalties and Forfeitures, as the former Drawback or Allowance granted by the ſaid recited Act of the Twelfth Year of His preſent Majeſty's Reign, upon Tea exported to the ſaid *Britiſh* Colonies and Plantations in *America* was, might, or could be made, and was ſubject to by the ſaid recited Act, or any other Act of Parliament now in Force, in as full and ample Manner, to all Intents and Purpoſes, as if the ſeveral Clauſes relative thereto were again repeated and re-enacted in this preſent Act.

Act 18 Geo. II. recited.

'II. And whereas by One other Act made in the Eighteenth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for repealing the preſent Inland Duty of Four Shillings* per *Pound Weight upon all Tea ſold in* Great Britain; *and for granting to His Majeſty certain other inland Duties in lieu thereof*; *and for better ſecuring the Duty upon Tea, and other Duties of Exciſe*; *and for purſuing Offenders out of one County into another*), it is, amongſt other Things, enacted, 'That every Perſon who ſhall, at any publick Sale of Tea made by the United Company of Merchants of *England* trading to the *Eaſt Indies*, be declared to be the beſt Bidder for any Lot or Lots of Tea, ſhall, within Three Days after being ſo declared the beſt Bidder or Bidders for the ſame, depoſit with the ſaid United Company, or ſuch Clerk or Officer as the ſaid Company ſhall appoint to receive the ſame, Forty Shillings for every Tub and for every Cheſt of Tea; and in caſe any ſuch Perſon or Perſons ſhall refuſe or neglect to make ſuch Depoſit within the Time before limited, he, ſhe, or they, ſhall forfeit and loſe Six Times the Value of ſuch Depoſit directed to be made as aforeſaid, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; One Moiety of which Forfeiture ſhall go to His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Perſon as ſhall ſue or proſecute for the ſame; and the Sale of all Teas, for which ſuch Depoſit ſhall be neglected to be made as aforeſaid, is thereby declared to be null and void, and ſuch Teas ſhall be again put up by the ſaid United Company to publick Sale, within Fourteen Days after the End of the Sale of Teas at which ſuch Teas were ſold; and all and every Buyer or Buyers, who ſhall have neglected to make ſuch Depoſit as aforeſaid, ſhall be, and is and are thereby rendered incapable of bidding for or buying any Teas at any future publick Sale of the ſaid United Company: And whereas it is found to be expedient and neceſſary to increaſe the Depoſit to be made by any Bidder or Bidders for any Lot or Lots of Bohea Teas, at the publick Sales of Teas to be made by the ſaid United Company;' be it enacted by the Authority aforeſaid, That every Perſon who ſhall, after the Tenth Day of *May* One thouſand ſeven hundred and ſeventy-three, at any public Sale of Tea to be made by the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies*, be declared to be the beſt Bidder or Bidders for any Lot or Lots of Bohea Tea, ſhall, within Three Days after being ſo declared the beſt Bidder or Bidders for the ſame, depoſit with the ſaid United Company, or ſuch Clerk or Officer as the ſaid United Company ſhall appoint to receive the ſame, Four Pounds of lawful Money of *Great Britain* for every Tub and for every Cheſt of Bohea Tea under the ſame Terms and Conditions, and ſubject to the ſame Forfeitures, Penalties, and Regulations, as are mentioned and contained in the ſaid recited Act of the Eighteenth Year of the Reign of His ſaid late Majeſty.

Every Perſon after May 10, 1773, who ſhall be declared the higheſt Bidder at any publick Sale, ſhall depoſit with the Company 4 l. for every Tub or Cheſt of Bohea Tea.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or for the High Treaſurer for the Time being, upon Application made to them by the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies* for that Purpoſe, to grant a Licence or Licences to the ſaid United Company, to take out of their Warehouſes, without the ſame having been put up to Sale, and to export to any of the *Britiſh* Plantations in *America*, or to any Parts beyond the Seas, ſuch Quantity or Quantities of Tea as the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the High Treaſurer for the Time being, ſhall think proper and expedient, without incurring any Penalty or Forfeiture for ſo doing; any Thing in the ſaid in-part recited Act, or any other Law, to the Contrary notwithſtanding.

Commiſſioners of the Treaſury may grant Licence to the Eaſt India Company to export to America any Quantity of Tea they ſhall think proper, without Penalty.

Act Gul. III. recited.

'IV. And whereas by an Act made in the Ninth and Tenth Years of the Reign of King *William* the Third, (intituled, *An Act for raiſing a Sum not exceeding Two Millions, upon a Fund, for Payment of Annuities, after the Rate of Eight Pounds* per Centum per Annum; *and for ſettling the Trade to the Eaſt Indies*), and by ſeveral other Acts of Parliament which are now in Force, the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies* are obliged to give Security, under their Common Seal, for Payment of the Duties of Cuſtoms upon all unrated Goods imported by them, ſo ſoon as the ſame ſhall be ſold; and for expoſing ſuch Goods to Sale, openly and fairly, by Way of Auction, or by Inch of Candle, within the Space of Three Years from the Importation thereof: And whereas it is expedient that ſome Proviſion ſhould be made to permit the ſaid United Company, in

'in certain Cases, to export Tea, on their own Account, to the *British* Plantations in *America*, or to 'Foreign Parts, without exposing such Tea to Sale here, or being charged with the Payment of any 'Duty for the same;' be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, or the High Treasurer for the Time being, to grant a Licence or Licences to the said United Company, to take out of their Warehouses such Quantity or Quantities of Tea as the said Commissioners of the Treasury, or any Three or more of them, or the High Treasurer for the Time being, shall think proper, without the same having been exposed to Sale in this Kingdom; and to export such Tea to any of the *British* Colonies or Plantations in *America*, or to Foreign Parts, discharged from the Payment of any Customs or Duties whatsoever; any Thing in the said recited Act, or any other Act, to the Contrary notwithstanding.

Treasury may grant Licence to the Company for any Quantity of Tea to be exported to America, discharged of Customs.

V. Provided always, and it is hereby further enacted by the Authority aforesaid, That a due Entry shall be made at the Custom-house, of all such Tea so exported by Licence, as aforesaid, expressing the Quantities thereof, at what Time imported, and by what Ship; and such Tea shall be shipped for Exportation by the proper Officer for that Purpose, and shall in all other Respects, not altered by this Act, be liable to the same Rules, Regulations, Restrictions, Securities, Penalties, and Forfeitures, as Tea exported to the like Places was liable to before the passing of this Act: And upon the proper Officer's Duty, certifying the Shipping of such Tea to the Collector and Comptroller of His Majesty's Customs for the Port of *London*, upon the Back of the Licence, and the Exportation thereof, verified by the Oath of the Husband or Agent for the said United Company, to be wrote at the Bottom of such Certificate, and sworn before the said Collector and Comptroller of the Customs, (which Oath they are hereby impowered to administer), it shall and may be lawful for such Collector and Comptroller to write off and discharge the Quantity of Tea so exported from the Warrant of the respective Ship in which such Tea was imported.

Entry to be made of all Tea exported by Licence, and shipped by the proper Officer; and such Tea is liable to the same Rules, Penalties, &c. not hereby altered, as before passing this Act. Officers and Collector's Duty on Exportation.

VI. Provided nevertheless, That no such Licence shall be granted, unless it shall first be made to appear to the Satisfaction of the Commissioners of His Majesty's Treasury, or any Three or more of them, or the High Treasurer for the Time being, that at the Time of taking out such Teas, for the Exportation of which a Licence or Licences shall be granted, there will be left remaining in the Warehouses of the said United Company, a Quantity of Tea not less than Ten Millions of Pounds Weight; any Thing herein, or in any other Act of Parliament, contained to the Contrary thereof notwithstanding.

No licence to be granted, unless 10 Millions lb. wt. of Tea be left in the Warehouses.

CAP. XLV.

An Act for draining and preserving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between certain old Rivers or Drains, called *Stoke River* and *Brandon River*, and a certain Level or District called *Feltwell New District*, and the Hard Lands of *Woodhall in Helgay*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*.

Preamble.

'WHEREAS certain Fen Lands and Low Grounds, lying in that Part of the Great Level 'of the Fens called *The South Level*, and situate in the several Parishes, Hamlets, or Town-'ships, of *Hockwold with Wilton*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, *Methwold*, *Helgay*, and 'Southery, in the County of *Norfolk*, and in *Lakenheath*, in the County of *Suffolk*, and in a certain 'extraparochial Place called *Norland*, in the said County of *Suffolk*, and bounded as follows; *videlicet*, 'By certain ancient Rivers or Streams called *Brandon River*, *Stoke River*, *Methwold Load*, and a certain 'Level or District called *Feltwell District*, and the Hard Lands of *Woodhall in Helgay*, and of *Helgay* 'aforesaid; that is to say, From the South End of a certain Load called *Wilton Load*, along the North 'Side of *Brandon River*, to a certain Ditch or Drain called *The Old Twelve Foot Drain*, about Two 'Furlongs below *Redmore House*, and from thence along the said *Old Twelve Foot Drain*, towards the 'North East, to a certain old Sewer or Drain called *Stake Load*, at the East End of a certain Fen 'called *Mott's Fen*, and from thence along the Outring Ditch of *Mott's Fen* aforesaid, next *Feltwell* 'Common, to a certain Drain called *Sams's Cut Drain*, and along the said Drain, on the North Side 'thereof to a certain Bridge, in the Parish of *Helgay* aforesaid, called *Modney Bridge*, and from 'thence along the Skirts of the Hard Lands of *Woodhall in Helgay*, and of *Helgay* aforesaid, and on 'the South East, and North Sides thereof, to a certain Bridge called *Helgay Bridge*; and then on the 'South Side of *Stoke River* to the South Bank of the said River of *Helgay* Eastward; and then along 'the South Bank of *Stoke River* to *Methwold Load*, and so along the said Load to the Skirts of the 'Hard Lands of *Methwold* aforesaid; and along the Skirts of the Hard Lands of *Methwold*, *Feltwell*, 'and *Hockwold with Wilton* aforesaid, to the North Side of the said River called *Brandon River*, at 'Wilton Load aforesaid, containing in the Whole Thirteen thousand five hundred Acres, or thereabouts '(Four thousand Acres, Part whereof are Commons belonging to the several Parishes, Hamlets, and 'Townships of *Methwold*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, and *Hockwold* with *Wilton* 'aforesaid, and the Residue and Remainder of the said Fen Lands and Low Grounds are held in 'Severalty by the several Owners thereof), have for many Years last past been, and still are, over-'flowed with Water, to the great Prejudice of the Owners and Occupiers thereof, and, by reason

'of their low Situation, and the Decay of the ſeveral Outfalls to the Sea, cannot be drained an 'preſerved without the Aid and Aſſiſtance of Parliament;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Fen Lands and Low Grounds, ſo abuttalled, bounded, and deſcribed, as aforeſaid, ſhall be and are hereby made One General Diſtrict, for the Purpoſe of ſcouring, deepening, maintaining, and ſupporting, the ſaid old Sewer or Drain called *Sams's Cut*, otherwiſe *Sams's Cut Drain*, and a certain Sluice called *Hunt's Sluice*, at the End thereof next the River *Ouze*; and alſo ſhall be and are hereby made Two ſeparate Diſtricts or Diviſions for the Purpoſe of imbanking and draining the ſame; which ſaid reſpective Diſtricts ſhall be bounded as follows; that is to ſay, That ſuch Part and ſo much of the ſaid Fen Lands and Low Grounds as lies on the South Side of *Stoke River*, *Methwold Load*, and on the North Side of *Sams's Cut*, containing about Eight thouſand Acres, ſhall be and hereby is called and taken as and for the First Diſtrict or Diviſion; and that the Reſidue of the ſaid Fen Lands and Low Grounds, bounded and deſcribed in Manner following; that is to ſay, From *Wilton Load* aforeſaid, along the North Side of the ſaid River called *Brandon River*, to the new Bank at *Feltwell New Diſtrict*, and along the ſaid Bank to *Sams's Cut* or *Drain*, on the South Side thereof, and from thence along the ſame Drain to *Stake Load*, and on the South Side of *Stake Load* aforeſaid to the Hard Lands of *Feltwell*, and along the Hard Lands of *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, and *Hockwold with Wilton*, to *Wilton Load* aforeſaid, containing about Six thouſand Acres, ſhall be and hereby is called and taken as and for the ſaid Second Diſtrict or Diviſion.

General Diſtrict.

First Diſtrict.

Second Diſtrict.

How the Waters are to be conveyed to the Sea.

II. And be it further enacted, That the Waters of the ſaid Diſtricts, and either of them, ſhall be conveyed from and out of the ſaid Diſtricts reſpectively into the ſaid Rivers called *Stoke River*, *Brandon River*, and *Sams's Cut* aforeſaid, by Engines or Mills to be erected by the reſpective Commiſſioners hereafter mentioned, in Manner following; that is to ſay, That the Waters of the ſaid Firſt Diſtrict ſhall be carried and conveyed by One Mill only into *Stoke River* aforeſaid; and that the Waters of the ſaid Second Diſtrict ſhall be carried and conveyed by ſuch Mills or Engines into, by, and through *Brandon River* aforeſaid, to the ſaid River *Ouze*; and that the Downfall Waters of the ſaid General Diſtrict, and of the ſaid Two Diſtricts reſpectively, ſhall be carried and conveyed to Sea in, by, and through, interior Drains, to be made and ſupported by the Commiſſioners of the ſaid Two Diſtricts reſpectively, into *Sams's Cut*, otherwiſe *Sams's Cut Drain* aforeſaid, through the ſaid Sluice called *Hunt's Sluice*, into the ſaid River *Ouze*.

Commiſſioners for the Diſtricts.

III. And be it enacted by the Authority aforeſaid, That the reſpective Lord or Lords, Lady or Ladies, of the ſeveral Manors of *Methwold*, on the Part of *Lancaſter*, and of *Woodhall* and *Helgay*, otherwiſe *Hilgay*, and the Leſſee or Leſſees, Tenant or Tenants, of *Methwold Severals*, and the Owner or Owners of Twenty Acres of taxable Lands within the ſaid Firſt Diſtrict for the Time being, *Thomas Moore*, *Francis Dixon*, *Matthew Pepper Manby*, *Thomas Moore* Clerk, *Francis Dixon the younger*, *Robert Clough*, *Arthur Anneſly*, *Henry Greene* Clerk, *Richard Eaton* Clerk, and *John Dering* Clerk, ſhall be, and are hereby conſtituted and appointed Commiſſioners, for executing and effecting the ſeveral Powers, Authorities, and Purpoſes of this Act, ſo far as the ſame relates to the ſaid Firſt Diſtrict; and that the reſpective Lord or Lords, Lady or Ladies of the ſeveral Manors of and in *Hockwold with Wilton*, of the capital Manor and the Manor of *Southall*, and the Manor of *Wendlins*, *Spendlins*, and *Duntons* in *Feltwell*, and alſo in the Manor of *Sothery*, otherwiſe *Southery*, and the reſpective Stewards of the ſaid Manors for the Time being, and alſo the Owner and Proprietor of a certain Piece of Land called *North Cloud* for the Time being, *Cyrill Wyche*, *Robert Clough*, *Robert Clough* junior, *Cyrill Clough* Clerk, *John Smith* Doctor in Divinity, Maſter of *Caius College*, *Cambridge*; *William Adamſon* Clerk, *Henry Greene* Clerk, *Thomas Batman* Clerk, *Thomas Thompſon*, *John Denton* *Robert Grimmer*, *William James*, *John Faukes*, *John Cadney*, *Robert Gilman*, *Thomas Glaſſcock*, *John Aſhley*, *Henry William Wilſon*, *James Bentham* Clerk, *John Waddington*, and alſo *Aſhley Palmer*, *John Leathes*, and *Gibſon Lucas*, as Truſtees for *Thomas Browne Evans* a Minor, *John Drage*, *Edward Wright*, *Ambroſe Whiteman*, *Richard Brewſter*, *John Young*, *John Lancaſter*, *Thomas Grimmer*, *Gregory Sparkes*, *Thomas Ruſſell*, *John Rudland*, *Robert Stallon*, *Thomas Young*, *Thomas Young* junior, *Oſbert Pooley*, *Richard Rolfe*, and *Samuel Lyon*, ſhall be, and are hereby conſtituted and appointed Commiſſioners for executing and effecting the ſeveral Powers, Authorities, and Purpoſes of this Act, ſo far as the ſame relates to the ſaid Second Diſtrict.

First Commiſſioners for Hockwold with Wilton, Feltwell Saint, Mary, &c.

IV. And be it further enacted, That *Cyrill Wyche*, *Robert Clough*, *Robert Clough* junior, *Cyrill Clough*, *John Smith* Doctor in Divinity, Maſter of *Caius College*, *Cambridge*; *William Adamſon* Clerk, and *Robert Grimmer*, ſhall be the Firſt Commiſſioners for the ſaid Pariſhes of *Hockwold with Wilton*; and that *Robert Clough*, *Robert Clough* junior, *Cyrill Clough* Clerk, *John Waddington*, *Henry Greene* Clerk, and *Edward Wright*, ſhall be the Firſt Commiſſioners for the ſaid Pariſhes of *Feltwell Saint Mary* and *Feltwell Saint Nicholas*; and that the Owner and Proprietor of a certain Piece of Land called *Northcloud* for the Time being, and *Robert Gilman*, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of *Lakenheath*; and that the Owner or Owners of the ſaid extraparochial Place called *Forland* ſhall be the Firſt Commiſſioner or Commiſſioners for the ſaid extraparochial Place called *Norland*.

Perſons nominated to be joined with former Commiſſioners, &c.

V. And be it further enacted, That the ſeveral Perſons ſo nominated and appointed Commiſſioners for the ſaid reſpective Pariſhes, Hamlets, Townſhips, and Places, ſhall be added to, and joined with, the

the ſaid Commiſſioners before mentioned, for putting this Act in Execution, ſo far as the ſame relates to the ſaid Second Diſtrict; but that ſuch of the ſaid Commiſſioners as are particularly named, and are not Commiſſioners by virtue of their reſpective Eſtates for the ſaid reſpective Pariſhes, Hamlets, Townſhips, and Places, ſhall only continue Commiſſioners for the reſpective Pariſhes, Hamlets, Townſhips, and Places, for which they are ſo nominated, until the Firſt *Tueſday* in *April*, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four.

Owners of 10 Acres of Land to appoint Commiſſioners for the Second Diſtrict.

VI. And be it further enacted, That all ſuch Perſons for the Time being as ſhall be *bona fide* ſeiſed and poſſeſſed in his or her own Right of Ten Acres of Land, taxed by virtue of this Act, lying within the ſaid Pariſhes of *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, *Hockwold with Wilton*, *Lakenheath*, and the ſaid extraparochial Place called *Norland*, ſhall meet in the Pariſh Church of *Feltwell Saint Mary*, between the Hours of Ten and Twelve, upon the Firſt *Tueſday* in *April*, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four, and upon the Firſt *Tueſday* in *April* in every ſucceeding Year, and ſhall reſpectively chuſe ſo many to be Commiſſioners for the ſaid Second Diſtrict for the ſeveral Pariſhes, Hamlets, Townſhips, and Places, as ſhall, together with the Perſons ſeiſed or poſſeſſed of One hundred Acres of taxable Lands as aforeſaid, make in the Whole One Commiſſioner for every One hundred Acres of Land, taxed by virtue of this Act, lying within the ſaid Pariſhes, Hamlets, Townſhips, or Places reſpectively; and the Election of every ſuch Commiſſioner or Commiſſioners ſhall be certified under the Hands of the major Part of the Electors preſent at ſuch Election to the next General Meeting of the ſaid Commiſſioners: And in caſe the Perſons who are to chuſe Commiſſioners for any of the ſaid Pariſhes, Hamlets, Townſhips, or Places, ſhall neglect to meet at the Place, and at the Time appointed for ſuch Elections, and ſhall not chuſe Commiſſioners accordingly; then the Perſons who were Commiſſioners for the ſaid ſeveral Pariſhes, Hamlets, Townſhips, or Places, for the preceding Year, ſhall continue Commiſſioners for the ſame reſpectively, until other Commiſſioners ſhall be choſen as aforeſaid, upon the Firſt *Tueſday* in *April* in the Firſt or next ſucceeding Year after ſuch Election ſhall have been omitted, and ſo ſhall continue from Year to Year till a new Election ſhall be made.

Certificate of ſuch Election. In caſe of no Election, the Firſt Commiſſioners to continue.

Owners of 100 Acres may appoint a Commiſſioner in caſe he acts himſelf; but if he does not, may appoint Two.

VII. Provided always, and be it enacted, That every Perſon ſeiſed or poſſeſſed of One hundred Acres of taxable Lands, ſhall and may appoint a Commiſſioner for every ſuch One hundred Acres for the Diſtrict in which the ſaid One hundred Acres do lie; but that no Perſon, having more than One hundred Acres within either of the ſaid Diſtricts, ſhall be impowered by this Act to nominate and appoint any more than One Commiſſioner, in caſe he acts as a Commiſſioner himſelf; but in caſe he does not act, then he ſhall have Power to nominate and appoint only Two Commiſſioners for the ſaid Diſtrict in which the ſaid One hundred Acres ſhall lie, to put this Act into Execution; and that every Agent, duly appointed by this Act, ſhall and may, in the Abſence of the Perſons reſpectively by whom they ſhall be ſo appointed, act as a Commiſſioner in the Execution of this Act, in ſuch and the ſame Manner, and as fully, to all Intents and Purpoſes, as ſuch Commiſſioners reſpectively might act and do if they were perſonally preſent.

Perſons not to act as Commiſſioners, unleſs they have 16 Acres.

VIII. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon, except the Lord or Lords, Lady or Ladies, of the ſeveral and reſpective Manors of *Hockwold with Wilton*, *Feltwell*, *Methwold*, *Helgay*, and *Southery*, and the Deputies or Agents to be appointed as herein is directed, *Richard Paul Joddrel*, or any future Leſſee or Leſſees of the ſaid *Methwold Severals*, and his, her, or their Tenants, the Owner and Proprietor of the ſaid Piece of Land called *Northelnud*, the Owner and Proprietor of the ſaid extraparochial Place called *Norland*, the ſaid *Aſhley Palmer*, *John Leathes*, and *Gibſon Lucas*, as Truſtees of the ſaid *Thomas Browne Evans*, the ſaid *Matthew Pepper Manby*, *Francis Dixon*, *Thomas Moore*, *Thomas Moore* Clerk, and *Francis Dixon* junior, ſhall be enabled to act, ſit, or vote, as a Commiſſioner for any of the Purpoſes of this Act, unleſs he ſhall be the real Owner of Sixteen Acres of Land taxed by virtue of this Act.

Truſtees and Committees for Minors, Lunaticks, and Idiots, to ſit, vote, and act, as Commiſſioners.

IX. Provided always, and be it enacted, That if any Owner or Owners of One hundred Acres or more of taxable Lands lying within the ſaid Diſtricts reſpectively, and by virtue of ſuch Ownerſhip is or are impowered to nominate and appoint a Commiſſioner or Commiſſioners, or to act as a Commiſſioner for the Purpoſes of carrying this Act into Execution, ſhall, at the Time of paſſing this Act, or at any Time or Times afterwards, be a Minor under the Age of Twenty-one Years, a Lunatick or Idiot, it ſhall and may be lawful for the Guardian or Truſtee of ſuch Minor, or in caſe ſuch Minor ſhall have no Guardian or Truſtee, for ſuch Perſon being of full Age to whom the Eſtate of the ſaid Minor on his or her Death may deſcend, or by virtue of any Deed or Settlement be conveyed, and for the Committee or Committees of ſuch Lunatick or Idiot, either to ſit, vote, or act in Perſon, as a Commiſſioner or Commiſſioners for the ſaid Diſtricts reſpectively, or in caſe no Commiſſion ſhall have paſſed, or have been iſſued out for the Heir at Law of ſuch Lunatick or Idiot, or in caſe of any Settlement for the Perſon who ſhall next inherit, after the Death of ſuch Idiot or Lunatick, under and by virtue of ſuch Settlement, or to nominate and appoint under his or her Hand, a Commiſſioner or Commiſſioners for ſuch Lands; and that ſuch Commiſſioner or Commiſſioners ſo nominated and appointed, or to be nominated and appointed by them, ſhall be, to all Intents and Purpoſes, a Commiſſioner or Commiſſioners for carrying this Act into Execution.

Joint Tenants, &c. to act as Commiſſioners.

X. Provided alſo, and be it enacted, That all Perſons who ſhall be joint Tenants, Tenants in Common, or Parceners, of any of the Fen Lands or Low Grounds lying within the ſaid Diſtricts reſpectively, by virtue of this Act, ſhall, for their ſeveral and reſpective Shares, be intitled to act as a Commiſſioner or Commiſſioners for the ſame, either by themſelves or Agents, and ſhall have the

ſame Powers as if ſuch Lands ſo held by them as joint Tenants, Tenants in Common, or as Parceners, were actually ſevered and divided, ſo that every ſuch joint Tenants, Tenants in Common, or as Parceners, ſhall be the real Owners of One hundred Acres or more, or of Sixteen Acres of Land, in his, her, or their own Right, in the ſaid Diſtricts reſpectively, and charged with the Payment of Taxes by virtue of this Act.

No Perſons holding Places of Profit, to act as Commiſſioners.

XI. Provided nevertheleſs, That no Perſon whatſoever ſhall ſit, vote, or act as a Commiſſioner for any of the ſaid Diſtricts during ſuch Time as he ſhall hold any Place or Office of Profit, for or in relation to the Execution of this Act.

Times and Places of Meeting of Commiſſioners.

XII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners hereby nominated and appointed, and their Succeſſors ſhall meet Twice in every Year, upon the Second *Tueſday* in *April* and the Second *Tueſday* in *October*, at ſome Publick Houſe in the ſaid Pariſh of *Helgay* or *Methwold*, for the ſaid Firſt Diſtrict, and at ſome Public Houſe in the ſaid reſpective Pariſhes of *Hockwold with Wilton* or *Feltwell* for the ſaid Second Diſtrict, to be appointed by the Commiſſioners of the ſaid Diſtricts reſpectively, or any Five or more of them, or at ſuch other Time and Place near the ſaid reſpective Diſtricts as they ſhall reſpectively think proper, purſuant to Notice in Writing for that Purpoſe ſigned by any Five or more of the Commiſſioners for the ſaid Diſtricts reſpectively, and to be affixed upon the Outſide of the Church Doors of *Methwold* and *Helgay* upon ſome *Sunday* for the ſaid Firſt Diſtrict, and upon the Church Doors of *Hockwold with Wilton* and *Feltwell Saint Mary* for the ſaid Second Diſtrict, Seven Days at leaſt before any ſuch Meeting, except thoſe appointed to be held on the Second *Tueſday* in *April* and the Second *Tueſday* in *October*; the Firſt Meeting for the ſaid Firſt Diſtrict to be held at the Sign of *The White Swan* in *Helgay* aforeſaid, upon the Fourth *Monday* after the paſſing of this Act, and the Firſt Meeting for the Second Diſtrict to be held at the Sign of *The Cock* in *Feltwell* aforeſaid, upon the Fourth *Tueſday* after the paſſing of this Act, and ſhall and may from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournment, as often as they ſhall ſee Cauſe, or think convenient.

Expences aſcertained to be allowed at the General and other Meetings of the Commiſſioners.

XIII. Provided always, and it is hereby enacted, That no more Money ſhall be expended by the ſaid reſpective Commiſſioners out of the Money to ariſe by virtue of this Act in each reſpective Diſtrict than the Sum of Ten Shillings and Sixpence at the Firſt reſpective General Meeting, or any other reſpective Half-yearly General Meeting, nor more than the Sum of Two Shillings and Sixpence at any other Meeting in each reſpective Diſtrict to be held by virtue of this Act; which ſhall be paid by the Collector or Receiver of the Rates and Taxes, and allowed in the Accounts as ſo much Money paid for the Purpoſes of this Act for the ſaid Two Diſtricts reſpectively.

Commiſſioners may bring Actions in the Name of their Treaſurer, &c.

XIV. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Commiſſioners, or any Five or more of them, and they are hereby impowered to bring, or cauſe to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their reſpective Treaſurer or Clerk, or to prefer, or order the prefering Bills of Indictment againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion of their Property.

Commiſſioners for the Two Diſtricts to meet Twice a Year, for the Purpoſe of directing the joint Works.

XV. And be it further enacted, That the Commiſſioners of the ſaid Two Diſtricts, and their Succeſſors, ſhall meet Twice in every Year, upon the Second *Wedneſday* in *April*, and the Second *Wedneſday* in *October*, at ſome Publick Houſe in *Feltwell* or *Helgay* aforeſaid, for the Purpoſe of ordering and directing ſuch Works as are to be jointly performed by the Commiſſioners for the ſaid Two Diſtricts, and that the Firſt joint Meeting of the ſaid Commiſſioners for ſuch Purpoſe ſhall be held at the Sign of *The White Swan* in *Helgay* aforeſaid, upon the Fourth *Wedneſday* after the paſſing of this Act; and the ſaid Commiſſioners ſhall and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournment, as often as they ſhall ſee Cauſe or think convenient, for the Purpoſe of ordering and directing ſuch joint Works.

Commiſſioners may elect Officers,

and appoint their Salaries.

XVI. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners of the ſaid Two Diſtricts reſpectively, or any Five or more of them, aſſembled at any of the Meetings to be held in purſuance of this Act, ſhall have full Power and Authority to appoint for each of the ſaid Diſtricts reſpectively, One Clerk, and One or more Treaſurer or Treaſurers, for each of the ſaid Two Diſtricts, and ſuch other proper Officer or Officers as they the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think fit, for the taking Care of all ſuch Banks and Works, and for collecting the ſaid Rates or Aſſeſſments which ſhall be laid, rated, or aſſeſſed on the Lands and Grounds lying with the ſaid reſpective Diſtricts, and to allow and appoint to be paid to ſuch Officers, out of the Monies ariſing in each Diſtrict reſpectively, ſuch yearly and other Wages or Salaries for their Trouble and Pains, as they the ſaid reſpective Commiſſioners, or any Five or more of them, preſent at ſuch Meeting, ſhall think reaſonable: which ſaid Clerk, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, and other Officer or Officers, ſo to be appointed as aforeſaid, may be removed at the Will and Pleaſure of the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe, of which due Notice ſhall be given in Writing, to be affixed upon the Church or Chapel Doors of *Helgay*, *Methwold*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, and *Hockwold with Wilton* aforeſaid, reſpectively, and other or others to appoint in his or their Places, as Occaſion ſhall require; and ſuch reſpective Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, ſhall, before they act in the Execution of their reſpective Offices, give ſuch Security for the due Execution thereof, and for performing the ſeveral Truſts to them committed,

Treaſurer to give Security.

committed, as the ſaid reſpective Commiſſioners, or any Five or more of them, aſſembled at any Meeting for each reſpective Diſtrict for that Purpoſe, ſhall think fit.

Commiſſioners annually to inſpect Receipts and Diſburſements,

XVII. And be it enacted by the Authority aforeſaid, That Once in every Year, that is to ſay, at the yearly General Meeting to be held for the ſaid Two Diſtricts reſpectively, or on any ſubſequent Day to which the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall adjourn ſuch Meeting, Inſpection ſhall be had by the ſaid reſpective Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act, in relation to the ſaid Two Diſtricts reſpectively for the Year then laſt paſt; and all Accounts relating to the reſpective Diſtricts, ſhall be, at ſuch Meeting, made up and ſettled by the ſeveral Commiſſioners appointed for each of the ſaid Diſtricts, or any Five or more of them aſſembled as aforeſaid, at which Time the ſeveral Treaſurers, Collectors, and Receivers of the ſaid Taxes or Aſſeſſments, are hereby required to attend with proper Books of Accounts of their Receipts and Diſburſements, and all Vouchers for the ſame; and on conſidering and examining the ſaid Accounts, and all other Accounts of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act, within or in relation to the ſaid Two Diſtricts reſpectively upon Oath, if the ſame ſhall be required by any Five or more of the ſaid Commiſſioners for each of the ſaid Two Diſtricts reſpectively, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs under their Hands the ſaid Account or Accounts, or ſuch Part or Parts thereof as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be paſſed and allowed as aforeſaid, ſhall be fairly entered in Two diſtinct and ſeparate Books to be kept for that Purpoſe for each of the ſaid Diſtricts, One of which Books to be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons for each of the ſaid Diſtricts, as the Commiſſioners for ſuch Diſtrict, or any Five or more of them, ſhall appoint; and the other of the ſaid Books ſhall be depoſited in ſuch Place in *Helgay* and *Feltwell* as the ſaid Commiſſioners reſpectively, or any Five or more of them, ſhall direct and appoint, at any Meeting to be held for each of the ſaid Diſtricts reſpectively, in a ſtrong Box to be provided by the ſaid Commiſſioners reſpectively for that Purpoſe; and the Book ſo depoſited ſhall and may be inſpected and peruſed at all reaſonable Times by or at the Requeſt of any Perſon or Perſons rated or taxed by virtue of this Act, on paying Sixpence for peruſing the ſame.

Treaſurers, Collectors, &c. to attend with their Books, and verify on Oath, if required.

Accounts to be entered in Two Books, and where to be depoſited.

Manner and Time when Officers are to give in their Accounts.

XVIII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers ſo to be appointed for each reſpective Diſtrict as aforeſaid, ſhall, upon Oath, when thereunto required by the ſaid reſpective Commiſſioners, or any Five or more of them, (which Oath the ſaid reſpective Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), give into the ſaid reſpective Commiſſioners for each Diſtrict, or any Five or more of them, a true, exact, and perfect Account in Writing under their reſpective Hands, with proper Vouchers of all Monies which he or they, and every or any of them, ſhall to ſuch Time have received, paid, or diſburſed, by virtue of this Act, for or by reaſon of his or their reſpective Office; and in caſe any of the Monies ſo received ſhall remain in his, their, or any of their Hands, the ſame ſhall be paid to the reſpective Commiſſioners for the reſpective Diſtricts, or any Five or more of them, to which ſuch Money ſhall belong, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands reſpectively, authoriſe and impower to receive the ſame: And in caſe any ſuch Clerk, Collector, Receiver, or other Officer, ſhall not give in and make up ſuch Accounts and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings in his Cuſtody relating to the Execution of this Act, that then any One or more Juſtice or Juſtices of the Peace for the County of *Norfolk* or *Suffolk*, ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by the Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby required and authoriſed to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Collector, Receiver, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Goal of the ſaid County of *Norfolk* or *Suffolk*, as the Caſe ſhall happen, there to remain without Bail or Mainprize until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or until he ſhall have compounded and agreed with the reſpective Commiſſioners for each reſpective Diſtrict, or any Five or more of them, and have paid ſuch Compoſition-money; which Compoſition the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Balance (if any) to be paid to the Commiſſioners, or their Order.

Works to be done in the Firſt and Second Diſtrict.

XIX. And in order that the Waters of the ſaid Diſtricts reſpectively may be more eaſily conveyed into the ſaid Rivers called *Stoke River*, *Brandon River*, and *Sams's Cut* aforeſaid, and the River *Ouze* aforeſaid, and the ſaid Diſtricts be effectually drained and preſerved, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, from Time to Time, to heighten, widen, ſtrengthen, make, maintain, and ſupport, or cauſe to be heightened, widened, ſtrengthened, maintained, and ſupported, the North Bank of *Sams's Cut* aforeſaid, in Manner hereafter mentioned, and all ſuch interior Drains running acroſs or through *Methwold* and *Feltwell Commons* aforeſaid, within the ſaid Firſt Diſtrict, as they ſhall think proper, for the preventing the Waters thereof from running over the ſame, or making any Breach therein, or to repair and make up any Breach that may happen by reaſon of the ſaid Waters; and alſo to cleanſe, widen, make, cut, build, erect, purchaſe, and ſupport all ſuch other Banks, Bridges, Cuts Drains,

Drains, Dams, Tunnels, Doors, Sluices, Outlets, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within the ſaid Firſt Diſtrict, except as herein-after is mentioned: And alſo that it ſhall and may be lawful for the Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, from Time to Time, to heighten, widen, ſtrengthen, make, maintain, and ſupport, or cauſe to be heightened, widened, ſtrengthened, made, maintained, and ſupported, the ſaid Bank of *Wilton Load* aforeſaid, and the ſaid North Bank of *Brandon River* aforeſaid, within the ſaid Second Diſtrict, and the South Banks of the ſaid Cut called *Sams's Cut*, and all ſuch other interior Drains running acroſs or through *Feltwell*, or any other Commons, Lands, or Grounds, within the ſaid Second Diſtrict, which they ſhall think proper, for the preventing the Waters thereof from running over the ſame, or making any Breach therein, or to repair and make up any Breach that may happen by reaſon of the ſaid Waters; and alſo to cleanſe, widen, make, cut, build, erect, purchaſe, maintain, and, ſupport, all ſuch other Banks, Bridges, Headings, Cuts, Drains, Dams, Tunnels, Doors, Sluices, Outlets, Mills, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within the ſaid Second Diſtrict, as the ſaid Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them, ſhall think neceſſary or proper.

Power to contract for Repairs.

XX. And be it further enacted, That the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authoriſe and appoint, may, and they are hereby impowered to contract and agree with any ſuch Perſon or Perſons for any certain Sum or Sums of Money for the Repairs of any of the ſaid Banks, Drains, or Works, or for the erecting and building any Mill or Mills to be erected in or upon the ſaid Diſtricts reſpectively, or for any other joint Works to be performed in purſuance of this Act; and that all ſuch Contracts and Agreements in Writings ſhall be valid, and that Actions may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof.

Commiſſioners to have Power to erect Staunches to keep up a Head of Water.

XXI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts reſpectively, or any Five or more of them, to erect Staunches, Doors, Sluices, or Outfalls in ſuch Parts of the ſaid Diſtricts reſpectively as they ſhall think proper, except acroſs *Sams's Cut Drain* aforeſaid, to prevent the Waters of the High Lands of the ſaid Two Diſtricts reſpectively from running with too great Velocity into the lower Part of the ſaid Two Diſtricts reſpectively, in order that as well a proper Head of Water may be kept up in the ſaid High Lands for the Benefit thereof, as to prevent the lower Parts of the ſaid Diſtricts from being prejudiced thereby.

Commiſſioners to make Satisfaction to the Owners of the Soil for Damages.

Juſtices to determine Differences.

XXII. And be it further enacted, That the ſaid reſpective Commiſſioners ſhall pay ſuch reaſonable Satisfaction to the Perſon or Perſons who have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Bridge, Heading, Tunnel, or Outlet ſhall be made, or whereupon any ſuch Engines or Mills ſhall be erected, for the Damages he, ſhe, or they, ſhall thereby ſuſtain, or ſhall be agreed upon between the ſaid Commiſſioners reſpectively, or any Five or more of them, preſent at their reſpective Meetings, and ſuch Perſon or Perſons having Right as aforeſaid; and if the ſaid reſpective Commiſſioners for the ſaid Diſtricts, or any Five or more of them aſſembled at their ſaid reſpective Meetings, and ſuch Perſon or Perſons having Right to ſuch Soil as aforeſaid cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed and adjudged by the Juſtices of the Peace, or the major Part of them, at their next or any other General Quarter Seſſions of the Peace, to be held by Adjournment at *King's Lynn* or *Swaffham*, in the ſaid County of *Norfolk*, if the Damages be done within the ſaid County of *Norfolk*, or at *Saint Edmund's Bury*, in the ſaid County of *Suffolk*, if the Damages be done in the ſaid County of *Suffolk*, not being intereſted in the Premiſes, who are hereby authoriſed, impowered, and required to hear and determine the ſame, and to ſend for, ſummon, and examine any Perſon or Perſons, Books, Papers, and Writings, touching ſuch Diſputes, and to direct, if they ſhall ſee Occaſion, any Perſon or Perſons they ſhall think proper to view the Premiſes in Queſtion, and to examine the Perſon taking ſuch View upon Oath touching and concerning the ſame; and the Determination which ſhall be ſo made by the Juſtices in their ſaid Seſſions as aforeſaid ſhall be final and concluſive to all Parties, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Writs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

The Banks of Stoke River, deemed to belong to Mr. Joddrel, to be ſupported by the preſent Leſſee, &c.

XXIII. And be it enacted by the Authority aforeſaid, That the ſaid South Bank of *Stoke River* ſhall be, and is hereby deemed and taken to be the Works of *Richard Paul Joddrel* Eſquire, as Leſſee of the Duchy of *Lancaſter*, ſo far as the ſame runs againſt the Lands belonging to the ſaid Duchy, and ſhall be, from and after the paſſing of this Act, maintained, ſupported, and kept in Repair, by the preſent Leſſee, or any future Leſſee thereof, and their Succeſſors, Heirs, Executors, Adminiſtrators, and Aſſigns, Tenant or Tenants, in the ſeveral Parts and Proportions herein-after mentioned; (that is to ſay), That the ſaid South Bank of *Stoke River*, ſo far as the ſame runs againſt the Lands belonging to the ſaid Duchy, ſhall for ever after the paſſing of this Act be heightened, ſtrengthened, repaired, maintained, and ſupported, at the Coſts and Charges of the ſaid Leſſee, his, her, or their Tenants, of ſuch an Height, Strength, and Depth, as to prevent the Waters running over or breaking through the ſame; and that ſo much of the ſaid South Bank of *Stoke River* ſhall, from and after the paſſing of this Act, from the Weſt End of the ſaid *Severals* to *Helgay Bridge* aforeſaid, be heightened, ſtrengthened, repaired, and kept in Repair, by the Owners and Proprietors of the ſaid Lands and Grounds lying within the ſaid Firſt Diſtrict, between *Sams's Cut Drain* and *Stoke River* aforeſaid, in proportion to the Number of Acres belonging to every ſuch Owner and Proprietor.

XXIV.

XXIV. And be it further enacted, That the ſaid Load called *Methwold Load*, together with the South Bank thereof, from the Weſt End of *Thornham Cloſes* aforeſaid, by the new Cut or Load to *Stoke River* aforeſaid, ſo far as the ſaid Common of *Methwold* extends; that is to ſay, To the Tunnel in the ſaid River Bank at the End of the Dike or Drain (called *Broad Fen Load*) which parts the ſaid Common from the *Severals*, ſhall, within Eighteen Calendar Months after the paſſing of this Act, be ſcoured and cleanſed, and the ſaid Bank heightened and ſtrengthened in ſuch a Manner as effectually to prevent the Waters from running over or breaking through the ſame, at the Coſts and Charges of the Leſſee or Leſſees of the ſaid *Severals*; and that when the ſaid Bank ſhall be ſo made, repaired, and heightened, the ſaid Leſſee or Leſſees ſhall, at his or their own Coſts and Charges, fence in Part of the ſame from the Common by a Soak Dike of the Width of Ten Feet, and Depth of Four Feet and an Half, and with good and ſubſtantial Poſts and Rails at each End of the ſaid Bank, and quite acroſs the ſame from the ſaid Tunnel upwards along the ſaid River and Load Bank, ſo far as an old Dike now runs under or near to the ſaid Bank, being oppoſite to the Eaſt Gate, which is on the North Bank of the ſaid Load; and that when the ſame ſhall by the View of Two Juſtices of the Peace for the County of *Norfolk* be adjudged to be effectually ſcoured and cleanſed, heightened and ſtrengthened, and fenced off and ſeparated from the Common in Manner aforeſaid, then the ſaid Bank ſhall for ever after be repaired by the Commoners having Right of Common upon *Methwold Common*; but the ſaid Load from the Weſt End of *Thornham Cloſes* to the ſaid River ſhall for ever after be ſcoured and cleanſed by and at the Charge of the ſaid Leſſee or Leſſees, and all future Leſſee or Leſſees, or the Owner or Owners of the ſaid *Severals* for the Time being.

Methwold Load with the South Bank thereof, to be ſcoured, &c. at the Coſts of the Leſſee.

XXV. And be it further enacted, That the Leſſee or Leſſees, Owner or Owners, of the ſaid *Methwold Severals*, ſhall, at his and their own Expence, from Time to Time, keep in Repair the Tunnel in *Broad Fen Load* aforeſaid, next to *Stoke River*, or may, at his or their Diſcretion, lay down, and always keep in Repair, a new Tunnel there, ſo as the ſame ſhall not be of leſs Dimenſions than the preſent Tunnel; and that the Commoners of the ſaid Common, and their Servants, ſhall, at all Times, between *Lady-day* and *Michaelmas-day*, Old Stile, in every Year, have free Liberty and Power to let in Water through the ſaid Tunnel for the Uſe of their Cattle, and alſo have the free Uſe of the ancient and accuſtomed Watering-place in *Methwold Load*, near *Thornham Hills*; and alſo occaſionally, at any Time between *Michaelmas-day* and *Lady-day*, Old Stile, in every Year, to let the Waters out of the ſaid *Broad Fen Load* into the common Drain leading therefrom to *Sams's Cut*; any Thing herein contained to the Contrary notwithſtanding.

Owners of Methwold Severals to repair the Tunnel in Broad Fen Load.

XXVI. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That the Commiſſioners of the Two Diſtricts ſhall have no Power or Authority whatſoever, by virtue of this Act, to erect any Mill or Engine for throwing Water within each of the ſaid Diſtricts upon *Sams's Cut Drain* aforeſaid, or upon any other River, ſave and except the Rivers called *Stoke River* and *Brandon River*, except as hereafter is mentioned.

No Mills to throw Water into any River, &c. except Brandon and Stoke Rivers.

XXVII. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent *Matthew Pepper Manby* Eſquire, his Heirs or Aſſigns, from uſing or employing his Engine or Engines for the draining his preſent imbanked or other Lands, within the ſaid Firſt Diſtrict.

Mr. Pepper Manby's Right reſerved.

XXVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Drain called *Sams's Cut*, and the ſaid Sluice called *Hunt's Sluice*, ſhall for ever, after the paſſing of this Act, be deemed the joint common Work of the ſaid Commiſſioners of the ſaid Two Diſtricts, and ſhall be opened, ſcoured, cleanſed, and repaired, at the joint Coſts and Charges of the ſaid Two Diſtricts reſpectively; and that it ſhall and may be lawful for the Commiſſioners of either of the ſaid Two Diſtricts, or any Five or more of them, and they are hereby authoriſed and required, (with the Conſet of Two or more of the Commiſſioners acting by virtue of an Act, made in the Thirtieth Year of the Reign of His late Majeſty herein-after recited), at any Meeting or Meetings, to order and direct the ſaid Drain to be made of the full Width of Twenty-four Feet at leaſt, to carry the Waters of the ſaid Two Diſtricts with greater Eaſe to the ſaid River *Ouze*; and alſo, from Time to Time, to widen and repair the ſaid Sluice called *Hunt's Sluice*, for the better and more eaſy draining the ſaid Two Diſtricts reſpectively; and, from Time to Time, to make and give ſuch Orders and Directions for the repairing and maintaining the ſaid Sluice, and for the cleanſing, deepening, and ſcouring out the ſaid Drain as they ſhall think proper; and that the Coſts and Charges of repairing and maintaining the ſaid Sluice, and of widening, ſcouring, and cleanſing out the ſaid Drain, except ſuch Part of the ſaid Coſts and Charges as is directed to be borne and paid by the Commiſſioners acting by virtue of an Act, made in the Thirtieth Year of the Reign of His Majeſty King *George* the Second, intituled, *An Act for draining and preſerving certain Fen Lands lying in the* South Level, *Part of the Great Level of the Fens commonly called* Bedford Level, *between* Brandon River and Sams's Cut Drain, *and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the ſaid Great Level to ſell certain Lands within the ſaid Limits, commonly called* Inveſted Lands, ſhall be paid by the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, according to the Proportion of the Number of Acres in each reſpective Diſtrict, out of the Monies to be raiſed by virtue of this Act in each reſpective Diſtrict.

Sams's Cut and Hunt's Sluice to be ſecured and repaired at the joint Coſts of the Two Diſtricts.

XXIX. Provided

Saving Clause respecting a certain Drain and Sluice.

XXIX. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to take away the Right of the ſaid Commiſſioners, acting by virtue of the ſaid recited Act, from making uſe of the ſaid Drain and Sluice for the Benefit of the Drainage under the ſaid Act, the ſaid Commiſſioners paying a proportional Part of ſuch Repairs as herein-after is mentioned.

Commiſſioners of Firſt Diſtrict impowered to aſſeſs Land Owners in ſaid Diſtrict.

Exceptions.

XXX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, at the Firſt General Meeting, or any other Half-yearly Meeting, to aſſeſs, rate, tax, and charge, all and every the reſpective Owner and Owners, Occupier and Occupiers, of all and ſingular the Fen Lands and Low Grounds held in Severalty, or being private Property, ſituate and being within the ſaid Firſt Diſtrict, (except the ſaid Common called *Methwold Common*, and the ſeveral Commons of *Southery* and *Feltwell*, and ſuch other Lands as are or ſhall be deemed High Lands within the ſaid Diſtrict), by and with equal and proportionable yearly Rates, Taxes, and Sums of Money, at the Diſcretion of the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, ſo that the ſaid Rates, Taxes, or Sums of Money, do not exceed, in any One Year, the Sum of Sixpence for every Acre of the Lands compriſed within the ſaid Firſt Diſtrict, and ſo in Proportion for any greater or leſs Quantity than an Acre, (except as before excepted), and ſo that no Part of the ſaid Lands be at any Time charged, by virtue of this Act, with any greater or leſs Rate or Tax than the reſt of the ſaid Lands are or ſhall be charged with; which ſaid Rates, Taxes, and Sums of Money, ſhall be paid Half-yearly by the reſpective Owner or Owners, Occupier or Occupiers, of the ſaid Fen Lands and Low Grounds, at the Place of Abode of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall order, direct, and appoint, to collect and receive the ſame, the Firſt Payment thereof to be made on the Twenty-fourth Day of *June* next after the paſſing of this Act, and that every other Half-yearly Payment ſhall be made on the Twenty-fifth Day of *December* and the Twenty-fourth Day of *June* in each and every ſucceeding Year, to be paid, applied, and diſpoſed of, by the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, for and towards the ſupporting, maintaining, and repairing, the ſaid Drain called *Sams's Cut* and *Hunt's Sluice*, in Manner herein-after mentioned, and to ſuch other Uſes and Purpoſes of the ſaid Diſtrict as are ſo and by this Act directed, and to no other Uſe or Purpoſe whatſoever.

Commiſſioners of the Second Diſtrict impowered to aſſeſs Land Owners in ſaid Diſtrict.

Exceptions.

XXXI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, at their Firſt or any other Half-yearly General Meeting as aforeſaid, to aſſeſs, rate, tax, and charge, all and every the reſpective Owner and Owners, Occupier and Occupiers, of all and ſingular the ſaid Fen Lands and Low Grounds held in Severalty, or being private Property, ſituate and being in the ſaid Second Diſtrict, in the ſeveral Pariſhes, Townſhips, or Places, of *Hockwold with Wilton*, *Feltwell*, *Lakenheath*, and *Norland*, except the ſeveral Lands and Grounds lying within ſaid Second Diſtrict herein-after exempted and diſcharged from the Payment of any Rate, Tax, or Sum of Money, to be laid, rated, or taxed, by virtue of this Act, and except the Commons of *Methwold*, *Hockwold with Wilton*, and *Feltwell* aforeſaid, by and with equal and proportionable yearly Rates, Taxes, and Sums of Money, at the Diſcretion of the Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them for the Time being, who ſhall be preſent at ſuch Meeting as aforeſaid, ſo that the ſaid Rates, Taxes, or Sums of Money, do not exceed in any One Year the Sum of One Shilling for every Acre of the Lands compriſed within the ſaid Second Diſtrict, and ſo in Proportion for any greater or leſs Quantity than an Acre, except as is herein-after excepted; which ſaid Rates, Taxes, or Sums of Money, ſhall be paid Half-yearly by the reſpective Owner or Owners, Occupier or Occupiers, of the ſaid Fen Lands and Low Grounds, at the Place of Abode of ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall order, direct, and appoint, to collect and receive the ſame, the Firſt Payment thereof to be made on the Twenty-fourth Day of *June* next after the paſſing of this Act, and that every other Half-yearly Payment ſhall be made on the Twenty-fifth Day of *December*, and the Twenty-fourth Day of *June*, in each and every ſucceeding Year, to be paid, applied, and diſpoſed of, as the ſaid Commiſſioners of the ſaid Second Diſtrict, or any Five or more of them, ſhall, from Time to Time, under their Hands, at a Meeting to be held for that Purpoſe, order, direct, and appoint, for the Purpoſes of this Act, ſo far as the ſame relates to the ſaid *Sams's Cut Drain*, and *Hunt's Sluice* aforeſaid, and the other Purpoſes of the ſaid Second Diſtrict.

Exemption of High Lands.

XXXII. Provided always, and be it enacted, That no Aſſeſſment, Rate, or Tax, ſhall be made, collected, or levied, upon or in reſpect of any High Lands within the ſaid Second Diſtrict, not ſubject to Inundations; and if any Diſpute ſhall ariſe whether any of ſuch Lands ought to be deemed High Lands, the ſame ſhall be determined by Five or more of the Commiſſioners for the ſaid Second Diſtrict, and Two indifferent Perſons to be nominated and appointed by the Land-owners complaining of ſuch Rate or Tax; and in caſe ſuch Diſpute ſhall not be determined within Three Calendar Months from the Time of ſuch Meeting, or if the Perſon or Perſons on whoſe Behalf ſuch Determination ſhall be made, ſhall think himſelf, herſelf, or themſelves, aggrieved by ſuch Determination, then it ſhall and may be lawful for him, her, or them, to appeal, giving Notice in Writing of ſuch intended Appeal to the ſaid Commiſſioners, or their Clerk, to the Juſtices of the Peace, at their General Quarter Seſſions of the Peace, to be holden by Adjournment at *King's Lynn* or *Swaffham*, in the ſaid County of *Norfolk*, or at *Saint Edmund's Bury*, in the County of *Suffolk*, if ſuch Diſpute ſhall happen in the ſaid County of *Suffolk*, within Six Calendar Months after ſuch Diſpute or Determination ſhall happen; and the ſaid Juſtices, at their ſaid Seſſions, are hereby impowered to ſend for, ſummons,

Method of determining Diſputes with reſpect to High Lands.

mons, and examine ſuch Witneſſes upon Oath, touching the Matters in Queſtion, as they ſhall think proper; and alſo in caſe they ſhall not have at ſuch Seſſions ſufficient Evidence before them to determine the Matter in Queſtion, then it ſhall and may be lawful for ſuch Juſtices, ſo aſſembled as aforeſaid, to adjourn ſuch Appeal to any future General Quarter Seſſions of the Peace to be holden by Adjournment as aforeſaid, then and there finally to determine the ſame between the Parties, and to give ſuch Coſts to either Party as they ſhall think reaſonable; and that ſuch Determination ſhall be final and concluſive to all Parties without any further or other Appeal, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

On Default of Payment of Taxes,

XXXIII. And, in order that the full Sum which ſhall be ſo rated or aſſeſſed may be duly paid, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay to the Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons appointed by the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, the Rate or Tax with which he, ſhe, or they, ſhall be reſpectively charged, by the Space of Two Calendar Months after the ſame ſhall have become due and payable, every ſuch Perſon ſhall forfeit and pay to ſuch Collector or Collectors the further Sum of Two Shillings and Sixpence for every Twenty Shillings which ſhall be ſo in Arrear and unpaid, and ſo in proportion for any greater or leſs Sum; to be levied by Diſtreſs and Sale of his, her, and their Goods and Chattels, in ſuch Manner as the aforeſaid Rates and Taxes are herein directed to be levied; and the Monies ſo forfeited and levied ſhall be applied towards the Works of ſuch Diſtrict where the ſame ſhall be forfeited.

Commiſſioners to have Power to diſtrain.

Exception.

XXXIV. Provided alſo, That it ſhall and may be lawful for the ſaid *Matthew Pepper Manby* Eſquire, his Heirs and Aſſigns, to take Water into his Decoy within the ſaid Firſt Diſtrict, out of *Stoke River* aforeſaid, by a Tunnel to be laid into the ſame; and to make, maintain, and ſupport a good and ſufficient Bank round the ſaid Decoy, at his and their own Coſts and Charges, upon his own Lands, as ſhall be ſufficient to prevent the Waters draining out of the ſame; and that no Aſſeſſment, Rate, or Tax, ſhall be made or levied upon the ſaid Decoy.

On Neglect to make the Bank, Commiſſioners to order the Tunnel to be pulled up.

XXXV. Provided nevertheleſs, That if the ſaid *Matthew Pepper Manby*, his Heirs and Aſſigns, ſhall neglect or refuſe to make and ſupport the Banks of the ſaid Decoy in Manner above mentioned, it ſhall and may be lawful for the Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, to order the ſaid Tunnel, ſo to be laid down by him or them as aforeſaid, to be taken up and dammed acroſs, until ſuch Bank ſhall be ſufficiently repaired for the Purpoſe aforeſaid.

A Survey to be made of the taxable Lands in each Diſtrict,

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners, or any Five or more of them, to order a Survey to be made of the Quantity of Acres, Roods, and Perches, contained in the Lands and Grounds in each reſpective Diſtrict liable to be taxed by virtue of this Act, by ſuch Perſon or Perſons as they ſhall think proper; and ſuch Perſon or Perſons ſhall and may, and they are hereby authoriſed and impowered to enter into and upon any of the Lands ſo liable to be taxed for the Purpoſe of making ſuch Survey; and ſuch Survey, when ſo made, ſhall be delivered to the Commiſſioners of the ſaid Diſtricts reſpectively, or any Five or more of them, at ſome One of their Meetings, and ſhall be verified upon the Oath of the Perſon or Perſons ſo making the ſame, (which Oath any One of the Commiſſioners of the ſaid reſpective Diſtricts is hereby impowered to adminiſter); and ſuch Survey to be given in as aforeſaid, and made by Order of the Commiſſioners of the ſaid Diſtricts reſpectively, ſhall be a ſufficient Authority for the ſaid reſpective Commiſſioners to collect the ſaid Rates and Taxes by, and ſhall be binding to the ſeveral Perſons charged with the Payment thereof for their ſeveral Lands ſo charged with ſuch Payments; and ſuch Survey, being ſigned by the Perſon or Perſons ſo making the ſame, and alſo by any Five or more of the Commiſſioners for each of the ſaid Diſtricts reſpectively preſent at any Meeting, ſhall be allowed as Evidence in all His Majeſty's Courts of Law or Judicature whatſoever.

on the Oath of the Surveyor.

Perſons aggrieved may have a Re-ſurvey.

XXXVII. Provided always, and be it enacted, That in caſe any Owner or Proprietor of the ſaid Fen Lands or Low Grounds ſhall think himſelf aggrieved by ſuch Survey, that it ſhall and may be lawful for ſuch Owner or Proprietor to have his ſaid Lands and Grounds re-ſurveyed, by ſuch Surveyor, as he or they ſhall think proper; and in caſe, by ſuch new Survey, it ſhall appear that ſuch Owner or Proprietor ſhall be overcharged by ſuch former Survey, or pay for a greater Number of Acres than the real Quantity of his ſaid Lands or Grounds, that ſuch Owner or Proprietor ſhall, upon ſuch Re-ſurvey, to be delivered in to the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectivly, at any of their Meetings, on the Oath of ſuch Surveyor, (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter), ſhall be abated in Proportion to ſuch Overcharge; yet if it ſhall appear, on ſuch Re-ſurvey, that ſuch Owner or Proprietor ſhall not be overcharged to ſuch Rates or Aſſeſſments, that then ſuch Owner or Proprietor ſhall be at the Charge of making ſuch Re-ſurvey; but in caſe by ſuch Re-ſurvey, it ſhall appear that ſuch Owner or Proprietor ſhall be overcharged, that then the Expences of ſuch Re-ſurvey ſhall be paid and borne by the Commiſſioners of ſuch of the ſaid Diſtricts reſpectively, out of the Monies ariſing in ſuch Diſtrict where ſuch Re-ſurvey ſhall be taken as aforeſaid.

Hockwold with Wilton's Poor's Thirty Acres, exempted from any Tax.

XXXVIII. And whereas, the Poor Inhabitants of *Hockwold with Wilton* aforeſaid, are intitled to a certain Common called *The Poor's Charity* or *Thirty Acres*, within the ſaid Second Diſtrict, upon which they are intitled to cut Firing for the Winter Seaſon, and to make no other Uſe thereof; it is hereby further enacted, That the ſaid Common, called *The Poor's Thirty Acres*, ſhall not be liable or chargeable

chargeable with any Rate or Tax, charged or rated by virtue of this Act, so long as the same shall be used by such Commoners, for the Purposes aforesaid; but that such Common shall be exempt from all Taxes whatsoever, charged, or to be charged, by virtue of this Act.

In case of Default of Payment of Rates,

21 Days Notice to be given before the Day of Payment.

XXXIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons so rated, taxed, or assessed, as aforesaid, shall refuse or neglect to pay the Tax or Assessment charged upon him, her, or them, respectively, for or on account of their several Lands lying within the said Districts respectively, upon a Day to be appointed by the said Commissioners respectively, or any Five or more of them, for such Payment, publick Notice of such Day of Payment, Twenty-one Days before the Day of such Payment being given in *The Norwich Mercury*, and *Cambridge Chronicle and Journal*, for that Purpose, so long as the same shall continue to be published, or any other weekly Paper circulated in the said Counties of *Norfolk* and *Suffolk*, and also affixed upon the Church or Chapel Doors of *Helgay*, *Southery*, *Methwold*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, and *Hockwold with Wilton*, aforesaid, which Notice so to be given in such Paper, affixed upon such Church or Chapel Doors, or other Places as aforesaid, shall be deemed and taken as publick Notice of the said Day of Payment as if Demand thereof had been actually made by the said Receiver or Collector for the said Two Districts respectively, of the Person or Persons by whom such Rates or Taxes are to be paid, as aforesaid; and that it shall and may be lawful for the respective Collector or Collectors, Receiver or Receivers, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners for the said Two Districts respectively, (which Warrant or Precept such Commissioners, or any Three or more of them respectively, are hereby impowered and required from Time to Time to make, as Occasion shall require), to enter into and upon the said Fen Lands and Low Grounds within the said Two Districts, or either of them, so rated, assessed, and taxed, as aforesaid, in Possession of such Person or Persons as shall so make Default in Payment as aforesaid, and all Messuages, Tenements, Cottages, or Buildings thereupon standing, or belonging thereunto, with their and every of their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them, payable for such Rate or Tax, and the Arrears thereof, by Distress and Sale of the Goods and Chattels which shall be found on the Premises so charged with any such Rate or Tax, or the Arrears thereof, as aforesaid; and in case no sufficient Distress can be found on the Premises, it shall and may be lawful for such Collector or Collectors, Receiver or Receivers, or other Person or Persons, by virtue of such Warrant or Precept, as aforesaid, to levy the said Taxes, and all Arrears for the same, by Distress of the Goods and Chattels of the Person or Persons so making Default in Payment, as aforesaid, which shall be found in any other Place within the Kingdom of *Great Britain*; and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive, carry away, impound, and keep in any other Place, for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving at such Messuages, Tenements, Cottages, Grounds, and Premises, Notice in Writing of the Cause of such Distress, and the Place where such Goods and Chattels shall be impounded; and if the Owner or Owners of the Goods and Chattels so distrained shall not pay the Sum or Sums of Money so rated, taxed, or assessed, and the Arrears thereof as aforesaid, together with the Costs and Charges attending such Distress, or replevy the said Goods and Chattels destrained, with sufficient Security to be given to the Sheriff of the County where such Distress shall be so taken, or Chief Bailiff of the *Isle of Ely*, if taken within the said *Isle of Ely*, according to the Laws now in being for Distresses in case of Nonpayment of Rent, within Five Days next after such Distress made, and Notice thereof given as aforesaid, the Person or Persons so distraining may, with the Sheriff or Under-sheriff, or the Chief Bailiff of the *Isle of Ely*, Constable, or Headborough of the Parish or Place where such Distress shall be made, (who is and are hereby required to assist therein), cause the Goods and Chattels so distrained to be appraised by Two or more indifferent Persons to be sworn by such Sheriff, Under-sheriff, Chief Bailiff, Constable, or Headborough, (who is and are hereby impowered to administer such Oath), to appraise the same according to the best of their Judgement, and after such Appraisement, it shall and may be lawful for such Collector or Collectors, Receiver or Receivers, or other Person or Persons so making such Distress, to sell the Goods and Chattels so distrained for the best Price that can be got for the same, for and towards Satisfaction for the Monies for which such Distress shall be so taken, and the Charges of taking, keeping, appraising, and selling the Goods and Chattels so distrained, leaving the Overplus (if any) in the Hands of such Sheriff, Under-sheriff, Chief Bailiff, Constable, or Headborough, for the Owner's Use.

Tenants to pay the Tax, and deduct the same out of their Rent.

XL. And be it further enacted, That the Tenant or Tenants of all and singular the said Fen Lands and Low Grounds which shall be rated and assessed by virtue of this Act, is and are hereby required and authorised to pay such Taxes or Assessment, and deduct the same out of his, her, or their Rent; and every Tenant paying such Taxes or Assessments shall be acquitted and discharged for so much Money as such Assessments shall amount unto, as if the same had been actually paid to the Person or Persons intitled to the Rent of such Fen Lands and Low Grounds, except where there is a Lease for Three or more Years to come from the Commencement of this Act, in which Case, the Proportion of such Taxes or Assessments which the Tenant ought to bear and pay, in consideration of the Benefit he or she receives by such Lease, shall be adjudged and awarded by the said Commissioners of each of the said Districts, or any Five or more of them, at a Meeting to be held for each of the said Districts by virtue of this Act, except in the Case of such Lease where there shall be an Agreement betwixt the Landlord and Tenant which of them shall pay such Rates or Assessments.

XLI. And

Lands untenanted to be charged with the Rates.

XLI. And be it enacted by the Authority aforesaid, That in case any of the said Lands and Grounds shall at any Time after the passing of this Act be untenanted or unoccupied, or the Owner or Owners thereof shall not be found, so that no sufficient Distress can be made by levying the said Rates and Taxes, the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof, and all Arrears to grow due for the same; and all Goods, Chattels, and Cattle, which shall at any Time thereafter be found therein, shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all Arrears of the said Rates or Taxes, and Charges attending the same, shall be fully paid and satisfied.

Commissioners may let Lands unoccupied to pay the Rates.

XLII. And be it enacted by the Authority aforesaid, That in case any of the Lands and Grounds liable to be taxed by virtue of this Act shall at any Time be untenanted or unoccupied, whereby no Distress can be taken for the Taxes in Arrear and then due, it shall and may be lawful for the said respective Commissioners, or any Five or more of them, and they are hereby impowered, at a Meeting to be held for that Purpose within the District where such Lands lie, the Taxes whereof are so in Arrear, to let such Lands and Grounds so in Arrear, or so much thereof as they shall think necessary, to any Person or Persons they shall think proper, for the best Rent they can get for the same, and to pay and apply such Rent for which such Land shall be so let in Discharge of such Taxes and Arrears, rendering the Overplus, if any, to the Owner or Owners of such Lands and Grounds so in Arrear as aforesaid; and the said respective Commissioners shall and may have the like Powers and Remedies for recovering the Rent of such Lands so let, as other Landlords by Law now have.

Commissioners of the First District impowered to borrow Money.

XLIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said First District, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they shall think proper, upon the Credit of the Taxes and Assessments in the said District, Four of whom to be real Owners of Lands within the said First District, and, by Writing under the Hands of any Five or more of them, to mortgage, charge, assign, convey, and incumber the Taxes or Assessments so to be assessed and levied, or any Part thereof, within the said First District, with and for the Repayment of the Sums so borrowed, with such Interest, at such Times, and with such Provisoes and Conditions of Redemption, as shall be agreed upon between the said Commissioners and the Persons so advancing the same.

Commissioners of the Second District impowered to borrow Money.

XLIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said Second District, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they shall think proper, upon the Credit of the Taxes and Assessments in the said District, Four of whom to be real Owners of Lands within the said Second District, and, by Writing under the Hands of any Five or more of them, to mortgage, charge, assign, and convey or incumber the Taxes or Assessments so to be assessed and levied, or any Part thereof, within the said Second District, with and for the Repayment of the Sums so borrowed, with such Interest at such Times, and with such Provisoes and Conditions of Redemption as shall be agreed upon between the said Commissioners and the Persons so advancing the same.

Money borrowed to be distinguished for which District.

XLV. And be it further enacted, That such Monies shall be respectively and distinctly borrowed for the Use of the said Two Districts respectively; and it shall be particularly set forth in every Security given for the Money so borrowed, that such Monies are so respectively borrowed for the Use of the said First or Second District as the Case shall be.

The Sum of 1000 l. may be borrowed on the Credit of the Taxes of the First District, and no more than 3000 l. on the Taxes of the Second District.

XLVI. Provided always, and be it enacted by the Authority aforesaid, That no more than the Sum of One thousand Pounds shall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Assessments arising within the said First District, and that no more than the Sum of Three thousand Pounds shall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Assessments arising within the said Second District; and that the Tax on the said First or Second District or Division shall not, during the Time any Principal or Interest Monies shall be due on the several Securities thereof, be less in any One Year than the said Sum of Sixpence, or One Shilling *per* Acre respectively, in which such Principal and Interest shall be respectively owing.

Securities to be assignable by Indorsment, &c.

2 s. 6 d. to be paid for Entry.

XLVII. And be it further enacted by the Authority aforesaid, That such Mortgages or Securities, so to be made, by the said Commissioners of the said Rates or Taxes arising within the said First or Second District, shall and may be assignable or transferrable by Indorsements on the original Grant thereof made, or otherwise, to any Person or Persons whatsoever; and the Person or Persons to whom such Assignment or Transfer shall be made, shall and may, from and after the same shall be so made, and entered in a Book to be kept for that Purpose, be well and sufficiently intitled to such Mortgage Money and Interest, and all the Monies due and to grow due thereon; which Entries are hereby required to be made on Request, upon producing such Assignment, and paying Two Shillings and Sixpence for every such Entry; and such Assignee or Assignees, and every other Assignee or Assignees, shall and may, in like Manner, by Indorsement, or otherwise, assign and make over such Mortgage or Mortgages, and Securities so assigned as aforesaid, and so *toties quoties*, as Occasion shall require, every such Assignment or Transfer being entered in such Book as aforesaid.

Taxes chargeable with the Monies borrowed.

XLVIII. Provided always, and be it enacted, That all and every the Taxes and Assessments raised within the said First or Second District by virtue of this Act, or so much thereof as shall be assigned by the said respective Commissioners, shall be charged and chargeable with the Payment of the principal Money so to be borrowed by the Commissioners of the said First or Second District respectively, and the Interest of such Money from Time to Time shall vest in the Creditors of such respective Districts, upon Default of Payment of such principal Money and Interest, until the same,

and every Part thereof, ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall have the ſame Powers, Rights, and Privileges of aſſeſſing, raiſing, and recovering the ſeveral Taxes and Aſſeſſments payable by the ſeveral Owners and Occupiers of Lands and Grounds within the ſaid Diſtricts reſpectively, or ſo much thereof as ſhall be aſſigned by the ſaid Commiſſioners, for in reſpect of ſuch principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners and their Collectors and Receivers would have had, in caſe ſuch principal Money and Intereſt had been regularly and fully ſatisfied and paid.

Application of Money within the Two Diſtricts.

XLIX. And be it further enacted by the Authority aforeſaid, That the Monies ariſing by virtue of this Act within the ſaid Firſt Diſtrict, ſhall, in the Firſt Place, be applied for and towards the Payment of the Charges and Expences of obtaining this Act, as herein-after directed; and after the Payment thereof, for and towards the making all and ſingular the ſeveral Banks, Drains, Mills, Engines, and other Works herein mentioned and directed to be made within the ſaid Firſt Diſtrict: And the Mones ariſing by virtue of this Act within the ſaid Second Diſtrict, ſhall be applied, in the Firſt Place, for and towards the Payment of the Charges and Expences of obtaining this Act in Manner herein-after directed; and after the Payment thereof, for and towards the making and ſuporting all and ſingular the ſeveral Banks, Drains, Mills, Engines, and other Works herein mentioned and directed to be made within the ſaid Second Diſtrict, and alſo to and for all ſuch other Works whatſoever within the ſaid Second Diſtrict, as the ſaid Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them, ſhall think proper to be made within the ſaid Second Diſtrict; and that the Monies ariſing by virtue of this Act, within the ſaid Two Diſtricts reſpectively, ſhall alſo be reſpectively applied to and for ſuch joint Works, the Expence of which is directed to be jointly borne by the ſaid Two Diſtricts.

Leſſees of Methwold Severals, in conſideration of paying no Tax, to ſupport the Bank of the River Stoke.

L. And whereas it is agreed that the preſent Leſſee of certain Lands in the ſaid Firſt Diſtrict, called *Methwold Severals*, or any future Leſſee or Owner thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, as long as they ſhall continue Leſſees or Owners, and Proprietors thereof, ſhall and will, at his and their own Coſts and Charges, in conſideration of paying no Rate or Tax rated or aſſeſſed by virtue of this Act, (except as to the Support and Maintenance of the Banks of *Sams's Cut* or *Drain*, and the ſaid *Sams's Cut* or *Drain*, and *Hunt's Sluice* as aforeſaid) maintain, ſupport, and repair the ſaid Bank of *Stoke River*, ſo far as the ſame runs and lies againſt the ſaid *Severals* of *Methwold* aforeſaid; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid South Bank of *Stoke River*, ſo far as the ſame runs againſt the ſaid Lands, ſhall be deemed and taken as the particular Works of the ſaid Leſſee or Leſſees, Owner or Owners, and that he and they ſhall maintain, ſupport, and repair the ſaid Bank, of ſuch an Height, Width, and Strength, as ſhall prevent the Waters running into or through the ſame, from running over or making any Breach or Breaches therein; and in caſe the ſaid Leſſee or Leſſees, or Owner or Owners of the ſaid Lands, or any future Leſſee or Leſſees, or Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators or Aſſigns, or his, her, or their Tenant or Tenants, ſhall at any Time or Times, from and after the paſſing of this Act, neglect or refuſe to keep and maintain the South Bank of *Stoke River*, ſo far as the ſame runs againſt the ſaid Lands, of ſuch ſufficient Height and Strength, as to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank; and if the Waters thereof ſhall, at any Time or Times after the paſſing of this Act, run over, or cauſe a Breach in the ſame, it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts, or either of them, or any Five or more of them, by Writing under their Hands and Seals, to authoriſe and impower the Surveyor or other Officer for either of the ſaid Two Diſtricts or Diviſions to give Notice to the ſaid Leſſee or Leſſees, Owner or Owners of the ſaid Lands, or any future Leſſee or Leſſees, or Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, or his, her, or their Tenant or Tenants, that the Waters of the ſaid River are running over the ſaid Bank, or that the ſaid Bank is in Danger of being broke; and in caſe the ſaid Leſſee or Leſſees, Owner or Owners, of the Lands, or any future Leſſee or Leſſees, Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, or Aſſigns, or Tenant or Tenants, ſhall neglect or refuſe, upon ſuch Notice, to employ proper Perſons to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank, or in caſe ſuch Waters ſhall actually run over the ſaid Bank, or if any actual Breach or Breaches ſhall happen therein before ſuch Notice be given, ſuch Leſſee or Leſſees, Owner or Owners, or any future Leſſee or Leſſees, Owner or Owners, of the ſaid Lands, ſhall neglect or refuſe to ſtop and make up the ſame, it ſhall and may be lawful for ſuch Officer or Officers ſo authoriſed as aforeſaid, together with ſuch Workmen as he or they ſhall think proper to employ, to enter into and upon the ſaid Lands and Grounds, and to make good and repair the ſaid Bank, and alſo to ſtop ſuch Breaches; and in order to enable them ſo to do, it ſhall and may be lawful to and for ſuch Workmen, ſo employed as aforeſaid, to dig and take Earth out of the ſaid Lands called *Methwold Severals*, for the raiſing and ſtrengthening the ſaid Bank, and ſtopping ſuch Breaches as aforeſaid, and the Expences neceſſarily incurred therein ſhall be reimburſed by the ſaid Leſſee or Leſſees, Owner or Owners, of the ſaid Lands, or any future Leſſee or Leſſees, Owner or Owners thereof, his, her, or their Succeſſors, Heirs, Executors, Adminiſtrators, and Aſſigns, Tenant or Tenants; and in caſe of Nonpayment thereof, it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, by Warrant under their Hands and Seals, or either of them, to levy by Diſtreſs and Sale of the Goods and Chattels of ſuch Tenant or Tenants, Occupier or Occupiers, Owner or Owners, of ſuch Lands and Grounds, as aforeſaid, the Charges for raiſing

In caſe the Banks of Stoke River, &c. be neglected, the Officers, ſo authoriſed, to repair the Bank, ſtop the Breaches, &c. ſhall be reimburſed their Expences by the Leſſees.

raiſing and repairing the ſaid Bank, and of ſtopping and making up ſuch Breaches, rendering the Overplus (if any) to ſuch Owner or Owners, Tenant or Tenants, Occupier or Occupiers, as aforeſaid; and if the Tenant or Tenants of ſuch Lands and Grounds ſhall, upon ſuch Notice as aforeſaid, raiſe and ſtrengthen the ſaid Bank, or ſtop and make up the ſaid Breaches therein, at his, her, or their own Expence, or ſhall pay the Charges thereof, if done by Order of the ſaid Commiſſioners, or in caſe ſuch Charges and Expences ſhall be levied on him, her, or them, by Diſtreſs and Sale of his, her, or their Goods and Chattels as aforeſaid, it ſhall and may be lawful for ſuch Tenant or Tenants to deduct the ſame out of his or her Rent, and the Owner or Owners of ſuch Lands and Grounds ſhall allow ſuch Deduction, unleſs an Agreement in Writing ſhall be made to the Contrary between ſuch Owner or Owners, and his, her, or their Tenant or Tenants, in ſuch and the ſame Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed: And if any Diſpute ſhall ariſe touching the Amount of the Expences which ſhall have been incurred in raiſing and ſtrengthening the ſaid Bank, or in ſtopping or making up the ſaid Breaches, ſuch Diſputes, and all Matters relating thereto, ſhall be finally ſettled and determined by the Juſtices of the Peace for the ſaid County of *Norfolk*, in caſe the ſaid Diſputes ſhall happen in the ſaid County, or if in the County of *Suffolk*, by the Juſtices of the Peace for the ſaid County of *Suffolk*, at the Firſt or Second General Quarter Seſſions of the Peace to be held by Adjournment for the ſaid Counties of *Norfolk*, or *Suffolk*, at *King's Lynn*, *Swaffham*, or *Saint Edmund's Bury* aforeſaid, as the Caſe ſhall happen, who are not intereſted in the Premiſes, without any further or other Appeal whatſoever.

Commiſſioners refuſing to repair Sams's Cut and Hunt's Sluice, Leſſees of Methwold Severals impowered to authoriſe the Surveyor of the Firſt Diſtrict to repair the ſame,

LI. And be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of the ſaid Two Diſtricts reſpectively, or the Commiſſioners acting by virtue of the ſaid Act of the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, or the Officers appointed by them for that Purpoſe, ſhall, at any Time or Times after the paſſing of this Act, neglect or refuſe to open, ſcour, cleanſe, and repair, the ſaid Drain called *Sams's Cut*, and the ſaid Sluice called *Hunt's Sluice*, in Manner herein-before directed, it ſhall and may be lawful for the ſaid Leſſee or Leſſees of *Methwold Severals* aforeſaid, or the Owners and Proprietors thereof, his or their Tenant or Tenants, by Writing under his or their Hand and Seal, or Hands and Seals, to authoriſe and impower the Surveyor or other Officer for the ſaid Firſt Diſtrict or Diviſion to give Notice in Writing to the ſaid Commiſſioners reſpectively, that the ſaid Drain called *Sams's Cut Drain*, and *Hunt's Sluice*, are out of Repair (ſpecifying in ſuch Notice what Part of the ſaid Works is out of Repair); and that if the Repairs thereof are not ſet about and finiſhed within Five Days after ſuch Notice, it ſhall and may be lawful for ſuch Officer or Officers ſo authoriſed by the ſaid Leſſee or Leſſees, or Owner or Owners, or Tenant or Tenants thereof, to order and direct the ſaid Drain, or ſuch Parts thereof as ſhall be ſo out of Repair, and alſo the ſaid Sluice called *Hunt's Sluice*, when out of Repair, to be opened, cleanſed, ſcoured, and repaired, and the Perſon or Perſons ſo authoriſed as aforeſaid is and are hereby impowered to enter into and upon the ſaid Drain and Sluice, and the Lands adjoining thereto, and employ Workmen to take Earth and other Materials, for repairing the ſame; and that the Treaſurer or Receiver of the ſaid reſpective Commiſſioners ſhall, and he or they is and are hereby required to pay the full Proportion of the Charges and Expences thereof, which is in and by this Act directed to be borne by the ſaid reſpective Commiſſioners, to ſuch Perſon or Perſons, on his and their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made upon the ſaid reſpective Treaſurers or Receivers by ſuch Perſon or Perſons; and in caſe of Nonpayment thereof by ſuch Treaſurers or Receivers within the Time before limited for ſuch Payment as aforeſaid, then it ſhall and may be lawful for any Juſtice of the Peace for the Counties of *Norfolk* or *Suffolk*, as the Caſe ſhall happen, upon Application made to him by the Perſon repairing ſuch Works, to iſſue a Warrant under his Hand and Seal impowering ſuch Perſon or Perſons to levy ſuch Sum or Sums of Money ſo laid out as aforeſaid by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands or Grounds within the Limits aforeſaid, lying next unto, or adjoining upon, the ſaid Bank or Sluice reſpectively; and that it ſhall and may be lawful for ſuch Occupier or Occupiers, whoſe Goods and Chattels are ſo diſtrained and ſold, to deduct the Sum or Sums of Money by him or them ſo paid out of the Taxes due, and to grow due, to the ſaid reſpective Commiſſioners for the ſaid Lands and Grounds where ſuch Diſtreſs or Diſtreſſes ſhall be ſo made, any Thing herein or in the ſaid Acts contained to the Contrary notwithſtanding.

and the Expence to be borne by the ſaid Commiſſioners.

In caſe of Nonpayment, on Application to a Juſtice, the Money to be levied by Diſtreſs.

Commiſſioners of the Two Diſtricts impowered to erect Two Mills at the Weſt End of Sams's Cut, &c.

LII. And whereas, for the more effectual draining the ſaid Two Diſtricts, it is thought expedient to erect One or more Engine or Engines at the Weſt End of *Sams's Cut Drain* aforeſaid on each Side thereof, at *Hunt's Sluice*, to throw the Waters of the ſaid Drain into the River *Ouze*; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts, and they are hereby reſpectively authoriſed, impowered, and required, within Twelve Calendar Months after the paſſing of this Act, at their joint Coſts and Charges, to erect, build, and ſet up, One Mill or Engine for throwing of Water at the ſaid Weſt End of *Sams's Cut* aforeſaid, on the North Side of *Hunt's Sluice* aforeſaid, to throw the Waters of the ſaid Drain into the ſaid River *Ouze*, of the Dimenſions and Scantlings following; that is to ſay, Twenty-ſix Feet upon the Poſts thereof, with Length of Sail ſufficient to carry not leſs than Thirty Feet of Cloth, and a Water Wheel not leſs than Twenty Feet Diameter, and a Bottom Cogg Wheel not leſs than Sixteen Feet Diameter, together with Geers and Works ſuitable thereto; but in caſe the Commiſſioners of either of the ſaid Two Diſtricts, after the Firſt of the ſaid Engines ſhall be ſo erected as aforeſaid, ſhall not think ſuch Mill ſufficient to anſwer the full Purpoſe of draining the

the ſaid Lands and Grounds intended to be drained thereby, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them reſpectively, to order and direct One other Mill or Engine for throwing of Water not leſs than the Dimenſions and Scantlings aforeſaid, to be erected at the ſaid Weſt End of *Sams's Cut* aforeſaid, on the South Side of *Hunt's Sluice* aforeſaid, at the joint Coſts and Charges of the Commiſſioners of the ſaid Two Diſtricts, for throwing the Waters thereof out of the ſaid Drain into the ſaid River *Ouze*; and that the ſaid Engine or Engines, Mill or Mills, when erected in Manner aforeſaid, ſhall be for ever after worked and repaired at the joint Expence of the ſaid Commiſſioners, and ſhall be veſted in the ſaid Commiſſioners and Leſſees of *Methwold Severals* aforeſaid jointly; and, in order that ſuch Mills may be erected to anſwer the full Purpoſe of Drainage, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make Drains, and other Works, out of *Sams's Cut* aforeſaid, into the ſaid River *Ouze*.

Commiſſioners of the Second Diſtrict may erect a Mill at the Weſt End of Sams's Cut, for the Benefit of ſaid Diſtrict, under certain Limitations.

LIII. And whereas it may be expedient for the Commiſſioners of the ſaid Second Diſtrict to have Liberty to erect One Mill or Engine for throwing of Water to throw the Waters thereof into *Sams's Cut Drain* aforeſaid; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of the ſaid Second Diſtrict, at their own Coſts and Charges, at any Time after the ſaid Mill or Mills ſhall be erected at the Weſt End of *Sams's Cut Drain* aforeſaid, to throw the Water thereof into the ſaid River *Ouze*, but not before, and to erect, if they think proper ſuch Engine for the Benefit of the ſaid Second Diſtrict at or near *Sam's Cut Drain*, provided that ſuch Engine ſhall not exceed the following Dimenſions and Scantlings; that is to ſay, Twenty Feet high upon the Poſts, and a Sail not to carry more than Thirty Feet, and a Water Wheel Fourteen Feet Diameter, and no more, with proper and ſuitable Gears and Works thereto; and in caſe the ſaid Commiſſioners of the ſaid Second Diſtrict ſhall order ſuch Mill, when erected, to be worked into *Sams's Cut* aforeſaid, before the Firſt of the ſaid Mills directed to be erected at the Weſt End thereof ſhall be compleated, it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Firſt Diſtrict to order ſuch Mill to be ſtopped from working, until the ſaid Mill, at the Weſt End of *Sams's Cut* ſhall be completed.

Commiſſioners of Feltwell new Diſtrict to pay a proportionable Part of the Repair of Sams's Cut.

LIV. And whereas the Lands to be drained by virtue of the ſaid Act of the Thirtieth Year of His late Majeſty's Reign will be equally benefited by the Drain called *Sams's Cut*, and the Sluice called *Hunt's Sluice*, with the Lands to be drained by virtue of this Act, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners under the ſaid Act, and they, or any Five or more of them, are hereby authoriſed and required to pay, or cauſe to be paid, out of any of the Monies ariſing by virtue of the ſaid Act, to the Commiſſioners acting for either of the ſaid Diſtricts under this Act, or any Five or more of them, or to their reſpective Treaſurer or Treaſurers, ſuch Proportion of any Sum or Sums of Money as ſhall, from Time to Time, after the paſſing of this Act, be expended in ſcouring and widening the ſaid Drain called *Sams's Cut*, or the ſaid Sluice called *Hunt's Sluice*, as ſhall bear Proportion to the Number of Acres taxed by virtue of the ſaid Act, and by this Act reſpectively; any Thing in the ſaid Act to the Contrary notwithſtanding.

How Commiſſioners may recover Money unpaid.

LV. And be it further enacted, That in caſe any Sum or Sums of Money ſo due from the ſaid Commiſſioners acting under the ſaid Act ſhall be unpaid for the Space of Twenty Days after Demand made thereof from the Treaſurer to the Commiſſioners under the ſaid Act, by the Commiſſioners of either of the Diſtricts under this Act, or any Five or more of them, or their reſpective Clerk or Treaſurer, then ſuch Sum or Sums of Money, ſo due and unpaid, ſhall and may be recovered by the ſaid Commiſſioners of either of the ſaid Diſtricts under this Act from the Commiſſioners under the ſaid Act, by Action of Debt, Plaint, Bill, Suit, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Fen Reeves of Methwold Common to raiſe Money to repair the Bank againſt Methwold Common.

LVI. And be it further enacted, That in order to raiſe Money for defraying the Charge of repairing the ſaid Bank by the ſaid Commoners of *Methwold Common*, it ſhall and may be lawful to and for the Fen Reeves of *Methwold* aforeſaid for the Time being, or any Two or more of them, to let the Feed or Mowing of the ſaid Bank, ſo to be ſeparated and fenced off from the ſaid Common, and lying againſt the ſaid River and Load, and alſo of the Piece of Land or Common lying between the ſaid Bank and the Soke Dike or Drain, for the beſt Rent they can get for the ſame, either from Year to Year, or for any Term not exceeding Three Years; and alſo to tax and charge the Owners of any Cattle with which the ſaid Common ſhall be ſtocked, or which ſhall be going and fed thereon at any Time between *Lady Day* and *Michaelmas Day*, old Stile, in each Year, except ſuch Cattle as ſhall be under the Age of One Year, with an equal and proportionable Rate, according to the Number of ſuch Cattle belonging to each and every Owner; and in caſe the ſaid Rate ſhall not be paid by any ſuch Owner within Five Days after the Day appointed for ſuch Payment, by Notice in Writing affixed on the Church Door of *Methwold* aforeſaid, then it ſhall and may be lawful for any Five or more of the Commiſſioners for the ſaid Diſtrict, by Warrant under their Hands and Seals, directed to the ſaid Fen Reeves, or any Two or more of them, to levy the ſame on the Goods and Chattels of any Owner ſo making Default of Payment, by Diſtreſs and Sale of ſuch Goods and Chattels, together with the reaſonable Charges of obtaining ſuch Warrants, and of taking, keeping, and ſelling the Goods and Chattels ſo diſtrained, to be aſcertained by the ſaid Commiſſioners granting ſuch Warrant, rendering the Overplus on Demand to ſuch Owner; and all ſuch Money as ſhall be raiſed by any of the Ways and Means as aforeſaid ſhall be applied by the ſaid Fen Reeves to the Repair of the ſaid Bank, and to no other Purpoſe whatſoever.

LVII. And

If Fen Reeves neglect to repair the Bank, Leſſees of Severals may do it.

LVII. And be it further enacted, That in caſe the ſaid Fen Revees ſhall neglect or refuſe, within Ten Days after Notice to them given by the Leſſee or Leſſees, Tenant or Tenants, of the ſaid *Severals*, to repair the ſaid Bank, then it ſhall and may be lawful to and for the Leſſee or Leſſees, Tenant or Tenants, of the ſaid *Severals*, or the ſaid Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, and he and they is and are hereby impowered to repair the ſaid Bank, and to levy the Coſts and Charges of ſuch Repairs by Diſtreſs and Sale of any Cattle ſtocked on the ſaid Common, betwixt *Lady Day* old Stile, and *Michaelmas Day* old Stile, in the ſame Manner as the Fen Reeves are hereby impowered to repair the ſaid Bank, and to levy the Coſts and Charges thereof.

Lands of Mr. Tokelove, &c. may be drained by the Mill erected by the Leaſes of the Severals.

LVIII. And be it further enacted, That in caſe the Leſſee or Leſſees, Tenant or Tenants, of the ſaid *Severals*, or the ſaid Commiſſioners for the ſaid Firſt Diſtrict, ſhall erect any Mill or Engine, ſo as to drain the ſaid *Severals*, then the Lands belonging to *William Tokelove*, *Arthur Anneſley*, the Reverend *Henry Greene*, *Robert Clough*, and *John Drage*, or their Heirs or Aſſigns, lying on the North Side of *Sams's Cut* aforeſaid, and adjoining upon the ſaid *Severals*, ſhall and may upon Application to the ſaid Leſſee or Leſſees of the ſaid *Severals*, his, her, or their Tenant or Tenants, or to the Commiſſioners of the ſaid Firſt Diſtrict, or any Five or more of them, be drained by ſuch Mill or Engine, they the Owners of the ſaid Lands, their Heirs or Aſſigns, paying, or cauſing to be paid yearly and every Year, to the ſaid Leſſee or Leſſees, Tenant or Tenants, of the ſaid *Severals*, One Shilling for each and every Acre of ſuch Lands ſo drained, ſo long and for ſuch Time as ſuch Lands ſhall be ſo drained, and no longer.

Mr. Anneſley, Mr. Green and others, to make Tunnels next Sams's Cut.

LIX. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Leſſee or Leſſees of the ſaid *Severals*, his, her or their Tenant or Tenants, and for the ſaid *Arthur Anneſley*, *Henry Greene*, *Robert Clough*, and *William Tokelove*, or any of them, to make Tunnels, at their own Expence, out of their ſaid Land lying next *Sams's Cut Drain* aforeſaid, to carry the Waters off their ſaid Lands into the ſaid Drain, if they ſhall think proper.

Owners of Flegg Fen to ſupport the South Bank of Stoke River.

LX. And whereas the preſent Owner or Proprietor, or Owners or Proprietors, of certain Lands in the ſaid Firſt Diſtrict called *Fleg Fen*, *Eaſt Fen*, and *North Fen*, leading to *Helgay Bridge* aforeſaid, have agreed, at his and their own Coſts and Charges, in conſideration of their being exempted from the Payment of any Rate or Tax rated or aſſeſſed by virtue of this Act, except the Rate or Tax of Sixpence an Acre for the Support and Maintenance of the Banks of *Sams's Cut* or *Drain* and *Hunt's Sluice*, as aforeſaid, to maintain, ſupport, and repair the ſaid South Bank of *Stoke River* from the End of *Methwold Severals* aforeſaid, at a certain Dike called *King's Dike* to a certain Bridge in *Helgay* aforeſaid called *Helgay Bridge*, in the ſeveral Proportions following; that is to ſay, The Owners and Proprietors of the ſaid Lands, called *Flegg Fen* and *Eaſt Fen*, at their Coſts and Charges to ſupport, maintain, and repair the ſaid South Bank of *Stoke River*, from *King's Dike* aforeſaid to the Eaſt Side of a certain Piece of Land called *The Thoroughfare Piece* in *Helgay* aforeſaid, being the Property of *James Gallaway* of *Ely*, Gentleman, at the Bank of the ſaid *Matthew Pepper Manby*, including the ſaid Bank and the Reſidue of the ſaid South Bank to *Helgay Bridge* aforeſaid, to be ſupported, maintained, and repaired by the ſeveral Owners and Proprietors of the ſaid Lands called *The North Fen* or *Weſtſide Parts*, in *Helgay* aforeſaid; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid South Bank of *Stoke River*, from the End of *Methwold Severals* aforeſaid, at *King's Dike* aforeſaid, to *Helgay Bridge* aforeſaid, ſhall be deemed and taken as the particular Works of the ſaid Owners, and they are hereby directed and required to maintain, ſupport, and repair the ſaid Bank of ſuch an Height, Width, and Strength, as ſhall prevent the Waters running into or through the ſame from running over, or making any Breach or Breaches therein; and in caſe the ſaid Owner or Owners of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, or his, her, or their Tenant or Tenants, ſhall at any Time or Times, from and after the paſſing of this Act, neglect or refuſe to keep and maintain the ſaid South Bank of *Stoke River*, as aforeſaid, of ſuch ſufficient Height and Strength, to prevent the Waters of the ſaid River from running over or breaking through the ſaid Bank; and if the Waters thereof ſhall at any Time or Times hereafter run over or break through the ſame, it ſhall and may be lawful for the Commiſſioners of either of the ſaid Two Diſtricts, or any Five or more of them, and for the Leſſee or Leſſees, or the Owners and Proprietors of *Methwold Severals* aforeſaid, his, her, or their Tenant or Tenants, by Writing under his and their Hands and Seals, to authoriſe and impower the Surveyor or other Officer for either of the ſaid Two Diſtricts or Diviſions to give Notice to the ſaid Owner or Owners of the ſaid Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, or his, her, or their Tenant or Tenants, that the Waters in the ſaid River is running over the ſaid Bank, or that the ſaid Bank is in Danger of being broke thereby; and in caſe the ſaid Owner or Owners of the ſaid Lands or any future Owner or Owners thereof, his, her, or their Heirs, Succeſſors, or Aſſigns, or Tenant or Tenants, ſhall neglect or refuſe upon ſuch Notice to employ proper Perſons to prevent the Water of the ſaid River from running over or breaking through the ſaid Bank, or if the ſaid Waters ſhall actually run over the ſaid Bank, or any actual Breach or Breaches ſhall before ſuch Notice be made therein, and ſuch Owner or Owners, or any future Owner or Owners of the ſaid Lands, ſhall neglect or refuſe to ſtop and make up the ſame, it ſhall and may be lawful for ſuch Officer or Officers, ſo authoriſed as aforeſaid, or for the Leſſee or Leſſees, Owner or Owners, Tenant or Tenants, of *Methwold Severals* aforeſaid, together with ſuch Workmen as he or they ſhall think proper to employ, to enter into and upon the ſaid Lands and Grounds, and to make good and repair the ſaid Bank, and alſo to ſtop ſuch Breaches; and in order to enable them ſo to do, it ſhall and may be lawful to and for

In caſe the Banks of Stoke River by Flegg Fen are neglected, Method of Compulſion.

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such Workmen so employed as aforesaid to dig and take Earth out of the said Fen called *Flegg Fen*, *East Fen*, and *North Fen*, in *Helgay* aforesaid, for the raising and strengthening the said Bank, and stopping such Breaches, as aforesaid; and the Expences necessarily incurred therein shall be reimbursed by the said Owner or Owners of the said Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Successors, or Assigns, Tenant or Tenants; and in case of Nonpayment thereof, it shall and may be lawful for any Five or more of the said Commissioners for the said Two Districts respectively, by Warrant under their Hand and Seals, to levy by Distress and Sale of the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, Owner or Owners, of such Lands and Grounds as aforesaid, the Charges of raising and repairing the said Bank, and of stopping or making up such Breach or Breaches, rendering the Overplus, if any, to such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, as aforesaid: And if the Tenant or Tenants of such Lands and Grounds shall, upon such Notice as aforesaid, raise and strengthen the said Bank, and stop and make up the said Breaches therein, at his, her, or their own Expences, or shall pay the Charges thereof, if done by the Order of the said Commissioners, or in case such Charges and Expences shall be levied on him, her, or them, by Distress and Sale of his, her, and their Goods and Chattels, as aforesaid, it shall and may be lawful for such Tenant or Tenants to deduct the same out of his or her Rent; and the Owner or Owners of such Lands and Grounds is and are hereby required to allow such Deduction, unless an Agreement in Writing shall be made to the contrary between such Owner or Owners and his and their Tenant or Tenants, in such and the same Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed; and if any Dispute shall arise touching the Amount of the Expences which shall have been incurred in raising and strengthening the said Bank, or in stopping or making up the said Breaches, such Disputes, and all Matters relating thereto, shall be finally settled and determined in such and the same Manner as the Disputes arising between the Owners of Lands in *Methwold Severals* and the said Commissioners are herein-before directed to be finally settled and determined, and in no other Manner whatsoever.

Distress on Nonpayment.

Tenants repairing the Bank may deduct the Expence out of their Rent.

Lessees of Methwold Severals to erect One Engine for throwing Water into Stoke River.

LXI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lessee or Lessees of *Methwold Severals* aforesaid, or any future Lessee or Lessees thereof, his, her, or their Tenant or Tenants, and he and they is and are hereby authorised and impowered, at any Time or Times, as he or they shall think proper, after the passing of this Act, at his, her, and their own Costs and Charges, to erect One Mill or Engine for throwing of Water upon or near the South Bank of *Stoke River* aforesaid, in such Part of the said Severals as he or they shall think proper, and that the Waters of the said Severals shall and may be thrown, conveyed, and carried by such Engine into the said River called *Stoke River*, in order that the same may be conveyed through the said River to the River *Ouze*, and from thence to the Sea; any Law, Statute, Power, Usage, or Custom, to the Contrary notwithstanding.

Passages may be made across any Bank that may be made in Methwold Severals.

LXII. And be it further enacted by the Authority aforesaid, That in case the said Commissioners of the said First District shall, at any Time or Times after the passing of this Act, make a Bank in the said *Methwold Severals* next *Methwold Common* aforesaid, it shall and may be lawful for the present Lessee or Lessees of the said *Severals*, or any future Lessee or Lessees thereof, his, her, or their Tenant or Tenants, to make Roads or Passages across the said Bank, in such Places as he or they shall think proper, in order for their passing over the same with Horses, Carts, and Carriages, to their said Lands; any Thing herein contained to the Contrary notwithstanding.

In case the Commissioners of the Second District neglect to repair Wilton Load and Brandon River, Commissioners may compel.

LXIII. And be it further enacted by the Authority aforesaid, that in case the Commissioners of the said Second District, or the Officers appointed by them for that Purpose, shall, at any Time or Times after the passing of this Act, neglect or refuse to heighten, strengthen, and repair the Banks of *Wilton Load* and *Brandon River* aforesaid, being the outward Boundary of the said District, whereby the Waters of the said Load or River shall run over the same, or any Breach or Breaches shall happen therein, or in any Part thereof, it shall and may be lawful for the Commissioners of the said First District or Division, or any Five or more of them, or for the Lessee or Lessees, Owner, Proprietor, or Tenant, Owners, Proprietors, or Tenants, of the said Lands called *Methwold Severals*, or any of them, or for any Person or Persons appointed by them, or either of them respectively, to heighten and repair such Banks, or make up such Breach or Breaches, in the best Manner they can; and the Person or Persons so appointed by them, or any of them, are hereby impowered to enter upon the Lands and Grounds lying and adjoining to the said Banks respectively, and to employ Workmen to take adjoining Earth from such Lands for the raising and repairing Banks respectively, or the making up such Breach or Breaches; and that the Treasurer or Receiver of the said Commissioners of the said Second District shall, and he or they is and are hereby required to pay the full Charges and Expences thereof to such Person or Persons, on his or their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made upon the said Treasurers or Receivers by such Person or Persons; and in case of Nonpayment thereof by such Treasurers or Receivers within the Time before limited for such Payment as aforesaid, then it shall and may be lawful for the said Commissioners for the said First District or Division, or any Five or more of them, and they are hereby authorised and impowered, to recover the same against such Treasurers or Receivers, by Action, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*; in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Earth may be taken from Commons, &c. gratis.

LXIV. And be it further enacted, that it shall and may be lawful for the Surveyor or Surveyors, or other Officer or Officers, appointed by the said Commissioners, or any Five or more of them, for each

each of the ſaid Diſtricts, to cut, dig, gather, take, and carry away, or cauſe to be cut, dug, gathered, taken, and carried away, any Materials proper for repairing the ſeveral Banks within the ſaid Two Diſtricts reſpectively, in, upon, out of, or from, any River, Brook, Waſhes, Waſte, or Common, in any Pariſh, Town, or Place, in, adjoining to, or lying near, the ſaid Banks, without paying any Thing for the ſame; and if a Quantity of Materials, ſufficient for that Purpoſe cannot be found in or upon any ſuch River, Brook, Waſhes, Waſte, or Common, then, by Order of the ſaid reſpective Commiſſioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cauſe to be digged, cut, gathered, taken, and carried away, any Quantity of Materials proper and ſufficient for that Purpoſe, in, upon, out of, or from, any of the Lands or Grounds of any Perſon within the Boundaries of this Act, or within any adjoining Pariſh, Townſhip, or Place, (except the Common called *Northwold Common*, next to *Methwold Load* and *Stoke River*, or on the North Side of the ſaid River), where the ſame may be had or found, to be uſed towards repairing the ſaid Banks reſpectively, ſuch Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to any Houſe, they the ſaid Surveyors or other Officers paying or rendering a reaſonable Compoſition to the reſpective Owners or Occupiers of ſuch Lands or Grounds for ſuch Materials, and for the Damage done by carrying the ſame over their Grounds; and in caſe of any Difference between the ſaid Commiſſioners reſpectively, or their Surveyor or Surveyors, or other Officers, and any of the ſaid Owners or Occupiers, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, (not intereſted in the Premiſes), ſhall and may, on Ten Days Notice thereof in Writing to be given by any ſuch Surveyor to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor or other Officer, to be left at their reſpective Places of Abodes with ſome or One of their reſpective Families, hear, ſettle, and determine the Matter of the ſaid Damages; and that the Determination of ſuch Juſtices ſhall be final to the ſaid Parties, without any Appeal therefrom. Exceptions.

LXV. Provided nevertheleſs, and be it enacted, That nothing in this Act contained ſhall extend to impower the Commiſſioners of the ſaid Second Diſtrict to dig or take Earth out of the ſaid Lands of Sir *Simeon Stuart* Baronet, called *Northcloud*, next *Brandon River* aforeſaid, for repairing the Bank of the ſaid River, except in Times of Flood, or when Earth cannot be cut out of the Floors or Waſhes of the ſaid River, at which Time it ſhall and may be lawful for the ſaid Commiſſioners to take Earth out of the ſaid Lands for the Purpoſes aforeſaid, but at no other Times whatſoever; any Thing herein contained to the Contrary notwithſtanding. To prevent cutting Earth from Northcloud, but at particular Times.

LXVI. Provided always, and be it enacted, That no Earth ſhall be taken by the ſaid Commiſſioners from any of the Lands of the ſaid *Matthew Pepper Manby*, but only for the Purpoſe of repairing the Banks already made by the ſaid *Matthew Pepper Manby*. No Earth to be taken from the Lands of Mr. Manby.

LXVII. Provided always, and be it enacted, That it ſhall and may be lawful to and for any of the ſaid Commiſſioners, who are Juſtices of the Peace, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners. Commiſſioners may act as Juſtices.

LXVIII. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any Meeting to be held for the ſaid Two Diſtricts reſpectively, ſhall be entered in diſtinct Books, to be provided and kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by Five or more of the ſaid Commiſſioners reſpectively ſo aſſembled at ſuch Meetings, and being ſo ſigned, ſhall be deemed and taken to be Originals; and all ſuch Books, and alſo the Books hereby directed to be kept for regiſtering the Securities, Aſſignments, and Transfers, ſhall and may be read as Evidence on all Trials at Law, of any Suits or Actions touching any Thing done in relation to, or in purſuance of, this Act. Proceedings to be entered in Books.

LIX. Provided always, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or any of them reſpectively, at any of their Meetings for each reſpective Diſtrict by virtue of this Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Nine or more Commiſſioners be preſent, and Seven or more of the ſaid Commiſſioners be real Owners of Lands in the ſaid Two Diſtricts reſpectively, and conſenting thereto, nor unleſs Ten Days Notice in Writing be affixed on the Church or Chapel Doors of *Hilgay*, *Methwold*, *Feltwell Saint Mary*, and *Hockwold with Wilton* aforeſaid, in which ſaid Notice the Intent and Deſign of ſuch Meeting ſhall be declared; and that every Order for executing the Powers of this Act ſhall be made at a Meeting of the ſaid reſpective Commiſſioners, to be held in ſuch Manner as is herein-before authoriſed and appointed, and not otherwiſe, except only as to the granting Precepts or Warrants for levying Taxes, which ſhall and may be granted and ſigned by ſuch reſpective Commiſſioners for the ſaid Two Diſtricts reſpectively, in Manner herein-before directed, whenever the ſame ſhall be neceſſary and required. Orders not to be reverſed, but at a Meeting for that Purpoſe.

LXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, deſtroy, or adviſe, counſel, or hire, any Perſon to burn, cut, break down, or otherwiſe deſtroy any Bank, Mill, Engine, Flood-gate, or Sluice, already erected, ſupported, maintained, or uſed, or hereafter to be made or erected, ſupported, maintained, or uſed, within the Limits aforeſaid, for the Purpoſe of draining and preſerving the Fen Lands and Low Grounds within the ſame; every Perſon or Perſons ſo offending, and being thereof convicted, ſhall be guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon or Perſons ſhall be tried and convicted ſhall, and hereby have Power and Authority to tranſport ſuch Felons for Seven Years, in ſuch Manner as other Felons are directed to be tranſported by the Laws of this Realm. Felony on burning of Mills, &c.

Penalty on deſtroying the Works,

LXXI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly ſtop, dam, or break down, demoliſh, damage, or deſtroy, or cauſe, procure, or hire, any Perſon to dam up, break down, demoliſh, damage, or deſtroy any River, Drain or Watercourſe, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, ſupported, maintained, or uſed, for anſwering the Purpoſe of draining and preſerving the Fen Lands and Low Grounds within the Limits aforeſaid; every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes before One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, not intereſted therein, every ſuch Perſon or Perſons ſo convicted as aforeſaid, ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Twenty Pounds, nor leſs than Forty Shillings; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, and to be applied and diſpoſed of in the Improvement of the Works of the Diſtrict where ſuch Offence or Offences ſhall be committed, and not elſewhere; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed by ſuch Juſtice or Juſtices to the Houſe of Correction of the County or Place where ſuch Offence ſhall be committed, there to be kept to hard Labour for the Space of One Calendar Month without Bail or Mainprize, or until ſuch Penalty ſhall be paid.

Mole-catching.

LXXII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies ariſing in each reſpective Diſtrict under this Act, to make ſuch Allowances for the catching or deſtroying Moles or other Vermin within the Two Diſtricts reſpectively as they the ſaid Commiſſioners, or any Five or More of them, ſhall think proper.

Penalty on Perſons burning Banks.

LXXIII. And whereas it frequently happens, by the Negligence or Careleſſneſs of Servants, or other Perſons, employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to ſuch Lands are burnt and damaged by the Fire being ſuffered to remain too long on ſuch Lands, and thereby extending to ſuch Banks; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons who ſhall be employed in burning any of the Lands and Grounds lying within the Limits aforeſaid ſhall, by Careleſſneſs or Negligence, ſet Fire to or burn, or cauſe to be fired or burned, any of the Banks lying near or adjoining to any of the ſaid Fen Lands or Low Grounds, ſo as ſuch Banks be by Means of ſuch Fire deſtroyed or damaged, ſuch Perſon or Perſons, being thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, or by Confeſſion, before any One or more Juſtice or Juſtices of the Peace for the County or Liberty where ſuch Offence ſhall be committed, not intereſted in the Premiſes, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter, and alſo to hear and determine the ſaid Offence), ſhall give ſuch Recompence or Satisfaction to the ſaid Commiſſioners for the Damage done to the ſaid Banks, as ſuch Juſtice or Juſtices ſhall think reaſonable; ſuch Damage and Recompence to be paid by ſuch Offender or Offenders, within ſuch Time as by ſuch Juſtice or Juſtices ſhall be thought reaſonable, into the Hands of the Receiver or Receivers for the Time being appointed by this Act for that Diſtrict where ſuch Offence ſhall be committed, to be applied by him for and towards the repairing and amending ſuch Banks in the Diſtrict where the ſame ſhall happen; and in caſe of Non-payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the common Gaol for the County or Liberty where ſuch Offence ſhall be committed, for any Time ſuch Juſtice or Juſtices ſhall appoint, not exceeding Three Calendar Months, or until ſuch Damage or Recompence ſhall be paid.

10 s. Penalty on Perſons driving Carriages on the Banks.

LXXIV. And be it further enacted, That if any Perſon ſhall drive any Waggon, Cart, or other Carriage, upon any of the Banks already made, or hereafter to be made, within the Boundaries of this Act, unleſs ſuch Bank be made upon a common Road way, and ſufficient for Paſſage of ſuch Waggon, Cart, or other Carriage, ſhall not be left along the Side of ſuch Bank, every ſuch Perſon ſhall forfeit and pay the Sum of Ten Shillings; to be recovered, levied, and applied, as the Penalty againſt the digging of Turf is by this Act directed to be recovered, levied, and applied.

Penalty of 50 l. on Perſons diſcharging the Water upon other Perſons Lands.

LXXV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect, ſet up, uſe, or work any Horſe Mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging the Water from any Lands in the ſaid Two Diſtricts through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, other than into the ſaid Rivers of *Brandon* and *Stoke* aforeſaid, every Perſon ſo diſcharging the ſaid Water, (other than as aforeſaid), ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds; One Moiety thereof to be paid to the Perſon ſuing for the ſame, and the other Moiety to be paid to the Receiver or Collector for the Time being within the Diſtrict where ſuch Mill, Gig, Engine, or other Device, ſhall be erected, and to be applied for the Purpoſe of draining, imbanking, and improving the ſaid Fen Lands and Low Grounds in the ſaid Diſtrict: And the Owner of ſuch Mill, Gig, Engine, or other Device, ſhall alſo make ſuch Compenſation and Satisfaction to all and every Perſon or Perſons as ſhall be injured thereby, for the Damages ſuch Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

LXXVI.

LXXVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall cut or dig any Turves, Hods, or Sesses, in the said Fen Lands and Low Grounds, within the Distance of Sixty-six Feet from any Banks which are already made, or shall be made, by virtue of this Act, every Person so offending shall forfeit and pay the Sum of Five Pounds for every Rod of such Turf, Hods, or Sesses, so cut and dug, and if any Person or Persons shall make, or cause to be made, or cut any Watering Places, or any Place of Access for Cattle to drink, in the said Rivers of *Brandon*, *Stoke*, or *Sams's Cut* or *Drain*, within Twenty Feet of the Seat of the said Banks, or in any Mill Drain, within any of the said Fen Lands and Low Grounds hereby intended to be drained and preserved, every Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds: And if any Person or Persons who shall make, or cause to be made, any Soak Dike or Ditch, or Soak Gripple, in or upon any of the Fen Lands and Low Grounds within the Distance of Thirty Feet from the Seat of any Bank now made, or hereafter to be made, within the Limits aforesaid, every Person so offending shall forfeit, for every such Offence, the Sum of Four-pence for every Foot in Length of such Soak Dike or Gripple, and after the same Rate for every Month such Soak Dike or Gripple shall remain unfilled, after Notice given in Writing by the Clerk or Agent to the said respective Commissioners to such Person or Persons who shall have dug, or caused to be digged the same: And the said respective Commissioners, or any Five or more of them, shall have full Power at any Time, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, of such Lands wherein such Soak Dike or Gripple shall be made, to fill up and level the same; all which Forfeitures shall, upon Conviction of the Offender or Offenders, before any One or more Justice or Justices of the County or Liberty where such Offences shall happen, not interested in the Premises, on the Oath of One or more Witness or Witnesses, (which Oath the said Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence), be immediately paid into the Hands of the Treasurer of the said District where the Offence shall be committed, to be applied for carrying on the Works thereof; and in case of Nonpayment thereof, such Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices of the Peace before whom such Conviction shall be made; and for want of such sufficient Distress, such Offenders shall, by such Justice or Justices, be committed to the House of Correction for the County or Liberty where such Offence shall be committed, there to be kept to hard Labour for any Time such Justice or Justices shall order and direct, not exceeding Three Calendar Months, or until such Penalties or Forfeitures shall be paid.

Penalty of 5 l. on Persons cutting Hods, &c. near the Banks;

and 5 l. Penalty on Persons cutting Watering-places for Cattle to drink.

LXXVII. Provided always, and be it enacted, That from and after the passing of this Act, no Houses or Buildings, or any other Obstruction whatsoever, shall be erected, or Trees or Holts planted, either within the said Two Districts respectively, or either of them, or on the Outside thereof, near or opposite to any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds within the Limits aforesaid, than Fifty Poles, (being the Pole of Eighteen Feet); and if any Person or Persons shall build or erect any House, Barn, or other Obstruction, within any less Distance than Fifty Poles, every such Person shall forfeit and pay, for every such House, Barn, or Building, the Sum of One Hundred Pounds; to be recovered in like Manner as the Penalties herein-before mentioned for erecting Horse Mills, Gigs, Engines, and other Devices for throwing off Water; for every Tree the Sum of One Shilling, and Five Pounds, for every Holt or other Obstruction so planted; which said Penalties of One Shilling and Five Pounds for the Offences aforesaid, are to be levied and paid in like Manner as the Penalties inflicted for cutting Hods, Turves, or Sesses, within Sixty-six Feet of the said Banks, and the said respective Commissioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their respective Agents or Servants to take down such Buildings so erected, and pull up and remove such Trees, Holts, and other Obstructions so planted, contrary to this Act.

No Buildings to be built near the Mills.

Penalty.

LXXVIII. Provided always, and be it enacted, That if any Trees or Holts are now growing within the Distance of Fifty Poles (the Pole being of Eighteen Feet) from any Mill or Engine already built, or hereafter to be built, within the Limits aforesaid, it shall and may be lawful for the Commissioners of the said Two Districts respectively, or any Five or more of them, by like Order, under their Hands and Seals, to order the same to be cut up and pulled down as if the same had been planted after the passing of this Act, making such Satisfaction to the Owners of such Trees and Holts as shall be agreed upon between such Owner and the said Commissioners, or any Five or more of them respectively; and in case any Difference or Dispute shall arise between the said Commissioners and such Owner touching such Satisfaction, and the same cannot be settled between them, then such Recompence and Satisfaction shall be finally determined in such and the same Manner as is herein-before mentioned and prescribed for ascertaining the Recompence to be made for Damage by making and erecting any Work in pursuance of this Act.

Trees now growing, &c. may be removed.

LXXIX. And be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any Lands lying within the Boundaries aforesaid, through which any Drove-way, Dike, Outring Dike, or Division Dike, leading to any of the Mill Drains within the said Two Districts respectively, do or shall pass, shall neglect or refuse sufficiently to road, scour, cleanse, open, or repair any such Dike, or to make the same of the Depth of Four Feet, and the Width of Nine Feet at the least, after Fourteen Days Notice in Writing to him, her, or them given, from Time to Time, by the Collector or Collectors, Receiver or Receivers of the the said Two Districts respectively for that Purpose, then it shall and may be lawful, from Time to Time, for such Collector or Collectors, Receiver or Receivers, to cause such Dikes to

Dikes, &c. to be secured.

be roaded, ſcoured, cleanſed, opened, repaired and deepened, in a ſufficient Manner of the Width aforeſaid, at the proper Coſts, Charges, and Expences of ſuch Owners or Occupiers; and that where-ever a Road or Way ſhall have been made over or acroſs any ſuch Dike without a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and ſuch Dike to be made of a proper Width and Depth, for conveying the Waters through the ſame to the ſeveral Mills or Engines erected, or to be erected, for draining the ſaid Fen Lands and Low Grounds, and by a Warrant or Precept, under the Hands of Three or more of the ſaid reſpective Commiſſioners, to levy all ſuch Charges and Expences as ſhall be occaſioned by deepening and widening the ſaid Dikes, or taking up the ſaid Roads, on the Owner or Owners, Occupier or Occupiers, of the Lands through which the ſaid Dikes ſhall paſs, or to which they ſhall be contiguous, and who ſhall make or cauſe to be made, ſuch Road as aforeſaid.

Mills to be inſured.

LXXX. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall cauſe all and every the Engines and Mills which ſhall be erected and employed by virtue of this Act to be inſured againſt Fire in ſome of the publick Inſurance Offices, and, from Time to Time, to pay the Expence attending ſuch Inſurances out of the Money ariſing by virtue of this Act.

Juſtices to adminiſter Oaths.

LXXXI. And be it further enacted, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matters depending; and that any Juſtice of the Peace may act as ſuch in the Execution of this Act, notwithſtanding his being a Commiſſioner, except in Caſes where he ſhall be perſonally intereſted.

Form of Conviction.

LXXXII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it enacted by the Authority aforeſaid, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, as the Caſe ſhall happen, or in any other Form of Words to the ſame Effect:

County of } *BE it remembered, That on the Day in the Year of His Majeſty's Reign,* A. B. *is convicted before of His Majeſty's Juſtices of the Peace for by virtue of an Act of the Thirteenth Year of the Reign of His Majeſty King* George *the Third,* "*For draining and preſerving certain Fen* "*Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens,* "*commonly called* Bedford Level, *between the old Rivers or Drains called* Stoke River *and* "Brandon River *and a certain Level or Diſtrict called* Feltwell New Diſtrict, *and the Hard* "*Lands of* Woodhall in Helgay *and* Helgay, *in the Counties of* Norfolk *and* Suffolk"; [ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be]. *Given under our Hands and Seals,* [or *Hand and Seal*], *the Day and Year aforeſaid.*

Convictions not removeable.

LXXXIII. And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

If Plaintiff recover to have full Coſts.

LXXXIV. Provided always, That where the Plaintiff or Plaintiffs ſhall recover in any Action, he, ſhe, or they, ſhall be paid his, her, or their full Coſts of Suit, and have the like Remedies for recovering the ſame as for the recovering Coſts in any other Caſe by Law.

Plaintiff not to recover if Tender made.

LXXXV. Provided alſo, That no Plaintiff ſhall recover in any Action for any Irregularity, if Tender of good and ſufficient Amends ſhall have been made by or on Behalf of the Defendant or Defendants before ſuch Action brought, nor if ſuch Tender of Amends ſhall be made at any Time after the Action brought, and between Trial thereof, together with Coſts of Suit to the Time of ſuch laſt-mentioned Tender; but on Proof made of ſuch Tender on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall ſuffer Judgement as in Caſes of Nonſuit, with Double Coſts; to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any other Caſe by Law.

How Penalties may be levied.

LXXXVI. And be it further enacted, That the ſaid reſpective Commiſſioners, or any Five or more of them, (inſtead of levying the Penalties by this Act particularly impoſed, and proceeding againſt the Offender or Offenders in the ſummary Manner herein-before provided), may, at their Election, prefer and proſecute with Effect, a Bill or Bills of Indictment againſt ſuch Offender or Offenders, or may bring an Action or Actions in the Names of any Two or more of them, or in the Name of their Treaſurer or Clerk.

Writings to be without Stamps.

LXXXVII. And be it further enacted, That no Order, Nomination, Appointment, Mortgage, Aſſignment, or other Security for borrowing Money, Contract, Agreement, Information, Conviction, Judgement, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, nor any Transfer of any Mortgage, Security, nor any Bond taken from any Officers, or his Sureties, in purſuance of this Act, for the due Execution

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of his Office, nor any other Writing whatſoever, concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty.

Lands dug into Turf Pools, &c. exempted for 7 Years, unleſs occupied, &c. and then to pay One Half Rates.

LXXXVIII. Provided always, That no Aſſeſſment, Rate, or Tax, ſhall, during the Firſt Seven Years after making and paſſing this Act, be made, collected, or levied, upon any Lands which are now dug out into Hod or Turf Pools, and ſhall lie unoccupied; but in caſe any Lands ſo dug as aforeſaid ſhall be occupied, or if any Turf ſhall be dug therein, or other Uſe made thereof, during the ſaid Term of Seven Years, then the ſame ſhall be aſſeſſed, rated and charged, for the Remainder of the ſaid Term, with One Half of the Rates and Taxes *per* Acre wherewith the other Fen Lands in the ſaid Diſtrict ſhall be charged by virtue of this Act.

Exemption.

LXXXIX. And be it further enacted, That no Rate or Tax ſhall be charged on the Lands lying againſt the North Bank of *Brandon River*, in the ſaid Second Diſtrict, that now are, or hereafter ſhall be cut up, into Floors or Floor-work, for repairing the ſaid Bank within the Width of Seventy-two Feet from the Fence Dike lying under the ſaid Bank.

To prevent cutting of Firing.

'XC. And whereas the Proprietors of the ſeveral Lands and Grounds frequently cut up the ſame 'into Firing, and ſell the ſame, whereby the Value of the ſaid Lands ſo rated are ſo much leſſened 'that the Rates and Taxes charged thereon cannot be levied and raiſed, whereby the Security of the 'ſaid Taxes become of leſs Value to the ſeveral Perſon or Perſons advancing Money thereon;' be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, being Owner or Proprietor of any of the Lands or Grounds contained in the ſaid Two Diſtricts reſpectively, ſhall, from and after the paſſing of this Act, dig or cut up any of the ſaid Lands or Grounds, into Firing for Sale, ſuch Owner or Owners of ſuch Lands ſhall, within One Calendar Month after the ſame ſhall have been ſo dug or cut up into Firing as aforeſaid, pay to the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively after the Rate of Thirty Years Purchaſe of the ſaid Rates or Taxes ſo charged upon the ſaid Lands or Grounds which ſhall be ſo dug up as aforeſaid; and in caſe the ſaid Owners or Proprietors ſhall neglect or refuſe to pay the ſame within One Calendar Month after the ſame ſhall have been ſo dug up for the Purpoſes aforeſaid, that it ſhall and may be lawful for the Commiſſioners of the ſaid Two Diſtricts, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe reſpectively, to order and direct the Collector or Collectors, Receiver or Receivers, of the ſaid Two Diſtricts reſpectively to recover the ſame by Diſtreſs and Sale of the Firing ſo cut, in ſuch and the ſame Manner as the ſaid Rates and Taxes are hereby recoverable; and the ſaid Sum or Sums of Money, ſo to be paid and recovered as aforeſaid, ſhall be applied by the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively to the reſpective Purpoſes of the ſaid Two Diſtricts.

Commiſſioners may erect Stiles, &c.

XCI. And be it enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, from Time to Time, to ſet up and erect, and for ever repair and maintain, ſuch Stiles, Headings, and other proper Fences, in and upon ſuch of the Banks as ſhall be made by virtue of this Act, as are neceſſary to fence in and incloſe the ſeparate Property of every Perſon whoſe Lands are lying contiguous to or upon the ſaid Banks, ſo as the Property of one Perſon ſhall not be open to the Property of another; and if it ſhall happen that any of the Mill Drains, made, or to be made, by virtue of this Act, ſhall be made or cut through any of the whole Lands or Farms within the ſaid Two Diſtricts reſpectively, whereby the Road or Paſſage to ſuch Farm Lands ſhall be ſtopped, the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, to make and lay over ſuch Mill Drain One Bridge, for a Road and Paſſage of ſuch Owner or Proprietor with Horſes, Carts, and Carriages, to ſuch Farm and Lands as aforeſaid; and the Expence of making, ſetting up, erecting, and maintaining, ſuch Bridges, Stiles, Headings and other Fences, ſhall be paid and defrayed out of the Monies ariſing in the Diſtrict where ſuch Works ſhall be made.

To prevent hailing of Boats along the Banks, &c.

XCII. And, in order to prevent the Mill Drains or Banks, within the ſaid Two Diſtricts reſpectively from being broke down, filled up, or damaged, by any Perſon or Perſons hailing of Boats upon the ſaid Banks, or down the ſaid Drains, with Men, Horſes, or other Beaſts; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, or for any Officer by them to be appointed by virtue of this Act, at any Time after the paſſing of this Act, to lay, or cauſe to be laid, Booms or Spars acroſs the ſaid Mill Drains; and to erect, or cauſe to be erected, acroſs the ſaid Banks, ſuch Works, as they the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think proper, to prevent the Paſſage of ſuch Boats through ſuch Mill Drains, or the hailing of ſuch Boats, by Men, Horſes, or other Beaſts, along the ſaid Banks: And in caſe any Perſon or Perſons ſhall break down or take up the ſaid Booms, Spars, or other Works, ſo laid acroſs the ſaid Drains and Banks, for the Purpoſes aforeſaid, any Perſon or Perſons ſo breaking down or taking up the ſame, ſhall forfeit and pay to the Commiſſioners reſpectively of ſuch Diſtrict where the ſaid Offence ſhall be committed any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; to be recovered, levied, and applied, in ſuch and the ſame Manner, as the Penalties for deſtroying other Works within the Boundaries aforeſaid are herein directed to be recovered, levied, and applied.

Penalty.

The Commiſſioners of Feltwell Diſtrict to repair Croſs Bank, &c.

'XCIII. And whereas it is found expedient, and agreed, that the Bank called *Croſs Bank* (which 'ſeparates the Lands and Grounds in the Lands directed to be drained by virtue of the ſaid Act of 'the Thirtieth Year of His late Majeſty King *George* the Second from the Lands and Grounds com- 'priſed in the Second Diſtrict in this Act) ſhall, from Time to Time, and at all Times hereafter be 'well and ſufficiently ſupported, maintained, and repaired, at the Expence, Coſts, and Charges, of

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'the Owners and Proprietors of Lands and Grounds, and of and by the Commiſſioners acting by 'virtue of and under the ſaid Act;' be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid Bank called *Croſs Bank*, which ſeparates and divides the ſaid Lands from the Lands and Grounds compriſed in the ſaid Second Diſtrict in this Act mentioned, ſo far as the ſaid Bank goes, from the Beginning to the End thereof, ſhall be deemed and taken to be the proper Bank of the Commiſſioners acting by virtue of and under the ſaid Act; and the ſaid Commiſſioners are hereby directed and required to maintain, ſupport, and repair, the ſaid Bank called *Croſs Bank*, of ſuch Height, Width, and Strength, as ſhall prevent the Waters running over or making any Breach or Breaches in or about the ſame: And in caſe the ſaid Commiſſioners acting by virtue of and under the ſaid Act, or their Succeſſors, ſhall, at any Time or Times, after the paſſing of this Act, neglect or refuſe to keep, ſupport, and maintain, all the ſaid Bank called *Croſs Bank*, from the Beginning thereof, ſo far as it goes, which ſeparates and divides the ſaid Lands from the Second Diſtrict in this Act mentioned, of ſuch ſufficient Height, Width, and Strength, at all Times, after the paſſing of this Act, to prevent the Waters from running over or breaking through the ſaid Bank called *Croſs Bank*; or if the ſaid Bank called *Croſs Bank* ſhall, at any Time or Times after the paſſing of this Act, be broke through, or neglected, and out of Repair, it ſhall and may be lawful for the Commiſſioners of either of the ſaid Two Diſtricts reſpectively, or any Five or more of them, by Writing under their Hands and Seals, to authoriſe and impower the Surveyor or other Officer or Officers of the ſaid Two Diſtricts, or either of them, appointed by this Act, to give Notice to the Commiſſioners acting by virtue of and under the ſaid Act, or their Succeſſors, or their Clerk or Treaſurer, that the ſaid Bank called *Croſs Bank* is broke, or in Danger of being broke, or is neglected and out of Repair; and in caſe the ſaid Commiſſioners ſhall neglect or refuſe, upon ſuch Notice given, to employ proper Perſons to repair, amend, and ſupport, the ſaid Bank, called *Croſs Bank*, in Manner afore ſaid, it ſhall and may be lawful for ſuch Surveyor, Officer or Officers, ſo authoriſed as aforeſaid, together with ſuch Workmen as he or they ſhall think proper to employ, to enter upon the adjoining Lands and Grounds on the Side of the Lands to be drained by virtue of the ſaid Act, and upon the ſaid Bank called *Croſs Bank*, and alſo to ſtop ſuch Breaches, and make good, amend, and repair, the ſaid Bank, called *Croſs Bank*; and, in order to enable them ſo to do, it ſhall and may be lawful for ſuch Workmen ſo employed as aforeſaid to dig and take Earth from the Lands and Grounds adjoining to the ſaid Bank called *Croſs Bank*, on the Side of, and in the Lands to be drained by virtue of the ſaid Act, for ſtopping ſuch Breaches, and for raiſing, ſtrengthening, ſupporting, and maintaining, the ſaid Bank, called *Croſs Bank*, and the Expences neceſſarily incurred thereon ſhall be reimburſed by the ſaid Commiſſioners acting by virtue of and under the ſaid Act; and in caſe of Nonpayment thereof it ſhall and may be lawful for any Five or more of the ſaid Commiſſioners for the ſaid Two Diſtricts reſpectively, by Warrant under their Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of any Owner or Owners, Occupier or Occupiers, of Lands and Grounds to be drained by virtue of the ſaid Act the Charges and Expences of raiſing, repairing, and ſupporting the ſaid Bank, called *Croſs Bank*, and ſtopping and making up ſuch Breaches as ſhall happen thereon, rendering the Overplus, if any, to ſuch Owner or Owners, Tenant or Tenants, Occupier or Occupiers, of ſuch Lands; and if the Tenant or Tenants of ſuch Lands and Grounds ſhall, upon Notice as aforeſaid, raiſe, ſtrengthen, and repair the ſaid Bank, called *Croſs Bank*, or make good any Breaches that ſhall happen therein, at his, her, or their Expences, or ſhall pay the Charges thereof due by Order of the ſaid Commiſſioners of the ſaid Two Diſtricts reſpectively, or in caſe ſuch Charges and Expences ſhall be levied on him, her, or them, by Diſtreſs and Sale of his, her, or their Goods and Chattels, as aforeſaid, it ſhall and may be lawful for ſuch Tenant or Tenants to deduct the Sum or Sums by him or them ſo paid out of the Taxes due, or to grow due, to the ſaid Commiſſioners acting by virtue of and under the ſaid Act, for the Lands and Grounds where ſuch Diſtreſs and Sale ſhall be ſo made; any Thing in the ſaid Act contained to the Contrary notwithſtanding: And if any Diſpute ſhall ariſe touching the Amount of the Expences which ſhall have been incurred in raiſing, repairing and making up the Breaches of the ſaid Bank, called *Croſs Bank*, ſuch Diſputes, and all Matters relating thereto, ſhall be finally ſettled and determined by the Juſtices of the Peace for the ſaid County of *Norfolk*, at the Firſt or Second General Quarter Seſſions of the Peace to be held, by Adjournment at *King's Lynn*, or *Swaffham*, in the ſaid County of *Norfolk*, who are not intereſted in the Premiſes, without any further or other Appeal whatſoever.

On Neglect of maintaining the ſaid Bank.

Diſtreſs on Owners for Nonpayment.

Diſtreſs not unlawful for want of Form.

XCIV. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Perſons aggrieved may appeal to the next Seſſion.

XCV. And be it further enacted That all Perſons who think themſelves aggrieved by Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid Counties of *Norfolk* or *Suffolk*, as the Caſe ſhall happen, at the next or ſecond General adjourned Quarter Seſſions of the Peace to be held for the ſaid reſpective Counties, within Six Calendar Months after the Cauſe of ſuch Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt

first entering into a Recognizance, with Two ſufficient Sureties to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or adjourned Quarter Seſſions, in caſe ſuch Order and Judgement ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or adjourned Quarter Seſſions, are hereby reſpectively authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party, as they ſhall think reaſonable, and make ſuch Order therein, as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere. Juſtices to determine Differences.

XCVI. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Juſtice or Juſtices of the Peace by virtue of the Powers by this Act granted ſhall be quaſhed or vacated for want of Form only. Proceedings not to be quaſhed for want of Form.

XCVII. And be it further enacted, That all the Charges and Expences attending the obtaining and paſſing this Act ſhall be paid and defrayed by the Commiſſioners of the ſaid Two Diſtricts reſpectively out of the firſt Monies to ariſe by virtue of this Act in the ſaid Two Diſtricts, in proportion to the Number of Acres in each Diſtrict, excluding ſuch Lands of the ſaid *Matthew Pepper Manby* in the ſaid Firſt Diſtrict as are already embanked. The Expences of the Act to be paid out of the firſt Monies.

'XCVIII. And whereas, in the Eleventh Year of the Reign of His preſent Majeſty, an Act of 'Parliament was made for draining and preſerving certain Fen Lands and Low Grounds in the 'Pariſhes of *Stoke Ferry*, *Northwold*, *Wretton*, *Wereham*, *Weſt Dereham*, and *Roxham*, in the County 'of *Norfolk*, which Lands are ſituate on the North Side of the River *Wiſſey* or *Stoke River*, and the 'Owners of the ſaid Lands have, at a great Expence, cauſed the North Bank of the ſaid River to 'be raiſed and ſtregthened: And whereas the Commiſſioners appointed for draining the Lands lying 'on the South Side of the ſaid River in the ſaid Firſt Diſtrict are impowered to raiſe and make the 'Bank on the South Side of the ſaid River, and when ſuch Bank ſhall be made, the ſaid North Bank 'will in Times of Flood be liable to be broken or waſhed down, unleſs the ſaid River ſhall be widen-'ed, and a Bank made on the ſaid North Side thereof from *Skipwith Tunnel* to the River *Ouze*;' be it therefore further enacted by the Authority aforeſaid, That Sir *Simeon Stewart* Baronet, Sir *Clement Trafford* Knight, *Edward Pratt*, Eſquire, *John Heaton* Eſquire, *Gamaliel Nightingale* Eſquire, *Benjamin Adamſon* Eſquire, *Chriſtopher Adamſon* Eſquire, *Thomas Goddard* Gentleman, the preſent Lord or Lady of the Manor of *Fordham*, in the ſaid County of *Norfolk*, and the Lord or Lady of the ſaid Manor for the Time being, *Richard Paul Jodrell* Eſquire, the preſent Leſſee, and alſo the Leſſees for the Time being of *Methwold Severals* within the ſaid Firſt Diſtrict under this Act, his, her, or their Tenant or Tenants, *Matthew Manby* Eſquire, *Francis Dixon* Eſquire, *Thomas Moore* Gentleman, *Thomas Moore* Clerk, *Francis Dixon* the younger, Gentleman; *Robert Clough* the younger, Gentleman; *Arthur Anneſley* Eſquire, *Cyril Clough* Clerk; ſhall be, and they and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for the Care of the ſaid River *Wiſſey*, or *Stoke River*; and the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to widen, deepen, ſcour, and cleanſe, the ſaid River *Wiſſey*, or *Stoke River*, from *Skipwith Tunnel* to the River *Ouze*, and for raiſing and making a Bank, or repairing the preſent Bank on the North Side of the ſaid River, from *Skipwith Tunnel* aforeſaid to the ſaid River *Ouze*, and for keeping the ſaid River *Wiſſey* or *Stoke River* properly widened, roded, and ſcoured, and the ſaid Bank on the North Side thereof properly ſupported and maintained for the future. Commiſſioners for widening the River Wiſſey, and making a Bank againſt the Lands in Fordham.

XCIX. And be it further enacted by the Authority aforeſaid, That when any Commiſſioner herein-bore appointed for the Care of the ſaid River *Wiſſey*, or *Stoke River*, whoſe Qualification ſhall be in Lands lying on the North Side thereof, (except the Lord or Lady of the ſaid Manor of *Fordham*), ſhall die, the ſurviving Commiſſioners, whoſe Qualifications ſhall lie on the ſame Side of the ſaid River, or any Three or more of them, ſhall, at the next Meeting to be held in purſuance of this Act after the Death of ſuch Commiſſioner, elect and appoint a Commiſſioner, having Twenty Acres of Land on the ſame Side of the ſaid River, in the Room of every ſuch Commiſſioner ſo deceaſed, and ſo in like Manner when any Commiſſioner herein-before appointed for the Care of the ſaid River, whoſe Qualification ſhall be in Lands lying on the South Side thereof, ſhall die, the ſurviving Commiſſioners, whoſe Qualifications ſhall lie on the ſaid South Side of the ſaid River, ſhall elect and appoint a Commiſſioner, having Twenty Acres of Land lying on the ſame Side thereof, in the Room of ſuch Commiſſioner ſo deceaſed. Who may be Commiſſioners for the Care of the River Wiſſey in caſe of Death, &c.

C. And be it further enacted by the Authority aforeſaid, That any One or more of the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, ſhall and may, from Time to Time, if ſuch Commiſſioner or Commiſſioners ſhall think proper, by any Writing or Writings under the Hand and Seal, or Hands and Seals, of ſuch Commiſſioner or Commiſſioners, nominate and appoint an Agent or Deputy to act in the Place or Stead of ſuch Commiſſioner or Commiſſioners, in the following Form of Words; (that is to ſay), Commiſſioners may appoint Deputies.

Form of Appointment.

I ——— *being a Commiſſioner appointed by an Act of Parliament, made in the Thirteenth Year of the Reign of King George the Third,* "*For draining and preſerving certain Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens, commonly called* Bedford Level, *between the old Rivers or Drains called* Stoke River *and* Brandon River *and a certain Level or Diſtrict called* Feltwell New Diſtrict, *and the Hard Lands of* Woodhall *in* Helgay *and* Helgay, *in the Counties of* Norfolk

" Norfolk *and* Suffolk," *for the Care of the River* Wiſſey *or* Stoke River, *do hereby nominate and appoint to ſit, vote, and act, as a Commiſſioner or Commiſſioners for the Care of the ſaid River* Wiſſey *or* Stoke River, *as and for my Deputy during my Will and Pleaſure. Given under my Hand and Seal the Day of*

And every ſuch Deputy or Agent, ſo nominated and appointed, ſhall, in the Abſence of the Commiſſioner or Commiſſioners by whom he or they ſhall be appointed, have full Power and Authority to act as a Commiſſioner or Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, in as full, large, and ample Manner, to all Intents and Purpoſes, as any of the Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River* are impowered to act, although ſuch Deputy or Agent ſhall not be qualified according to the Directions of this Act; any Thing in this Act to the Contrary notwithſtanding.

No more than One Perſon for the Lordſhip of Fordham, &c. to act for the Care of the River.

CI. Provided always, That no more than One Perſon ſhall at any One Time be capable of acting as a Commiſſioner for the Care of the ſaid River, by virtue of being Lord or Lady of the ſaid Manor of *Fordham*, and that no more than One Perſon ſhall, at any One Time, be capable of acting as a Commiſſioner by virtue of being Leſſee or Leſſees of any of the Lands called *The Methwold Severals* lying within the ſaid Firſt Diſtrict; nor ſhall any more than One Deputy or Agent be appointed at the ſame Time for the Lordſhip of *Fordham*, nor more than One Deputy for or on account of any future Leſſee or Leſſees of the ſaid *Methwold Severals*; any Thing herein-before contained to the Contrary hereof notwithſtanding.

Time and Place where the Commiſſioners are to meet.

CII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or any Five or more of them, ſhall meet upon the *Thurſday* Three Weeks next after the paſſing of this Act, at *The Crown Inn* in *Downham Market*, in the ſaid County of *Norfolk*, and adjourn themſelves, from Time to Time, and meet at ſuch Place and Places as they ſhall think fit, as often as they ſhall find it neceſſary for the Purpoſes hereinbefore mentioned; and ſhall at their Firſt, and at any other of their Meetings, order and direct the ſaid River *Wiſſey* or *Stoke River*, from *Skipwith Tunnel* aforeſaid to the ſaid River *Ouze*, to be properly widened, cleanſed, and ſcoured out, ſo as the ſame ſhall be Thirty Feet wide at the Surface of the Water in the ſaid River, at the common Low-water Mark, and of ſuch Depth as ſhall be ſufficient to carry off the Water into the ſaid River *Ouze*; and ſhall and may at all Times hereafter cauſe the ſaid River *Wiſſey* or *Stoke River* to be roded and kept free and clear from Weeds between a Place called *Methwold Load* and the ſaid River *Ouze*.

Commiſſioners of Stoke River neglecting to meet, or to adjourn, how the next Meeting may be called.

CIII. Provided always, That if at any Time hereafter the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, ſhall neglect to meet and to adjourn, it ſhall and may be lawful for any Two or more of the ſaid Commiſſioners, by Notice to be given in the *Cambridge* or *Norwich* News-papers, if any ſuch News-paper ſhall then be publiſhed, to appoint the ſaid Commiſſioners, or any Five or more of them, to meet at ſuch Time and Place as ſhall be expreſſed in ſuch Notice; and all Meetings held by the ſaid Commiſſioners, or any Five or more of them, purſuant to ſuch Notice, ſhall be deemed legal Meetings of the ſaid Commiſſioners in purſuance of this Act.

Commiſſioners to cauſe a proper Bank to be built.

CIV. And be it further enacted, That the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or any Five or more of them, ſhall alſo cauſe a proper and ſubſtantial Bank to be made and raiſed on the North Side of the ſaid River *Wiſſey* or *Stoke River*, from *Skipwith Tunnel* aforeſaid to the ſaid River *Ouze*, and at all Times hereafter to be repaired, heightened, and ſtrengthened, in a proper and ſubſtantial Manner, ſo as to protect the ſaid Lands lying on the North Side of the ſaid River *Wiſſey* or *Stoke River* from being overflowed; and for that Purpoſe the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall appoint, ſhall, and are hereby authoriſed and impowered to dig, cut, and take away ſuch Quantities of Earth from any Lands or Grounds adjoining to the ſaid River *Wiſſey* or *Stoke River*, on the North Side thereof, as they ſhall find neceſſary to be uſed for making the ſaid North Bank of the ſaid River.

Commiſſioners to cauſe Helgay Bridge to be enlarged.

CV. Provided always, That nothing herein contained ſhall impower the ſaid Commiſſioners, or their Succeſſors, to take or cut Earth out of the ſaid Lands for the Repairs of the ſaid Bank, except in Time of Flood, or when a ſufficient Quantity of Earth cannot be taken from the ſaid River *Wiſſey* or *Stoke River*, for repairing the ſaid Bank in a proper and ſubſtantial Manner; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may alſo cauſe to be erected and built an additional Arch or Arches of Stone, Brick, or Timber, to the preſent Bridge called *Helgay Bridge*, which Arch or Arches, together with the preſent Water Way under the ſaid Bridge, ſhall be Thirty Feet in the Clear; and ſhall and may make uſe of ſuch Part of the Turnpike Road running near and over the ſaid Bridge as ſhall be neceſſary for the Purpoſe of erecting and building ſuch additional Arch or Arches; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, from Time to Time, employ ſuch Perſon and Perſons in doing and performing the ſeveral Works, Matters, and Things, herein before directed to be done and performed as they the ſaid Commiſſioners, or any Five or more of them ſhall think proper to be employed therein, and pay and defray all the Charges and Expences attending the ſame, as herein-after is mentioned.

By whom the Expences of the Works ſhall be paid.

CVI. And whereas it is agreed, That the Owners of Lands on the North Side of the ſaid River *Wiſſey* or *Stoke River* ſhould contribute towards the Expences that will attend the ſeveral Works herein-before directed to be done and performed; be it therefore enacted by the Authority aforeſaid,

That

That the ſeveral Charges and Expences which ſhall be incurred in doing and performing the ſeveral Works and Matters herein-before directed to be done and performed ſhall be borne and defrayed by the ſaid Commiſſioners of the Firſt Diſtrict of Lands hereby directed to be drained and improved, and by the ſaid Commiſſioners for draining and improving the ſaid Fen Lands and Low Grounds, by the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, and by the ſeveral Owners and Proprietors of Fen Lands and Low Grounds in the ſaid Pariſh of *Fordham*, in the ſeveral Proportions following; (that is to ſay), Two-third Parts of all ſuch Charges and Expences ſhall be borne and defrayed by the Commiſſioners for the ſaid Firſt Diſtrict, and the remaining Third Part ſhall be borne and paid by the Commiſſioners appointed by the ſaid Act of the Eleventh Year of His preſent Majeſty, for draining the Fen Lands and Low Grounds lying on the North Side of the ſaid River, and the ſeveral Owners of Fen Lands and Low Grounds in the ſaid Pariſh of *Fordham*, in the Proportions following; (that is to ſay), Four-fifth Parts thereof ſhall be paid by the ſaid Commiſſioners appointed by the ſaid Act of the Eleventh Year of His preſent Majeſty, and the remaining One-fifth Part by the ſaid Owners of Fen Lands and Low Grounds in the ſaid Pariſh of *Fordham*, in equal Proportions, according to the Quantity of their reſpective Lands; ſuch laſt-mentioned Proportions to be ſettled by the Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or any Five or more of them; and that the ſaid Bank directed to be made on the North Side of the ſaid River *Wiſſey* or *Stoke River*, from *Skipwith's Tunnel* aforeſaid to the ſaid River *Ouze*, ſhall, at all Times afterwards, be ſupported and maintained by and at the Expence of the Owners of Fen Lands and Low Grounds within the ſaid Pariſh of *Fordham*, under the Direction of the Commiſſioners appointed for the Care of the ſaid River.

Commiſſioners to advance 400 l. for carrying on the Works.

CVII. And whereas, in order to enable the ſaid Commiſſioners for the Care of the River *Wiſſey* or *Stoke River* to proceed in the Execution of the ſeveral Works aforeſaid, it will be neceſſary that a Sum of Money ſhould be forthwith advanced for that Purpoſe; be it therefore further enacted by the Authority aforeſaid, That the Sum of Four hundred Pounds ſhall be advanced by the Commiſſioners for the ſaid Firſt Diſtrict, the Commiſſioners appointed by the ſaid Act of the Eleventh Year of His preſent Majeſty, for draining the ſaid Lands on the North Side the River *Wiſſey* or *Stoke River*, and by the Owners of Fen Lands lying in the ſaid Pariſh of *Fordham*, according to the ſeveral Proportions which they are reſpectively to contribute and pay towards making and completing the ſeveral Works herein-before directed to be done by the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*; which ſaid Sum of Four hundred Pounds, herein-before directed to be advanced, ſhall, within One Calendar Month next after the Firſt Meeting of the Commiſſioners for the ſaid Firſt Diſtrict, which ſhall be held by virtue of this Act, be paid to ſuch Perſon as the Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or any Five or more of them, ſhall, by Writing under their Hands, authoriſe and appoint to receive the ſame; and the Receipt of ſuch Perſon ſhall be a Diſcharge for ſuch Money as he ſhall ſo receive.

Perſons contributing towards the Works impowered to apply the Money for thoſe Purpoſes.

CVIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners appointed or to be elected by or in purſuance of the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, for draining and improving the Fen Lands and Low Grounds therein mentioned, are hereby authoriſed and impowered, out of any Money to be raiſed and aſſeſſed by virtue of the ſaid Act, to pay ſuch Sum and Sums of Money as ſhall be neceſſary to be paid for defraying the Proportion of the Charges and Expences herein-before directed to be paid by ſuch Commiſſioners, towards widening, deepening, and ſcouring the ſaid River *Wiſſey* or *Stoke River*, and building and erecting an additional Arch or Arches to the ſaid Bridge called *Helgay Bridge*, and making the ſaid Bank on the North Side of the ſaid River *Wiſſey* or *Stoke River*, from *Skipwith Tunnel* aforeſaid to the River *Ouze* aforeſaid, and alſo of roding and keeping the ſaid River *Wiſſey* or *Stoke River*, from Time to Time, free and clear from Weeds, from *Methwold Load* to the ſaid River *Ouze*, as herein-before is directed; any Thing in the ſaid Act to the Contrary hereof notwithſtanding.

For enforcing the Payment of the ſeveral Proportions of Money to be paid.

CIX. And be it further enacted, That in caſe the ſaid Commiſſioners of the Firſt Diſtrict of Lands directed to be drained by this Act, or the ſaid Commiſſioners appointed by the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, or the Owner or Owners of Fen Lands and Low Grounds in the ſaid Pariſh of *Fordham*, ſhall refuſe or neglect to pay and diſcharge their ſeveral Shares or Proportions of the ſaid Four hundred Pounds, directed to be advanced and paid as aforeſaid, or of any of the Charges and Expences which may be incurred in making and completing the ſeveral Works directed to be done by the Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or of maintaining, ſupporting, and keeping in proper Order and Repair, any of the ſeveral Works herein-before directed to be done and performed as aforeſaid by Direction of the ſaid laſt-mentioned Commiſſioners, for the Space of Ten Days after the ſame ſhall have been demanded by the ſaid Commiſſioners for the Care of the ſaid River, or any Five or more of them, of the reſpective Treaſurers or Collectors to the Commiſſioners ſo refuſing or neglecting as aforeſaid, or of any of the Owners of Fen Lands lying within the ſaid Pariſh of *Fordham*, ſo refuſing or neglecting as aforeſaid; that then, and in all, any, or either of the Caſes aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River*, or any Five or more of them, and they are hereby authoriſed and impowered to ſue for and recover the ſame from ſuch reſpective Treaſurers or Collectors as aforeſaid, or from the Owner or Owners of Fen Lands aforeſaid, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein

wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be be allowed, together with Full Coſts of Suit.

No more than one Mill and One Gig to drain into Stoke River.

CX. Provided always, and be it enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authoriſe or impower the ſaid Commiſſioners for the ſaid Firſt Diſtrict, or any of them, or the Leſſee or Leſſees of *Methwold Severals*, or any future Leſſee or Leſſees thereof, his, her, or their Tenant or Tenants, or any other Perſon or Perſons whomſoever, to erect or ſet up more than One Mill within the ſaid Firſt Diſtrict, upon any Account or Pretence whatſoever, or to mill or throw Water into the ſaid River *Wiſſey* or *Stoke River*; and that no more than One Mill ſhall ever be erected or ſet up at the ſame Time within the ſaid Firſt Diſtrict, for milling or throwing Water into the ſaid River *Wiſſey* or *Stoke River*; any Thing in this Act to the Contrary hereof notwithſtanding.

Proviſo.

CXI. Provided nevertheleſs, That nothing herein-before contained ſhall prevent the Owner and Proprietor or Owners or Proprietors, for the Time being, of a certain Fen called *Flegg Fen*, *Eaſt Fen*, or *North Fen*, from erecting, at his or their own Coſts and Charges, One Gig or Mill only in the ſaid Fen, not exceeding Fifteen Feet upon the Poll, for the ſole Purpoſe of draining the ſaid Fen into the ſaid River *Wiſſey* or *Stoke River*.

Commiſſioners for draining ſhall not interfere with the Commiſſioners for widening Stoke River.

CXII. And be it further enacted, That nothing in this Act contained ſhall authoriſe or impower the reſpective Commiſſioners for draining or improving the ſaid Fen Lands and Low Grounds, or any of them, by virtue of this Act, or the Commiſſioners appointed by the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty, to exerciſe any Power or Authority over ſuch Works as are directed to be done and performed by the Commiſſioners for the Care of the ſaid River *Wiſſey*, or *Stoke River*, but that all ſuch Works ſhall be done and performed under the Direction of the ſaid Commiſſioners for the Care of the ſaid River *Wiſſey* or *Stoke River* only; any Thing in the ſaid Act of the Eleventh Year of His preſent Majeſty, or this Act, to the Contrary notwithſtanding.

Saving Clauſe to the Corporation of Bedford Level.

CXIII. Provided alſo, and it is hereby enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend to impower the ſaid Commiſſioners, or any of them, to have, uſe, or exerciſe, any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the ſaid Governor, Bailiffs, and Commonalty of the Company of Conſervators of the ſaid Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament made in the Fifteenth Year of King *Charles* the Second, intituled, *An Act for ſettling the draining of the Fens called Bedford Level*, or by virtue of any other Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, or Conſervators; but that all Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act, made in the ſaid Fifteenth Year, of the ſaid King *Charles* the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be, in the ſaid Governor, Bailiffs, and Commonalty, and the ſaid Governor, Bailiffs, or Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Limitation of Actions.

CXIV. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the particular County or Liberty where ſuch Offence ſhall be ſuppoſed to have been done, but not elſewhere; and the Defendant or Defendants, in ſuch Actions or Suits, ſhall and may plead the General Iſſue, and, if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame otherwiſe than as aforeſaid, at any Trial to be had thereupon; and that the Fact alledged to have been done was done in purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time for bringing the ſame, or ſhall be brought in any other County, Liberty, or Place, as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; but if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, or if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Double Coſts, for which he, ſhe, or they, ſhall have the like Remedy as where Coſts by Law are awarded.

General Iſſue.

Double Coſts.

Publick Act.

CXV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and all other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. XLVI.

An Act for the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of *Yaxley*, in the County of *Huntingdon*.

Preamble.

'WHEREAS ſeveral Fen Lands and Low Grounds in certain Fens called by the ſeveral Names of *Horſe Fen*, *Cow Fen*, *Hog Fen*, and *The Lord's Fen*, and other Low Grounds lying together in the Pariſh of *Yaxley* in the County of *Huntingdon*, from their low and flat Situation, are liable to be overflown with Water, ſo that no certain Advantage or Profit can be thereof made by the Owners and Occupiers of the ſame: And whereas the ſaid Fen Lands and Low Grounds contain in the Whole about Six hundred Acres, and are abutted and bounded as follows; that is to ſay, On Part of the North by a certain Dike or Drain called *The Yard's End Dike*, (including the ſaid *Yard's End Dike*); and from the Eaſt End of the ſaid *Yard's End Dike* on the North Side thereof, by a ſtraight Line acroſs a certain River or Dike called *The Load*; and from thence by the ſaid *Load* to the North End thereof; and from thence by a certain River or Dike called *Pig's Water*, to and by a Dike running from the ſaid *Pig's Water* by the Eaſt End of a Holt belonging to Lord *Craysfort*, (including the ſaid Dike), to the North-eaſt Corner of the ſaid Fen called *The Lord's Fen*; and from thence by a Dike called *Twelve Foot Dike* and a certain Gateway called *Drake's Gateway*, on the Eaſt, to the South Bank of the ſaid Fen called *The Lord's Fen*; and from thence by the ſaid South Bank, (including the ſame) to the Weſt End thereof; and from thence by Part of the Weſt Bank of the ſaid *Lord's Fen* to that Point therein which is oppoſite in a ſtraight Line to the Eaſt End of a Dike on the South Side of a Cloſe called *Gregory's Cloſe*, in *Hog Fen*, including ſuch Part of the ſaid Weſt Bank, and from the ſaid Weſt Bank by the ſaid ſtraight Line to the ſaid Dike, and by the ſaid Dike on the South to the Weſt End thereof; and from thence by a ſtraight Line acroſs the aforeſaid River called *The Load* to the preſent Mill or Engine in the ſaid Fen called *Cow Fen*, and from the ſaid Mill or Engine by the ſaid *Load* to the South-eaſt Corner of a Cloſe called *The Mill Cloſe*, and from the ſaid Corner by the preſent Bank on the South Side of ſuch Parts of the ſaid Fens called *Cow Fen* and *Horſe Fen*, as are now under the Drainage of the ſaid Mill or Engine (including the ſaid Bank) to the Weſt End thereof, at a certain Drain called *Stilton Drain*; and from thence by the ſaid *Stilton Drain* on the South-weſt to the North-eaſt Corner of a Cloſe called *Sanker's Cloſe*, in the Lordſhip of *Stilton*; and from thence by a Dike dividing the Lordſhips of *Stilton* and *Yaxley* (including the ſaid Dike) to the South-eaſt Corner of a Cloſe of Sir *Sampſon Gideon*, called *Muſtard Seed Cloſe*; and from thence by the Dike or Watercourſe running on the Eaſt End of *Muſtard Seed Cloſe*, and on the Eaſt Side of Lands called *The Great Wikes* (including the ſaid Dike) to the South End of a Place in the ſaid *Wikes* called *The Springs*; and from thence by a ſtraight Line to and acroſs the Road called *Wikes Way*, at the old Gateway of the ſaid *Wikes* to the Weſt End of the Hedge or Buſhes on the North Side of the ſaid *Wikes Way*, and by the ſaid Hedge or Buſhes on the North to the South-weſt Corner of a Cloſe or Ground called Mr. *Newton's Allotment*; and from thence by a Dike or Watercourſe called *The Wikes Way Dike* or *Field Dike*, running towards the Eaſt, to and by the North Side of a Cloſe or Ground belonging to the Vicar of *Yaxley*, and the North End of a Cloſe of Mr. *William Bowker*, called *The Brick Cloſe*, and on the North Side of a Cloſe of Lord *Carysfort*, called *The Holms*, through Part of the ſaid *Holms*, and down the Eaſt Side thereof into the Weſt End of the ſaid Dike or Drain called *The Yard's End Dike*, (including the Whole of the ſaid Dike or Watercourſe called *The Wikes Way Dike*, to the ſaid *Yard's End Dike*, the Beginning of the ſaid Boundaries): And whereas the ſaid Lands and Low Grounds are capable of very great Improvement, by Means of a proper Drainage; but ſuch Drainage cannot be effected without the Aid and Authority of Parliament;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral Lands herein-before abutted, bounded, and deſcribed, ſhall be, and are hereby made One intire Diſtrict, and ſhall be imbanked and drained in the Manner herein-after directed.

Appointment of Commiſſioners.

II. And be it further enacted, That each and every Owner for the Time being reſpectively of Eight Acres or more of Lands, in their own Right, ſubject to be taxed by virtue of this Act, and lying reſpectively within the Limits aforeſaid, ſhall be and is hereby appointed a Commiſſioner for putting this Act, and the Powers and Authorities herein-after contained into Execution.

Deputies may be appointed to act in their Abſence.

III. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for, and every ſuch Commiſſioner is hereby authoriſed and impowered to appoint, by Writing under his or her Hand, to be delivered to the ſaid Commiſſioners, or any Five or more of them, at ſome Meeting to be held in purſuance of this Act, from Time to Time, and for ſuch Time as he or ſhe ſhall think proper, a Deputy, to act in his or her Abſence as a Commiſſioner; and ſuch Deputies ſhall and may, in the Abſence of the Perſons reſpectively by whom they ſhall be ſo appointed, act, as Commiſſioners in the Execution of this Act, in ſuch and the ſame Manner, and as fully

fully, to all Intents and Purpoſes, as ſuch Commiſſioners reſpectively might act and do if they were perſonally preſent.

Owners of 50 Acres to appoint a Commiſſioner.

IV. Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon, who is the real Owner of Fifty Acres of taxable Land, lying within the Limits aforeſaid, by Writing under his or her Hand, from Time to Time, and for ſuch Time as he or ſhe ſhall think proper, to appoint One Commiſſioner for every ſuch Fifty Acres of Land, over and above the Commiſſioners herein-before appointed for putting this Act, and all the Powers and Authorities herein contained into Execution; and that ſuch Commiſſioners, ſo nominated and appointed by ſuch Owner or Owners of Fifty Acres reſpectively as aforeſaid, ſhall be Commiſſioners, to all Intents and Purpoſes, for carrying this Act into Execution.

If Owners of 50 Acres be a Minor, ſuch Minor or his Guardian to appoint a Commiſſioner during his Minority.

V. Provided always, and be it further enacted and declared by the Authority aforeſaid, That if any Perſon, who by virtue of this Act is impowered to act as a Commiſſioner in Perſon, or by Deputy, ſhall, at the Time of paſſing this Act, or at any Time afterwards, be a Minor under the Age of Twenty-one Years, Idiot, Lunatick, or of unſound Mind, it ſhall and may be lawful for the Guardian of ſuch Minor, and for the Committee or Truſtee of ſuch Idiot, Lunatick, or Perſon of unſound Mind, to act in Perſon as a Commiſſioner for putting this Act into Execution, or in his or her Abſence, by Writing under his or her Hand, to appoint a Deputy for that Purpoſe; and alſo ſhall and may, by Writing under his or her Hand, nominate and appoint a Commiſſioner for every Fifty Acres of Land belonging to ſuch Minor or other Perſon under ſuch legal Diſability as aforeſaid; and that ſuch Commiſſioners ſo nominated and appointed, ſhall be to all Intents and Purpoſes Commiſſioners for carrying this Act into Execution.

Joint Owners may be Commiſſioners, and may appoint Deputies.

VI. Provided alſo, and be it further enacted, That all Perſons who ſhall be joint Tenants, Tenants in common, or Parceners of any Lands lying within the Limits aforeſaid, and ſubject to be taxed by virtue of this Act, ſhall, for their ſeveral and reſpective Shares, be intitled to act by virtue of ſuch reſpective Shares as Commiſſioners by themſelves or Deputies, and ſhall have the ſame Powers as if ſuch Lands ſo held by them as joint Tenants, Tenants in common, or Parceners, were actually ſevered and divided; provided that ſuch reſpective Shares ſhall amount unto Eight Acres or Fifty Acres reſpectively.

Proceedings to be entered in Books.

VII. And be it further enacted, That every Nomination of a Commiſſioner or Commiſſioners in purſuance of this Act ſhall be entered *gratis* by the Clerk to the ſaid Commiſſioners in a Book to be kept for that Purpoſe; and that ſuch Commiſſioner or Commiſſioners ſhall and may, and is and are hereby impowered to act in the Execution of this Act, until ſuperſeded by a freſh Nomination, to be entered in ſuch Book as aforeſaid.

Meetings of Commiſſioners.

VIII. And, for the more effectual raiſing and levying Money for the general draining, and preſerving the Lands compriſed within the Limits aforeſaid, and anſwering the Purpoſes of this Act, it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners hereby nominated and appointed, and ſuch other Commiſſioners as ſhall hereafter ſucceed them, or any Five or more of them, ſhall meet Twice in every Year; that is to ſay, Upon *Monday* next before the Aſcenſion of our Lord, and the Second *Monday* in *September*, (which Meetings ſhall be called General Meetings), beſides the Firſt Meeting hereby appointed, at ſome publick Houſe in the Pariſh of *Yaxley* aforeſaid, to be appointed by the ſaid Commiſſioners, or any Five or more of them, and at ſuch other Times and Places near the Limits aforeſaid as the ſaid Commiſſioners, or any Five or more of them, ſhall ſee Cauſe for, or think convenient, purſuant to Notice in Writing for that Purpoſe, ſigned by any Five or more of them, and affixed upon the Outſide of the South Door of the Pariſh Church of *Yaxley* aforeſaid, Ten Days at leaſt before any ſuch Meeting, (except thoſe held by Adjournment), and that the Firſt Meeting ſhall be held at ſome publick Houſe in *Yaxley*, upon the *Monday* Fortnight next after the paſſing of this Act; and may, from Time to Time, adjourn themſelves, and meet again purſuant to ſuch Adjournments as often as they ſhall think proper.

Commiſſioners may adjourn.

Commiſſioners may act as Juſtices.

IX. And be it further enacted, That ſuch of the Commiſſioners appointed, or to be appointed in or by virtue of this Act, as ſhall be a Juſtice or Juſtices of the Peace, may, and is and are hereby authoriſed and impowered to act as a Juſtice or Juſtices of the Peace within the Limits of his or their proper Juriſdiction reſpectively, in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being a Commiſſioner or Commiſſioners; provided ſuch Commiſſioner or Commiſſioners is or are otherwiſe qualified, and not intereſted in the Matter in Queſtion, otherwiſe than as a Commiſſioner or Commiſſioners.

No Order to be valid, unleſs by Order of the Commiſſioners.

X. And be it further enacted, That nothing ſhall be done by the ſaid Commiſſioners in the Execution of this Act, but at a Meeting to be held in purſuance of this Act, or in Conſequence of ſome Order or Orders made at ſuch Meeting or Meetings, except granting and iſſuing of ſuch Notices, Warrants, and Precepts, by the ſaid Commiſſioners, as they are hereby impowered to make or iſſue; and no Order ſhall be valid unleſs the major Part of the Commiſſioners preſent at ſuch Meeting conſent thereto.

Commiſſioners to make Drains, &c.

XI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, and at all Times hereafter, as they ſhall think proper, to make, erect, ſupport, alter, and maintain ſuch Cuts, Drains, Dams, Banks, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Engines, and Mills, in, through, and upon the ſaid Lands and Grounds, or any Part thereof, and to make, erect, remove, alter, repair, and maintain all ſuch Works and Engines thereon, and ſuch Cuts, Drains, Dams, Banks, Bridges, Tunnels Headings, Trays, Slamps, Outlets, Works, Engines, or Mills, as are already made or erected in or upon

upon ſuch Lands or Grounds, to remove, alter, repair, or continue, and alſo to make ſuch Orders, and to give ſuch Directions, for the carrying on and for the better and more orderly Government and Uſing of the ſaid Works, for the Purpoſes of this Act, as the ſaid Commiſſioners, or any Five or more of them, ſhall at any Meeting or Meetings to be held in purſuance of this Act, think fit, order, direct, or appoint; making ſuch reaſonable Satisfaction to the Perſon or Perſons who hath or have a Right to the Soil through or upon which any ſuch Cut, Drain, Dam, Bank, Bridge, Tunnel, Heading, Tray, Slamp, Outlet, Work, or Engine, ſhall be made or erected, for the Damages, he, ſhe, or they ſhall thereby ſuſtain, as ſhall be agreed upon between ſuch Commiſſioners, or any Five or more of them, and ſuch Perſon or Perſons; and in caſe any Difference ſhall ariſe between the ſaid Commiſſioners and Land-owners, in regard to the Value of ſuch Damages, the ſame ſhall be ſettled, adjudged, and determined, by the Juſtices of the Peace at the Quarter-ſeſſions to be holden for the ſaid County of *Huntingdon*, not intereſted in the Premiſes, who are hereby authoriſed and required to examine into, hear, and determine the ſame; and the Determination which ſhall be ſo made by the ſaid Juſtices in their ſaid Quarter-ſeſſions as aforeſaid, ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

making reaſonable Satisfaction to Proprietors of Soil.

XII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or their Succeſſors, to ſtop up the Drain running at the Eaſt End of the ſaid Cloſe of Sir *Sampſon Gideon* Baronet, called *Muſtard Seed Cloſe*, but that the ſame ſhall always remain a common Drain for the Waters of *Yaxley* Fields, and the ſaid Cloſe; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Muſtard Seed Cloſe to remain a common Drain.

XII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to make Contracts with any Perſon or Perſons for performing any of the Works, Matters, and Things, that ſhall be thought neceſſary in the Execution of this Act, Fourteen Days Notice being given by the ſaid Commiſſioners, or any Five or more of them, upon the Outſide of the ſaid Church Door of *Yaxley*, of the Time and Place of their receiving Propoſals for ſuch Contracts.

Commiſſioners may make Contracts.

XIV. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, at any Time or Times, as they ſhall think convenient, to contract and agree with any Owner or Owners, Occupier or Occupiers, of any Lands or Grounds lying within the ſaid Pariſh of *Yaxley*, for the draining of ſuch Lands or Grounds, for ſuch Time and Times, and at and for ſuch yearly or other Sum or Sums of Money reſpectively, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think fit; which ſaid Sum and Sums of Money ſo to be contracted and agreed for, ſhall be, from Time to Time, applied and diſpoſed of, in, or towards executing the Purpoſes of this Act.

Commiſſioners impowered to drain other Lands.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, at any of the Meetings to be held in purſuance of this Act, ſhall have full Power and Authority to appoint One or more Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or ſuch other proper Officers, as they the ſaid Commiſſioners ſhall think fit, for the taking Care of all ſuch Works, and for collecting the Rates or Aſſeſſments which ſhall be made or aſſeſſed on the ſaid Fen Lands and Low Grounds within the Limits aforeſaid, by virtue of this Act; and to allow and appoint to be paid to ſuch Officer or Officers, out of ſuch Rates or Aſſeſſments, ſuch yearly or other Wages or Salaries, for their Trouble and Pains, as they the ſaid Commiſſioners, or any Five or more of them, preſent at any ſuch Meeting, ſhall think reaſonable; which ſaid Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or other Officer or Officers, ſo to be appointed, may be removed at the Will and Pleaſure of the ſaid Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be held for that Purpoſe, of which Fourteen Days Notice at leaſt ſhall be given in Writing, to be affixed on the Church Door of *Yaxley* aforeſaid, and another or others to appoint in his or their Stead, as Occaſion ſhall require; and ſuch Collectors or Receivers ſhall, before they act in the Execution of their Offices reſpectively, give ſuch Security for the due Execution of ſuch their reſpective Offices, and for performing the ſeveral Truſts to them committed, as they the ſaid Commiſſioners, or any Five or more of them, aſſembled at any Meeting, ſhall think fit.

Officers to be appointed by the Commiſſioners.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, aſſembled at their Firſt or other General Meeting, yearly and every Year, to aſſeſs, rate, tax, and charge all and every the ſaid Fen Lands and Low Grounds within the Limits aforeſaid, and the reſpective Owner and Owners, or Occupier and Occupiers thereof, (except the Lands herein-after exempted), by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Five Shillings *per* Acre in any Year, nor in any Rate or Sum leſs than Four Shillings *per* Acre, (ſo long as any Money to be borrowed by virtue of this Act ſhall remain due thereon), for carrying on and effecting the ſaid Purpoſes of draining and preſerving the ſame; and that ſuch Rates or Taxes ſhall be paid half-yearly, on the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *March*, in every Year; and that the Firſt Payment ſhall be made on the Twenty-ninth Day of *September* next after the paſſing of this Act.

Taxes to be charged by the Commiſſioners.

XVII. And whereas the Proprietors of that Part of the ſaid Fen Lands called *Horſe Fen* and *Cow Fen* have heretofore laid out and expended conſiderable Sums of Money in making the preſent Banks and Engine now uſed for draining the ſaid Lands, which will be a great Saving in the Expence of the Works neceſſary for draining the ſaid Diſtrict: In order therefore that the ſaid Proprietors of Lands in *Horſe Fen* and *Cow Fen* may receive a proper Allowance or Compenſation for the Benefit the Proprietors

Surveyors appointed to view the preſent Works.

Proprietors of *Hog Fen* and *The Lord's Fen* will have by ſuch Saving, it is hereby enacted, That the Proprietors of Lands in the ſaid Fens, called *Hog Fen* and *The Lord's Fen*, ſhall pay for ſuch Benefit they will receive by the preſent Banks and Engine, as aforeſaid, the Sum of Forty Pounds, to be laid out by the ſaid Commiſſioners, or any Five or more of them, in the general Works for draining and preſerving the ſaid Diſtrict.

Additional Taxes in Hog Fen and Lord's Fen.

XVIII. And for the raiſing and levying the ſaid Sum of Forty Pounds to be paid by the ſaid Proprietors of Lands in *Hog Fen* and *The Lord's Fen*, as aforeſaid, it is hereby enacted by the Authority aforeſaid, That the ſaid Commiſſioners hereby appointed, or any Five or more of them, ſhall and may, at their Firſt or other General Meeting, yearly and every Year, aſſeſs, rate, tax, and charge, all and every the ſaid Fen Lands and Low Grounds, within the ſaid *Hog Fen* and *Lord's Fen* reſpectively; and the reſpective Owner and Owners, or Occupier and Occupiers thereof, (except ſuch as herein-after are exempted), by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Two Shillings *per* Acre, over and above the Rates or Taxes herein-before directed to be rated and aſſeſſed thereon, until the whole Sum of Forty Pounds, herein-before directed to be paid by the ſaid Proprietors of Lands in *Hog Fen* and *The Lord's Fen*, be thereby or otherwiſe fully paid and ſatisfied; ſuch laſt-mentioned Rates or Taxes to be paid to the Collector or Collectors, Receiver or Receivers, at ſuch Days and Times as the Taxes herein-before mentioned are directed to be paid.

Owners to give in the Quantities of their Lands.

XIX. Provided always, and it is hereby enacted and declared by the Authority aforeſaid, That the Quantities of Land ſo to be rated and taxed as aforeſaid, ſhall, on or before the Day of the Firſt General Meeting hereby appointed, be given to the Receiver or Collector of the ſaid Taxes or Rates, by the reſpective Proprietors or Occupiers of ſuch Lands; and if any ſuch Proprietors or Occupiers ſhould neglect or refuſe to give to any ſuch Receiver or Collector a particular Account of the Number of Acres of which he, ſhe, or they, ſhall be Proprietor or Occupier, or in caſe there ſhall be any Doubt touching the Fairneſs or Truth of ſuch Account ſo delivered in, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to order a Survey to be made of any of the ſaid Lands by a Surveyor, upon Oath; (which Oath any One of the ſaid Commiſſioners is impowered to adminiſter); and ſuch Survey ſo by him made ſhall be a ſufficient Warrant and Authority to the ſaid Commiſſioners, or any Five or more of them, to rate and aſſeſs the Lands agreeable thereto; the Charge of ſuch Survey to be borne by ſuch Perſon or Perſons as ſhall neglect or refuſe to give in ſuch Account, or who ſhall deliver in a falſe Account; ſuch Charge to be recovered in ſuch Manner as the Taxes are herein directed to be recovered: And in caſe it ſhall appear upon any Survey that the Number of Acres was truly delivered in, then the Charge of ſuch Survey to be paid by the Receiver or Collector, out of the Monies to be raiſed by virtue of this Act.

Commiſſioners to borrow Money.

XX. And foraſmuch as the Money ſo to be rated, levied, collected, and gathered, as aforeſaid, will not be ſufficient to defray the immediate Expences of making ſuch Banks, Cuts, Drains, Dams, Bridges, Tunnels, and Outlets, and erecting ſuch Engines and other Works as ſhall be neceſſary for the draining and for the ſpeedy Improvement of the ſaid Fen Lands and Low Grounds; be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, (Five of whom to be real Owners of Lands ſufficient to qualify them to be Commiſſioners in their own Right), ſhall and may, and they are hereby impowered, from Time to Time, to borrow any Sum or Sums of Money which they ſhall think neceſſary, for the making, carrying on, repairing, and preſerving, the ſaid Works, and, by Writing under their Hands and Seals, with any Stamp or Stamps, to aſſign over the ſaid yearly Rates, Taxes, and Sums of Money hereby charged, or to be charged, upon the ſaid Fen Lands and Low Grounds, and every or any Part thereof, (the Coſts and Charges of which Aſſignments ſhall be borne and paid out of the ſaid Taxes, in ſuch Manner and Form as to the ſaid Commiſſioners ſhall ſeem meet), as a Security or Securities for any Sum or Sums of Money (ſuch Sum or Sums ſo to be borrowed not to exceed in the Whole the Sum of One thouſand and four hundred Pounds) to ſuch Perſon or Perſons, or their Truſtees, as ſhall advance or lend the ſame, to ſecure the Repayment thereof, with Intereſt: Which Money ſo borrowed ſhall be applied, in the Firſt Place, to pay and diſcharge the Charges and Expences of obtaining this Act of Parliament, and, in the next Place, to defray the Charges and Expences of the Perſons herein-after appointed for aſcertaining the High Lands, and then ſhall be applied and diſpoſed of in making, erecting, repairing, enlarging, and maintaining, ſuch Engines, Banks, Drains, and other Works, for the draining, imbanking, and preſerving of the ſaid Lands, as ſhall be thought expedient by the ſaid Commiſſioners, or any Five or more of them.

Application of the Money.

No Aſſignment ſhall be made for more than 100 l.

XXI. And be it further enacted, That all Aſſignments of the ſaid Taxes ſo to be made by the ſaid Commiſſioners, as aforeſaid, ſhall be numbered, beginning with Number One, and ſo proceeding in Arithmetical Progreſſion; and that no Aſſignment ſhall be made for any greater or leſſer Sum than One hundred Pounds.

Aſſignments may be tranſferred.

XXII. And be it further enacted by the Authority aforeſaid, That all Aſſignments or Securities to be made by the ſaid Commiſſioners as aforeſaid, in purſuance of this Act, ſhall and may be aſſignable or transferable by Indorſement upon ſuch Original Grant, or Security thereof, or otherwiſe, without Stamps, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made ſhall and may, from and after the Time that the ſame is entered in a Book, to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Commiſſioners, be well and ſufficiently intitled to ſuch Mortgage Monies, and Intereſt, and all the Monies then due, and thereafter to grow due thereon; which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Two Shillings and Sixpence to the Clerk or Treaſurer of the

the ſaid Commiſſioners for every ſuch Entry; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may, by Indorſement, or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages, and Securities, ſo aſſigned as aforeſaid, and ſo *toties quoties* as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Commiſſioners may lend Money.

XXIII. And be it further enacted by the Authority aforeſaid, That all and every Commiſſioner and Commiſſioners appointed by this Act, or who ſhall hereafter be appointed, by any Power or Authority hereby given, ſhall and lawfully may, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners, lend any Sum or Sums of Money on Security of the Taxes or Rates to be rated, charged, or aſſeſſed, by virtue of this Act, in ſuch Manner as any other Perſon or Perſons may, can, or ſhall do by Means or Virtue hereof; and that ſuch Commiſſioner or Commiſſioners, ſo advancing or lending ſuch Sum or Sums of Money, ſhall and may lawfully take a Mortgage or Mortgages, Aſſignment or Aſſignments, of the ſaid Taxes from the ſaid other Commiſſioners, or any Seven or more of them, as a Security and Securities for the ſaid Sum and Sums of Money ſo by him or them advanced and lent; which Mortgage or Mortgages, Aſſignment or Aſſignments, being ſo executed by the ſaid Commiſſioners, or any Seven or more of them, ſhall be effectual and binding to all Intents and Purpoſes whatſoever; and that the Commiſſioner or Commiſſioners ſo advancing or lending ſuch Sum or Sums of Money, and accepting and taking ſuch Security, ſhall, by Means and Virtue thereof, have and exerciſe ſuch and the like Powers and Remedies for recovering and receiving the ſaid Sum and Sums of Money, and the Intereſt thereof, and for aſſigning or transferring the ſame, as any other Mortgagee or Mortgagees of the ſaid Rates or Taxes can, may, or ſhall have, and take, by Means and Virtue of this Act.

Taxes to veſt in Creditors.

XXIV. And be it further enacted, That the ſaid Rates, Taxes, and Sums of Money hereby aſſeſſed, or to be aſſeſſed upon and paid by the Owners or Occupiers of the ſaid Fen Lands and Low Grounds, ſhall be charged and chargeable, in the Firſt Place, with and for the Payment of all and every the Sum and Sums of Money, and the Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the reſpective Creditor or Creditors, upon Default of Payment of ſuch Principal Money, and Intereſt, until the ſame ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by Nonpayment thereof, as aforeſaid: And the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges of aſſeſſing, raiſing, and recovering of the ſeveral Taxes and Sums of Money payable by the ſeveral Owners and Occupiers of the ſaid Fen Lands and Low Grounds, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners or their Collector could have had, in caſe the ſaid Principal and Intereſt had been fully paid.

Power to diſtrain.

XXV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall neglect to pay to the Receiver or Collector to be appointed, as aforeſaid, at the Place of Abode of ſuch Receiver or Collector, the Money aſſeſſed, rated, or charged on him, her, or them reſpectively, by virtue of this Act, for the Space of Twenty-one Days after the reſpective Times of Payment herein-before appointed, it ſhall be lawful for the ſaid Collector or Receiver, or for any other Perſon or Perſons, at any Time or Times thereafter, by virtue of a Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners, (which Warrant or Precept the ſaid Commiſſioners, or any Three or more of them, are hereby impowered and required from Time to Time to make, and iſſue, as Occaſion ſhall require), to enter into and upon the ſaid Fen Lands and Low Grounds within the Limits aforeſaid for which the ſaid Taxes ſhall be ſo in Arrear, and all Meſſuages, Tenements, and Buildings thereupon ſtanding; and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Taxes ſo in Arrear, by Diſtreſs and Sale of the Goods, Chattels, and Cattle, which ſhall be found on the ſaid Premiſes ſo charged with the ſaid Tax in Arrear; and in caſe no ſufficient Diſtreſs can be found on the Premiſes, it ſhall be lawful for ſuch Collector or Receiver, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy the ſaid Taxes in arrear by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of the Perſon and Perſons ſo making Default in Payment, in any other Place within the Kingdom of *Great Britain*; and the Goods, Chattels, and Cattle ſo diſtrained to impound on the Premiſes, or carry away, drive, and impound in any other Place not above the Diſtance of Three Miles from the Place from whence they ſhall be ſo carried away and driven, at the Coſts and Charges of the Owner or Owners thereof, leaving Notice in Writing at the Houſe or uſual Place of Abode of the Owner of ſuch Goods, Chattels, or Cattle, ſo diſtrained, or at the Uſual Place of Abode of the Owner or Occupier of the Land charged with ſuch Arrear of Tax, of the Cauſe of ſuch Diſtreſs, and the Place where the Goods, Chattels, and Cattle, ſhall be ſo impounded; and if the Owner or Owners of the Goods, Chattels, or Cattle, ſo diſtrained, ſhall not pay the Sum or Sums of Money in arrear, together with all Coſts and Charges attending ſuch Diſtreſs, or replevy the ſaid Goods and Chattels, with ſufficient Security to be given to the Sheriff of the County where ſuch Diſtreſs ſhall be ſo taken, or other Officer or Officers uſually taking ſuch Securities, according to the Laws now in being for Diſtreſs in caſe of Nonpayment of Rents, within Five Days after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining may, with the Sheriff or Under Sheriff of the County, Conſtable, or Headborough of the Pariſh or Place where Diſtreſs ſhall be made, (who are hereby required to aſſiſt therein), cauſe the ſaid Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Conſtable, or Headborough, (who are hereby impowered to adminiſter ſuch Oath), to appraiſe the ſame according to their Judgement; and after ſuch Appraiſement, it ſhall be lawful for ſuch Collector, Receiver, or other Perſon or Perſons making ſuch Diſtreſs, to ſell the ſaid Goods and Chattels

Chattels ſo diſtrained for the beſt Price that can be got for the ſame, for and towards Satisfaction for the Monies for which ſuch Diſtreſs ſhall be ſo taken, and the Charges of taking, keeping, appraiſing, and ſelling the ſaid Goods and Chattels, leaving the Overplus (if any be) in the Hands of ſuch Sheriff, Under Sheriff, Conſtable, or Headborough, for the Owner's Uſe; and the Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds, which ſhall be rated and aſſeſſed by virtue of this Act, is and are hereby required and authoriſed to pay ſuch Taxes or Rates, and deduct the ſame out of his, her, or their Rent; and every Tenant paying ſuch Tax or Rate ſhall be acquitted and diſcharged for ſo much Money as ſuch Tax or Rate he ſhall have ſo paid ſhall amount unto, as if the ſame had been actually paid to the Perſon or Perſons intitled to the Rent of the ſaid Fen Lands or Low Grounds.

Penalty on Nonpayment of Taxes.

XXVI. And, to the End that the full Sum which is or ſhall be ſo rated, taxed, or aſſeſſed, may be duly anſwered and paid, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay, or cauſe to be paid, to the Collector or Receiver for the Time being, the Sum which he, ſhe, or they, ſhall be reſpectively charged with, by virtue of this Act, for the Space of Two Calendar Months, after a perſonal Demand hath been made thereof by the ſaid Collector or Receiver, every ſuch Perſon ſhall pay and forfeit the Sum of Two-pence for every Shilling which ſhall be ſo in arrear and unpaid; to be levied by Diſtreſs and Sale of his, her, and their Goods and Chattels, in ſuch Manner as the aforeſaid Taxes, Rates, or Aſſeſſments themſelves, are herein and hereby directed to be levied; and the Money ſo forfeited and levied ſhall be applied towards carrying on the ſaid Works of Draining, and other the Purpoſes of this Act.

Commiſſioners may enter on and hold Premiſes in caſe of Nonpayment of Taxes within Six Months.

XXVII. And whereas it may ſometimes happen, that ſome of the Lands and Grounds hereby made chargeable with the ſeveral Rates and Taxes as aforeſaid may be untenanted for a conſiderable Time, and no Goods or Chattels may be found of the Owner or Owners thereof, ſo that no Diſtreſs can be taken for levying the ſaid Taxes or Rates: Therefore, for the enforcing the Payment thereof in ſuch Caſes, be it further enacted, That where any of the ſaid Rates or Taxes ſhall be in arrear and unpaid by the Space of Six Months after the ſame ſhall become due or payable, and no ſufficient Diſtreſs can be found upon the Lands or Grounds charged therewith, or of the Owner or Owners thereof, then it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, or any other Perſon or Perſons to be authoriſed by them, to enter into and upon, have, hold, poſſeſs, and enjoy, the ſaid Lands and Grounds for which the ſaid Rates or Taxes ſhall be ſo in arrear and unpaid, and receive and take the Rents, Iſſues, and Profits thereof, until thereby or therewith the ſaid Rates and Taxes due for the ſame, and the Penalties incurred for the Nonpayment thereof, as aforeſaid, and all Coſts, Charges, and Expences, that ſhall be occaſioned by or attending ſuch Entry upon, or Perception of the Rents and Profits of the ſame Premiſes reſpectively, ſhall be fully paid and ſatisfied.

High Lands exempted from Payment of Taxes.

XXVIII. Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge ſuch of the Lands and Grounds, within the Limits aforeſaid, as are High Lands, and not ſubject to be drowned or overflown with Water, with any Taxes or Rates to be aſſeſſed, rated, taxed, or charged on the ſaid Lands and Grounds by virtue of this Act; nor ſhall the Powers and Authorities hereby given to the ſaid Commiſſioners for putting this Act in Execution, or any of them, extend to ſuch High Lands not ſubject to be drowned or overflown with Water, otherwiſe than to impower the ſaid Commiſſioners to ſcour out, cleanſe, make, and preſerve the Boundary Dikes, Ditches, and Banks, already made, or to be made and included within the Limits aforeſaid; any Thing in this Act contained to the Contrary thereof notwithſtanding.

Perſons appointed to aſcertain High Lands.

XXIX. And, for the better aſcertaining of ſuch High Lands, it is hereby further enacted, That *Robert Johnſon* of *Whittleſey*, in the *Iſle of Ely* and County of *Cambridge*, Gentleman, *John Garner* of the ſame Place, Gentleman, and *Daniel Plummer* of *Farcet Fen*, in the ſaid County of *Huntingdon*, Gentleman, or their Succeſſors, (to be nominated and appointed as is herein-after directed), or any Two of them, ſhall and may, at any Time after the paſſing of this Act, view and ſurvey the ſaid ſeveral Lands and Grounds within the Limits aforeſaid, and adjudge and determine which Parts thereof are High Lands, and not ſubject to be drowned or overflown with Water.

Award to be made in Six Months.

XXX. Provided always, That if the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, or any Two of them, ſhall and do make their Award in Writing touching the Premiſes, under their Hands and Seals, and deliver the ſame within Six Calendar Months next after the paſſing of this Act, to the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held in purſuance of this Act; and if they the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, or any Two of them, do and ſhall verify ſuch Award, upon Oath, before the ſaid Commiſſioners, or any Five or more of them, at ſuch Meeting, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered and required to adminiſter); that then the ſaid Commiſſioners, or any Five or more of them, ſhall, as ſoon as conveniently may be after ſuch Meeting, cauſe the ſaid Award to be entered and inrolled with the Clerk of the Peace for the ſaid County of *Huntingdon*, (for which Entry or Inrolment the Sum of Two pence for every Seventy-two Words is to be paid, and no more); and that from and immediately after ſuch Entry and Inrolment, the ſaid Award ſhall be binding and concluſive to all Parties concerned therein.

On Death of the above Surveyors, others to be choſen.

XXXI. Provided always, and be it enacted, That in caſe of the Death of the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, or any Two of them, or Refuſal or Neglect to act by the Time herein-before directed for their completing the ſaid Award, as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at a Meeting to be held in purſuance of this Act, to nominate and appoint One or more Perſon or Perſons, in the Place and Stead of ſuch of them the

the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, as ſhall happen to die, or refuſe to act, as aforeſaid; and ſuch other Perſon or Perſons, ſo nominated and appointed, ſhall have ſuch and the ſame Power and Authority as is by this Act given to the Perſon or Perſons who ſhall happen to die, or refuſe to act, as aforeſaid.

If Perſons appointed do not make their Award in Six Months others to be appointed.

XXXII. Provided alſo, and be it enacted by the Authority aforeſaid, That in caſe the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, or ſuch other Perſon or Perſons who may be appointed in their Stead, as aforeſaid, or any Two of them, ſhall not make their ſaid Award at or before the Time herein-before limited and appointed; then, and in ſuch Caſe, it ſhall and may be lawful for the ſaid Commiſſioners appointed by this Act, or any Five or more of them, at a Meeting to be held in purſuance hereof, by Writing, under their Hands and Seals, to nominate Three or more diſintereſted Perſons for the ſettling and aſcertaining ſuch Matters and Things as the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, are hereby impowered to ſettle and aſcertain, within ſuch Time or Times as the ſaid Commiſſioners, or any Five or more of them, ſhall ſee convenient, and ſhall ſpecify in ſuch Appointment; and that, from and immediately after the ſigning and ſealing of ſuch Nomination and Appointment, the ſaid ſeveral Perſons ſo thereby nominated and appointed, ſhall be inveſted with the ſame Powers as are hereby delegated and given to the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*; and the Award and Determination of ſuch Perſons, or any Two of them, ſo to be appointed as aforeſaid, touching the ſeveral Matters and Things to them referred, after the ſame ſhall be authenticated, in the ſame Manner as is herein-before directed reſpecting the Award of the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, and alſo entered with the Clerk of the Peace for the ſaid County of *Huntingdon*, ſhall be binding and concluſive to the ſeveral Parties concerned therein.

The Oath following to be taken.

XXXIII. And be it further enacted, That the Oath to be taken by the ſaid *Robert Johnſon*, *John Garner*, and *Daniel Plummer*, or by ſuch other Perſon or Perſons as ſhall be nominated, as aforeſaid, ſhall be adminiſtered in the Words, or to the Effect, following;

I *A. B. do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the Truſt repoſed in me by virtue of an Act* "*For the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Pariſh of* Yaxley, *in the County of* Huntingdon," *without Favour or Affection to any Perſon whomſoever.*

So help me GOD.

Which Oath it ſhall and may be lawful to and for any of the Commiſſioners to adminiſter.

Soke Dikes to be made.

XXXIV. And be it further enacted, That a Soke Dike, not exceeding Two Feet wide and Two Feet deep, ſhall and may be cut and made by the ſaid Commiſſioners through the ſaid Lands and Grounds, at any Diſtance not exceeding Sixty Feet from the Seat of each of the ſaid Banks, and a Soke Bank laid on that Side thereof fartheſt from the ſaid Banks, for the preſerving and keeping the Soke of the ſaid Rivers, and other Outſide Waters, from the ſaid Fen Lands and Low Grounds.

Land to be purchaſed for getting Materials.

XXXV. And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered to purchaſe ſuch Land, as they ſhall think proper, for the Purpoſe of getting Earth for the raiſing and ſupporting the Banks to be made or repaired in purſuance of this Act, and to pay for ſuch Land out of the Taxes to be raiſed by virtue hereof.

Surveyors may dig Gravel, &c.

XXXVI. And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Officers appointed by the ſaid Commiſſioners, or any Five or more of them, to cut, dig, take, and carry away, or cauſe to be cut, dug, taken, and carried away, any Earth, or Materials proper for repairing any of the Banks within the Limits aforeſaid, in, upon, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place, in, adjoining to, or near, the ſaid Fen Lands or Low Grounds, without paying any Thing for the ſame; they the ſaid Surveyors, or other Officers, filling up or ſloping down the Pits and Holes made by digging ſuch Earth or Materials with all convenient Speed; and, in the mean Time, making a ſufficient Fence, to prevent any Misfortune or Accident happening in any ſuch Pits or Holes: And if a Quantity Materials ſufficient or conveniently ſituated for that Purpoſe cannot be found in or upon any ſuch River, Brook, Waſte, or Common, then it ſhall be lawful for ſuch Surveyor or Surveyors, or other Officer or Officers, by virtue of a Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which Warrants and Precepts the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to grant), to cut, dig, take, and carry away, or cauſe to be cut, dug, taken, and carried away, any Quantity of Earth, or other Materials, proper and ſufficient for that Purpoſe, in, upon, out of, or from, any of the Lands or Grounds of any Perſon, where the ſame may be had or found, except from or out of the Lands and Grounds of the ſaid Sir *Samſon Gideon*, Baronet, called *Adventurers Lands*, to be uſed towards repairing the ſaid Banks, (ſuch Lands or Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nurſery, planted Walk, or Avenue to any Houſe), they the ſaid Surveyors, or other Officers, paying or tendering a reaſonable Compenſation to the reſpective Owners or Occupiers of ſuch Lands and Grounds for ſuch Earth, or other Materials and for the Damage done to ſuch Lands and Grounds, by cutting, digging, and carrying away, the ſame: And in caſe of any Difference between the ſaid Commiſſioners, or their Surveyor or Surveyors, or other Officer or Officers, and any of the ſaid Owners or Occupiers, touching the Premiſes, any Two or more Juſtices of the Peace for the County, Liberty, or Place, where the ſame ſhall happen, not intereſted in the Premiſes, ſhall and may, on Ten Days Notice thereof, in Writing, to be given by

making Satisfaction to the Owners.

Juſtices to determine Differences.

any ſuch Surveyor, or other Officer, to ſuch Owner or Occupier, or by ſuch Owner or Occupier to ſuch Surveyor or other Officer, to be left at their reſpective Places of Abode with ſome or One of their reſpective Families, hear, ſettle, and determine, the Matters of the ſaid Damages; and the Determination of ſuch Juſtices ſhall be final to the ſaid Parties without any Appeal therefrom.

Commiſſioners to ſettle Accounts.

XXXVII. And be it further enacted by the Authority aforeſaid, That Once in every Year, (that is to ſay), at either of the ſaid General Meetings, or on any ſubſequent Day to which the ſaid Commiſſioners, or any Five or more of them, ſhall adjourn, Inſpection ſhall be had by the ſaid Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act for the Year then laſt paſt; and all Accounts relating thereto, ſhall, at ſuch Meeting, be made up and ſettled by the ſaid Commiſſioners, or any Five or more of them, at which Time the Clerk, Treaſurer, Collector, and Receiver, of the ſaid Taxes and Rates, and other Officers, are hereby required to attend with proper Books of Accounts of Receipts and Diſburſements, and all Vouchers for the ſame; and, on conſidering and examining the ſaid Accounts, and all other Vouchers of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs, under their Hands, the ſaid Accounts, or ſuch Part or Parts thereof, as they ſhall think juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed, as aforeſaid, ſhall be fairly entered in Books to be kept for that Purpoſe; which ſaid Books, as well as all other Books for the entering of any Orders or Proceedings of the ſaid Commiſſioners, ſhall be kept by the Treaſurer, or ſuch other Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, for the Inſpection of the ſeveral Owners of Lands rated or taxed by virtue of this Act, or their Agents.

Officers to account upon Oath.

XXXVIII. And be it further enacted by the Authority aforeſaid, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers, ſo appointed as aforeſaid, ſhall, upon Oath, when thereunto required by the ſaid Commiſſioners, or any Five or more of them, (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), give in to the ſaid Commiſſioners, or any Five or more of them, a true, exact, and perfect Account, in Writing, under their reſpective Hands, with proper Vouchers, of all Monies which he or they, or every or any of them, ſhall, to ſuch Time, have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Office or Offices; and in caſe the Monies ſo received, ſhall remain in his, their, or any of their Hands, the ſame ſhall be paid to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authoriſe and impower to receive the ſame: And in caſe any ſuch Clerk, Collector, Receiver, Treaſurer, or other Officer, ſhall not give in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings, in his Cuſtody, to the ſaid Commiſſioners, or any Five or more of them, or to ſuch other Perſon or Perſons, as they, or any Five or more of them, ſhall order or direct; that, in either of the ſaid Caſes, any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Huntingdon* ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid, in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtice and Juſtices is and are hereby authoriſed and required to adminiſter without Fee or Reward); and if any ſuch Clerk, Treaſurer, Receiver, Collector, or other Officer, ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit the Party to the common Gaol of the ſaid County of *Huntingdon*, until he ſhall have made a perfect Account and Payment, as aforeſaid, and delivered up all ſuch Books, Papers, and Writings, in his Cuſtody, or ſhall have compounded and agreed with the ſaid Commiſſioners, or any Five or more of them, and paid ſuch Compoſition-money; which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed and impowered to make.

Proceedings of Commiſſioners to be entered in Books, &c.

XXXIX. Provided always, and be it enacted, That all Orders and Proceedings of the ſaid Commiſſioners, or any of them, at any of their Meetings to be held in purſuance of this Act, ſhall be entered in Books to be kept for that Purpoſe; and that ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by any Five or more of the ſaid Commiſſioners ſo aſſembled at ſuch Meetings.

No Order of Commiſſioners to be reverſed without 14 Days Notice.

XL. Provided nevertheleſs, and be it enacted, That no Order which ſhall be made by the ſaid Commiſſioners, or any Five or more of them, at any of their Meetings by virtue of this Act, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Notice in Writing, ſetting forth the Intent of ſuch Meeting, be affixed on the Outſide of the Church Door of *Yaxley* aforeſaid, Fourteen Days before ſuch ſubſequent Meeting, and unleſs Seven or more of the ſaid Commiſſioners be preſent at ſuch ſubſequent Meeting, and conſent thereto.

Penalty on deſtroying Works, Felony;

XLI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, break down, demoliſh, or deſtroy, or cauſe, procure, or hire, any other Perſon or Perſons to burn, cut, break down, demoliſh, or deſtroy, any Bank, Mill, Engine, Flood-gate, Sluice, or Tunnel, already made, erected, or uſed, or which ſhall or may at any Time or Times hereafter be making or erecting, or be made, erected, ſupported, maintained, or uſed, for the Purpoſes of draining and preſerving the Lands and Grounds within the Limits aforeſaid, every Perſon and Perſons ſo offending, and being convicted thereof, ſhall be guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and

and the Court, by or before whom such Person or Persons shall be tried and convicted, shall, and hereby have Power and Authority to transport such Felons for Seven Years, in such Manner as other Felons are directed to be transported by the Laws of this Realm; and if any Person or Persons shall wilfully and maliciously stop, dam up, break down, demolish, damage, or destroy, or cause, procure, or hire, any Person or Persons to stop, dam up, break down, demolish, damage, or destroy, any River Drain or Watercourse, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which shall, at any Time or Times hereafter, be making, cutting, or erecting, or made, cut, erected, supported, maintained, or used, for answering the Purposes of draining and preserving the Lands and Grounds within the Limits aforesaid, every Person so offending, and being thereof convicted on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the County of *Huntingdon*, not interested therein, every Person or Persons so convicted as aforesaid, shall forfeit and pay, for every such Offence, any Sum not exceeding Fifty Pounds, nor less than Twenty Pounds; to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justices, and to be applied and disposed of in the Improvement of the Works to be made by virtue of this Act, and not otherwise; and, for want of sufficient Distress, such Offender or Offenders shall be committed by such Justices to the House of Correction of the said County of *Huntingdon* to hard Labour, for the Space of Six Calendar Months, without Bail or Mainprize, or until such Penalty shall be paid.

and on damaging Works, not exceeding 50 l.

XLII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies arising by the said Taxes, to make such Allowances for the catching and destroying of Moles, and other Vermin, in the Banks and Lands belonging to and within the Limits aforesaid, as they the said Commissioners, or any Five or more of them, shall think proper.

Commissioners may make Allowances for catching Moles, &c.

XLIII. And whereas it frequently happens by the Negligence or Carelessness of Servants, or other Persons employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to such Lands are burnt and damaged, by the Fire being suffered to remain too long on such Lands, and thereby extending to such Banks; be it therefore enacted by the Authority aforesaid, That if any Person or Persons, who shall be employed in burning any of the Lands or Grounds within the Limits aforesaid, shall carelessly or wilfully set fire to or burn, or cause to be fired or burned, any of the Banks lying near or adjoining to any of the said Fen Lands or Low Grounds, so as such Banks be by Means of such Fire destroyed or damaged, such Person or Persons, being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, or by Confession, before any One or more Justice or Justices of the Peace for the said County of *Huntingdon*, not interested within the Limits aforesaid, (which Oath such Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence), shall give and make such Satisfaction and Recompence to the said Commissioner for Damage done to the said Banks as such Justice shall think reasonable; such Satisfaction and Recompence to be paid by such Offender or Offenders, within such Time as by such Justice or Justices shall be ordered or appointed, into the Hands of the Receiver, Collector, or Treasurer, for the Time being, to be appointed by virtue of this Act, to be applied for and towards the repairing and amending of such Banks: And in case of Nonpayment thereof, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices before whom such Conviction shall be made; and for want of sufficient Distress such Offender or Offenders shall by such Justice or Justices, be committed to the Common Goal for the said County for such Time or Times as such Justice or Justices shall order and direct, not exceeding Three Months, or until such Damage or Recompence shall be paid.

How Persons burning Banks are to be punished.

XLIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall erect, set up, use, or work, any Horse-mill, Gig, Engine, or other Device whatsoever, for draining or discharging Water from any of the Lands and Grounds within the Limits aforesaid, through or upon the Lands of any other Person or Persons, or in any other Manner than directly and immediately from the Lands of the respective Owner of such Mill, Gig, Engine, or other Device, into the said *Yard's End Dike* or *Load*, or any River Dike or Drain, on the Outside of the Boundaries of the said Fen Lands and Low Grounds, every Person so discharging or throwing Water as aforesaid, otherwise than into such *Yard's End*, *Dike* or *Load*, or River Dike or Drain, on the Outside of the said Boundaries, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall and will sue for the same same; One Moiety thereof to the Person who shall sue for the same, and the other Moiety to be paid to the Collector or Receiver of the Taxes for the Time being, to be applied for the Purposes of draining and preserving the said Fen Lands and Low Grounds; and the Owner of such Mill, Gig, Engine, or other Device, shall also make full Compensation and Satisfaction to all and every Person and Persons who shall be injured thereby for the Damages such Person and Persons shall thereby sustain; and such Penalty, Compensation, and Satisfaction, shall be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Persons discharging Water through the Lands of other Persons to forfeit 50 l.

XLV. And whereas the Proprietors of the several Lands and Grounds frequently cut up the same into Firing, whereby the Value thereof is so much lessened that the Rates and Taxes charged thereon cannot be levied and raised, by which Means the Security of the said Taxes become of less Value

Penalty on Persons destroying the Grounds by cutting of Firing.

to the Perſon or Perſons advancing Money thereon; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons, being Owner or Proprietor of any of the Lands and Grounds within the Limits aforeſaid, ſhall, from and after the paſſing of this Act, cut or dig up, or cauſe or ſuffer to be cut or dug up, any of the ſaid Lands or Grounds into Firing, ſuch Owner or Owners of Lands ſhall, within One Calendar Month after the ſame ſhall be ſo cut or dug up into Firing as aforeſaid, pay the ſaid Collector or Receiver of the ſaid Taxes for the Time being after the Rate of Seven Pounds and Ten Shillings an Acre for the Lands or Ground which ſhall be ſo cut or dug up as aforeſaid; and in caſe ſuch Owner or Proprietors ſhall neglect or refuſe to pay the ſame within One Calendar Month after the ſame ſhall be ſo cut or dug up for the Purpoſe aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, aſſembled at a Meeting to be called for that Purpoſe, by Warrant or Precept under their Hands and Seals, to order and direct the Collector or Receiver of the ſaid Taxes for the Time being to recover the ſame by Diſtreſs and Sale of the Firing ſo cut, in ſuch and the ſame Manner as the ſaid Rates and Taxes are hereby recoverable; and the ſaid Sum or Sums of Money, ſo to be paid or recovered, ſhall be, and hereby is and are veſted in the ſaid Commiſſioners, and to be placed out by them and their Succeſſors, in their Names, or in the Names of any Five or more of them, at Intereſt, as a Security for the Money ſo borrowed on the Security of the ſaid Taxes, and the Intereſt thereof, to be yearly paid and applied, in the Firſt Place, for and towards the Intereſt of Money ſo due on the Credit of the ſaid Taxes, and, after Payment thereof, for and towards the neceſſary Works of the ſaid Diſtrict.

Penalty on turning Hogs on the Banks.

XLVI. And whereas the Banks already made, or hereafter to be made, by virtue of this Act, may be greatly injured if any Hogs or Swine are ſuffered to wander thereon, be it further enacted, That if any Hogs or Swine ſhall, at any Time after the paſſing of this Act, be found upon the ſaid Banks, or any of them, the Owner or Owners of ſuch Hogs or Swine ſhall forfeit and pay, for every ſuch Hog or Swine ſo found on any of the ſaid Banks, the Sum of Five Shillings for every Day in which Hogs or Swine ſhall be found thereon.

Perſons cutting Ditches, &c. within a certain Diſtance of any Bank to forfeit 5l.

XLVII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall cut, dig, or continue, for Six Months after paſſing this Act, or cauſe to be cut, dug, or continued, as aforeſaid, any Dikes or Ditches in the ſaid Fen Lands or Low Grounds within the Diſtance of Sixty Feet from any Bank which ſhall be made or uſed for the Purpoſes of this Act, other than except ſuch Soke-dikes, as the ſaid Commiſſioners are herein-before impowered to make, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rod of ſuch Ditches ſo cut, dug, or continued, (except ſuch preſent Diviſion-dikes, the Owner or Occupier of which ſhall make, repair, and for ever maintain a good and ſufficient Dam in and acroſs the ſame, at the Diſtance of Sixty Feet from the ſaid Banks, to turn the Waters ſoaking through ſuch Banks into the before-mentioned Soke-dikes, thereby to prevent the ſame from running or expanding any further upon the ſaid Lands and Grounds than the ſaid Soke-dikes, ſuch Diviſion-dikes not to be within the Diſtance of Twelve Feet from the ſaid Banks); and if any Perſon or Perſons ſhall make or cut, or cauſe to be made or cut any Watering-places, or any Place of Acceſs for Cattle to drink, within Sixty Feet of the Seat of the ſaid Banks, or in any Mill-drain, within any of the ſaid Fen Lands and Low Grounds, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds; and if any Perſon or Perſons ſhall make, or cauſe to be made, any Soke-dike or ditch, (except as before excepted) in and upon any of the ſaid Fen Lands and Low Grounds within the Diſtance of Sixty Feet from any Bank now made, or hereafter to be made, by virtue of this Act, within the Limits aforeſaid, every ſuch Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Four-pence for every Foot in Length of ſuch Soke-dike, and after the ſame Rate for every Month ſuch Soke-dike ſhall remain unfilled after Notice given by the Clerk or Agent to the ſaid Commiſſioners to ſuch Perſon or Perſons who ſhall have dug, or cauſed to be dug, the ſame; and the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power at any Time, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands wherein ſuch Soke-dike ſhall be made, to fill up and level the ſame: All which Forfeitures ſhall, upon Conviction of the Offender or Offenders before One or more Juſtices of the Peace for the ſaid County of *Huntingdon*, not intereſted in the ſaid Fen Lands or Low Grounds upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices is and are hereby required and impowered to adminiſter, and alſo to hear and determine the ſaid Offences) be immediately paid into the Hands of the ſaid Collector, Receiver, or Treaſurer of the ſaid Taxes, to be applied for carrying on the Works of the ſaid Drainage: And in caſe of the Nonpayment thereof, ſuch Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs, ſuch Offender ſhall, by ſuch Juſtice or Juſtices, be committed to the common Gaol of the ſaid County of *Huntingdon*, for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Six Months.

No Houſes, &c. to be built near Mills.

XLVIII. Provided always, and be it enacted by the Authority aforeſaid, That from and after the Thirty-firſt Day of *May*, One thouſand ſeven hundred and ſeventy-three, no Houſe or Buildings whatſoever ſhall be erected, or Trees or Holts planted, nearer to any Mill, Engine, or Bank already built, made, erected, or employed, or hereafter to be built, erected, made, or employed, for draining the Fen Lands and Low Grounds within the Limits aforeſaid, than Forty Poles, (being the Poles of Eighteen Feet from ſuch Mill or Engine, and Twelve Feet from ſuch Bank reſpectively): And if any Perſon ſhall build or erect, or cauſe to be built or erected, any Houſe, Barn, or other Building, or

ſhall

ſhall plant any Tree or Holt, within the Diſtance of Forty Poles from ſuch Mill or Engine, or within Twelve Feet from ſuch Bank, every ſuch Perſon ſhall forfeit and pay, for every Houſe or Building, the Sum of One hundred Pounds; to be recovered and paid in like Manner as the Penalties hereinbefore mentioned for erecting Horſe-mills, Gigs, Engines, or other Devices for throwing of Water; and for every Tree the Sum of Ten Shillings, and Twenty Pounds for every Holt ſo planted; which ſaid Penalties of Ten Shillings and Twenty Pounds are to be levied and paid in like Manner as the Penalties inflicted for cutting Dikes or Ditches within Sixty Feet of the Banks; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their Agents, Workmen, or Servants, to take down ſuch Buildings ſo erected, and to pull up ſuch Trees or Holts ſo planted, contrary to this Act.

Commiſſioners may cut down Trees growing near the Mills.

XLIX. Provided alſo, and it is hereby further enacted, That if any Trees or Holts are now growing within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter ſhall be growing or ſtanding within the ſaid Diſtance from any Mill or Engine to be built, or within the Diſtance of Twelve Feet from any Bank already made, or which hereafter ſhall be made, for draining the Lands and Grounds within the Limits aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, by like Order under their Hands and Seals, to direct the ſame to be pulled or cut down, as if the ſame had been planted ſince the paſſing of this Act; making ſuch Satisfaction to the Owners of ſuch Trees and Holts as ſhall be agreed upon between ſuch Owner and the ſaid Commiſſioners, or any Five or more of them; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and ſuch Owners touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Satisfaction and Recompence ſhall be finally determined in ſuch and the ſame Manner as is herein-before preſcribed for aſcertaining the Recompence to be made for Damage by erecting and making any Works in purſuance of this Act.

Fen Lands, &c. to be aſſeſſed to Poor Rate.

L. And whereas the ſeveral Fen Lands and Low Grounds hereby intended to be drained are in their preſent Situation of ſmall Value, and yield little or no Profit to the Proprietors or to the Publick, and their improved Value entirely depends upon large Sums of Money continually to be expended in the Preſervation thereof, which Sums cannot be raiſed without the Aid of Parliament, ſubjecting the Owners or Occupiers of the ſaid Fen Lands or Low Grounds to an heavy annual Acre-tax, whereby they will not receive a Profit from the ſame according to their extended Rents, but according to a reduced Rent, after deducting the ſaid Acre Rate or Tax: And whereas it is apprehended that Advantage may be taken of ſuch extended nominal Rents by the Churchwardens and Overſeers of the ſaid Pariſh of *Yaxley*, wherein ſuch Lands lie, to aſſeſs the ſame at a higher Rate than thoſe Lands ought in Juſtice to bear; for Prevention whereof, and to encourage publick Works of draining, be it enacted by the Authority aforeſaid, That in all ſuch Aſſeſſments the ſaid Fen Lands and Low Grounds ſhall hereafter be rated and aſſeſſed to the Church and Poor Rates of the ſaid Pariſh according to their Value only, after deducting the Rates or Taxes hereby impoſed, and not otherwiſe.

Juſtices to adminiſter Oaths.

LI. And be it further enacted, That in all Caſes wherein Juriſdiction is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons for his or their more certain Information in the Matters then depending before ſuch Juſtice or Juſtices.

Owner or Occupier to cleanſe Dikes.

LII. And be it further enacted by the Authority aforeſaid, That if the Owner or Owners, Occupier or Occupiers, of any Land lying within the Limits aforeſaid, through which any Droveway-dike, Outring-dike, or Diviſion-dike, leading to any of the Mill-drains within the Limits aforeſaid, doth or ſhall paſs, ſhall neglect or refuſe ſufficiently to road, ſcour, cleanſe, open, or repair any ſuch Dike, or to make the ſame of the Depth of Four Feet, and the Width of Nine Feet at the leaſt, after Ten Days Notice in Writing to him, her, or them, from Time to Time, given by the Collector, Receiver, or other Officer of the ſaid Commiſſioners, purſuant to an Order in Writing under the Hands of Five or more of the ſaid Commiſſioners, then it ſhall be lawful for ſuch Collector, Receiver, or other Officer, from Time to Time, to cauſe ſuch Dikes to be roaded, ſcoured, cleanſed, opened, deepened, and repaired, in a ſufficient Manner, and made of the Width aforeſaid, at the proper Coſts, Charges, and Expences of ſuch Owners or Occupiers; and that where-ever a Road or Way ſhall have been made over or acroſs any ſuch Dike, without a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and ſuch Dike to be made of a proper Width and Depth for conveying the Waters through the ſame to the Mill or Mills, Engine or Engines, erected, or to be erected, for draining the ſaid Fen Lands and Low Grounds; and by a Warrant or Precept, under the Hands of Five or more of the ſaid Commiſſioners, to levy all ſuch Charges and Expences as ſhall be occaſioned by the deepening and widening of the ſaid Dikes, or the taking up of ſuch Roads, upon the Goods and Chattels of the Owner or Owners, Occupier or Occupiers, of the ſaid Lands through which the ſaid Dikes ſhall paſs, or upon which they ſhall adjoin, and who ſhall make or continue, or cauſe to be made or continued, ſuch Road or Way as aforeſaid.

Commiſſioners to have no Power upon The Twelve Foot Drain.

LIII. Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or their Succeſſors, to have, uſe, or exerciſe any Power or Authority whatſoever, over any of the Banks, Dams, Headings, Bridges, or other Works, made, or to be made, by the ſaid Sir *Sampſon Gideon*, his Heirs or Aſſigns, in or upon a certain Drain called *The Twelve Foot Drain*, being the Diviſion Fence between the Lands of the ſaid Sir *Sampſon Gideon*, called *Adventurers Lands*, and the Eaſt End of the ſaid Diſtrict; but that the ſame ſhall for ever, after the paſſing of this Act, continue veſted in the ſaid Sir *Sampſon Gideon*, his Heirs and Aſſigns, as if this Act had never been made; any Thing herein contained to the Contrary notwithſtanding.

LIV. And

Road to be made in Hog Fen.

LIV. And whereas the Owners and Occupiers of the ſeveral Cloſes or Grounds lying in *Hog Fen*, on the Eaſt Side of the aforeſaid River called *The Load*, have heretofore had, and uſed to have and enjoy, a Driftway for Cattle to their ſeveral Cloſes, between ſuch Cloſes and the aforeſaid River, but by Means of the Boats navigating and being hauled on that Side of the ſaid River, the Land or Ground where ſuch Way was, is now in a great Meaſure worn away, and become Part of the ſaid River, whereby the ſaid Owners and Occupiers are deprived of a Road or Way to their ſaid reſpective Cloſes or Grounds: Therefore, for providing a Way for the ſaid ſeveral Owners and Occupiers to their ſaid reſpective Cloſes or Grounds for the future, it is hereby enacted, That in all ſuch Places where the ſaid Road or Way by the ſaid River Side, within the ſaid Diſtrict, is not of the Width of Twelve Feet, the ſaid Commiſſioners, or any Five or more of them, ſhall and may have full Power and Authority to ſet out and take Twelve Feet in Width of the Land, Ground, or Dikes, from the Eaſt Side of the ſaid River, and to level and fill up the ſaid Land, Ground, and Dikes, with Earth, effectually, to be uſed as a Road or Way to the ſaid ſeveral Cloſes or Grounds, in as full and ample a Manner as the Way by the ſaid River Side has heretofore been uſed or enjoyed, and to make Banks thereon, notwithſtanding ſuch Twelve Feet in Width to be taken for the ſaid Way and Banks may extend into the Lands, Grounds, or Dikes, of private Property, the ſaid Commiſſioners, or any Five or more of them, making ſuch reaſonable Satisfaction to the Owner or Owners who have a Right to the Soil, for the Damages he, ſhe, or they, ſhall ſuſtain thereby, as ſhall be agreed upon between ſuch Commiſſioners, or any Five or more of them, at their reſpective Meetings for the Time being, and ſuch Owner or Owners; and in caſe they cannot agree concerning the Amount of ſuch Damages, then the ſame ſhall be aſſeſſed and finally determined by the Juſtices of the Peace of the Quarter Seſſions, to be holden for the County of *Huntingdon*, in the ſame Manner as the Damages to be done by the making of Banks or other Works, in purſuance of this Act, are herein-before directed to be adjudged and determined; the Expences of making ſuch aforeſaid Road or Way, and Satisfaction to ſuch Owners of the Soil, to be paid for out of the Monies to be raiſed by virtue of this Act.

Mills to be inſured.

LV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe all and every the Engines and Mills, which ſhall be erected and employed by by virtue of this Act, to be inſured againſt Fire in ſome of the publick Inſurance Offices, and, from Time to Time, to pay the Expence attending ſuch Inſurances out of the Money ariſing by virtue of this Act.

Writings to be without Stamps.

LVI. And be it further enacted, That no Order, Nomination, Appointment, Mortgage, or other Security for Money, Contract, Agreement Information, Conviction, Judgment, Warrant under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, or exhibited before any of them, in purſuance of any of the Powers or Authorities by this Act veſted in ſuch Commiſſioner or Commiſſioners, Juſtice or Juſtices of the Peace, nor any Transfer of any Mortgage or Security, nor any Bond taken from any Officer or Officers for the due Execution of their reſpective Offices, in purſuance of this Act, nor any other Writing whatſoever concerning the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty.

Perſons aggrieved may appeal to the next Seſſion.

LVII. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, on account of any Offence committed, or ſuppoſed to be committed, againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid County of *Huntingdon*, at the next General or Quarter Seſſions of the Peace to be held for the ſaid County, after the Cauſe of Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt entering into a Recognizance, with ſufficient Sureties, to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in the ſaid General or Quarter Seſſions, in caſe ſuch Order or Judgement ſhall be affirmed; and the ſaid Juſtices, in their ſaid General or Quarter Seſſions, are hereby

Juſtices to determine Differences.

authoriſed and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party, as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Proceedings not to be quaſhed for want of Form.

LVIII. And be it further enacted, That no Order or other Proceeding to be made or had before any Juſtice or Juſtices of the Peace, by virtue of the Powers by this Act granted, ſhall be quaſhed or made void for want of Form only.

Diſtreſs not unlawful for want of Form.

LIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in any Action upon the Caſe.

Saving Clauſe to the Corporation of Bedford Level.

LX. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, or any of them, to have, uſe, or exerciſe any Authority over, or intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs,

liffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling the draining of the Fens called Bedford Level*, or by virtue of any other Act or Statute whatſoever, or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities, veſted in the ſaid Governors, Bailiffs, and Commonalty, or in the ſaid Governors, Bailiffs, Conſervators; but that all Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act, made in the ſaid Fifteenth Year of the ſaid King *Charles* the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter continue, remain, and be, in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

This Act not to prevent the Navigation in the Yard's End Dike and Load.

LXI. Provided alſo, and it is hereby further enacted and declared, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to prevent any Perſon or Perſons from navigating with their Boats and Veſſels as heretofore has been accuſtomed in and upon the aforeſaid Dike or Drain called *The Yard's End Dyke*, and the ſaid River or Dike called *The Load*, or either of them, or any Part thereof, (except only for ſuch Time and Times as ſhall be neceſſary for damming and draining the ſame reſpectively, for the Purpoſes of laying ſuch Tunnels, and for doing and executing ſuch other Works therein, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem expedient for the draining and preſerving the ſaid Fen Lands and Low Grounds).

Limitation of Action.

LXII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants, in ſuch Action or Suit, ſhall and may plead the General Iſſue, and, if in Replevin, may juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the Special Matter in Evidence, without ſpecially pleading the ſame otherwiſe than as aforeſaid, at any Trial to be had thereupon; and that the Fact alledged to have been done was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, or if any Verdict ſhall paſs againſt him, her, or them, upon Demmurrer, or otherwiſe; then, or in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they, ſhall have the like Remedies as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

LXIII. And be it further enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XLVII.

An Act to enable the Right Honourable *Sackville* Earl of *Thanet* to make a navigable Cut or Canal from a Place called *The Spring*, lying near *Skipton Caſtle* in the County of *York*, to join to and communicate with the navigable Canal from *Leeds* to *Liverpoole*, in a Cloſe called *Hebble End Cloſe*, in the Townſhip of *Skipton*, in the ſaid County of *York*.

Preamble.

'WHEREAS, by virtue of an Act of Parliament, made in the Tenth Year of the Reign of His preſent Majeſty, (intituled, *An Act for making and maintaining a navigable Cut or Canal from* Leeds Bridge, *in the County of* York, *to the* North Lady's Walk *in* Liverpoole, *in the County Palatine of* Lancaſter, *and from thence to the River* Merſey), a conſiderable Part of the ſaid Canal, which lies between *Leeds* and *Skipton*, in the ſaid County of *York*, has been completed, and made navigable for Boats and other Veſſels: And whereas the Owners and Occupiers of Land, and others, the Inhabitants at or neer *Leeds*, *Bradford*, *Bingley*, *Keighley*, *Silſden*, and other Places lying contiguous to the ſaid Canal, have Occaſion for and are frequently in great Want of large Quantities of Lime and Lime Stones, for the Improvement of their Lands, and other Purpoſes: And whereas the Right Honourable *Sackvile* Earl of *Thanet* is ſeiſed and poſſeſſed of certain Lands and Grounds near the Caſtle of *Skipton* aforeſaid, in which are great Quantities of Limeſtone Rocks, and which are ſituate within the Diſtance of Five hundred and thirty Yards, or thereabouts, from that Part of the ſaid Canal which lies neareſt to the Town of *Skipton* aforeſaid: And whereas a navigable Cut or Canal is very capable of being made, for the Navigation of Boats and other Veſſels, from a certain Part of the aforeſaid Land of the ſaid Earl of *Thanet*, called *The Spring*, which adjoins to or is ſituate near the ſaid Lime-ſtone Rocks, through the Lands, Grounds, and Waſte belonging to the ſaid Earl, and other Land belonging to the Free Grammar School at *Skipton* aforeſaid, hereinafter more particularly mentioned, and to join to and communicate with the ſaid navigable Cut from *Leeds* to *Liverpoole*, in a certain Cloſe in the Townſhip of *Skipton* aforeſaid, called *The Hebble End Cloſe*, by Means whereof the

'the ſeveral Towns and Places aforeſaid, and the adjacent Country, may, at all Times, be ſupplied 'with Lime and Lime Stone from the ſaid Lime-ſtone Rocks, which will be of great and general 'Utility: And whereas the ſaid Cloſe called *The Hebble End Cloſe*, through which the ſaid intended 'navigable Cut or Canal is to be made, and in which it is to join to and communicate with the '*Leeds* and *Liverpoole* Canal, belongs to the Free Grammar School at *Skipton* aforeſaid, and a great 'Part of the ſaid Cloſe will be neceſſary to the ſaid Earl, his Heirs and Aſſigns, for the making of 'the ſaid navigable Cut or Canal, and the Roads and Towing-paths on the Side thereof: And 'whereas the ſaid Earl of *Thanet* is willing and deſirous, at his own Expence, to make and maintain 'ſuch intended navigable Cut or Canal; but as the ſame cannot be effected without the Aid of Par-'liament;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

The Earl of Thanet impowered to complete a navigable Cut near Skipton Caſtle.

That the ſaid Earl of *Thanet*, his Heirs and Aſſigns, ſhall be, and he is and they are hereby impowered, by him and themſelves, his and their Agents, Officers, Workmen, and Servants, to make and complete a Cut or Canal, navigable or paſſable for Boats, Barges, and other Veſſels, from or near a certain Place or Parcel of Land belonging to the ſaid Earl, and ſituate near to *Skipton Caſtle*, in the County of *York*, called *The Spring*, through the Gardens, Houſes, Lands, Grounds, and Waſte, belonging to, and the Property of the ſaid Earl; and alſo through a certain Cloſe belonging to the Free Grammar School, called *The Hebbie End Cloſe*, ſituate in the Townſhip of *Skipton* aforeſaid, and the ſeveral Roads and Highways leading from or lying between the ſaid Place, called *The Spring* and *The Hebble End Cloſe* aforeſaid, to join to, and communicate with the ſaid Canal Navigation from *Leeds* to *Liverpoole*, in the the ſaid Cloſe called *The Hebble End Cloſe*, and to ſupply the ſaid Cut or Canal, while the ſame ſhall be making, and when made, with Water from ſuch Springs, Soughs, Brooks, Drains, Streams, and Watercourſes, as ſhall be found in making the ſaid Cut or Canal; and alſo to make ſuch Reſervoirs as ſhall be found neceſſary for the Purpoſes of the ſaid Cut or Canal, within the Lands, Grounds, and Waſte aforeſaid, for the more convenient ſupplying the ſaid Canal with Water, as alſo for the making uſing completing, extending, and maintaining of ſuch Trenches, Paſſages, Gutters, and Watercourſes, Soughs, and Drains, as ſhall be proper and neceſſary to convey Water into, out of, or under the ſaid Cut or Canal; and to alter, divert, and change the Courſes of any Brooks or Watercourſes that may in any Manner hinder, damage, or obſtruct, the ſaid Cut or Canal; and to carry, divert, and convey ſuch Brooks or Watercourſes through and over the Grounds adjoining to or near the Courſe of the ſaid Cut or Canal, and to make ſuch Banks between the ſame, where neceſſary, as will be ſufficient for a Road and Towing-path, and to ſeparate ſuch Brooks or Watercourſes from the ſaid Cut or Canal; and alſo to make, build, erect, and ſet up, in or upon the ſaid intended Cut or Canal, or upon the Lands and Grounds now the Property of the ſaid Earl, adjoining or near the ſaid Canal, ſuch and ſo many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens, Reſervoirs, Drains, Wharfs, Quays, Landing-places, Loading-places, Weigh-beams, Cranes, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Earl, his Heirs and Aſſigns, ſhall think requiſite and convenient for the Purpoſes of the ſaid Navigation; and alſo to alter, repair, amend, widen, or enlarge the ſaid Works of or belonging thereto; and alſo to make, maintain, repair, and alter any Fences or Paſſages over, under, or through the ſaid Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Gutters, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith; and alſo to make, ſet up, and appoint, ſuch Roads or Towing-paths, Banks, and Ways, convenient for towing, hailing, or drawing of Boats, Barges, or other Veſſels, paſſing in, through, or upon, the ſaid Cut or Canal; and to conſtruct, erect, and keep in Repair, any Piers, Arches, and other Works, in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Cut or Canal, and Towing-paths on the Sides thereof; and alſo to conſtruct, erect, make, and do, all other Matters and Things which the ſaid Earl, his Heirs or Aſſigns, ſhall think convenient and neceſſary for the making, effecting, preſerving, improving, completing, and uſing the ſaid Navigation, in purſuance, and within the true Intent and Meaning of this Act.

Truſtees of the Grammar School at Skipton may ſell Part of Hebble End Cloſe.

II. And be it further enacted, That it ſhall and may be lawful to and for the Truſtee or Truſtees for the Time being, of the Free Grammar School at *Skipton* aforeſaid, to ſell and convey ſuch Part of the ſaid Cloſe called *The Hebble End Cloſe*, as ſhall be neceſſary for making the ſaid Navigable Cut or Canal, and the Roads and Towing-paths on the Side thereof, to the ſaid Earl, his Heirs and Aſſigns, for ſuch Price or Prices in Money, as by the ſeveral Perſons herein-after named as Arbitrators, or any Three or more of them, ſhall be ſettled and adjuſted in Manner herein-after mentioned; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom, to the Contrary notwithſtanding; and the Truſtee or Truſtees for the Time being of the ſaid School is and are hereby indemnified for what he, they, or any of them, ſhall reſpectively do by virtue of or in purſuance of this Act.

All Sums ariſing from the Purchaſe of Hebble End Cloſe to be laid out in the Purchaſe of other Lands.

III. And be it further enacted, That ſuch Part of the ſaid Cloſe, called *The Hebble End Cloſe*, as ſhall be ſo ſold and conveyed, purſuant to the Power and Authority hereby given, ſhall be and remain from thenceforth for ever freed and abſolutely diſcharged of and from all and every the Uſes, Truſts, Eſtates, Powers, Proviſoes, and Declarations, in and by any Settlement, Feoffment, or other Conveyance or Aſſurance thereof, limited, expreſſed, and declared; and that all and every Sum and Sums of Money which ſhall be received as and for the Purchaſe of any Part of the ſaid Cloſe as aforeſaid, ſhall be laid out, as ſoon as conveniently may be, in the Purchaſe of other Lands, Tenements, and Hereditaments,

Hereditaments, ſo to be purchaſed, ſhall be conveyed unto, and veſted in, the Truſtee or Truſtees for the Time being of the Free Grammar School aforeſaid, who ſhall ſtand ſeiſed of and be poſſeſſed in the ſame, to and for ſuch Uſes, Eſtates, Intents, and Purpoſes, and under and ſubject to ſuch Truſts, as the ſaid Cloſe, called *The Hebble End Cloſe*, is limited, ſettled, and aſſured; and, in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Money ſhall be placed out by the Truſtee or Truſtees for the Time being of the ſame School in ſome of the publick Funds, or on Government or Real Securities, in the Names of the Truſtee or Truſtees for the Time being of the ſame School; and the Intereſt ariſing, or to be produced from ſuch Funds or Securities, ſhall be paid and applied in ſuch and the ſame Manner, and for ſuch and the ſame Uſes, Intents, and Purpoſes, as the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Arbitrators relative to the Prices in Money to be paid by Earl of Thanet.

IV. And be it further enacted by the Authority aforeſaid, That it ſhall be, and it is hereby referred to *Stephen Walter Tempeſt*, of *Broughton*, in the ſaid County of *York*, Eſquire; *John Clayton*, of *Carr*, in the County Palatine of *Lancaſter*, Eſquire; *John Currer*, of *Kildwick*, in the ſaid County of *York*, Eſquire; *Roger Swire*, of *Connonley*, in the ſame County, Eſquire; *Matthew Wilſon*, of *Aſhton*, in the ſame County, Eſquire; *Thomas Liſter*, of *Giſborne Park*, in the ſame County, Eſquire; the Reverend *William Roundel*, of *Marton*, in the ſame County, Clerk; and *William Bagſhaw*, of *Couteſhall*, in the ſame County, Eſquire; to ſettle, adjuſt, and determine the Price or Prices in Money which ſhall be paid by the ſaid Earl of *Thanet*, his Heirs or Aſſigns, and ſhall be accepted by the Truſtee or Truſtees for the Time being of the ſame School, for the Purchaſe of ſuch Part of the ſame Cloſe as he the ſaid Earl of *Thanet*, his Heirs or Aſſigns, ſhall be deſirous to purchaſe for the Purpoſe aforeſaid; and that all and every other Queſtions, Matters, and Differences, which ſhall or may happen to ariſe between the ſaid Earl of *Thanet*, his Heirs and Aſſigns, and the Truſtee or Truſtees for the Time being of the ſaid Free Grammar School, or their Leſſees, Tenants, or Occupiers, of the ſame Cloſe, or any Part thereof, or any other Perſon or Perſons having any Eſtate, Term, or Intereſt therein, touching or in anywiſe concerning ſuch Purchaſe, or touching or concerning the Share or Proportion of the ſaid Purchaſe Monies to be allowed to the Tenant or other Perſon having a particular Eſtate, Term, or Intereſt therein, or touching or concerning the Satisfaction to be made to them, or any of them, by the ſaid Earl, his Heirs or Aſſigns, for any Damage which the ſaid Truſtee or Truſtees, or other Perſons aforeſaid, or any of them, ſhall or may ſuſtain, or alledge to have ſuſtained, by the making or maintaining the ſaid navigable Cut or Canal, or by carrying into Execution the Powers given by this Act, or any of them, ſhall be, and the ſame are hereby, in like Manner, referred to the ſaid *Stephen Walter Tempeſt*, *John Clayton*, *John Currer*, *Roger Swire*, *Matthew Wilſon*, *Thomas Liſter*, *William Roundel*, and *William Bagſhaw*; and the Award, Deciſion, and Determination, of the ſaid Arbitrators herein-before named, or any Three or more of them, in all and every the Matters and Things aforeſaid, to be given and made in Writing under the Hands and Seals of the ſaid Arbitrators, or any Three or more of them, ſhall be binding and concluſive to all Intents and Purpoſes, as well upon the ſaid Earl of *Thanet*, his Heirs and Aſſigns, as upon the Truſtee or Truſtees for the Time being of the Free Grammar School aforeſaid, and all and every their Leſſees, Tenants, and Occupiers, for the Time being of the ſame Cloſe, or any Part thereof, and other the Perſons aforeſaid.

The Earl to erect and maintain Stop-gates.

V. Provided always, and it is hereby enacted, That the ſaid Earl of *Thanet*, his Heirs and Aſſigns, ſhall, at his and their own proper Coſts and Charges, make, erect, and maintain ſuch Stop-gate or Stop-gates, as the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpoole*, or their Committee, ſhall think neceſſary; and that the ſaid Company ſhall have Power to make uſe of the ſame for preſerving the Water of the ſaid Canal Navigation from Waſte or Loſs, in conſequence of the ſaid Junction.

Perſons damaging the Works to be adjudged guilty of Felony.

VI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid intended navigable Cut or Canal, break, throw down, damage, or deſtroy any Banks, or other Works, to be erected or made by virtue of this Act, or do any other wilful Hurt or Miſchief, to obſtruct, hinder, or prevent the carrying on or completing, ſupporting, and maintaining the ſaid intended Navigation, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony; and every ſuch Felon ſhall be ſubject to the like Pains and Penalties as in Caſes of Felony; and the Court, by and before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall and hereby have Power and Authority to tranſport every ſuch Perſon or Perſons to any of His Majeſty's Plantations, in like Manner as other Felons are directed to be tranſported by any of the Laws or Statutes of this Realm; or, in Mitigation of ſuch Puniſhment, may, if they think proper, award ſuch Sentence as the Laws directs in Caſes of Petit Larceny.

Perſons throwing Ballaſt or Rubbiſh into the Canal or Trenches, to forfeit 5 l.

VII. And be it further enacted, That if any Perſon or Perſons ſhall throw any Ballaſt, Gravel, Stone, or Rubbiſh, into any Part of the ſaid Cut or Canal, or any Trenches or Watercourſes to be made or maintained by virtue of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds; to be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal or Hands and Seals of any Juſtice or Juſtices of the Peace for the ſaid County of *York*; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice or Juſtices to commit ſuch Offender or Offenders to the common Gaol of the ſaid County of *York*, or the Houſe of Correction of the Town of *Wakefield*, in the Weſt Riding of the ſaid County of *York*, there to remain, without Bail or Mainprize, for any Time not exceeding One Month; and all ſuch Penalties and Forfeitures ſhall be paid, One Moiety to the Informer, and the other Moiety to the Poor of the Pariſh or Place where the Offence ſhall be committed.

The Works not to be ſubject to the Controul of Commiſſioners of Sewers.

VIII. Provided always, and be it further enacted, That the ſaid Cut or Canal, or any Works whatſoever by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Orders of any Commiſſioners of Sewers, or to any Law or Statute relating to Sewers; any Thing, or any former Law or Statute, to the Contrary hereof notwithſtanding.

Limitation of Actions.

IX. Provided always, and be it further enacted, That if any Action, Suit, or Information, ſhall be commenced againſt any Perſon or Perſons, for any Thing done, or to be done, in purſuance of this Act, every ſuch Suit or Information ſhall be brought or commenced within Six Calendar Months next after the Fact committed; or in caſe there be a Continuation of Damages, then within Six Calendar Months next after the doing thereof ſhall ceaſe, and not afterwards, and ſhall be laid and brought in the ſaid County of *York*, and not elſewhere; and the Defendant or Defendants in ſuch

General Iſſue.

Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or that ſuch Action, Suit, or Information, was commenced or brought after the Time ſo limited for bringing the ſame, or was brought in any other County than as aforeſaid; then, and in ſuch Caſe, the Jury ſhall find for the Defendant or Defendants; and, upon ſuch Verdict, or if the Plaintiff or Plaintiffs, Proſecutor or Proſecutors, ſhall become Non-ſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, Suit, or Information, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover

Treble Coſts.

Treble Coſts, and ſhall have ſuch Remedy for the ſame, as when Coſts by Laws are awarded.

Publick Act.

X. And be it further enacted, That that this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice of it as ſuch, without ſpecially pleading the ſame.

CAP. XLVIII.

An Act for amending and rendering more effectual Two Acts, made, One in the Eighth and the other in the Tenth Year of His preſent Majeſty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh of *Saint Mary le Bone*, in the County of *Middleſex*, and for other Purpoſes in the ſaid Acts mentioned.

Preamble. Act 8 Geo. III.

'WHEREAS in and by Two ſeveral Acts made, One in the Eighth Year of the Reign of 'His preſent Majeſty, (intituled, *An Act for repealing an Act, made in the Twenty-ninth Year of 'the Reign of His late Majeſty King* George *the Second, intituled*, An Act for the better regulating the 'Nightly Watch and Beadles, and cleanſing, enlightening, and paving the Streets, Squares, Lanes, and 'other Paſſages, and repairing the Highways, and Cauſeways, and regulating the Poor, within the Pariſh 'of *Saint Mary le Bone*, in the County of *Middleſex*) *and for making more effectual Proviſions for thoſe Purpoſes*:

Act 10 Geo. III.

'And the other in the Tenth of His ſaid Majeſty's Reign; intituled, *An Act for the more effectually 'paving, repairing, cleanſing, and lighting the Streets, Squares, Lanes, and other Paſſages, and for regulating 'Weights and Meaſures, within the Pariſh of* Saint Mary le Bone, *in the County of* Middleſex, *and for 'other Purpoſes therein mentioned*; certain Powers were, for the Purpoſe of the due Execution of the 'ſaid Two Acts, veſted in the Veſtrymen and Commiſſioners therein reſpectively named: And where-'as the ſaid Veſtrymen and Commiſſioners have made a very conſiderable Progreſs in the Execution of 'the ſeveral Powers by the ſaid Acts in them reſpectively veſted; but find that the good Purpoſes in-'tended by the ſaid Acts cannot be effectually anſwered, unleſs the ſaid Acts are further amended;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt

So much of Act 8 Geo. III. as impowers the the Veſtrymen to regulate the Nightly Watch and Beadles repealed; and by this Act to be under the Direction, &c. of the Commiſſioners

Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act, made in the Eighth Year of the Reign of His preſent Majeſty, as veſts the Power of regulating the Nightly Watch and Beadles in the Veſtrymen of the ſaid Pariſh ſhall be repealed: And that from and after the paſſing of this Act, the Nightly Watch and Beadles of the ſaid Pariſh (ſubject to the Rules, Directions, and Powers, in the ſaid Act preſcribed, with reſpect to the ſame) ſhall be under the ſole Authority, Juriſdiction, and Controul, of the Commiſſioners acting by virtue of the ſaid Act, made in the Tenth Year of the Reign of His preſent Majeſty; any Thing contained in the ſaid Act of the Eighth Year of His ſaid Majeſty's Reign, for veſting the Authority, Juriſdiction, and Controul, of the Nightly Watch and Beadles in the Veſtrymen of the ſaid Pariſh, to the Contrary thereof notwithſtanding.

Perſons carrying Duſt, Cinders, or Aſhes away, not being the Scavenger, ſhall forfeit

II. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, other than the Scavenger or Scavengers contracting with the ſaid Commiſſioners, or thoſe employed under him or them, ſhall carry away any Duſt, Cinders, or Aſhes, from any Houſe or other Premiſes, in any Square, Street, Lane, or Place, within the Limits of the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty, (without the Conſent of the Owner); in every ſuch Caſe, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders; and he and they is and are hereby required ſo to do by the Authority of this Act, and without any other Warrant, to convey and deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed

veyed before ſome Juſtice of the Peace of the ſaid County of *Middleſex*, or City and Liberty of *Weſtminſter*, as the Caſe ſhall be; and every ſuch Perſon or Perſons ſo carrying away ſuch Duſt, Cinders, or Aſhes, ſhall forfeit and pay the Sum of Five Shillings for the Firſt Offence, and the Sum of Ten Shillings for the Second and every other ſubſequent Offence: And in caſe the ſaid Penalties be not forthwith paid, or Security given for the Payment thereof, to the Satisfaction of the Juſtice before whom ſuch Offender or Offenders ſhall be convicted, ſuch Offender or Offenders ſhall be committed to the Houſe of Correction for the County of *Middleſex*, or City and Liberty of *Weſtminſter*, as the Caſe ſhall be, for any Time not exceeding Thirty Days, nor leſs than Twenty Days, to be computed from the Day of Commitment.

For 1ſt Offence, Five Shillings; 2d, and every other Offence, Ten Shillings, &c.

III. And be it further enacted, That in caſe the Perſon or Perſons who ſhall carry away any Duſt, Cinders, or Aſhes, without the Conſent of the Owner or Owners, or without being properly authoriſed by the Scavenger or Scavengers, contracting with the ſaid Commiſſioners, cannot be apprehended; then, and in every ſuch Caſe, the Owner or Owners of the Cart or Carriage in which ſuch Duſt, Cinders, or Aſhes ſhall be placed, in order to be carried away, or of any Horſe or Beaſt carrying away the ſame, ſhall forfeit and pay the Sum of Ten Shillings for the Firſt Offence; and for the Second or any other ſubſequent Offence, the Sum of Twenty Shillings: And that it ſhall and may be lawful to and for any Perſon or Perſons whatſoever to ſeize, or cauſe to be ſeized, any ſuch Cart or Carriage, together with the Horſe or Horſes, or any Beaſt or Beaſts drawing the ſame, or any Horſe or Beaſt carrying away the ſame, and drive, remove, or take, or cauſe the ſame to be driven, removed, or taken, to the Court-houſe or Pound belonging to the ſaid Pariſh, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, ſhall and do pay to the Perſon or Perſons, in whoſe Cuſtody the ſame ſhall be, the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, or any other Beaſt (if any); and in caſe the ſame ſhall not be demanded, and the ſaid Penalty and Charges paid within Five Days, then it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Money ariſing therefrom ſhall be applied, One Moiety to the Perſon who ſhall apprehend any ſuch Offender, or ſeize, carry, or take to the ſaid Pound or Court houſe ſuch Cart, Carriage, or Beaſt, and the other Moiety to the Purpoſes of the ſaid former Acts, or this Act, returning the Overplus (if any) after deducting the ſaid Penalty, and the Charges attending ſuch Removal, and of maintaining ſuch Horſe or Horſes, or other Beaſt, and of appraiſing and ſelling ſuch Cart, Carriage, Horſe, or Beaſt, to the Owner or Owners thereof upon Demand.

If Perſons offending cannot be apprehended, the Penalty to be laid on the Owner of the Cart or Carriage.

IV. And be it further enacted, That ſo much of the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty, as impowers any of the Water Companies who now furniſh, or ſhall hereafter furniſh, the Inhabitants, within the Limits aforeſaid, with Water, to repair the Pavement where any Pipe or Pipes belonging to any of the Water Companies within the ſaid Limits ſhall happen to burſt or break, or as directs the Paviors or Turncocks of any of the ſaid Companies, or the Surveyors of the ſaid Commiſſioners, to give Notice of their reſpective Names and Places of Abode, ſhall be repealed.

So much of Act 10 G. III. impowering Water Companies to repair Pavement, &c. repealed.

V. And be it further enacted, That when and ſo often as any Main, Pipe or Pipes, belonging to any of the Water Companies, who now furniſh, or ſhall hereafter furniſh, the Inhabitants, within the Limits aforeſaid, with Water, and which now lie, or ſhall hereafter be laid, under Ground, in any of the ſaid Squares, Streets, Lanes, Courts, Yards, Alleys, Paſſages, or Places, ſhall happen to break, burſt, or decay, ſo as to require Reparation, the Surveyor of the ſaid Commiſſioners for the Time being, or ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint for that Purpoſe, ſhall forthwith give, or cauſe to be given, Notice thereof, in Writing, to the Pavior of the Water Company to whom he apprehends the ſaid Main or Mains, Pipe or Pipes, to belong, who is hereby required to take up the Pavement, and open the Ground, at or near the Place where ſuch Reparation ſhall appear to be wanting: And if the ſaid Pavior ſhall, upon taking up ſuch Pavement, and opening ſuch Ground, diſcover that the Main or Mains, Pipe or Pipes, ſo broken, burſt, or decayed, does not or do not belong to the Water Company whoſe Pavior he is; then, and in every ſuch Caſe, he ſhall forthwith give, or cauſe to be given, Notice thereof, in Writing, to the Pavior to the Company, to whom the ſaid Main or Mains, Pipe or Pipes, ſhall appear to belong; in which Caſe, ſuch laſt-mentioned Pavior is hereby required, upon Demand, to make Satisfaction for the taking up ſuch Pavement, and opening ſuch Ground, to the Pavior giving Notice as aforeſaid; and the Pavior of ſuch Water Company to whom the ſaid Main or Mains, Pipe or Pipes, ſhall belong, is hereby required to cauſe or procure the ſaid Main or Mains, Pipe or Pipes, to be repaired, and afterwards to fill up the ſaid Ground, and ram down the ſame, within Two Days next after ſuch Notice to be given; and as ſoon as ſuch Main or Pipe ſhall have been ſo repaired, and the Ground ſo filled up and rammed down, he ſhall give, or cauſe to be given, Notice thereof in Writing to the Pavior or Contractor for the Time being of the ſaid Commiſſioners: And if the Pavior or Paviors of any of the ſaid Water Companies to or for whom ſuch Notice ſhall be given, or left at his or their laſt Place or Places of Abode, ſhall, by the Space of Two Days next after the giving or leaving ſuch Notice as aforeſaid, refuſe or neglect to take up ſuch Pavement, and open ſuch Ground; or if upon diſcovering that the Main or Mains, Pipe or Pipes, ſo broken, burſt, or decayed, doth not, or do not belong to the Company whoſe Pavior he is, ſhall refuſe or neglect to give immediate Notice thereof, in Writing, to the Pavior of the Company to whom the ſaid Main or Mains, Pipe or Pipes, doth or do belong; or if the Pavior of the Water Company to whom ſuch Main or Mains, Pipe or Pipes, ſhall belong, ſhall,

The Manner and by whom Water pipes and Pavements are to be repaired.

Pavement to be relayed by the Space of Two Days.

by the Space of Two Days next after such Notice given to him, or left at his last Place of Abode, refuse or neglect to cause or procure such Main or Mains, Pipe or Pipes, to be amended and repaired, or afterwards to fill up the Ground so taken up, or to give such immediate Notice of his having so done to the Pavior or Contractor of the said Commissioners for the Time being; then, and in every such Case, the Person or Persons so respectively refusing or neglecting, shall, for every such Offence severally, forfeit and pay the Sum of Five Pounds: And if any Main or Mains, Pipe or Pipes, not belonging to any of the Water Companies, shall happen to break, burst, or decay, as aforesaid, in any of the said Squares, Streets, Lanes, Yards, Courts, Alleys, Passages, or Places; then, and in every such Case, the respective Owner or Owners thereof shall forthwith cause the Ground over the same to be opened, and such Main or Mains, Pipe or Pipes, to be repaired, and Notice thereof in Writing to be given to the Clerk for the Time being of the said Commissioners, or in case of Refusal or Neglect so to do, shall, for every such Offence, forfeit and pay the Sum of Five Pounds: And if any Pavement shall be broken or taken up for the Purpose of making, repairing, or altering, any Main, Pipe, Vault, or Drain, or for any other Purpose whatsoever; then, and in every such Case, the Person or Persons so breaking or taking up the said Pavement, or causing the same to be so broken or taken up, shall, as soon as the Nature of the Work will permit, cause the Ground to be filled in, and Notice thereof in Writing to be given to the Clerk for the Time being of the said Commissioners, or in case of Refusal or Neglect so to do, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and the said Clerk of the said Commissioners, shall forthwith, upon every such Notice as aforesaid given to him, or left at the Office of the said Commissioners, at the Court-house of the said Parish of *Saint Mary le Bone*, transmit such Notice, or cause the same to be transmitted, to the Pavior or Contractor of the said Commissioners for the Time being: And if the said Clerk shall refuse or neglect, by the Space of Two Days next after such Notice as aforesaid given to him, or left at his last Place of Abode, to transmit such Notice, or cause such Notice to be transmitted, to the said Pavior or Contractor for the Time being of the said Commissioners; or if such Pavior or Contractor to whom any such Notice as aforesaid shall be so transmitted, shall, by the Space of Two Days next after the transmitting of such Notice to him as aforesaid, refuse or neglect to relay and repair the Pavement so broken up; then, and in every such Case, the Person so refusing or neglecting shall forfeit and pay the Sum of Twenty Shillings for every Day such Pavement shall continue unrelaid or unrepaired after the Expiration of the said Two Days.

Proviso.

VI. Provided always, That if it shall happen that at any Time there shall be no regular or fixed Appointment of a Pavior of any of the Water Companies, in that Case such Notice as aforesaid shall be delivered to, or left at the Office of the Clerk or Secretary of such Company respectively, who shall, in every such Case, be substituted in the Room of such Pavior, to all the Intents and Purposes aforesaid.

Paviors of the Water Companies to give Notice of their Names, &c.

VII. And be it further enacted, That the several and respective Paviors now employed, or hereafter to be employed by the said Water Companies respectively, within the Limits aforesaid, shall, within the Space of Thirty Days next after the passing of this Act, or within Three Days next after they shall be respectively appointed Paviors to such Company or Companies, give Notice in Writing to the Clerk for the Time being of the said Commissioners, of their respective Names and Places of Abode, and of the Names of the respective Company whose Paviors they are, and of the respective District to which they are appointed; and in like Manner the Clerk for the Time being of the said Commissioners, after having received Notice of such Appointment as aforesaid, shall, within the respective Times aforesaid, give Notice to the respective Paviors of the said several Water Companies, of the Names and Places of Abode of the Pavior or Paviors, Contractor or Contractors, for the Time being of the said Commissioners; and if any of the said Paviors, or the Clerk of the said Commissioners for the Time being, shall neglect to give such Notice within the respective Times aforesaid, each of them shall, for every such Offence severally, forfeit and pay the Sum of Twenty Shillings.

Water Companies to pay to the Commissioners the Expence of new-laying the Pavement when Pipes are broken, &c.

VIII. Provided always, and be it further enacted and declared, That the Charges and Expences of relaying the Pavement which shall be broken, or taken up for the Purposes of laying down, repairing, or amending, any such Main or Mains, Pipe or Pipes, shall be reimbursed and paid to the said Commissioners, or to such Person as they shall appoint to receive the same, by the Clerk or Treasurer for the Time being of the respective Water Companies, to whom such Main or Mains, Pipe or Pipes, shall belong; or if the same shall not belong to any of the said Water Companies, then by the respective Owner or Owners thereof; and if such Clerk or Treasurer to any of the said Water Companies, or the respective Owner or Owners of such Main or Mains, Pipe or Pipes, liable to reimburse and pay such Charges and Expences, shall refuse or neglect to pay the same within Ten Days next after Demand thereof in Writing, signed by the Clerk of the said Commissioners, and left at their respective Dwelling-houses, or last Places of Abode, or at the Office of the respective Companies, together with a Bill to be annexed to such Demand, containing an Account of such Charges and Expences; then, and in every such Case, the Money so expended shall and may be recovered by the said Commissioners, of, and from the Person or Persons so liable thereto, by Action or Actions of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in the Names of the said Commissioners, or any Five or more them, to be commenced within Three Calendar Months next such Demand respectively; in which Action or Actions, Suit or Suits respectively, no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Commissioners may contract for Paving, and to be advertised.

IX. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, and they are hereby authorised and impowered, from Time to Time, at any of their Meetings, as Occasion shall require, to contract with any Person or Persons for paving, and keeping in Repair, the

Pavement

Pavement over the Water Trenches belonging to any of the ſaid Water Companies; but that no ſuch Contract ſhall be made unleſs, previous to the making thereof, Fourteen Days Notice at the leaſt ſhall be given in ſome of the publick News-papers, expreſſing the Intention of ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame, not being Commiſſioners, may make Propoſals for that Purpoſe, at the Time and Place in ſuch Notice mentioned.

Water Companies may repair the Pavement by their own Workmen, within Four Feet of their Plugs, &c.

X. Provided always, and be it enacted, That nothing in this Act contained ſhall extend to prevent any of the ſaid Water Companies, from Time to Time, as Occaſion ſhall require, from taking up and repairing, by their own Workmen or Paviors, any Part of the Pavement within the Limits aforeſaid, not exceeding the Diſtance of Four Feet from the Water-plugs, Drawing-plugs, and Fire-plugs, belonging to the reſpective Water Companies: Provided nevertheleſs, That in caſe ſuch Pavement ſo taken up by the ſaid Water Companies, their Workmen or Paviors, ſhall not be properly relaid to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being; then, upon Notice given to the ſaid Water Companies, or their Pavior, the ſaid Pavement ſhall, within Four Days after ſuch Notice, be again taken up and relaid, at the Expence of the Water Company that ſhall have ſo taken up the ſaid Pavement; and in caſe the ſaid Pavement ſo taken up ſhall not be relaid for the Third Time in a proper Manner, and to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being, then the Water Company, ſo neglecting to relay the ſaid Pavement in a proper Manner, ſhall forfeit and pay to the ſaid Commiſſioners, or any Five or more of them, the Sum of Twenty Shillings; and the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe ſuch Pavement to be taken up and relaid by their own Workmen and Paviors, and the Expence thereof ſhall be borne and defrayed by the Water Company ſo neglecting to relay the ſame in a proper Manner; any Thing herein contained to the Contrary notwithſtanding.

Commiſſioners may compound with the Water Companies.

XI. Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree with any of the ſaid Proprietors or Water Companies reſpectively, for a certain Sum of Money, by the Foot or other Meaſure, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable, for the Purpoſe of laying down or repairing ſuch Parts of the ſaid Squares, Streets, Lanes, Mewſes, Alleys, Courts, Paſſages, or Places, as ſhall be neceſſary to be taken up by the Workmen of the ſaid Proprietors or Water Companies, for the Purpoſes of laying down, replacing, altering, or amending, any of the Mains or Pipes.

How Water may more eaſily be obtained in Times of Fire.

XII. And, for the more eaſy obtaining of Water in Caſes of Fire, it is hereby further enacted, That the ſeveral Water Companies who ſhall ſupply any of the Inhabitants within the Limits aforeſaid with Water, ſhall, from Time to Time, within the Space of Fourteen Days after the paſſing of this Act, or within Seven Days after the Appointment of any Turncock or Turncocks, give Notice, in Writing, to the ſaid Commiſſioners, of the Names and Places of Abode of their reſpective Turncocks, diſtinguiſhing the Diſtricts to which they reſpectively belong; and if any of the ſaid Companies ſhall neglect to give ſuch Notice within the Times aforeſaid, they ſhall, for every ſuch Neglect, forfeit and pay the Sum of Forty Shillings; and the ſaid Commiſſioners ſhall, and they are hereby required, yearly, to cauſe to be printed, and diſtributed to and amongſt the ſeveral Houſeholders within the Limits aforeſaid, a Liſt of the Names and Places of Abode of the ſeveral Turncocks of the Diſtrict or Diſtricts within the ſaid Limits.

Power to collect Rates within the Quarter.

XIII. And be it further enacted, That in order to avoid the Loſs that frequently happens from the Tenants or Occupiers of Houſes or Tenements, who frequently quit and remove from ſuch Houſes or Tenements before the Quarter Day on which the Rates and Aſſeſſments, charged by virtue of the ſaid Acts, on the ſaid Houſes or Tenements become due and payable; it ſhall and may be lawful to and for the ſaid Veſtrymen and Commiſſioners of the ſaid Pariſh reſpectively to demand and receive, or cauſe to be demanded and received, Sixty Days before every ſuch Quarter Day, or at any other ſubſequent Time, the reſpective Rates and Aſſeſſments that would be due and payable on ſuch Quarter Day; and in caſe of Nonpayment thereof, to enforce the Payment of ſuch Rates and Aſſeſſments, in the ſame Manner, and with the ſame Powers, as they could or might by virtue of either of the ſaid former Acts, or this Act, in caſe of Nonpayment of the ſaid Rates and Aſſeſſments upon the Quarter Day on which the ſame became due and payable.

Penalty of 5 s. on Perſons rubbing out Numbers on Houſes, &c.

XIV. And be it further enacted by the Authority aforeſaid, That in all Caſes where any Number painted or put on any Houſe or Tenement, within the Limits aforeſaid, under the Direction of the before-recited Act of the Tenth Year of the Reign of His preſent Majeſty, ſhall be defaced or rubbed out, the Owner or Occupier of any ſuch Houſe or Tenement, where the Number or Numbers ſhall have been defaced or rubbed out, ſhall, upon Perſonal Notice given to him, her, or them, or upon Notice in Writing, left at his, her, or their laſt or moſt uſual Place of Abode, by the Clerk to the ſaid Commiſſioners, or by ſuch other Perſon or Perſons as any Five or more of the ſaid Commiſſioners ſhall direct or appoint, cauſe the ſame Number to be in the ſame or like Manner painted, or put on ſuch Houſe or Tenement, within Five Days after ſuch Notice; and in caſe of Neglect or Refuſal to comply with ſuch Order, every ſuch Owner or Occupier ſhall forfeit and pay for every ſuch Offence the Sum of Five Shillings.

Creditors equal in Degree by 10 Geo. III. repealed.

XV. And be it further enacted, That ſo much of the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty as directs, that no Preference ſhall be given to any Perſon or Perſons in the Payment of the Principal Sum or Sums by him, her, or them advanced, or to be advanced, upon the Credit of the ſaid Act, ſhall be repealed.

XVI. And

A certain Proportion of the Rates to be applied in Discharge of Money borrowed.

XVI. And be it further enacted, That in order to discharge the said Principal Money and Interest, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorised and impowered, yearly and every Year, to deduct, appropriate, and set apart any Sum or Sums of Money, not exceeding One Penny Halfpenny in the Pound, of the Total Amount of the yearly Rent or Value of all and every the Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments respectively within the Limits aforesaid, and the said Sum or Sums of Money so to be set apart and appropriated, shall be, from Time to Time, taken and deducted from and out of the Rate and Assessment levied and collected by virtue of the said Act of the Tenth Year of His present Majesty, for the Purpose of repairing, cleansing, and lighting the Squares, Streets, Lanes, and other Passages and Places within the Limits aforesaid: Provided always, That such Sum or Sums of Money so to be deducted, set apart, and appropriated, as aforesaid, shall not at any Time exceed the Proportion of One Penny Halfpenny in the Pound, according to the yearly Rent or Value of such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, on which such Rates or Assessments shall have been actually levied and collected, and shall only be so deducted, set apart, and appropriated, at such Time or Times as the said Rate and Assessment by the said Act allowed to be levied and collected for the Purpose of repairing, cleansing, and lighting, as aforesaid, shall not exceed the full Sum of One Shilling in the Pound in any One Year; any Thing herein contained to the Contrary notwithstanding.

The Money to be paid into the Bank.

XVII. And be it further enacted, That the said Sum or Sum or Sums of Money so to be set apart and appropriated, shall and may, from Time to Time, as the same shall be levied and collected, be paid into the Bank of *England*, and from thence issued and applied in such Manner, and to and for such Uses and Purposes, as are by this Act herein-after directed and appointed; and the Treasurer or Treasurers to the said Commissioners for the Time being shall keep the Account relating to such Sum or Sums of Money, so paid into the Bank as aforesaid, separate and distinct from all other Accounts of the said Commissioners.

Manner of paying off the Debt.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorised and impowered, from Time to Time, when and as often as the Surplus of the said Sixpenny Rate (if any) shall, together with the Produce of One Penny Halfpenny in the Pound, so to be set apart and appropriated, amount to the Sum of Five hundred Pounds, or upwards, to pay off and discharge the Money borrowed, and to be borrowed, on the Credit of the said Sixpenny Rate, in such Manner as is herein-after directed, and a separate Account shall be kept of the Sums of Money paid off and discharged by the Surplus of the said Sixpenny Rate distinct from those which shall be paid off and discharged by the Sums so appropriated as aforesaid, by virtue of this Act.

Method to be taken for paying off Bonds.

XIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, to cause the Numbers of all the Bonds or Securities which shall be then due and owing to the Creditors on the said Sixpenny Rate to be put separately into a Box or Glass, and that so many Numbers of the said Bonds or Securities shall be drawn out of the said Box or Glass by the Clerk to the said Commissioners, in the Presence of the said Commissioners, or any Seven or more of them, as shall make up the Sum then intended to be paid off; and that Six Calendar Months Notice, in Writing, or printed, and signed by the Clerk to the said Commissioners for the Time being, shall be given to the Person or Persons who shall be intitled to such Bond or Bonds, Security or Securities, so drawn out, or shall be left at his, her, or their last or most usual Place of Abode, that his, her, or their respective Bond or Bonds, Security or Securities, Principal and Interest, will be paid off; and that at the Expiration of the said Six Calendar Months, to be computed from the Day of such Notice given or left, as aforesaid, all Interest on such Bond or Bonds, Security or Securities, shall cease and determine.

Commissioners to borrow Money for paving, &c.

XX. And whereas it may hereafter happen, That by a long and constant wear of the Pavement within the Limits aforesaid, the Expence of repairing the same may be too large to be defrayed out of the annual Rates allowed to be collected for that Purpose; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Seven or more of the said Commissioners, and they are hereby authorised and impowered, in Cases of such Necessity only, to borrow and take up at Interest such Sum or Sums of Money as shall be so wanted, on the Credit of the said Sixpenny Rate, in like Manner as is directed by the before-recited Act of the Tenth Year of the Reign of His present Majesty, for the borrowing Money on the said Sixpenny Rate: Provided always, That no greater Sum or Sums of Money shall be so borrowed than was or were actually paid off and discharged by Means of the said Sum of One Penny Halfpenny in the Pound, by this Act so set apart and appropriated, as aforesaid.

Commissioners to borrow Money at a lower Interest to pay off Bonds.

XXI. And be it further enacted by the Authority aforesaid, That in case the said Commissioners can, at any Time, borrow and take up any Sum or Sums of Money, not less than the Sum of Five hundred Pounds at One Time, at a lower Rate of Interest than the Bonds or Securities by them issued then carry, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, to pay off and discharge the Bonds or Securities bearing an higher Rate of Interest, following the Directions and Regulations as are herein-before prescribed for paying off Bonds and Securities.

XXII. Pro-

XXII. Provided nevertheleſs, That no Bond or Security carrying a lower Rate of Intereſt ſhall at any Time be paid off and diſcharged, whilſt any of the Bond or Securities carrying an higher Rate of Intereſt are unpaid and undiſcharged. Proviſo.

XXIII. And whereas by the before-recited Act of the Tenth Year of His preſent Majeſty, the Owners and Occupiers of Houſes and Premiſes in *Cavendiſh Square* are impowered to raiſe ſuch competent Sum as ſhall be ſufficient to new-pave, beautify, and adorn the ſaid Square, provided Three-fourths of ſuch Owners and Occupiers ſhall aſſent thereto: And whereas the Commiſſioners under the ſaid Act have, on very reaſonable Terms, agreed to new-pave, adorn, and beautify the ſaid Square, and have already compleated great Part of the Work: And whereas more than Three-fourths of the Owners and Occupiers of Houſes, with reſpect to the Proportion of valuable Property, have conſented thereto in due Form; but it being doubtful whether the Aſſents of Three-fourths in Number of the Owners and Occupiers have been obtained, as ſome are Abroad, and others cannot be found, ſo that it is imagined that One or Two may be ſtill wanting: And whereas it would be expedient for the good Purpoſes of this Act to remove all ſuch Doubts and Difficulties, be it enacted by the Authority aforeſaid, That the ſaid Owners and Occupiers, together with the ſaid Commiſſioners appointed by the ſaid before-recited Act of the Tenth Year of the Reign of His preſent Majeſty, ſhall have full Power and Authority, notwithſtanding ſuch Deficiency in the Conſents given by the Owners and Occupiers in point of Number, to execute all and every Power, Matter, and Thing, directed to be performed by the ſaid before-recited Act of the Tenth Year of His preſent Majeſty, in as full and ample a Manner as if Three-fourths of ſuch Conſents had been obtained in due Form. Cavendiſh Square to be new paved.

XXIV. And, to the Intent that it may be clearly known what Houſes and Premiſes ſhall be conſidered as ſituated in the ſaid Square, for the Purpoſe of rating the ſame, be it enacted, That every Houſe or Premiſes, the Front or Side of which ſhall face or form a Part of the Line of the ſaid Square, though another Part of ſuch Houſe or Premiſes may front or face a Street, ſhall nevertheleſs be deemed and taken to be wholly ſituated in the ſaid Square, for the Purpoſe aforeſaid. What Houſes ſhall be deemed in Cavendiſh Square.

XXV. And be it further enacted, That no Proceedings of the ſaid Veſtrymen and Commiſſioners, either under the ſaid former Acts, or this Act, ſhall be deemed valid, until the ſame ſhall have been confirmed and approved of at a Second or ſubſequent Meeting of the ſaid Veſtrymen or Commiſſioners, and ſhall have been ſigned by the Chairman of ſuch Second or ſubſequent Meeting. Proceedings ſhall not be valid until confirmed at a ſubſequent Meeting.

XXVI. And be it further enacted, That all the Clauſes and Powers in the ſaid former Acts contained, (except ſuch as are hereby varied, altered, or repealed), ſhall extend, and be conſtrued to extend, to this Act, as fully and effectually as if the ſame were repeated and re-enacted in this preſent Act. Clauſes of the former Act extended to this Act.

XXVII. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace, reſiding in the ſaid Pariſh of *Saint Mary le Bone*, to act as Juſtices of the Peace, in the Execution of the ſaid former Acts, or this Act, notwithſtanding their being appointed Veſtrymen and Commiſſioners under any of the ſaid former Acts. Commiſſioners may act as Juſtices.

XXVIII. And be it further enacted, That all the Coſts, Charges, and Expences, of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed out of the Monies ariſing by virtue of the ſaid former Acts, or this Act. Charges of the Act how to be paid.

XXIX. And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, by the ſaid former Acts, or this Act, inflicted, or authoriſed to be impoſed, (the Manner of levying and Recovery whereof is not otherwiſe hereby particularly directed), ſhall, upon Proof of the Offences reſpectively before any One or more Juſtice or Juſtices of the Peace for the County or Place wherein the Offender ſhall be or reſide, or wherein the Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtice or Juſtices of the Peace is and are hereby impowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice or Juſtices (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby impowered to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, ſhall be applied to the Purpoſes of the ſaid former Acts, or this Act; and in every Caſe where Diſtreſs is directed to be taken by the ſaid former Acts, or this Act, and ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they is and are hereby authoriſed and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the common Gaol or Houſe of Correction of the County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, for the Firſt Offence, and for the Second and every other Offence of the ſame Kind, for any Time not exceeding Six Calendar Months, nor leſs than Two Calendar Months, or until ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied. Penalties and Forfeitures how to be recovered and applied.

XXX. And, for the more eaſy and ſpeady Conviction of Offenders againſt the former Acts, or this Act, be it further enacted by the Authority aforeſaid, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid Juſtices may cauſe to be drawn up the following.

ſaid former Acts, or this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the ſame Effect.

Form of Conviction.

BE it remembered, That on the Day of in the Year of His Majeſty's Reign, A. B. is convicted before Juſtices of the Peace for the County of by virtue of an Act of the Thirteenth Year of the Reign of His Majeſty King George *the Third, "For amending and rendering more effectual "Two Acts, made, One in the Eighth and the other in the Tenth Year of His preſent Majeſty's Reign, for "regulating the Nightly Watch and Beadles, and for paving, repairing, cleanſing, and lighting, the Pariſh "of* Saint Mary le Bone, *in the County of* Middleſex, *and for other Purpoſes in the ſaid Acts men-"tioned;"* (ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be.)

Given under our Hands and Seals, or *Hand and Seal, the Day and Year aforeſaid.*

Writings to be without Stamps.

XXXI. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, relating to the Execution of the ſaid former Acts, or this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Limitation of Actions.

XXXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of the ſaid former Acts, or this Act, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk or Treaſurer to the ſaid Veſtry-men and Commiſſioners, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and all ſuch Actions or Suits ſhall be laid and tried in the County of *Middleſex*, and not in any other County or Place; and that the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, and every of them, may plead the

General Iſſue.

General Iſſue, and give the ſaid former Acts, and this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for or on which ſuch Action or Actions, Suit or Suits ſhall be brought, was done in purſuance and by the Authority of the ſaid former Acts, or this Act: And if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits; or if upon a Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be

Treble Coſts.

given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in other Caſes by Law.

Publick Act.

XXXIII. And be it further enacted, That the ſaid former Acts, and this Act, ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XLIX.

An Act for more effectually executing an Act, paſſed in the Twenty-ſeventh Year of King *George* the Second, for draining and preſerving the Lands in the *North Level*, Part of *Bedford Level*, ſo far as relates to the Fourth Diſtrict of the ſaid *North Level*.

Preamble.

'WHEREAS by an Act of Parliament, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for the diſcharging of the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford, *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the* North Level, *Part of the ſaid Great Level, to raiſe Money to diſcharge the Proportion of the ſaid* North Level *in the Debts of the ſaid Corporation; and for aſcertaining and appropriating the Taxes to be laid on the ſaid* North Level; *and for the more effectual draining and preſerving the ſaid* North Level, *and divers Lands adjoining thereto, in the Manor of* Crowland;) the Commiſſioners therein named, or to be nominated and appointed, in Manner therein mentioned, were authoriſed and impowered to aſſeſs, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupier, of all and ſingular the Lands and Grounds ſituate and being within the ſaid Fourth Diſtrict or Diviſion, (except as in the ſaid Act is excepted,) by and with an equal and proportionable yearly Rate, Tax, or Sum of Money, not exceeding in any One Year, for the firſt Two Years after the paſſing of the ſaid Act, the Sum of Two Shillings an Acre, or after the Expiration of the ſaid Term of Two Years, the Sum of One Shilling an Acre, to be applied and diſpoſed of in making Works, Banks, Drains, Mills, and Engines, within

'the

'the said District, necessary for draining the same, and for the other Purposes therein mentioned: 'And whereas the said Rates and Taxes have been accordingly applied by the Commissioners acting 'for the said Fourth District, for and towards the erecting of proper Engines, and making Banks, 'Drains, and other Works, necessary for the draining of the said District, and in maintaining and 'keeping the same in Repair: And whereas the said Rates and Taxes, charged on the said Lands 'and Grounds in the said Fourth District, have not, for several Years last past, been sufficient to 'defray the yearly Expences of the said District, or to pay the Debts which the said Commissioners 'have been obliged to contract, on account of the Insufficiency of the said Rates and Taxes: And 'whereas, in order to pay the Debts so contracted by the said Commissioners, and to carry on the 'said Works, a further Tax is necessary to be laid on all the Lands in the said District, (except as is 'before excepted): And whereas such further Rate or Acre Tax cannot be laid, or the said Lands 'effectually drained and preserved, without the further Aid and Authority of Parliament;' may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the said Lands in the said Fourth District, within the said *North Level*, (except as before excepted) shall yearly and every Year, for the Term of Twelve Years next ensuing the passing of this Act, be, and the same are hereby rated, charged, and assessed, with a Tax or Sum of One Shilling an Acre for every Acre thereof, over and above the Rates and Taxes to be charged thereon by the said former Act; and that the said Tax or Sum of One Shilling an Acre shall be paid to the Receiver or Receivers for that Purpose appointed by the Commissioners of the said Fourth District, to be nominated and elected by virtue of the said Act of the Twenty-seventh Year of King *George* the Second, on the Thirtieth Day of *June* and Thirtieth Day of *December*, in every Year, during the said Term, by equal Half-yearly Payments, the First Payment thereof to be made on the Thirtieth Day of *June* next after the passing of this Act.

Additional Tax of 1 s. per Acre.

II. And be it further enacted, That the Lands of all and every Person and Persons hereby rated, charged, and assessed, shall be taken and ascertained according to the Surveys thereof made, and as they are now charged in pursuance and by virtue of the said Act of the Twenty seventh Year of King *George* the Second; and that the several and respective Owners and Occupiers of the said Lands and Grounds shall pay the said Taxes hereby assessed according to the said Surveys and Charge.

Assessments to be ascertained according to former Surveys.

III. And it is hereby further enacted and declared by the Authority aforesaid, That the said Commissioners nominated and appointed for the said Fourth District by the said former Act, or to be elected or chosen in pursuance thereof, shall be and are hereby appointed Commissioners for carrying into Execution this present Act, and all the Powers and Authorities hereby given; and that the said Taxes and Sums of Money hereby charged, rated, and assessed, to be paid as aforesaid, be vested in, and applied and disposed of, by the said Commissioners of the said Fourth District, in the First Place, towards the paying and defraying the Charges of passing of this Act, and afterwards in paying and discharging such Debts as have been contracted for and on account of the raising and making of the said Works, necessary for the draining and preserving of the said Lands; and after the said Debts shall be so paid, as aforesaid, then in raising, supporting, and maintaining, such other Works as shall be necessary for the more effectual draining of the said Lands.

Commissioners to the former Act to be Commissioners to this Act.

IV. Provided also, and be it enacted, That all and every the said Commissioner or Commissioners, before he or they shall act in the Execution of any of the Powers or Authorities hereby given, shall take the Oath, or, being of the People called *Quakers*, the solemn Affirmation required and directed to be taken by the said former Act; which Oath or Affirmation any One of the said Commissioners is hereby impowered to administer.

Commissioners to take the Oath prescribed by the former Act.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Devisees, in Trust, under the Will of the late *John* Duke of *Bedford*, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, during the Minority of the Duke of *Bedford* for the Time being, and afterwards to and for the Duke of *Bedford*, his Heirs and Assigns, upon Application in Writing under the Hands of the Commissioners of the said Fourth District of the said *North Level*, or the major Part of them, assembled at any Meeting to be held in pursuance of this or the said former Act, to agree, from Time to Time, with the said Commissioners, for such Time, and on such Terms, as the said Devisees, or the Survivors or Survivor of them, and the Executors and Administrators of such Survivor, or the Duke of *Bedford*, his Heirs or Assigns, shall think proper, and consent to, for assisting the said Commissioners in the better draining of the said Fourth District, or any Part thereof, by any or either of the Mills or Engines standing in the Lordship of *Thorney*, below the Pointing-doors or Flood-gates in *Thorney Dike*, in such Manner, and by such Means, as they shall think proper; and also that it shall and may be lawful to and for the said Commissioners to make such Agreement or Agreements, from Time to Time as aforesaid; and also, after such Agreement or Agreements, as aforesaid, shall be made and entered into, to make One or more Cut or Cuts, and lay One or more Tunnel or Tunnels, in and through the *East Bank* of *Gold Dike*, adjoining to the said District, as they, or the major Part of them, assembled at any Meeting, as aforesaid, shall think requisite and necessary, for the better draining of the said Fourth District, or any Part thereof, by any or either of the said Mills or Engines as shall be agreed on as aforesaid, and to pay the Expences attending the same out of the Rates and Taxes, and the Monies to be raised on the said Fourth District, by virtue of this or the said

The Duke of Bedford's Devisees may agree for assisting the Commissioners in draining the Fourth District.

ſaid former Act; any Thing contained in this or the ſaid former Act to the Contrary thereof in any wiſe notwithſtanding.

Tenants to pay the additional Tax,

VI. And, to the End that the ſaid Rates and Taxes hereby charged and aſſeſſed may be, from Time to Time, the more eaſily collected and received, be it further enacted by the Authority aforeſaid, That all and every the Tenants and Occupiers of the ſaid Lands charged or aſſeſſed by virtue of this Act ſhall be, and are hereby required and made liable to pay the ſaid Rates and Taxes ſo charged and aſſeſſed upon the ſaid Lands in their reſpective Occupations, and to deduct and retain out of his, her, or their Rent, all ſuch Sum or Sums of Money as he, ſhe, or they, ſhall reſpectively pay for ſuch Rates and Taxes as aforeſaid; and the ſeveral and reſpective Landlords or Owners of the ſaid Lands are hereby required to allow ſuch Deductions or Payments upon the Receipt of the Reſidue of their Rents; and that every ſuch Tenant or Occupier, paying ſuch Taxes, ſhall be acquitted and diſcharged of and from ſo much Money as the Tax by him or them ſo paid as aforeſaid ſhall amount unto, in as full and ample Manner as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

and may deduct the ſame out of their Rents.

Leſſees to Eccleſiaſtical Bodies or Perſons not intitled to deduct the Rates.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That no Leſſee or Tenant of any Lands, charged with the ſaid Rates, Taxes, or Aſſeſſments, who ſhall hold the ſame by virtue of or under any Leaſe from any Biſhop, or Collegiate Church or College, or any Eccleſiaſtical Coroporation, Sole or Aggregate, or other Beneficial Leaſe whatſoever, ſhall be intitled to deduct the ſaid Rates, Taxes, or Aſſeſſments, charged by virtue of this Act, or any of them, out of the Rent reſerved and made payable by any ſuch Leaſe or Agreement to his, her, or their Landlord or Landlords; but that the ſaid Rates, Taxes, and Aſſeſſments, ſhall be charged upon and borne and paid by the Leſſees or Tenants ſo holding ſuch Lands under ſuch Leaſe as aforeſaid; any Thing herein contained to the Contrary thereof in any wiſe notwithſtanding.

Rates and Taxes may be recovered by Diſtreſs.

VIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay the reſpective Rates, Taxes, or Sums of Money, taxed, charged or aſſeſſed, upon him, her, or them, or the Lands or Grounds in his, her, or their Poſſeſſion or Occupation, by virtue of or under this Act, within Twenty-one Days next after the ſame ſhall become due and payable, and Demand made thereof by the Receiver or Receivers appointed to receive the ſame on the Lands or Grounds charged therewith, or at the Dwelling-houſe of the Tenant or Occupier thereof, it ſhall and may be lawful to and for ſuch Receiver or Receivers, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and required from Time to Time to make, as there ſhall be Occaſion), to enter into and upon the Lands ſo rated and taxed as aforeſaid, in the Poſſeſſion of ſuch Perſon or Perſons who ſhall ſo make Default in Payment thereof as aforeſaid, and all Meſſuages and Tenements thereupon ſtanding, or thereunto belonging, and to levy the Sum or Sums of Money by him, her, or them, payable for ſuch Rates or Taxes by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Owners, Occupier or Occupiers, in ſuch and the like Manner as is directed by the ſaid former Act.

Unoccupied Premiſes to remain liable.

IX. Provided always, and it is hereby enacted and declared, That in caſe any of the ſaid Lands ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found for levying the ſaid Rates and Taxes ſo in Arrear as aforeſaid, then the ſaid Lands chargeable therewith ſhall always remain a Security for Payment thereof; and all Goods and Chattels which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, impounded, kept, appraiſed, and ſold, in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Commiſſioners impowered to borrow Money,

X. And foraſmuch as the ſaid Rates and Taxes ſo to be aſſeſſed and charged as aforeſaid will not be ſufficient for the immediate diſcharging and paying off the ſaid Debts contracted by the Commiſſioners as aforeſaid; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of the ſaid Fourth Diſtrict, ſo nominated and appointed as aforeſaid, or any Three or more of them, ſhall and may, and are hereby impowered, from Time to Time, purſuant to an Order to be made for that Purpoſe, at any of their Meetings to be held by virtue of the ſaid Act of the Twenty-ſeventh Year of King *George* the Second, Five of the ſaid Commiſſioners being preſent, and conſenting thereto, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think neceſſary, and, by Writing under their Hands and Seals, to mortgage and aſſign the ſaid Aſſeſſments, Rates, and Sums of Money, hereby charged and aſſeſſed, or any Part thereof, the Coſts and Charges of ſuch Aſſignment to be borne and paid out of the ſaid Taxes, for any ſuch Time or Number of Years, not exceeding the Term of Twelve Years from the paſſing of this Act, and in ſuch Manner and Form as to the ſaid Commiſſioners, or any Three or more of them, ſhall ſeem meet, as a Security for any ſuch Sum or Sums of Money to ſuch Perſon or Perſons, his, her, or their Truſtee or Truſtees, with Intereſt for the ſame, not exceeding Five Pounds *per Centum per Annum*; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Commiſſioners; and that it ſhall and may be lawful for all and every Perſon and Perſons, to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, by Indorſement on his, her, or their Security or Securities, or otherwiſe, to aſſign or tranſfer his, her, or their Mortgage and Security, and Right to the principal Money and Intereſt thereby ſecured; and that ſuch Aſſignment or Tranſfer ſhall be produced and notified to the Clerk or Clerks within Three Calendar Months after the Date thereof; and that the

and may mortgage the Rates as a Security.

Copies of Mortgages to be entered in a Book,

and may be tranſacted.

ſaid

ſaid Clerk or Clerks ſhall cauſe an Entry or Memorial thereof to be made, containing the Date of ſuch Aſſignment or Transfer, Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be be kept for entering the ſaid original Mortgages and Aſſignments, for which he or they ſhall be paid the Sum of Two Shillings and Six-pence, and no more; and that, after ſuch Entry made, ſuch Aſſignment or Transfer ſhall intitle the Aſſignee or Aſſignees to the Benefit thereof and Payment thereon; and that every ſuch Aſſignee or Aſſignees ſhall and may, in like Manner, from Time to Time, aſſign or transfer; and all and every Perſon and Perſons to whom ſuch Mortgage, Transfer, or Aſſignment, ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Aſſeſſments, Rates, and Sums of Money, in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money; and that the ſaid Money, when borrowed, ſhall be applied for and towards the paying and defraying the Charges of paſſing this Act, and for and towards the paying and diſcharging of all and every of the ſaid Debts ſo contracted by the ſaid Commiſſioners as aforeſaid, with the Intereſt thereof, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Creditors deemed equal in Degree.

XI. And it is hereby further enacted and declared, That the ſaid Rates, Taxes, and Sums of Money, by virtue hereof aſſeſſed upon the ſaid Lands, ſhall be charged and chargeable with and for the Payment of all and every ſuch Sum and Sums of Money ſo to be borrowed as aforeſaid, and the Intereſt thereof, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch principal Money and Intereſt, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors reſpectively, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Rights and Privileges of raiſing and recovering the Rates, Taxes, and Sums of Money, payable by the ſaid Owners or Occupiers of the ſaid Lands, for and in reſpect of ſuch principal Money and Intereſt, if Default ſhall be made in Payment thereof, as the ſaid Commiſſioners, or their Receiver or Receivers, could have had, in caſe the ſaid principal Money and Intereſt had been regularly paid.

Rates to be liable to pay the Money ſo borrowed.

XII. Provided, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to affect, impeach, or leſſen, any Right or Priority of Claim, which any Perſon or Perſons, who have advanced Money on the Credit of any former Act, now have upon the ſaid Lands in reſpect of ſuch Money ſo advanced; but that the ſaid Lands ſhall, in the firſt Place be liable to the Rates and Taxes charged thereon by any former Act, and the Money borrowed thereon; any Thing herein contained to the Contrary notwithſtanding.

This Act not to prejudice the Mortgages on the former Act.

XIII. And it is hereby further enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Transfer, or other Security for borrowing Money, or Aſſignment of ſuch Mortgage or Security, or any Contract, Warrant, Judgement, or other Writing, in purſuance of or relating to the Execution of this Act, ſhall be charged with any Stamp-duty whatſoever.

Writings may be without Stamps.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby impowered to appoint One or more Clerk or Clerks, Receiver or Receivers of the ſaid Aſſeſſments, Taxes, Rates, and Sums of Money, with ſuch reaſonable Salaries as they ſhall think proper; and ſhall and may, from Time to Time, remove any ſuch Clerks or Receivers, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die; and that every Receiver ſo to be appointed as aforeſaid, before he ſhall act in the Execution of his Office, ſhall give ſuch Security to the ſaid Commiſſioners for the due Execution thereof as the ſaid Commiſſioners, or any Seven or more, ſhall think proper; and that all and every ſuch Receiver or Receivers ſhall account and produce to the ſaid Commiſſioners his or their Vouchers for all ſuch Sum or Sums of Money as he or they ſhall receive or pay, by virtue of his or their ſaid Office or Offices, at their Firſt Meeting next after the Firſt *Monday* in *July* in every Year, and ſhall pay over the Balance of ſuch Accounts remaining in their Hands, if any ſuch there be, unto the ſaid Commiſſioners there aſſembled, or as they, or the major Part of them ſhall direct and appoint.

Commiſſioners to appoint Clerks, &c.

Receivers to give Security, and to account:

XV. Provided, and it is hereby further enacted by the Authority aforeſaid, That if any ſuch Receiver or Receivers ſhall neglect or refuſe to account for any Sum or Sums of Money by him or them received in purſuance of this Act to the ſaid Commiſſioners, at their ſaid Firſt Meeting next after the Firſt *Monday* in *July* in every Year, and to pay over the Balance remaining in his or their Hands to the ſaid Commiſſioners there aſſembled, or as they ſhall appoint; then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for Two or more Juſtices of the Peace of or for the *Iſle of Ely*, not intereſted, to enquire of and concerning ſuch Neglect or Refuſal; and if any ſuch Receiver or Receivers ſhall be convicted thereof, upon the Oath of One or more credible Witneſs or Witneſſes, then the ſaid Juſtices ſhall, upon ſuch Conviction, commit ſuch Receiver or Receivers to the Common Gaol of the ſaid Iſle, there to remain until he or they ſhall have made a full, true, and perfect Account, and Payment, as aforeſaid.

On Refuſal or Neglect to account, may be committed by a Juſtice.

XVI. And, to the End that it may appear clearly what is raiſed from Time to Time by virtue of the ſaid Aſſeſſments or Rates, and how the ſame have been applied, and that all Accounts relating to the Monies raiſed and diſburſed by virtue of this Act may be fairly examined; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall order and cauſe a Book of Aſſeſſments to be made and kept, and all the Rates and Aſſeſſments made as aforeſaid under this Act to be fairly entered therein; and alſo a Book of Accounts to be made and kept, and an Account of all the Receipts and Diſburſements relating to all Monies received and diſburſed by virtue of this Act, to be fairly

Rates to be entered in Books,

and Accounts of Receipts and Diſburſements.

fairly entered in the ſame; and that no Accounts ſhall be paſſed and allowed, unleſs the ſame ſhall be kept and made up in ſuch Books as aforeſaid; and that Once in every Year, to wit, at their ſaid Firſt Meeting next after the Firſt *Monday* in *July*, they the ſaid Commiſſioners, aſſembled at ſuch Meeting, ſhall carefully inſpect and examine the Receipts and Diſburſements of all ſuch Monies as ſhall be received and diſburſed by virtue of this Act to the Twenty-fourth Day of *June* next before ſuch Meeting, and all Vouchers relating thereto; and that upon Inſpection and Examination of the ſaid Accounts, upon Oath, to be adminiſtered by any One or more of the ſaid Commiſſioners, which Oath any One or more of the ſaid Commiſſioners is and are hereby impowered to adminiſter, the ſaid Commiſſioners are hereby impowered and directed to allow and paſs the ſaid Accounts, or ſuch Part or Parts thereof as ſhall appear to them juſt and reaſonable; and the ſaid Accounts, or ſuch Part or Parts thereof as ſhall be ſo allowed by the ſaid Commiſſioners, under their Hands, ſhall be fairly entered in a Book or Books, to be kept for that Purpoſe by the ſaid Commiſſioners; which ſaid Book or Books ſhall and may be inſpected and peruſed at all ſeaſonable Times, by any Owner or Owners of the ſaid Lands, or any Parts thereof.

Proceedings to be entered in Books.

XVII. And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners, at their ſaid ſeveral Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by the Commiſſioners then preſent, or the major Part of them; and that ſuch Orders ſo ſigned ſhall be deemed and taken to be original Orders, as fully and effectually as if the ſame were under the Hands and Seals of the ſaid Commiſſioners; and that ſuch Book or Books ſhall and may be inſpected and peruſed at all ſeaſonable Times by any Owner or Owners of the ſaid Lands, without Fee or Reward, and ſhall and may be produced and read in Evidence of all Caſes of Suits or Actions, touching any Thing done in purſuance and by the Authority of this Act.

Saving the Rights of the Company of Conſervators.

XVIII. Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, or Authorities veſted in the Governor, Bailiffs, or Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, or in the ſaid Governor, Bailiffs, and Conſervators, by virtue of an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, (and intituled, *An Act for ſettling the draining of the Great Level of the Fens called* Bedford Level), or by virtue of any other Act or Statute whatſoever; but that all Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Not to alter the Powers of the former Act.

XIX. Provided alſo, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to repeal, alter, or take away, any of the Clauſes, Powers, and Authorities, given by the ſaid former Act to the Commiſſioners acting by virtue and in purſuance thereof; but that every Clauſe, Power, and Authority, therein contained, ſhall remain and be in the ſame Force and Effect, as if this Act had never been.

Limitation of Actions.

XX. Provided alſo, and be it hereby further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done, or to be done, in purſuance of this Act, or in the Execution of any of the Powers and Authorities hereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the ſaid *Iſle of Ely*, or in the County of *Cambridge*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and if in Replevin juſtify and avow by virtue of this Act, as Perſons acting under and by Authority of Commiſſioners of Sewers are enabled to do; and ſhall and may, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, give this Act, and the Special Matter, in Evidence, and that the ſame was done in purſuance and by Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought or laid in any other County or Liberty than in the ſaid County of *Cambridge*, or in the Liberty of the ſaid *Iſle of Ely*, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff ſhall become nonſuit, or forbear Proſecution, or ſhall diſcontinue his, her, or their Action or Actions, Suit or Suits; or if any Verdict ſhall paſs, or upon Demurrer or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then, and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedies for the ſame, as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

XXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, taken, and allowed to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP.

CAP. L.

An Act for better regulating the Poor, and repairing the Highways, within the Town and County of the Town of *Southampton*.

CAP. LI.

An Act to discourage the Practice of commencing frivolous and vexatious Suits in His Majesty's Courts at *Westminster*, in Causes of Action arising within the Dominion of *Wales*; and for further regulating the Proceedings in the Courts of Great Sessions in *Wales*.

Preamble.

'WHEREAS, to the intolerable Vexation and Charge of His Majesty's Subjects in the Dominion of *Wales*, it hath been the Practice to commence trifling and frivolous Suits in the Courts at *Westminster*, upon Causes of Action arising within the said Dominion of *Wales*: In order that the same may be tried in the nearest adjoining *English* County to that Part of the Dominion of *Wales* in which the Cause of Action has arisen, to discourage the like Practices for the future;' may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the First Day of *January*, One thousand seven hundred and seventy-four, in case the Plaintiff in any Action upon the Case for Words, Action of Debt, Trespass on the Case, Assault and Battery, or other personal Action, where the Cause of such Act shall arise within the Dominion of *Wales*, and which shall be tried at the Assizes, at the nearest *English* County to that Part of the said Dominion of *Wales*, in which the Cause of Action shall be laid to arise, shall not recover, by Verdict, a Debt or Damages to the Amount of Ten Pounds; in such Case, if the Judge who tried the Cause on Evidence appearing before him, shall certify on the Back of the Record of *Nisi Prius*, that the Defendant or Defendants was or were resident in the Dominion of *Wales* at the Time of the Service of the Writ, or other mesne Process served on him, her, or them, in such Action, on such Fact, being suggested on the Record or Judgement Roll, a Judgement of Nonsuit shall be entered against the Plaintiff, and such Defendant or Defendants shall be intitled to, and have like Judgment and Remedy thereon, to recover such and the like Costs, against the Plaintiff or Plaintiffs in every such Action, as if a Verdict had been given by the Jury for the Defendant or Defendants, unless the Judge, before whom such Cause shall be tried, shall certify on the Back of the Record, that the Freehold or Title of the Land mentioned in the Plaintiff's was chiefly in Question, or that such Cause was proper to be tried in such *English* County.

After June 1, 1774, in case the Plaintiff in any personal Action, &c. where the Cause shall arise in Wales, and be tried at the next English County to that Dominion, shall recover, by Verdict, Damages to the Amount of 10*l.*; the Defendant shall be intitled to Judgement and Remedy thereon, if resident in Wales at the Time of any Service of the Writ, &c. in such Action.

II. And, in order to prevent transitory Actions, where the Cause of Action does not amount to Ten Pounds, arising within the Principality of *Wales*, from being brought in any of His Majesty's Courts of Record out of the said Principality, be it further enacted, That in all transitory Actions arising within the said Principality, which, from and after the First Day of *January*, One thousand seven hundred and seventy-four, shall be brought in any of His Majesty's Courts of Record out of the said Principality of *Wales*, and the Venue therein, shall be laid in any County or Place out of the said Principality, and the Debt or Damages found by the Jury shall not amount to the Sum of Ten Pounds, and it shall appear upon the Evidence given on the Trial of the said Cause, that the Cause of Action arose in the said Principality of *Wales*, and that the Defendant or Defendants were resident in the Dominion of *Wales* at the Time of the Service of any Writ or other mesne Process served on him, her, or them, in such Action, and it shall be so certified, under the Hand of the Judge who tried such Cause, upon the Back of the Record of *Nisi Prius*, (on such Facts being suggested on the Record or Judgement Roll), a Judgement or Nonsuit shall be entered thereon against the Plaintiff, and the Plaintiff or Plaintiffs shall pay to the Defendant or Defendants, in such Action, his or their Costs of Suit; and the Defendant and Defendants shall have like Remedy to recover the same as in the Case of a Verdict given for the Defendant or Defendants in such Action; and, in the Taxation of all Costs allowed and given to the Defendant or Defendants by and in pursuance of this Act, the proper Officer shall allow to the Plaintiff or Plaintiffs, out of the Defendant's Costs, the full Sum given by the Verdict to the Plaintiff or Plaintiffs for his or their Debt or Damages; and, although no Judgement shall be entered for the Plaintiff or Plaintiffs upon such Verdict, yet nevertheless such Verdict, without any Judgement entered thereon, shall be an effectual Bar to any Action or Actions commenced by the Plaintiff or Plaintiffs for the same.

In all Actions within Wales which shall be brought in Courts of Record out of the said Principality, and the Debt shall be found by the Jury to amount to 10*l.*

III. And whereas by an Act, made in the Thirty-fourth and Thirty-fifth Years of the Reign of His late Majesty King *Henry* the Eighth, intituled, *An Act for certain Ordinances in the King's Dominion and Principality of Wales*, it is (amongst other Things) enacted, That there shall be holden and kept Sessions, Twice in every Year, in every of the Shires of the said Dominion and Principality of *Wales*, the which Sessions shall be called *The King's Great Sessions in Wales*; and that the Justice

Act 34 & 35 Henry VIII.

tice of *Cheſter* ſhall hold and keep Seſſions, Twice in every Year, in the Shires of *Denbigh*, *Flint* and *Montgomery*; and likewiſe that the Juſtice of *North Wales* ſhall hold and keep Seſſions, Twice in every Year, in the Shires of *Caernarvon*, *Merioneth*, and *Angleſey*; and alſo that One Perſon, learned in the Laws of this Realm, by the King's Majeſty to be named and appointed, ſhall be Juſtice of the Shires of *Radnor*, *Brecknock*, and *Glamorgan*; and ſhall likewiſe hold and keep Seſſions, Twice in every Year, in every of the ſame Shires; and likewiſe that One other Perſon, learned in the Laws of this Realm, to be appointed as aforeſaid, ſhall be Juſtice of the Shires of *Caermarthen*, *Pembroke*, and *Cardigan*, and ſhall in like wiſe hold and keep Seſſions, Twice in every Year, in every of the ſame Shires; and that the ſaid Perſons, or Juſtices, and every of them, then being, or that thereafter ſhall be, ſhall have ſeveral Letters Patents and Commiſſions for their Offices under the King's Great Seal of *England*, to be exerciſed by themſelves, or their ſufficient Deputies, according to the Purpoſes and Intents in the ſaid Ordinances ſpecified: And whereas by One other Act, made in the Eighteenth Year of the Reign of Her late Majeſty Queen *Elizabeth*, intituled, *An Act for the appointing of Juſtices in the Shires of* Wales, it is (amongſt other Things) enacted, That the Queen's Highneſs, Her Heirs and Succeſſors, may and ſhall have full Power and Authority, from Time to Time, to conſtitute, name, or appoint, Two or more Perſons, learned in the Laws of this Realm of *England*, to be Juſtices of and for the ſaid Counties of *Cheſter*, *Flint*, *Denbigh*, and *Montgomery*; and Two or more, learned as aforeſaid, to be Juſtices of *North Wales*; (*videlicet*), of and for the ſaid Shires of *Angleſey*, *Caernarvon*, and *Merioneth*; and likewiſe Two or more learned as aforeſaid, to be Juſtices of and for the Circuits and Shires of *Radnor*, *Glamorgan*, and *Brecknock*; and alſo Two or more, learned as aforeſaid, to be Juſtices of and for the Circuits and Shires of *Cardigan*, *Caermarthen*, *Pembroke*, and the Town and County of *Haverford Weſt*: And whereas the exerciſing the Power of appointing Deputies by ſuch Juſtices may be attended with Inconvenience; for preventing thereof, be it further enacted, That no Juſtice now appointed, or at any Time hereafter to be appointed, of or for the ſaid County of *Cheſter*, or of or for any County, Circuit, or Shire, within the ſaid Principality or Dominion of *Wales*, ſhall have any Power or Authority of exerciſing his Office by Deputy, ſave and except for the Purpoſe of calling and adjourning any Court or Courts, and receiving any Motion or Motions appointed, or eſpecially directed to be made at ſuch Court, and for the further Purpoſe of taking and proclaiming Fines and arraigning Recoveries, in ſuch Court or Courts of each reſpective Great Seſſion and Aſſizes, within the Circuit of ſuch Juſtice; any Law, Statute, or Uſage, to the Contrary notwithſtanding.

Act 18 Eliz.

Welſh Juſtices not to have Power hereafter of exerciſing their Office by Deputy; except for the Purpoſe of calling and adjourning Courts, taking and proclaiming Fines, &c.

Juſtices in Wales may nominate Deputies for the before-mentioned Purpoſes.

IV. Provided always nevertheleſs, and be it further enacted by the Authority aforeſaid, That from henceforth it ſhall and may be lawful to and for the ſeveral and reſpective Juſtices of and for the ſaid ſeveral and reſpective Circuits and Counties for the Time being, from Time to Time, and at any Time, as Occaſion may require, by Writing under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices reſpectively, to nominate, conſtitute, or appoint, any Perſon or Perſons to be his or their Deputy or Deputies, for the Intent and Purpoſe of calling and adjourning any Court or Courts, and receiving any Motion or Motions, appointed or eſpecially directed to be made at ſuch Court, and for the further Purpoſe of taking and proclaiming Fines, and arraigning Recoveries in ſuch Court or Courts of each reſpective Great Seſſion and Aſſizes, within their ſeveral and reſpective Circuits and Counties aforeſaid, which Perſon or Perſons ſo appointed ſhall have full Power and lawful Authority ſo to do.

His Majeſty under His Royal Sign Manual, may appoint Perſons to execute the Office of Juſtices, in place of thoſe who, by Illneſs, ſhall be prevented from attending.

V. Provided always, and be it further enacted, That His Majeſty, His Heirs and Succeſſors, ſhall and may, under His and their Roval Sign Manual, appoint One or more Perſon or Perſons, learned as aforeſaid, to execute the ſaid Office of Juſtice in the ſaid County Palatine of *Cheſter*, or in any of the ſaid Counties of *Wales*, for the then next enſuing Great Seſſions, in the Place and Stead of any of the ſaid Juſtices, who ſhall, by Illneſs, be prevented attending upon ſuch Great Seſſions, and ſo as often as the Neceſſity of the Caſe ſhall require; any Law, Uſage, or Cuſtom, to the Contrary thereof in any wiſe notwithſtanding.

Suits to be tried by Special Juries; and ſuch Juries may be ſtruck as in the Courts at Weſtminſter.

VI. And whereas it is conceived that the Suitors in the Court of the King's Great Seſſions in the Dominion and Principality of *Wales* will, in many Caſes, experience great Benefit and Advantage by having their Suits tried by Special Juries; be it therefore further enacted by the Authority aforeſaid, That the Juſtices of His Majeſty's Great Seſſions in *Wales*, upon Motion made on Behalf of His Majeſty, His Heirs or Succeſſors, or on Motion of any Proſecutor or Defendant in any Indictment or Information of any Miſdemeanour, or on the Motion of any Plaintiff or Plaintiffs, Defendant or Defendants, in any Action, Cauſe or Suit whatſoever, depending, or to be brought and carried on, in any of His Majeſty's Courts of Great Seſſions in *Wales*, ſhall and may, in caſe ſuch Juſtices in their Diſcretion ſhall think fit, order and appoint a Jury to be ſtruck before the proper Officer of ſuch Courts, for the Trial of any Iſſue joined in any of the ſaid Caſes, in ſuch Manner as Special Juries have been uſually ſtruck in the Courts of Law at *Weſtminſter*, upon Trials at Bar had in the ſaid Courts; which Jury ſo ſtruck as aforeſaid ſhall be the Jury returned for the Trial of ſuch Iſſue as aforeſaid.

Party applying for a Special Jury ſhall pay the Fees for ſtriking ſuch Jury, and all Expences occaſioned by the Trial of the Cauſe.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That the Perſon or Party who ſhall, by virtue of this Act, apply for ſuch Special Jury, ſhall not only bear and pay the

Fees

Fees for ſtriking ſuch Jury, but ſhall alſo bear, pay, and diſcharge all the Expences occaſioned by the Trial of the Cauſe by ſuch Special Jury, and ſhall not have any further or other Allowance for the ſame, upon Taxation of Coſts, than ſuch Perſon or Party would be intitled unto in caſe the Cauſe had been tried by a common Jury, unleſs the Juſtices or Juſtice before whom the Cauſe is tried ſhall, immediately after the Trial, certify in open Court, under his or their Hand or Hands, upon the Back of the Record, that the ſame was a Cauſe proper to be tried by a Special Jury.

Perſons who ſhall ſerve on any Jury ſhall not be allowed above 1 l. 1 s. for ſuch Service.

VIII. And to prevent the Demand or Payment of extravagant Fees of Jurymen returned under the Authority of this Act, be it further enacted by the Authority aforeſaid, That no Perſon who ſhall ſerve upon any Jury, appointed or returned by Authority of this Act, ſhall be allowed, or take, for ſerving on any ſuch Jury, more than the Sum of Money which the Juſtices or Juſtice who tries the Iſſue or Iſſues ſhall think juſt and reaſonable, not exceeding the Sum of One Pound One Shilling, except in Cauſes where a View hath been or ſhall be directed.

Juſtices may impower Perſons to take Affidavits concerning Proceedings in their Circuits;

IX. And, for the greater Eaſe and Benefit of all Perſons whomſoever in the taking of Affidavits to be made uſe of and read in the Courts of His Majeſty's Great Seſſions in *Wales*, in all Matters and Cauſes whatſoever depending, or to be depending, in all or any of the Courts aforeſaid, or in any-wiſe concerning the Proceedings of or in the ſame, be it enacted by the Authority aforeſaid, That the Juſtices of the reſpective Courts of Great Seſſions in *Wales* for the Time being ſhall and may, by One or more Commiſſion or Commiſſions, under the Seal of the ſaid reſpective Courts, from Time to Time, as Need ſhall require, impower ſuch and ſo many Perſons as they ſhall think fit and neceſſary, in all and every the ſeveral Shires and Counties within their reſpective Circuits in the ſaid Dominion of *Wales*, to take and receive all and every ſuch Affidavit and Affidavits as any Perſon or Perſons ſhall be willing and deſirous to make before any of the Perſons ſo impowered in, or concerning any Cauſe, Matter, or Thing depending, or hereafter to be depending, or in any-wiſe concerning any of the Proceedings to be in their reſpective Circuits of Great Seſſions, as the Juſtices of His Majeſty's Court of King's Bench, or Common Pleas, or the Lord Treaſurer, Chancellor, and Barons of the Court of Exchequer for the Time being, do uſe to do; which ſaid Affidavits, taken as aforeſaid, ſhall be filed in the ſeveral and reſpective Offices of the ſaid ſeveral and reſpective Courts of Great Seſſions, and the ſame ſhall and may be read and made uſe of in the ſaid reſpective Courts to all Intents and Purpoſes, as other Affidavits taken in the ſaid reſpective Courts now are; and that all and every Affidavit and Affidavits, taken as aforeſaid, ſhall be of the ſame Force as Affidavits taken in the ſaid reſpective Courts now are; and all and every Perſon and Perſons forſwearing him, her, or themſelves, in ſuch Affidavit or Affidavits, ſhall incur and be liable unto the ſame Penalties, as if ſuch Affidavit or Affidavits had been made and taken in open Court; which ſaid ſeveral Commiſſions ſhall be made out by the Prothonotary, upon a Fiat or Warrant from the ſaid Juſtices for the Time being of the ſaid reſpective Courts of Great Seſſions in *Wales*; and the ſaid Prothonotary ſhall cauſe an Entry to be made in a Book to be kept for that Purpoſe of the Names of the Perſons to whom ſuch Commiſſions are, from Time to Time, granted, and the reſpective Times when iſſued; and the following Fees ſhall be paid for each Commiſſion, and no more; *(to wit)*, The Sum of Two Shillings for the Fiat or Warrant; the Sum of Four Shillings for making out the ſaid Commiſſion, beſides the King's Duty, and Value of the Parchment; and the Sum of Four Shillings for ſealing the ſame; and every Commiſſioner, or Perſon ſo impowered, ſhall take and receive, for the ſwearing of every Affidavit before him, the Sum or Fee of One Shilling, and no more.

and the Affidavits ſo taken ſhall be filed in the Offices of the reſpective Courts.

No Commiſſioner ſhall take an Affidavit during the Time of holding Aſſizes.

X. Provided nevertheleſs, That no Perſon appointed a Commiſſioner as aforeſaid ſhall take or receive any Affidavit during the Time of holding the Great Seſſions, or Aſſizes, for the County or Place in which ſuch Cauſe, Matter, or Thing, ſhall be depending.

Officers who have heretofore taken Affidavits, may continue ſo to do.

XI. Provided always, and it is hereby enacted, That ſuch Officers of the ſaid ſeveral and reſpective Courts of Great Seſſions in *Wales*, as have heretofore taken or ſworn Affidavits, ſhall and may continue ſo to do, in the ſame Manner as if this Act had not been made; any Thing herein contained to the Contrary notwithſtanding.

Juſtices of the Courts of Great Seſſions may impower Perſons to take Recognizances of Bail;

XII. And, to give greater Eaſe and Benefit to all Perſons within the ſaid Dominion of *Wales*, in taking the Recognizances of Special Bails upon all Actions and Suits depending, or to be depending in any of the Courts of His Majeſty's Great Seſſions in *Wales*; be it further enacted by the Authority aforeſaid, That the Juſtices of the reſpective Courts of Great Seſſions in *Wales* for the Time being ſhall and may, by One or more Commiſſion or Commiſſions, under the Seal of the ſaid reſpective Courts, from Time to Time, as Need ſhall require, impower ſuch and ſo many Perſons (other than common Attorneys or Solicitors) as they ſhall think fit and neceſſary in all and every the ſeveral Shires and Counties within their reſpective Circuits in the ſaid Dominion of *Wales*, to take and receive all and every ſuch Recognizance or Recognizances of Bail or Bails, as any Perſon or Perſons ſhall be willing or deſirous to acknowledge or make before any of the Perſons ſo impowered in any Action or Suit depending, or hereafter to be depending, in the ſaid reſpective Courts, or any of them, in ſuch Manner and Form, and by ſuch Recognizance or Bail Piece, as the Juſtices of the ſaid Courts of Great Seſſions reſpectively have uſed to take the ſame; which ſaid Recognizance or Recognizances, Bail Piece or Bail Pieces, ſo taken as aforeſaid, together with an Affidavit made of the due taking of the Recognizances of ſuch Bail or Bail Piece, by ſome credible Perſon preſent at the taking thereof, ſhall be tranſmitted to the Prothonotary's Office, there to be filed of Record, paying ſuch Fees as have

which ſhall be tranſmitted to the Prothonotary's Office to be filed

have usually been received for the taking of Special Bails by the Justices Clerks, and other Officers of the said respective Courts, which Recognizance of Bail or Bail Piece, so taken and transmitted, shall be of the like Effect, as if the same were taken before any of the said Justices; for the taking of every which Recognizance or Recognizances of Bail or Bail Piece, the Person or Persons so impowered shall receive only the Sum of or Fee of Two Shillings, and no more.

Justices to make Rules for justifying Bail.

XIII. And be it further enacted by the Authority aforesaid, That the said Justices of Great Sessions, in their respective Courts, shall and may make such Rules and Orders, for the justifying of such Bails, and making the same absolute, as to them shall seem meet, so as the Cognizor or Cognizors of any such Bail or Bails be not compelled to appear in Person in any of the said Courts, to justify him or themselves; but the same may be, and is hereby directed to be determined by Affidavit or Affidavits, duly taken before the said Commissioners, touching the Value of their respective Estates.

Notice to be given of the taking of such Bail by the Defendant's Attorney to Attorney for the Plaintiff.

XIV. Provided always, That the Attorney for the Defendant or Defendants shall give Notice to the Plaintiff's Attorney of the taking of such Bail within Eight Days after the Caption thereof, and that the Plaintiff shall be at Liberty, within Eight Days after such Notice, to take Exception to such Bail, and enter the same in the Prothonotary's Office; and such Exception having been taken, the Bail shall be justified before the Justices, before the Rising of the Second Court at the ensuing Sessions; and the Bail Bond taken by the Sheriff, Under Sheriff, or other Officer, for the Defendant's Appearance, shall remain in Force until such Special Bail shall have been finally justified as aforesaid; but the Plaintiff, nevertheless, shall be at Liberty to file his Declaration conditionally in the Prothonotary's Office; and the Defendant, in case such Declaration shall have been delivered Seven Days before the First Day of the Session next ensuing the Return of such Writs, shall plead thereto, before the rising of the Second Court of such Great Sessions, unless further Time shall be given him by the Court for that Purpose.

Original Writs, Bills, &c. shall be made returnable before the Justices of North and South Wales.

XV. And whereas all Writs relating to Actions depending in the Courts of Great Sessions, in the several Counties in *North* and *South Wales*, are returnable at the Great Session held respectively for the said Counties, and at no other Time, by which Means no Action that is commenced, (except where the Defendant or Defendants voluntarily appear), can be brought to issue, and tried before the Second Session after such Action is commenced at the soonest, which is usually near a Year, and a great Delay to the Suitors of the said Courts: For Remedy whereof, and for the greater Ease and Benefit of the said Suitors, be it further enacted by the Authority aforesaid, That from and after the First Day of *January*, One thousand seven hundred and seventy-four, all original Writs, Bills, and all mesne Process whatsoever, by which any Action shall be commenced or sued in the said Courts of Great Sessions for the said Counties of *North* and *South Wales*, shall and may be made returnable before His Majesty's Justices respectively of the several Counties of *North* and *South Wales*, on the First *Wednesday* in any Month, in each of the Two Vacations, annually, betwixt the Two Sessions, or on the First Day of the next Sessions, at the Election of the Plaintiff or Plaintiffs, his, her, or their Attorney, who shall sue out the same: And that all such Writs or Process which shall issue out of the said Courts, returnable in the Vacations as aforesaid, and whereon or wherewith the Defendant or Defendants shall be arrested or served with a Copy or Copies, such Defendant or Defendants shall appear and file Special Bail, or enter a Common Appearance, as the Case shall require, on the Day of such Return, or within Fourteen Days next after; and in case of Neglect in bailable Actions, the Sheriff, Under Sheriff, or other Officer, shall, at the Request and Costs of the Plaintiff or Plaintiffs, in such Actions, his, her, or their Attorney, assign to such Plaintiff or Plaintiffs the Bail Bond taken for the Defendant's Appearance upon the Arrest, by Indorsement and Attestation under his Hand, in the Presence of Two or more credible Witnesses; and the Plaintiff or Plaintiffs in such Action, after such Assignment made, may bring an Action or Suit upon such Bail Bond in his, her, or their own Name or Names; and the said Courts may, by Rule or Rules thereof respectively, give such Relief to the Plaintiff and Plaintiffs, Defendant and Defendants, in the original Action, and to the Bail so sued upon the Bail Bond, as is agreeable to Justice and Reason; and in case on Service of the Copy of any Writ or Process, (having Notice thereunder written, purporting the Intent of such Service), returnable in the Vacation Time as aforesaid, the Defendant or Defendants so served therewith, shall not appear at the Return, or within Fourteen Days next after the Return thereof, as aforesaid, it shall and may be lawful to and for the Plaintiff or Plaintiffs in such Action, upon Affidavit being made, and filed with the Prothonotary of the said respective Courts, or his Deputy, of the personal Service of such Writ or Process as aforesaid, to enter a common Appearance or Appearances for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had entered his, her, or their Appearance; and Special Bail having been filed, or a common Appearance entered, as the Case shall require, the Plaintiff in such Action may proceed to file his Declaration; and the Defendant or Defendants, in case such Declaration shall have been delivered Seven Days before the First Day of the Session next ensuing the Return of such Writ, shall be bound to plead thereto, before the rising of the Second Court of such Great Session, to be holden for the the County or Place in which such Action shall have been brought, unless the Court shall think proper to allow further Time for that Purpose.

Original Bills how to be signed by the Clerks.

XVI. And be it further enacted by the Authority aforesaid, That from and after the First Day of *January*, One thousand seven hundred and seventy-four, every Officer or Clerk belonging to the several Courts of Great Sessions in the Principality of *Wales*, who shall sign any Original Writ or Bill, relating

relating to Actions depending in the said Courts of Great Sessions, shall, at the signing thereof, set down upon such Original Writ or Bill the Day and Year of his signing the same, which shall be entered upon the Remembrance, or in the Book where the Abstracts of such Original Writ or Bill shall be entered, upon Pain to forfeit the Sum of Five Pounds for every Offence or Neglect of such Officer or Clerk aforesaid; to be recovered by any Person who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, wherein no Wager of Law, Protection, or Essoin, or more than One Imparlance shall be allowed.

Penalties given by Statutes where to be sued and recovered.

XVII. And whereas by sundry Statutes, Penalties are given for Offences thereby provided against, and such Penalties are directed to be sued for and recovered in His Majesty's Courts of *Westminster* only, and the enabling the respective Courts of Great Session to hold Pleas, or to have Cognizance in all such Cases arising or happening within their respective Jurisdictions, would be for the Ease and Benefit of the Inhabitants of the Dominion of *Wales*; be it further enacted by the Authority aforesaid, That from and after the First Day of *January*, One thousand seven hundred and seventy-four, in all Cases where any Penalty or Penalties is or are given by any Statute, and the same is, are, or shall be directed to be recovered in the Courts of *Westminster*, or either of them, excepting such as may by the Laws now in being be sued for only in His Majesty's Court of Exchequer, and the Offence for which any such Penalty or Penalties hath or shall be given shall be done or committed in any of the Counties of *Wales*, and the Defendant or Defendants liable to the same shall be resident within the Jurisdiction of the Great Session held for any County of *Wales*, it shall and may be lawful to and for the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, or other Person to whom any such Penalty is given, or who shall be intitled to sue for the same, in every such Case, to sue for and recover the same in the Courts of Great Session respectively in *Wales*, within which such Penalties have or shall be incurred, in such Manner and Form as he, she, or they, might have done in the Courts at *Westminster*; and that the said respective Courts of Great Session shall have Jurisdiction as fully, to all Intents and Purposes, as if the said Courts had been respectively named in all and every of the said Acts, and the Powers thereby given extended to the said respective Courts.

CAP. LII.

An Act for appointing Wardens and Assay-masters for assaying Wrought Plate in the Towns of *Sheffield* and *Birmingham*.

Preamble.

'WHEREAS the Silversmiths and Plate-workers in and about the Town of *Birmingham*, in the County of *Warwick*, and in and about the Town of *Sheffield*, in the County of *York*, are under great Difficulties and Hardships in the Exercise of their Trades, for want of Assayers in convenient Places to assay and touch their Wrought Plate:' For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Towns of *Birmingham* and *Sheffield* aforesaid shall be, and are hereby appointed for the assaying and marking of Wrought Silver Plate, and for executing the Powers, Authorities, and Directions given by this Act.

The Guardians of the Standard of Wrought Plate.

II. And be it enacted by the Authority aforesaid, That the Earl of *Dartmouth*, the Right Honourable Lord *Archer*, the Right Honourable *Heneage Finch*, commonly called *Lord Guernsey*; the Right Honourable *George Greville*, commonly called *Lord Greville*; the Right Honourable *Francis Conway*, commonly called *Lord Beauchamp*; Sir *John Wrottesly* Baronet, Sir *Henry Bridgeman* Baronet, the Honourable *John Ward*, *Richard Geast*, *John Wyrley*, *Isaac Spooner*, *Henry Gough*, *Charles Colemore*, *John Taylor*, *Samuel Garbitt*, *Henry Carver* senior, *Joseph Wilkinson*, *Sampson Lloyd* junior, *Thomas Ingram*, *Edward Palmer*, *John Kettle*, *Joshua Glover*, *Matthew Boulton*, *John Francis*, *Thomas Mynde*, *Samuel Pemberton*, *John Turner* senior, *John Lee*, *William Sayer*, *John Lane* of *Mosely*, *James Alston*, *Matthew Barker*, *Joseph Adams* of *Walsall*, *James Wright*, *Samuel Galton*, and *James Jackson*, shall be, and are hereby incorporated a Company of or belonging to the said Town of *Birmingham*; and that the most Honourable *Charles* Marquis of *Rockingham*, the Earl of *Stafford*, the Earl of *Effingham*, *Godfrey Bagnall Clark*, *Anthony Saint Leger*, *Samuel Shore* the younger, *Samuel Tooker*, *Henry Howard*, *Walter Oborne*, the Reverend *James Wilkinson* Clerk, *Benjamin Roebuck*, *Thomas Broadbent*, *John Shore*, *George Greaves*, *John Turner*, *Thomas Bland*, *George Brittain*, *Samuel Staniforth*, *Simon Andrews Young*, *Joseph Matthewman*, *John Hoyland*, *Henry Tudor*, *John Winter*, *Albion Cox*, *John Rowbotham*, *Joseph Hancock*, *Matthew Fenton*, *William Marsden*, *Thomas Law*, and *Joseph Wilson*, shall be, and are hereby incorporated a Company of or belonging to the said Town of *Sheffield*, and shall be called and known by the Name of *The Guardians of the Standard of Wrought Plate*, within such Towns respectively, and shall continue of such Company so long as they live and reside in such Towns respectively, or within Twenty Miles thereof; which Companies respectively shall be enabled, and are hereby authorised, on or before the Fifth Day of *July* next, to meet at some convenient Place within each Town respectively, and chuse Four Persons by Majority of Voices out of each Company respectively, to be the Wardens of the said Company in each of the said Towns respectively; which said Wardens shall continue for the Space of One Year, and no longer, unless re-elected by the Company in Manner aforesaid.

Other Persons to be chosen in Place of those who shall die; and Four Wardens to be elected.

III. And be it further enacted by the Authority aforesaid, That each of the said Companies respectively shall be enabled, and are hereby authorised and directed, annually, on the First *Monday* in *July* in every Year, out of fit and proper Persons resident in such Towns respectively, or within Twenty Miles thereof, to chuse, by a Majority of Members present at any Meeting to be held for that Purpose, One or more Person or Persons into the said Companies respectively, in the Place and Stead of such of the said Company who shall have died or removed to a greater Distance than Twenty Miles from such Towns respectively, so as by reason of such Choice there shall not be, when the Company is compleat, more than Nine or less than Six Plate-workers Members of each Company respectively; and that immediately after such Companies shall be so filled up in Manner aforesaid, they shall be enabled, and are hereby authorised and directed, to proceed to the Election of the Four Wardens for the Year ensuing, in Manner aforesaid; and if any of the said Wardens so chosen as aforesaid shall happen to die, or remove to a greater Distance than Twenty Milles out of such Town, then the said Companies respectively shall, within One Month after such Death or Removal, chuse another Person of each respective Company, in Manner aforesaid, to be Warden in his Room; and such Person shall and is hereby authorised and required to act accordingly for the Remainder of that Year.

No Silver Plate to be sold, until the same shall be marked with the Initials of the Worker's Name, &c.

IV. And be it further enacted by the Authority aforesaid, That no Silversmith or Plate-worker in either of the said Towns, or within Twenty Miles thereof, shall knowingly put to Sale, exchange, or sell any Silver Vessel, Plate, or Manufacture of Silver, made or wrought in either of the said Towns, or within Twenty Miles thereof, after the Twenty-ninth Day of *September* next, or export the same out of this Kindom, until such Time as such Silver Vessel, Plate, or manufactured Silver, (being of the Standard of Eleven Ounces Two Penny Weight of fine Silver *per* Pound *Troy*,) shall be marked as followeth; that is to say, with the Mark of the Worker or Maker thereof, which shall be the First Letters of his Christian and Surname; and also with the Lion Passant, and with the Mark of the Company within whose Assay Office such Plate shall be assayed and marked, to denote the Goodness thereof, and the Place where the same was assayed and marked; and also with a distinct variable Mark or Letter; which Letter or Mark shall be annually changed upon the Election of new Wardens for each Company, to denote the Year in which such Plate is marked, or Plate being of the Standard of Eleven Ounces Ten Penny Weight of fine Silver *per* Pound Weight *Troy*, with the Mark of the Worker or Maker thereof, which shall be the First Letters of his Christian and Surname, as aforesaid, the Figure of a Woman commonly called *Britannia*, the said Mark or Letter to denote the Year as aforesaid, and with the Mark of the Company within whose Office such Plate shall be assayed and marked, upon Pain that all such Silver Vessels, Plate, or other manufactured Silver, (except such Things as by reason of their Smallness or Thinness are not capable of receiving a Touch), which shall be made, exposed to Sale, exchanged, or exported, contrary to this Act, shall be forfeited, or the Value thereof, One Moiety thereof to the King's Majesty, His Heirs and Successors, and the other Moiety thereof to such Person or Persons as will sue for the same; to be recovered by Action of Debt, Bill, Suit, or Information, in any Court of Record in any County or Place wherein such Offence shall be committed, and wherein no Essoin, Protection, Wager of Law, or any more than One Imparlance, shall be allowed.

Peculiar Marks of the Birmingham and Sheffield Companies.

V. And be it further enacted by the Authority aforesaid, That the peculiar Marks of the said Companies, directed to be used as aforesaid, shall be as follows; that is to say, For the *Birmingham* Company, an Anchor; and for the *Sheffield* Company, a Crown.

Assayers to be elected by both Companies.

VI. And be it further enacted by the Authority aforesaid, That each of the said Companies shall, from Time to Time, elect and chuse, in Manner aforesaid, One or more able and skilful Person or Persons, experienced in the assaying of Silver, to be the Assayer or Assayers; and that such Person or Persons so chosen shall continue in the said Office during his or their Life or Lives, unless he or they shall neglect to attend the said Business, or shall die, or be rendered incapable of executing the said Office of Assayer; for which said Assayer or Assayers it shall and may be lawful to detain Eight Grains only from every Pound *Troy* of Silver he or they shall assay, Four Grains whereof shall be put into the Box or Diet, and the other Four Grains shall be allowed him towards his Waste and Spillings in making the said Assays; and every Assayer and Assayers, chosen in pursuance of this Act, immediately after his or their Election or Elections, and before he or they take upon himself or themselves the Execution of the said Office, shall enter into One Bond or Obligation to the Master of His Majesty's Mint for the Time being, with Two sufficient Sureties, to be approved of by the said Master, in the Penalty of Five hundred Pounds, for the Execution of the said Office, and for the due Payment of all such Fines and Sums of Money as are and shall be charged and imposed on him or them by this Act, for Neglect or Fraud in the Execution of the said Office; and shall also take and subscribe the Oath following; *videlicet*,

Assayer's Oath.

I A. B. *do swear, That I will be faithful and true to our Sovereign Lord King* George, *and will, so long as I continue an Assayer, well and faithfully behave myself in the said Office; and no undue Profit to myself take, to the Hurt or Hinderance of any Person that is Owner or Bringer of any Silver in Plate to be assayed, except of Wrought Plate only, Four Grains of every Pound Weight to be taken and put into the Box of Diet, and other Four Grains to be taken likewise of every Pound Weight of Plate wrought, (and not otherwise), towards my Waste and Spillings in making the said Assays; and that I will touch no Silver but what shall be of the Goodness of and according to the Standard of this Kingdom, which, for the Time being, is or shall be appointed by Law for Wrought Plate, or better; and all such Silver as shall be brought to me to be touched, I will carefully examine, to see if it be of all One Sort of Silver, and forward enough in the Workmanship, and whether all the Pieces*

Pieces be fixed together that are intended to be affixed together, and whether it be not charged with unneceſſary Solder; and if I find the ſame liable to either of the Objections aforeſaid, I will not aſſay the ſame; and that I will truly ſet down in Writing all ſuch Silver as ſhall be brought to me to be touched, and the ſame, at all Times, as I ſhall be required, will duly and truly deliver again, (except Eight Grains as aforeſaid); and will true Accounts make thereof, when required by the Wardens of the Company wherein I am choſen Aſſayer; and that I will no Aſſays make of Things new wrought, before that they be marked with the Mark of the Maker or Owner thereof; and that I will, according to the beſt of my Skill and Judgement, make every Aſſay ſo, and in ſuch Sort and Manner, as may beſt aſcertain the true intrinſick Standard of ſuch Plate ſo to be aſſayed; and that I will not put, or wittingly ſuffer to be put, into the aforeſaid Box, any Silver but that Silver which has been ſcraped and taken in my Preſence from the Plate which I ſhall aſſay and paſs for Standard; and that I will not, by myſelf, or in Partnerſhip with any other Perſon, directly or indirectly, be concerned in the buying or ſelling of Silver Bullion, or in the manufacturing of Wrought Plate.

So help me GOD.

Which Oath the Maſter of His Majeſty's Mint in the Tower of *London* for the Time being, or in his Abſence his Deputy in the ſaid Office, is hereby required and impowered to adminiſter to ſuch Aſſayer.

On Death of Aſſayer, &c. Company to elect another.

VII. Provided always nevertheleſs, and be it enacted by the Authority aforeſaid, That if any Perſon choſen Aſſayer in purſuance of this Act, ſhall neglect to attend the ſaid Buſineſs, or ſhall die, or be rendered incapable of executing the ſaid Office; that then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for that Company to whom ſuch Aſſayer did belong to elect and chuſe, in Manner aforeſaid, One other fit and proper Perſon to be the Aſſayer, in the Place and Stead of the Aſſayer falling under either of the Deſcriptions aforeſaid.

Each Company to provide an Aſſay Office; and the Wrought Plate to be examined by Two Wardens and an Aſſayer.

VIII. And be it further enacted by the Authority aforeſaid, That each of the ſaid Companies ſhall find and provide, within their reſpective Towns, a proper Place for an Office for receiving in, aſſaying, and delivering out all Wrought Plate that ſhall be brought to be aſſayed in purſuance of this Act; and that all Wrought Plate that ſhall be there brought for the Purpoſe aforeſaid ſhall be examined by Two of the Wardens and Aſſayer of the ſaid Company, to ſee if it be all of One Sort of Silver, and forward enough in the Workmanſhip, and whether all the Pieces be affixed together that are intended to be affixed together, and whether it be marked with the Maker or Owner's Mark, or be not charged with unneceſſary Solder; and that if they ſhall find any of ſuch Plate liable to either of the Objections aforeſaid, that then they ſhall return the ſame without making any Aſſay thereof; but if they ſhall find ſuch Plate free from all the Objections aforeſaid, that then there ſhall be drawn, ſcraped, or cut off, in the Preſence of Two of the Wardens and Aſſayer, ſo much from each Piece, in proportion to the Weight thereof, as will not exceed in the Whole the Rate of Eight Grains for every Pound Weight; and the Drawings, Scrapings, or Cuttings off, from each Piece, ſhall immediately after be divided into Moieties in the Preſence of the ſaid Wardens and Aſſayer; and a Moiety of the Drawings, Scrapings, or Cuttings off, from each Piece, be delivered to the Aſſayer, for him to make his Aſſays, and the other Moiety ſhall be locked up with Three different Locks in a Box to be provided for that Purpoſe, (which ſhall be called *The Aſſayer's Box*), and the reſpective Keys thereof ſhall be kept by Two of the Wardens and Aſſayer of ſuch reſpective Company by whom ſuch Aſſayers ſhall be elected and choſen.

If baſe Metal be found in any Piece of Plate, the ſame ſhall be broken, and the Value forfeited.

IX. And be it further enacted by the Authority aforeſaid, That if on View of any of the ſaid Plate ſo brought to be aſſayed, and after Weighing the ſame in Water, and trying the Effect of Magnetiſm, the Wardens and Aſſayer, or either of them, ſhall have Suſpicion of Iron, or other baſe Metal, being introduced or concealed in any Piece of Plate ſo brought to be aſſayed; that then it ſhall and may be lawful to and for the ſaid Wardens and Aſſayer to cut the ſame, or cauſe the ſame, in their Preſence, to be cut; and if upon Cutting thereof any unneceſſary Iron, or other baſe Metal, ſhall be found therein, the ſaid Piece of Plate ſhall be broken and defaced, and they are hereby authoriſed and directed to break and deface the ſame; and the ſaid Plate, or the Value thereof, ſhall be forfeited to the ſaid Wardens and Aſſayer, and the Produce thereof be by them applied towards the Expences of the Aſſay Office.

If no baſe Metal be found on cutting ſuch Plate, Recompence to be made.

X. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That if on cutting ſuch Plate, by Authority aforeſaid, no unneceſſary Iron, or other baſe Metal, ſhall be found therein; that then, and in ſuch Caſe, the ſaid Wardens and Aſſayer ſhall forthwith make a Recompence and Satisfaction, in Money, to the Owner of ſuch Plate, to the full Amount of the Damage done to the ſame, and charge the ſame to the Account of the Expences of the Aſſay Office.

Drawings, Scrapings, &c. how to be diſpoſed of.

XI. And be it further enacted by the Authority aforeſaid, That the Moiety of the Drawings, Scrapings, or Cuttings off, of each Piece ſo to be brought to the Aſſay Office as aforeſaid, and the Moiety thereof, to be locked up in the Aſſayer's Box as aforeſaid, ſhall be put in ſeparate Papers, and marked with correſponding Numbers, and the Aſſayer ſhall make his Report to the Wardens upon each Piece; and ſuch of the ſaid Numbers, as the Aſſayer ſhall Report to be worſe than Standard, the Pieces of Plate correſponding with ſuch Numbers ſhall be broke to Pieces in the Preſence of the ſaid Wardens and Aſſayer, and returned to the Owner, he paying Sixpence *per* Ounce to the Aſſayer for aſſaying the ſame; and ſuch Numbers as the ſaid Aſſayer ſhall report to be Standard or better, the Pieces of Plate correſponding with ſuch Numbers ſhall be forthwith marked, in the Preſence of the Wardens and Aſſayer, with the Company's Mark, and delivered to the Owner or Bringer of ſuch Plate, (he paying for making the Aſſay thereof ſuch Sums of Money as are herein-after directed to be

paid for the ſame); and the Scrapings belonging to ſuch correſponding Numbers which ſhall be ſo reported Standard, or better, ſhall be taken out of the Aſſayer's Box and be folded up, and the Name of the Maker of the Plate indorſed thereon, and immediately depoſited in a Box to be provided for that Purpoſe, (which ſhall be called *The Diet Box*), and which Box ſhall be locked with Three different Locks, and the reſpective Keys thereof ſhall be kept by Two of the ſaid Wardens and Aſſayer; and which ſaid Box ſhall never after be opened but in the Preſence of the ſaid Wardens and Aſſayer, or any of the Diet taken thereout, but for the Purpoſe of Trial thereof annually, as hereafter is mentioned; and the Moiety of the Scrapings, Drawings, and Cuttings off, which ſhall be delivered to the Aſſayer for the Purpoſe of Aſſaying, or ſo much thereof as ſhall remain after ſuch Proceſs, ſhall, in the Preſence of the Wardens, be put by the Aſſayer together in the Aſſayer's Box, in a Part thereof to be appropriated for that Purpoſe, to be diſpoſed of as by this Act is hereafter directed.

Proviſo.

XII. Provided always nevertheleſs, and be it enacted by the Authority aforeſaid, That if any Plate ſo brought to be aſſayed ſhall be reported to be of the Standard of Eleven Ounces Ten penny Weight, or better, that then the Moiety of the Drawings, Scrapings, or Cuttings off from ſuch Plate, ſhall be put in the Diet Box, in a Part thereof to be appropriated for that Purpoſe, and not blended with the other Diet, to the Intent that the Diet of Plate of each of the aforeſaid Standards may be ſeparately tried on the annual Trial of the Diet herein-after directed.

Silverſmith or Plate-worker not entering his Name with the Wardens of that Company neareſt which he ſhall reſide.

XIII. And be it further enacted by the Authority aforeſaid, That on or before the Twenty-ninth Day of *September* next, every Silverſmith or Plate-worker inhabiting in either of the Towns aforeſaid, or within Twenty Miles of either of them, and alſo every Perſon who, at any Time after the ſaid Twenty-ninth Day of *September*, ſhall follow the Trade of a a Silverſmith or Plate-worker, before he takes upon him to exerciſe either of the ſaid Trades ſhall enter his Name and his Mark, and Place of Abode, with the Wardens of that Company neareſt which he ſhall reſide, which ſhall be done by the ſaid Wardens upon Demand, without Fee or Reward; and if any ſuch Silverſmith or Plate-worker ſhall not enter his Name and Mark, and Place of Abode, as aforeſaid, or ſhall reſide and carry on his ſaid Trade in any other Place than what he has ſo entered as the Place of his Abode, and ſhall not have entered his Removal, or ſhall ſtrike any other Mark on Plate than what is ſo entered, ſuch Silverſmith or Plate-worker ſo offending ſhall forfeit the Sum of One hundred Pounds, to be recovered and diſpoſed of as aforeſaid.

ſhall forfeit 100l.

Perſons counterfeiting of Marks or Stamps uſed by the ſaid Companies;

XIV. And be it further enacted by Authority aforeſaid, That if any Perſon whatſoever ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark or Stamp uſed, or to be uſed, for marking Plate, in purſuance of this Act, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark, Stamp, or Impreſſion, in Imitation of, or to reſemble any Mark, Stamp, or Impreſſion made, or to be made, with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall mark or ſtamp, or cauſe or procure to be marked or ſtamped, any Silver Wrought Plate with any Mark or Stamp which hath been or ſhall be forged or counterfeited in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall tranſpoſe or remove, or cauſe or procure to be tranſpoſed or removed, from One Piece of Wrought Plate to another, or to any plated Veſſel, or to any Veſſel of baſe Metal, any Mark, Stamp, or Impreſſion, made, or to be made, by or with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; or ſhall ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Silver Wrought Plate, or any Veſſel of baſe Metal, with any ſuch forged or counterfeit Mark, Stamp, or Impreſſion thereon, or any Mark, Stamp, or Impreſſion, which hath been or ſhall be tranſpoſed or removed from any other Piece of Plate, knowing ſuch Mark, Stamp, or Impreſſion, to be forged, counterfeited, or tranſpoſed, or removed, as aforeſaid; or ſhall wilfully or knowingly have or be poſſeſſed of any Mark or Stamp which hath been, or ſhall be, forged or counterfeited, in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Companies reſpectively, or by any Maker or Worker of Silver Plate, or any or either of them; every ſuch Perſon offending in any, each, or either of the Caſes aforeſaid, being thereof lawfully convicted, ſhall, by Order of the Court before whom ſuch Offender ſhall be convicted, be tranſported to ſome of His Majeſty's Colonies or Plantations in *America* for the Term of Fourteen Years.

or tranſpoſing Stamps from one Piece to another, and expoſing ſuch Sale;

ſhall, on Conviction, be tranſported to America for 14 Years.

Dealers in plated Metal cauſing Letters to be ſtruck thereon, to forfeit 100 l.

XV. And be it further enacted by the Authority aforeſaid, That if any working Silverſmith or Dealer in Wrought Plate, or any Worker or Dealer in any other Metal plated or covered with Silver, ſhall ſtrike, or cauſe to be ſtruck, any Letter or Letters upon any Veſſel, or other Thing made of Metal plated or covered with Silver, or upon any Metal Veſſel, or other Thing made to look like Silver; ſuch Perſon or Perſons ſo offending ſhall forfeit the Sum of One hundred Pounds; to be recovered and diſpoſed of as aforeſaid.

Aſſayers to take not exceeding 1s. for every lo. Troy of Wrought Plate aſſayed.

XVI. And be it further enacted by the Authority aforeſaid, That all and every Silverſmith and Plate-worker ſhall firſt fix his or their Mark upon his or their Plate which ſhall be made from and after the Twenty-ninth Day of *September* next, (except ſuch Things which by reaſon of their Smallneſs or Thinneſs are not capable of receiving the Touch), and ſhall then bring or ſend the ſame to the Office where they ſhall have entered their Mark, and Place of Abode, and the ſame ſhall be there aſſayed according to this Act; and if by the Aſſayer it ſhall be found to be of the Fineneſs of Standard, which

for

for the Time being is or ſhall be appointed by Law for Wrought Plate, or better, then the ſame ſhall be marked with the Company's Marks, in the Preſence of the Wardens and Aſſayer; and that it ſhall and may be lawful to and for the ſaid Aſſayer, or ſuch other Perſon as the Wardens for the Time being of each reſpective Company ſhall appoint, to aſk, demand, take, and receive, of and from all and every ſuch Perſon and Perſons as ſhall, from Time to Time, bring to the Aſſay Office belonging to the ſaid Company any Piece or Parcel of Wrought Plate to be aſſayed, tried, and marked, ſuch Prices, Sums of Money, or Rewards, as they ſhall think fit, ſo as ſuch Prices, Sums of Money, or Rewards, do not exceed the Sum of One Shilling for every Pound *Troy*, and ſo proportionably for every greater or leſs Quantity of Plate ſo aſſayed and marked.

Is may be taken, though the Plate aſſayed do not amount to the limited Rate.

XVII. Provided nevertheleſs, That if any Parcel or ſingle Piece of Wrought Plate ſhall be brought or ſent to the ſaid Office to be aſſayed, which, according to the Rate or Price herein-before limited, ſhall not amount to the Sum of One Shilling, then there ſhall be paid for aſſaying and marking ſuch Parcel or ſingle Piece of Wrought Plate a Sum of Money or Reward not exceeding One Shilling; any Thing herein contained to the Contrary in any-wiſe notwithſtanding.

Aſſayers not to diſcover any Deſign, Pattern, &c. of Plate brought to be aſſayed; and ſhall enter the Names of Owners in Books; and an Account of Servants Salaries, &c.

XVIII. And be it further enacted by the Authority aforeſaid, That the Aſſayers ſo to be choſen by virtue of this Act as aforeſaid ſhall not diſcover, by Deſcription, in Words, or otherwiſe, to any Perſon or Perſons whatſoever, any Pattern, Deſign, or Invention, of any Piece of Silver Plate brought, or to be brought, to the Office to be aſſayed as aforeſaid, or permit the ſame to be viewed or ſeen by any Perſon whomſoever, but the Wardens and other Perſons neceſſarily employed, or to be employed, in the ſaid Office; and alſo ſhall keep a Book or Books, wherein ſhall be entered the Names of every Owner of Plate brought to be aſſayed, and the Aſſortment of Plate aſſayed, and an Account of the Money received for the aſſaying thereof, and likewiſe an Account of the Monies ariſing from the Scrapings and Cuttings off of the ſaid Plate ſo brought to be aſſayed, when the ſame ſhall be ſold in Manner herein-after directed, and alſo an Account of the Officers and Servants Salaries and Wages, and other incidental Expences attending the carrying this Act into Execution; and that every Member of each reſpective Company ſhall have free Acceſs to the ſaid Books, and the Inſpection thereof.

Marks to be locked up in a Box with Three Locks, the Keys of which are to be kept by Two Wardens and an Aſſayer; and all Plate marked in in their Preſence. On Connivance of the Wardens, if the Aſſayer diſcover Patterns, &c. he ſhall forfeit 200 l.

XIX. And be it further enacted by the Authority aforeſaid, That the Marks belonging to each of the ſaid reſpective Companies ſhall be locked up in a Box with Three different Locks, and the reſpective Keys thereof ſhall be kept by Two of the Wardens and Aſſayer of ſuch reſpective Company, and ſhall never be taken thereout but in the Preſence of Two of the ſaid Wardens and Aſſayer, for the Purpoſe of marking the Plate which ſhall have been aſſayed and reported Standard, and which Plate ſhall be marked in the Preſence of Two of the ſaid Wardens and Aſſayer, and the Marks immediately after locked up in Manner aforeſaid: And that if by Connivance of the ſaid Wardens the Aſſayer ſhall mark, or ſuffer to be marked, any Plate with the Company's Mark, any otherwiſe than in the Preſence of the Two Wardens; or if he ſhall mark any Plate that has not been duly aſſayed and found Standard; or if he ſhall diſcover, by Deſcription, in Words, or otherwiſe, to any Perſon or Perſons whatſoever, any Pattern, Deſign, or Invention, of any Piece of Silver Plate brought to the Office to be aſſayed as aforeſaid; or wittingly or willingly permit or ſuffer the ſame to be viewed or ſeen by any Perſon whomſoever, but the Wardens and other Perſons neceſſarily employed in the ſaid Office; he ſhall forfeit and pay the Sum of Two hundred Pounds; to be recovered and diſpoſed of in Manner aforeſaid, and ſhall be turned out of his Office, and be rendered ever after incapable of exerciſing the Office of an Aſſayer.

Scrapings and Cuttings to be weighed Four Times in every Year.

XX. And be it further enacted by the Authority aforeſaid, That the Aſſayer of each reſpective Company ſhall, Four Times in every Year, duly weigh, in the Preſence of the Wardens of the ſaid Company, all the Scrapings and Cuttings-off of Silver depoſited in the Aſſayer's Box, after Report thereof made as aforeſaid, and enter the true Weight thereof in a Book to be kept for that Purpoſe; and that when the ſame is ſo weighed and entered, it ſhall and may be lawful to and for the ſaid Wardens to ſell and diſpoſe thereof, and, after entering an Account of the Produce thereof in the Book belonging to ſuch Company, containing their Receipts and Payments for and on the Account of the Aſſay Office, pay and apply the ſame for and towards ſuch Payments.

Diet Box to be, Once in every Year, opened in the Preſence of the Aſſayer and the Four Wardens; and conveyed to the Mint.

XXI. And be it further enacted by the Authority aforeſaid, That the Diet Box belonging to each of the ſaid Companies ſhall, Once in every Year, be opened in the Preſence of the Aſſayer and the Four Wardens belonging to each Company, and the Diet therein be taken out and carefully packed up in Two ſeparate Parcels, if of different Standards, without opening the Papers containing the ſame, and carefully ſecured and ſealed with the reſpective Seals of the ſaid Wardens and Aſſayer, and by them, in each other's Preſence, delivered to a Meſſenger, to be by him conveyed to His Majeſty's Mint in the Tower of *London*, and delivered to the Maſter of the Mint, or his Deputy, taking a Receipt from him who ſhall ſo receive it for the ſame, which Receipt the ſaid Maſter, or his Deputy, are hereby directed to give; and that the Meſſenger conveying the ſame ſhall, at the Time of the delivering thereof to the ſaid Maſter, or his Deputy, make Oath before the ſaid Maſter, or his Deputy, (which Oath the ſaid Maſter, or his Deputy, are hereby authoriſed and directed to adminiſter), that he received the Box or Parcel (as the Caſe may be) from the Wardens and Aſſayer of the Company, ſo ſealed as on the Delivery thereof, and that the ſame had not been opened after he had ſo received the ſame.

Maſter of the Mint to prefer a Memorial to the Lords of the Treaſury, for Trial of the Diet by the King's Aſſay-maſter;

XXII. And be it further enacted by the Authority aforeſaid, That the Maſter of His Majeſty's Mint for the Time being, or his Deputy, ſhall, within Fourteen Days next after the ſaid Diet ſhall have been ſo delivered over to him as aforeſaid, prefer a Memorial to the Lord High Treaſurer of *Great Britain*, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, requeſting a Time to be fixed for the Trial of the ſaid Diet by the King's Aſſay-maſter of His Majeſty's Mint before

fore the Lord High Treaſurer of *Great Britain*, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or whom he or they appoint; and that the ſaid Maſter of the Mint, or his Deputy, ſhall, by Letter, to be ſent by the General Poſt, give ſuch Aſſayer, whoſe Diet is to be tried, Notice of the Time and Place appointed for ſuch Trial, that he may be preſent, if he thinks fit; and ſhall, on that Day whereon the Lord High Treaſurer of *Great Britain*, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, ſhall appoint, and in the Preſence of him or them, or of ſuch Perſons to be appointed by him or them, as aforeſaid, deliver the ſaid Diet, ſo received by him as aforeſaid, unopened to His Majeſty's Aſſay-maſter of the Mint aforeſaid, who, in the Preſence of the Lord High Treaſurer of *Great Britain*, or Lords Commiſſioners of His Majeſty's Treaſury, or of ſuch Perſons to be appointed as aforeſaid, ſhall duly aſſay and try the ſame by the indented Pieces herein-after directed to made, in ſuch Manner as by the Perſons then preſent ſhall be thought neceſſary, and make a true Report thereof; and if upon ſuch Trial the ſame ſhall be found agreeable in Fineneſs to the ſaid reſpective indent Trial Pieces, or better, that then His ſaid Majeſty's Aſſay-maſter ſhall return the ſaid Diet to, or to the Order of the Wardens and Aſſay-maſter of the Company aforeſaid, who are hereby authoriſed to ſell and diſpoſe thereof; and having entered the Produce thereof in the Book of Accounts of the Receipts and Payments relative to the Aſſay Office from whence ſuch Diet ſhall be ſent, to pay and apply ſuch Produce for and towards the neceſſary Expence of ſuch Office.

Giving Notice by Poſt to the Aſſayer, to be preſent.

If the Diet is not found ſufficient in Fineneſs, the Aſſayer ſhall forfeit 200 l.

XXIII. Provided always nevertheleſs, and be it enacted by the Authority aforeſaid, That if, on the ſaid Trial, the ſaid Diet ſhall be found not agreeable in Fineneſs with the ſaid Trial Pieces, according to the reſpective Standards thereof, but worſe; that then, and in ſuch Caſe, the Aſſayer belonging to that Company, whoſe Diet ſhall be ſo tried, ſhall forfeit and pay the Sum of Two hundred Pounds, to be recovered and diſpoſed of as aforeſaid, and ſhall ever after be rendered incapable of acting as an Aſſayer.

Overplus of Money ariſing to be applied in proſecuting Offenders.

XXIV. Provided alſo, and it is hereby enacted and declared, That in caſe the ſaid Prices, Sums of Money, or Rewards, hereby given, granted, or allowed, to each Company, in each of the ſaid Towns reſpectively, for the aſſaying and marking Wrought Plate, ſhall raiſe more Money than ſhall be ſufficient to defray the neceſſary Expences of the ſaid reſpective Aſſay Offices, then the Overplus Money (if any) ſhall be reſpectively applied by each Company, from Time to Time, in the proſecuting Offenders againſt this Act; and if ſuch Proſecutions ſhall not require the whole of ſuch Overplus, that then the ſaid Prices, Sums of Money, or Rewards, ſhall afterwards be leſſened in proportion by the reſpective Companies aforeſaid; and they are hereby required to take ſo much leſs for the aſſaying, trying, and marking, Wrought Plate for the future, as will anſwer the Purpoſes aforeſaid only, without bringing any Profit to any of the ſaid reſpective Companies; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Two indented Trial Pieces to be made by the Wardens and Aſſayer; which ſhall be tried at the Mint by the Aſſay-maſter.

XXV. And be it further enacted by the Authority aforeſaid, That the Wardens and Aſſayer of each of the ſaid reſpective Companies ſhall, from Time to Time, as Occaſion ſhall require, make, or cauſe to be made, Two indented Trial Pieces, whereof One ſhall be of the Standard of Eleven Ounces Two Pennyweight of fine Silver, and Eighteen Pennyweight of Alloy in the Pound Weight *Troy*, and the other of the Standard of Eleven Ounces Ten Penny Weight of fine Silver, and Ten Penny Weight of Alloy in the Pound Weight *Troy*; and after the ſaid Two Trial Pieces ſhall be made as aforeſaid, they ſhall be brought to His Majeſty's Mint in the Tower of *London*, and there be aſſayed and tried by His Majeſty's Aſſay-maſter; and when the ſame ſhall have been ſo aſſayed and tried, and found to be of the reſpective Standards aforeſaid, One Moiety of each Piece ſhall be delivered back to the Aſſayer who brought the ſame, and ſuch Moieties ſhall be depoſited by him in his Office as Guides for trying ſuch Plate as ſhall be brought to his Office to be aſſayed, and the other Moieties ſhall remain in His Majeſty's Mint, in the Cuſtody of the Maſter and Worker for the Time being, thereby to try the Diet directed to be aſſayed by His Majeſty's Aſſay-maſter as aforeſaid.

Sums payable yearly to the Maſter of His Majeſty's Mint.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That each of the ſaid reſpective Companies ſhall, before the Aſſay of their Diet, yearly and every Year, pay to the Maſter of His Majeſty's Mint, or his Deputy, for the Uſe of his Deputy, and to the King's Aſſay-maſter, the ſeveral Sums following; (that is to ſay,) To the Maſter of His Majeſty's Mint, or his Deputy, the Sum of Three Pounds Three Shillings, and to the King's Aſſay-maſter the Sum of Ten Pounds Ten Shillings by way of Recompence for the Trouble and Expence they will reſpectively have and incur by means of the Trial of the ſaid Diet, in Manner aforeſaid.

Companies to make Bye-laws.

XXVII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid reſpective Companies, or the major Part of them, and they are hereby authoriſed and impowered, from Time to Time, to make Bye-laws, Rules, and Orders, for the Well-government and Management of their reſpective Offices, and for fixing the Salaries and Rewards of their reſpective Officers, and for fixing the Time and Manner for receiving in and delivering out Plate brought to be aſſayed, and for every other Purpoſe relative to the Conduct or Management of ſuch Office, ſo as ſuch Bye-laws, Rules, and Orders, do not in any Reſpect contradict this Act, or the Laws of the Realm.

Wardens to ſubſcribe the following Oath.

XXVIII. And be it further enacted by the Authority aforeſaid, That each of the Wardens of the ſaid Companies ſhall, after his Election, and before he takes upon him the Execution of the ſaid Office, take and ſubſcribe the following Oath; *videlicet*,

I A. B.

I A. B. *do ſwear, That I will, ſo long as I continue a Warden, well and faithfully behave myſelf in the ſaid Office; and that I will not diſcover, by Deſcription, in Words, or otherwiſe, to any Perſon or Perſons whatſoever, any Pattern, Deſign, or Invention, of any Piece of Silver Plate, brought, or to be brought, to the Office to be aſſayed, or wittingly or willingly permit the ſame to be viewed or ſeen by any Perſon whomſoever, but the Perſons neceſſarily employed, or to be employed, in the Aſſay Office; and that I will in all Things conform to the Rules laid down for my Conduct in an Act of Parliament, paſſed in the Thirteenth Year of the Reign of King* George *the Third, (intituled,* An Act for appointing Wardens and Aſſay-maſters for aſſaying Wrought Plate in the Towns of *Sheffield* and *Birmingham.)*

So help me *GOD.*

Which Oath any Juſtice of Peace reſiding in the County where ſuch Office is eſtabliſhed is hereby required and impowered to adminiſter to ſuch Wardens.

Perſons recovering Judgement againſt an Aſſay-maſter, and not being paid the Penalty adjudged, may have the Aſſay-maſter's Bond aſſigned to him.

XXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time hereafter recover Judgement in any Court of Record againſt any Aſſay-maſter of either of the Companies aforeſaid, for any Penalty impoſed on him by this Act, for Neglect or Fraud in the Execution of his Office, and ſuch Penalty, together with the Coſts adjudged, ſhall not be paid within the Time preſcribed by that Court, wherein ſuch Judgement ſhall be obtained; that then, and in ſuch Caſe, it ſhall and may be lawful to and for the Maſter of His Majeſty's Mint for the Time being, and he is hereby authoriſed and directed to aſſign over to ſuch Perſon or Perſons ſo recovering ſuch Judgement the ſaid Bond or Obligation ſo directed to be entered into by the ſaid Aſſayer and his Sureties to the Maſter of His Majeſty's Mint, as aforeſaid, in order to enable ſuch Perſon or Perſons to bring One or more Action or Actions thereon againſt ſuch Aſſayer and his Sureties, or either of them, or the Heirs, Executors, or Adminiſtrators of them, or either of them, for the Recovery of ſuch Penalty ſo recovered againſt the Aſſayer, together with the Coſts adjudged; in which laſt-mentioned Action or Actions it ſhall be ſufficient for the Plaintiff to prove the Execution of the ſaid Bond, and of the Aſſignment thereof, and the former Judgement recovered againſt the Aſſayer, in order to intitle ſuch Plaintiff to Judgement and Execution.

If in any Action brought on the Bond, Verdict be given for the Defendant, Coſts ſhall be paid by the Aſſignee.

XXX. Provided always, nevertheleſs, and it is hereby enacted by the Authority aforeſaid, That if in any Action to be brought on the ſame Bond, as laſt aforeſaid, a Verdict ſhould be given for the Defendant, or the Plaintiff be nonſuited, that then the Coſts of ſuch Verdict or Nonſuit ſhall be paid by the Aſſignee of ſuch Bond, and the Maſter of His Majeſty's Mint be wholly exonerated and diſcharged therefrom; any Law, Uſage, or Statute to the Contrary in any-wiſe notwithſtanding.

Publick Act.

XXXI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LIII.

An Act to enable the Inhabitants of the Pariſh of *Saint Matthew Bethnal-Green*, in the County of *Middleſex*, to pay Debts already contracted in finiſhing and furniſhing their Workhouſe, and on account of the Poor of the ſaid Pariſh; and for their further Relief.

CAP. LIV.

An Act for the more effectual Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and for repealing and amending ſeveral of the Laws now in being relative thereto.

Preamble.

'WHEREAS the Laws already made for the Preſervation of Game in that Part of *Great Britain* called *Scotland* are found by Experience to be inſufficient for that Purpoſe, without 'being altered and amended;' may it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who ſhall wilfully take, kill, deſtroy, carry, ſell, buy, or have in his or her Poſſeſſion, or uſe any Muir Fowl or Tarmargan, between the Tenth Day of *December* and the Twelfth Day of *Auguſt* in any Year; or any Heath Fowl, between the Tenth Day of *December* and the Twentieth Day of *Auguſt* in any Year; or any Partridge, between the Firſt Day of *February* and the Firſt Day of *September* in any Year; or any Pheaſant, between the Firſt Day of *Feburary* and the Firſt Day of *October* in any Year; ſhall, for every Bird ſo taken, killed, deſtroyed, carried, ſold, bought, found, or uſed, forfeit and pay the Sum of Five Pounds Sterling: And in caſe of not paying the Sum decreed within the Space of Ten Days after Conviction by a final Sentence, ſhall ſuffer Impriſonment for Two Months for each Five Pounds Sterling thereof.

Perſons taking, killing, ſelling, or buying Muir Fowl, &c. between Dec. 10. and Aug. 12, &c. ſhall forfeit, for every Bird ſo deſtroyed 5l.

Not to extend to Pheaſants, &c. taken in the Seaſons allowed, and kept in breeding Places.

II. Provided always, That nothing in this Act ſhall extend to any Pheaſant or Partridge which ſhall be taken in the Seaſons allowed by this Act, and kept in any Mew or breeding Place.

III. And

Any Perſon not qualified to kill Game, having Game in his Cuſtody without Leave of Perſons qualified, to forfeit 20 s. for the Firſt, and for every other Offence, 40 s.

III. And be it further enacted by the Authority aforeſaid, That every Perſon whatſoever, not qualified to kill Game in *Scotland*, who ſhall have in his or her Cuſtody, or carry, at any Time of the Year, upon any Pretence whatſoever, any Hares, Partridges, Pheaſants, Muir Fowl, Tarmargans, Heath Fowl, Snipes, or Quails, without the Leave or Order of a Perſon qualified to kill Game in *Scotland*, for carrying ſuch Hares or other Game, or for having the ſame in his or her Cuſtody, ſhall, for the Firſt Offences forfeit and pay the Sum of Twenty Shillings Sterling; and for the Second, and every other ſubſequent Offence, the Sum of Forty Shillings Sterling: And in caſe of not paying the Sum decreed within the Space of Ten Days after Conviction by a final Judgement, ſhall ſuffer Impriſonment for Six Weeks for the Firſt Offence, and for Three Months for the Second, and every other ſubſequent Offence.

Penalties for Firſt and ſubſequent Offences on Perſons making Muirburn from April 11, to Nov. 1.

IV. And be it enacted by the Authority aforeſaid, That every Perſon who ſhall make Muirburn, or ſet fire to any Heath or Muir, in that Part of *Great Britain* called *Scotland*, from the Eleventh Day of *April* to the Firſt Day of *November* in any Year, ſhall forfeit and pay the Sum of Forty Shillings Sterling for the Firſt Offence, Five Pounds Sterling for the Second Offence, and Ten Pounds Sterling for the Third and every other ſubſequent Offence: And in caſe of not paying the Sum decreed within the Space of Ten Days after Conviction by a final Judgement, ſhall ſuffer Impriſonment for Six Weeks for the Firſt Offence, Two Months for the Second, and Three Months for the Third and every other ſubſequent Offence.

If any Muirburn be diſcovered within the Time forbidden, Occupiers of the Ground to be liable, unleſs they ſhall prove the contrary.

V. And be it further enacted by the Authority aforeſaid, That the Tenant, Poſſeſſor, or Occupier of the Ground upon which ſuch Muirburn ſhall be made or diſcovered within the forbidden Time aforeſaid, ſhall be deemed and taken to be guilty of the Offence, and ſhall be liable to the ſeveral Penalties aforeſaid, unleſs ſuch Tenant, Poſſeſſor, or Occupier, ſhall prove, to the Satisfaction of the Court before which he or ſhe ſhall be proſecuted, that ſuch Fire was communicated from ſome neighbouring Ground, or was raiſed upon his or her Ground by ſome other Perſon not in his or her Service or Family.

Proprietors of wet Lands in their own occupation may burn Heath between the 11th & 25th April; or may authoriſe their Tenants ſo to do.

VI. Provided always, and be it enacted by the Authority aforeſaid, That every Proprietor of high and wet Muir Lands, the Heath upon which frequently cannot be burnt ſo early as the Eleventh Day of *April*, may, when ſuch Lands are in his own Occupation, burn the Heath upon the ſame at any Time between the Eleventh and Twenty-fifth Day of *April* in any Year, without incurring any of the Penalties before mentioned; and when ſuch Lands are let, the Proprietor, or his Commiſſioner or Factor, may, by a Writing under his or their Hands, authoriſe his Tenant or Tenants in ſuch Lands to burn the Heath thereon, at any Time between the Eleventh and Twenty-fifth Day of *April*, in any Year, without incurring any of the Penalties before mentioned.

Writings authoriſing Tenants to burn Heath, as aforeſaid, to be recorded in the Sheriff Court Books.

VII. Provided alſo, That the Writing authoriſing ſuch burning, when the Lands are in the Occupation of a Tenant, ſhall previous to ſuch burning, be recorded in the Sheriff or Stewart Court Books of the County or Stewartry within which the Lands are, and which the Sheriff or Stewart Clerk of ſuch County, or Stewartry is hereby ordered and directed to do, upon receiving Payment of the Fees uſually paid for recording Writings.

Offences may be enquired into and determined by the Juſtices, &c.

VIII. And be it further enacted by the Authority aforeſaid, That all Offences againſt this Act ſhall and may be enquired into and determined, either by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or by the Confeſſion or Oaths of the Parties accuſed, before any Two or more of His Majeſty's Juſtices of the Peace, or before the Sheriff, or Stewart-depute, or Subſtitute, of the County where the Offence ſhall be committed, or where the Offender ſhall be found; and that all Proſecutions for Offences againſt this Act ſhall be carried on, either at the Inſtance of the Fiſcal of the Court in which the Proſecution is brought, or of any other Perſon who will inform or complain.

Perſons convicted to pay the Penalties within Ten Days, or the ſame may be levied by Diſtreſs.

IX. And be it further enacted by the Authority aforeſaid, That if any Perſon convicted of any of the Offences againſt this Act ſhall not pay the Penalty or Forfeiture decreed againſt him or her, within the Space of Ten Days from and after a final Judgement of Conviction, it ſhall and may be lawful for the Juſtices of the Peace, Sheriff, or Stewart-depute, or Subſtitute, before whom the Information, Complaint, or Action may have been brought, upon the Application of the Proſecutor, to grant Warrant for levying the Penalties or Forfeitures, by immediate Diſtreſs and Sale of the Offenders Goods and Moveables, together with the Coſts and Charges attending the levying thereof, returning the Overplus, if any be, to the Owner; or to grant Warrant for committing the Offender to the common Gaol of the County, for the Time ſpecified in this Act, as Satisfaction for the Penalty or Forfeiture incurred, or until Payment: And in caſe a Warrant for levying the Penalty by Diſtreſs and Sale of the Offender's Goods and Moveables ſhall be firſt applied for and obtained, and that the Penalty or Forfeiture ſhall not be recovered in Conſequence thereof, it ſhall and may be lawful for the Juſtices of Peace, Sheriff, or Stewart-depute, or Subſtitute, who granted the Warrant for levying the Penalty or Forfeiture by Diſtreſs and Sale of the Offender's Goods and Moveables, upon its being certified to him or them by the Officer employed in executing the Warrant, either that he has been able to recover no Part of the Penalty or Forfeiture, or that a certain Part, to be certified by him, ſtill remains unrecovered, to grant Warrant for committing the Offender to the common Gaol of the County for the Time ſpecified in this Act, as Satisfaction for the Penalty or Forfeiture incurred,

In caſe the Penalty cannot be recovered by Diſtreſs, Offenders to be committed

incurred, or until complete Payment ſhall be made of the Penalty or Forfeiture incurred and decreed.

Penalties and Forfeitures how to be applied.

X. And be it further enacted by the Authority aforeſaid, That One Moiety of the Penalties or Forfeitures to be incurred for any Offence againſt this Act, ſhall, when recovered, be paid to the Proſecutor, and the other Moiety ſhall be applied to the Uſe of the Poor of the Pariſh, or to the repairing of the High Roads within the Pariſh where the Offence ſhall be committed, as the Juſtices of the Peace, or the Sheriff or Steward-depute, or Subſtitute, ſhall direct, before whom the Offender ſhall be convicted.

Perſons thinking themſelves aggrieved, may appeal to the next Court of Juſticiary; and where there are no Circuit Courts, to the Court of Juſticiary at Edinburgh.

XI. Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to or for any Perſon conceiving himſelf or herſelf aggrieved by any Decree of the Juſtices of the Peace, or Sheriff, or Stewart-depute, or Subſtitute, in ſuch Proſecutions, to complain and ſeek Relief by Appeal to the next Circuit Court of Juſticiary of the Circuit wherein the County is where the Decree is pronounced; or where there are no Circuit Courts, to the Court of Juſticiary at *Edinburgh*, by taking and entering an Appeal in open Court, at the Time of pronouncing ſuch Decree, or at any Time thereafter within Ten Days, by lodging the ſame in the Hands of the Clerk of the Court, and ſerving the adverſe Party with a Duplicate thereof perſonally, or at his Dwelling-houſe, or his Procurator or Agent in the Cauſe; and ſuch Service ſhall be ſufficient Summons to oblige the Proſecutor to attend and anſwer at the next Circuit Court which ſhall happen to be held, at leaſt Fifteen Days after Service, or at the firſt Court of Juſticiary which ſhall be held at *Edinburgh*, in the Caſe where there are no Circuit Courts, at leaſt Fifteen Days after ſuch Service; and thereupon the Judge or Judges at ſuch Circuit Court, or in the Court of Juſticiary at *Edinburgh*, ſhall and may proceed to cognoſce, hear, and determine: And in caſe they ſhall find the Reaſons of any ſuch Appeal not relevant, or not inſtructed, or ſhall determine againſt the Party appealing, the Judge or Judges ſhall condemn the Appellant in ſuch Coſts of Suit as ſhall appear to be juſt and reaſonable, and the Decree ſo pronounced ſhall be final and concluſive to the Parties.

Sentence of ſaid Court to be final.

Perſons appealing to lodge a Bond with the Clerk of Court, for paying the Sums appealed againſt, and for Coſts, &c.

XII. Provided alſo, and be it enacted by the Authority aforeſaid, That when an Appeal is taken, the Appellant, at the Time of entering his or her Appeal, ſhall lodge with the Clerk of the Court from which the Appeal is taken a Bond, with a ſufficient Cautioner, for paying the Sum or Sums contained in the Decree appealed againſt, ſo far as affirmed and approved of by the Judgement upon the Appeal, and for paying the Coſts of Suit, if any ſhall be awarded; and the Clerk of Court ſhall be anſwerable for the Sufficiency of ſuch Cautioner.

In caſe of any Difficulty before the Circuit Court, &c. the Proceedings thereupon may be laid before the Juſticiary Court at Edinburgh, and be there finally determined.

XIII. Provided likewiſe, and be it enacted by the Authority aforeſaid, That in caſe any Circuit Court ſhall, on hearing any ſuch Appeal, find any ſuch Difficulty to ariſe, that by Means thereof ſuch Circuit Court cannot proceed to the Determination of the ſame, conſiſtently with Juſtice and the Nature of the Caſe; in any ſuch Caſe, and not otherwiſe, it ſhall and may be lawful to and for ſuch Circuit Court to certify ſuch Appeal, together with the Reaſons of ſuch Difficulty, and the Proceedings thereupon had before ſuch Circuit Court, to the Court of Juſticiary at *Edinburgh*, which is hereby authoriſed and required to proceed in and determine the ſame.

Limitation of Actions.

XIV. Provided alway, That no Penalty or Forfeiture in this Act ſhall be recovered, unleſs the Proſecution for recovering thereof ſhall be commenced within Six Months after the Offence committed.

No Perſon liable for ſuch Offence till after June 24.

XV. Provided alſo, That no Perſon ſhall be liable to any of the Penalties or Forfeitures hereby enacted, except for ſuch Offence as ſhall be committed after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three.

Act 24 Geo. II.

Act 3 Geo. II.

and Act 6 Geo. III. repealed.

XVI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, an Act, paſſed in the Twenty-fourth Year of His late Majeſty King *George* the Second, intituled, *An Act for the better Preſervation of the Game in that Part of* Great Britain *called* Scotland; and an Act, paſſed the Third Year of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game in that Part of* Great Britain *called* Scotland; *and for repealing Part of an Act, paſſed in the Twenty-fourth Year of His late Majeſty*, For the better Preſervation of the Game in that Part of *Great Britain* called *Scotland*; and ſo much of an Act, paſſed in the Sixth Year of His preſent Majeſty, intituled, *An Act to extend an Act, made in the Fourth Year of the Reign of King* George *the Firſt, intituled*, An Act for the further preventing Robbery, Burglary, and other Felonies; and for the more effectual Tranſportation of Felons, and unlawful Exporters of Wool; and for declaring the Law, upon ſome Points, relative to Pirates, to that Part of *Great Britain* called *Scotland*, ſo far as the Act relates to the more effectual Tranſportation of Felons; and for amending and rendering more effectual the Laws for reſtraining Muirburn in forbidden Time, in that Part of the United Kingdom as limits the Time for making Muirburn; ſhall be, and are hereby declared to be repealed.

CAP. LV.

An Act to explain and amend the ſeveral Laws now in being, ſo far as the ſame relate to the Preſervation of the Moor or Hill Game.

Preamble.

'WHEREAS the Laws now in being, relative to the Preſervation of the Moor or Hill Game, 'have been found very inſufficient to anſwer the Purpoſe for which they were intended: And 'whereas ſome further Regulations are become abſolutely neceſſary to prevent the total Deſtruction of 'that Species of Game:' May it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and Seventy-three, no Perſon or Perſons ſhall, upon any Pretence whatſoever, wilfully take, kill, deſtroy, carry, ſell, buy, or have, in his, her, or their Poſſeſſion or Uſe, any Heath Fowl, commonly called *Black Game*, between the Tenth Day of *December* and the Twentieth Day of *Auguſt*, in any Year; nor any Grouſe, commonly called *Red Game*, between the Tenth Day of *December* and the Twelfth Day of *Auguſt*, in any Year; nor any Buſtard, between the Firſt Day of *March* and the Firſt Day of *September*, in any Year.

After 24 June 1773, no Perſon wilfully to kill, &c. Black Game, between Dec. 10. and Aug. 20. nor Red Game between Dec. 10. and Aug 12. nor any Buſtard, between March 1. and Sept. 1.

Penalty on Perſons offending contrary to this Act.

II. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, if any Perſon or Perſons ſhall, in any of the Caſes aforeſaid, offend, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, upon due Conviction, for the Firſt Offence, forfeit and pay any Sum or Sums of Money not exceeding Twenty Pounds, nor leſs than Ten Pounds; and for the Second and every ſubſequent Offence, any Sum or Sums of Money not exceeding Thirty Pounds, nor leſs than Twenty Pounds; to be levied and recovered in Manner as herein is after mentioned.

Forfeitures and Penalties may be recovered in any Court of Record at Weſtminſter;

III. And be it further enacted, That all ſuch Forfeitures and Penalties, ſo to be incurred as aforeſaid, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, or Great Seſſions in *Wales*, wherein no Eſſoin, Protection, nor Wager of Law, nor more than One Imparlance, ſhall be allowed: Provided ſuch Action be brought within Six Calendar Months after the Matter or Thing done, for which the ſame ſhall be commenced or exhibited.

And by Information before the Juſtices of any County, &c.

who may grant Warrant to levy the ſame by Diſtreſs.

IV. And be it further enacted, That it ſhall and may be lawful for any Perſon whatſoever, (except the Perſon liable to pay any ſuch Forfeitures or Penalties) to proceed to recover any of the aforeſaid Forfeitures and Penalties, by Information and Conviction, before any Juſtice or Juſtices of the Peace of any County, City, Corporation, Diviſion, Riding, Precinct, or Liberty, wherein the Offence ſhall happen; and ſuch Juſtice or Juſtices are hereby authoriſed and impowered, upon due Proof made upon Oath by One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party accuſed, to cauſe the ſaid Forfeiture to be forthwith paid; and, in caſe of Neglect or Refuſal, to levy the ſame by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under his or their Hand and Seal, or Hands and Seals, together with all Coſts and Charges attending the ſame, returning the Overplus, if any, to the Owner; and every ſuch Forfeiture, when paid or recovered, ſhall be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall have been committed; and it ſhall and may be lawful for ſuch Juſtice or Juſtices to order ſuch Offender to be detained in ſafe Cuſtody until Return may be conveniently had and made to ſuch Warrant of Diſtreſs, unleſs the Party ſo convicted ſhall give ſufficient Security, to the Satisfaction of ſuch Juſtice or Juſtices, for his Appearance before him or them, on the Day appointed for the Return of the Warrant of Diſtreſs, ſuch Day not exceeding Five Days from the Time of taking ſuch Security; which Security the ſaid Juſtice or Juſtices is and are hereby impowered to take by way of Recognizance, or otherwiſe: And in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice or Juſtices ſhall commit ſuch Offender to the common Gaol, or Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Six, nor leſs than Three, Calendar Months, unleſs the Money forfeited, and all Coſts and Charges attending the Proſecution, ſhall be ſooner paid and diſcharged.

No Perſon to be doubly proſecuted.

V. Provided always, and be it further enacted, That no Offender againſt the Proviſions of this Act ſhall be proſecuted for the ſame Offence both by Action of Law and by Information before a Juſtice of the Peace; but, in caſe of any Second Proſecution, the Perſon ſo doubly proſecuted may plead, in his Defence, the former Proſecution pending, or the Conviction or Judgement thereupon had.

Form of Conviction.

VI. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That the Form of the Conviction ſhall be drawn up in the following, or like Form of Words;

BE it remembered, That on the Day of in the Year of our Lord A. B. having appeared before me, or us, One or more of his Majeſty's Juſtices of the Peace (as the Caſe may be) *for the County of and due Proof having been made, upon Oath, by One or more credible Witneſs or Witneſſes, or by Confeſſion of the Party* (as the Caſe may be), *is convicted of* (ſpecifying the Offence, with the Time and Place where the ſame was committed, and alſo ſpecifying, if known, that it is the Firſt, Second, or any ſubſequent Offence againſt this Act, as the Caſe ſhall be). *Given under my Hand and Seal, or our Hands and Seals, the Day and Year aforeſaid.*

Which

Which Conviction the ſaid Juſtice or Juſtices ſhall cauſe to be wrote fairly upon Parchment, and returned to the next General Quarter Seſſion of the Peace for the County where ſuch Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County, Riding, Diviſion, or Place.

Clerk to cauſe a Copy of the Conviction to be delivered on Payment of 1s.

VII. Provided always, and be it further enacted, That it ſhall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Perſon or Perſons for that Purpoſe, to cauſe a Copy or Copies of any Conviction or Convictions, filed by him under the Directions of this Act, to be forthwith delivered to ſuch Perſon or Perſons, upon Payment of One Shilling for every ſuch Copy.

Juſtices may adminiſter an Oath.

VIII. And be it further enacted, That it ſhall and may be lawful for any ſuch Juſtice or Juſtices of the Peace, as aforeſaid, to adminiſter an Oath to any Witneſs or Witneſſes, or other Perſon or Perſons, for the better Diſcovery and Execution of the ſeveral Matters and Things herein-before directed to be examined into, or performed by ſuch Juſtice or Juſtices reſpectively.

No Perſon to be proceeded againſt for Offences, unleſs Information is made.

IX. Provided always, and be it further enacted, That no Perſon ſhall be proceeded againſt for any of the Offences aforeſaid, by Information before a Juſtice of the Peace, unleſs ſuch Information ſhall be made upon Oath before ſome Juſtice of the Peace for the County or Place wherein ſuch Offence ſhall be committed within Three Calendar Months after ſuch Offence ſhall have been committed.

Perſons aggrieved may appeal to the Quarter-ſeſſions;

X. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved, by any Thing done in purſuance of this Act, by any Juſtice or Juſtices of the Peace, as aforeſaid, every ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be held for the County, Riding, City, Corporation, Precinct, or Liberty, wherein the Cauſe of ſuch Complaint ſhall ariſe, and within Four Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant giving, or cauſing to be given, Fourteen Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Juſtice; and every other Perſon or Perſons, againſt whom ſuch Complaint ſhall be made, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, Riding, Diviſion, City, Corporation, Precinct, or Liberty, with One ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter-ſeſſions; and every ſuch Juſtice, and other Perſon, having received Notice of ſuch Appeal, ſhall return all Proceedings had before them, touching the Matter of ſuch Appeal, to the ſaid Juſtices, at ſuch Quarter-ſeſſions, on Pain of forfeiting Five Pounds for every ſuch Neglect; and the ſaid Juſtices, upon due Proof of the Notice given, and of the entering into ſuch Recognizance, as aforeſaid, ſhall hear, and finally determine, the Cauſes and Matters of ſuch Appeal, in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they ſhall think proper; to be levied and recovered as herein-before directed for the Recovery of Forfeitures and Penalties under this Act, and the Determination of ſuch Quarter-ſeſſions ſhall be final and concluſive, to all Intents and Purpoſes; and no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by *Certiorari*, or any other Writ or Proceſs whatſoever, except as herein-before mentioned, into any of his Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

whoſe Determination ſhall be final.

Not to extend to Scotland.

XI. And be it further enacted, That nothing in this Act contained ſhall extend to that Part of *Great Britain* called *Scotland*.

Limitation of Actions.

XII. And be it further enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing which ſhall be done in purſance of this Act, or in Execution of any of the Powers or Authorities hereby given, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within the Space of Six Calendar Months next after the Fact committed, and ſhall be laid or brought in the County, Riding, Diviſion, or Place, where the Matter ſhall ariſe, and not elſewhere; and the Defendant or Defendants, in every ſuch Action, Suit, or Information, ſhall and may, at his or their Election, plead Specially, or the General Iſſue, and give this Act, and the Special Matter, in Evidence: And if a Verdict ſhall be given for the Defendant; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Part of Act 2 Geo. III. repealed.

XIII. And be it enacted by the Authority aforeſaid, That ſo much of an Act, paſſed in the Second Year of his preſent Majeſty's Reign, intituled, *An Act for the better Preſervation of the Game in that Part of* Great Britain *called* England, as relates to Heath Fowl, commonly called *Black Game*, or Grouſe, commonly called *Red Game*, ſhall be, and is hereby repealed.

CAP. LVI.

An Act for the more effectually reſtraining the retailing of diſtilled Spirituous Liquors; and for preventing the forging or counterfeiting any Stamp or Seal uſed for marking Silks, Callicoes, Linens and Stuffs, to be printed, painted, ſtained, or dyed in *Great Britain*.

Preamble.

'WHEREAS the Laws heretofore made to prevent the immoderate drinking of Spirituous Liquors, have, by reaſon of the Smallneſs of the Penalties by thoſe Acts impoſed, been rendered in a great Meaſure ineffectual, and ill-diſpoſed Perſons are thereby encouraged to retail ſuch Liquors, without being firſt authoriſed and licenſed thereto, whereby His Majeſty is not only defrauded of His Duties, but Victuallers and others, who duly take out and pay for ſuch Licences, are greatly injured:' For Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if at any Time from and after the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-three, any Perſon or Perſons ſhall preſume by him, her, or themſelves, or by any other Perſon or Perſons whatſoever employed by him, her, or them, or for his, her, or their Benefit, to retail any diſtilled Spirituous Liquors, or Strong Waters, without firſt taking out a Licence for that Purpoſe, in Manner as by the ſeveral Statutes in that Caſe made and provided, and now in Force is preſcribed and directed, he, ſhe, or they, ſo offending, ſhall reſpectively forfeit and loſe the Sum of Fifty Pounds for each Offence.

After July 5, 1773, if any Perſon ſhall retail Spirituous Liquors, Strong Waters, &c. without a Licence, they ſhall forfeit, for every Offence, 50 l.

II. Provided always, That ſuch Offender who ſhall be proſecuted for the Penalty by this Act given, ſhall not be again proſecuted for the ſame Offence by any former Act, and that ſuch Offender as ſhall be proſecuted for the Penalty given by any former Act, ſhall not be proſecuted again for the ſame Offence, by virtue of this preſent Act, or any Thing herein contained.

If the Offender ſhall be once proſecuted for the Penalty, he ſhall not be again proſecuted for the ſame Offence.

Penalties to be ſued, proſecuted, and recovered by any Law of Exciſe now in force;

III. And be it further enacted by the Authority aforeſaid, That the Penalty by this Act impoſed, ſhall and may be ſued for, levied, recovered, and mitigated, by any Law of Exciſe now in Force, or by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*; and that One Moiety of every ſuch Penalty or Forfeiture ſhall be to his Majeſty, his Heirs and Succeſſors, and the other Moiety to him, her, or them, as ſhall ſue for the ſame,

One Moiety to go to his Majeſty, and the other to the Perſon who ſhall ſue for the ſame.

The Penalty of 50 l. not to be mitigated below 5 l.

IV. Provided always, That the ſaid Penalty of Fifty Pounds, by this Act impoſed, ſhall not in any Caſe, either by the Commiſſioners of Exciſe or Juſtices of the Peace, before whom any Offender againſt this preſent Act ſhall be convicted, be mitigated or reduced below the Sum of Five Pounds.

Act 10 Annæ.

V. And whereas by an Act paſſed in the Tenth Year of the Reign of her late Majeſty Queen *Anne*, (intituled, *An Act for laying ſeveral Duties upon all Sope and Paper made in* Great Britain, *or imported into the ſame; and upon chequered and ſtriped Linens imported; and upon certain Silks, Callicoes, Linens, and Stuffs, printed, painted, or ſtained; and upon ſeveral Kinds of Stamped Vellum, Parchment, and Paper; and upon certain printed Papers, Pamphlets, and Advertiſements, for raiſing the Sum of One Million Eight hundred thouſand Pounds, by way of a Lottery, towards her Majeſty's Supply; and for licenſing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better ſecuring Her Majeſty's Duties to ariſe in the Office for the Stamp Duties by Licences for Marriages and otherwiſe; and for Relief of Perſons who have not claimed their Lottery Tickets in due Time, or have loſt Exchequer Bills, or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the* South Sea Company) *for the Uſe of the Publick*;) it is, amongſt other Things, enacted, That there ſhould be raiſed, levied, collected, and paid, to and for the Uſe of her Majeſty, her Heirs and Succeſſors, for and upon all Silks, Callicoes, Linens, and Stuffs, of what Kind ſoever, which at any Time or Times within or during the Term of Thirty-two Years, to be reckoned from the Twentieth Day of *June*, One thouſand ſeven hundred and twelve, ſhould be printed, ſtained, painted, or dyed, in *Great Britain*, (ſuch Callicoes, Linens, and Fuſtians, as ſhould be dyed throughout of one Colour only, and Stuffs made of Woollen, or whereof the greateſt Part in Value ſhould be Woollen, always excepted), the ſeveral and reſpective Rates and Duties therein expreſſed: And whereas, by an Act, paſſed in the Third Year of the Reign of his late Majeſty King *George* the Firſt, (intituled, *An Act for redeeming the Duties and Revenues, which were ſettled to pay off Principal and Intereſt on the Orders made forth on Four Lottery Acts, paſſed in the Ninth and Tenth Years of Her late Majeſty's Reign; and for redeeming certain Annuities payable on Orders out of the Hereditary Exciſe, according to a former Act in that Behalf; and for eſtabliſhing a general yearly Fund, not only for the future Payment of Annuities at ſeveral Rates, to be payable and transferrable at the Bank of* England, *and redeemable by Parliament, but alſo to raiſe Monies for ſuch Proprietors of the ſaid Orders as ſhall chuſe to be paid their Principal and Arrears of Intereſt in ready Money; and for making good ſuch other Deficiencies and Payments as in this Act are mentioned; and for taking off the Duties on Linſeed imported, and* Britiſh *Linen exported)*; the ſaid ſeveral Rates and Duties, and the Powers, Authorities, Penalties, and Forfeitures, for ſecuring the ſame, are made perpetual: And whereas by an Act of

Act 3 Geo. I.

Par-

Parliament, made in the Twelfth Year of the Reign of Her late Majeſty Queen *Anne*, (intituled, *An Act for laying additional Duties on Sope and Paper, and upon certain Linens, Silks, Callicoes, and Stuffs; and upon Starch and exported Coals; and upon Stamped Vellum, Parchment, and Paper, for raiſing One million four hundred thouſand Pounds, by way of a Lottery, for Her Majeſty's Supply; and for Allowances on exporting made Wares of Leather, Sheep-ſkins, and Lamb ſkins; and for Diſtribution of Four thouſand Pounds due to the Officers and Seamen for Gun Money; and to adjuſt the Property of Tickets in former Lotteries; and touching certain Shares of Stock in the Capital of the* South Sea Company; *and for appropriating the Monies granted to her Majeſty)*; it is, amongſt other Things, enacted, That there ſhould be raiſed, levied, collected, and paid, to and for the Uſe of her Majeſty, her Heirs and Succeſſors, for and upon all Silks, Callicoes, Linens, and Stuffs, of what Kind ſoever, which at any Time or Times within or during the Term of Thirty-two Years, to be reckoned from the Second Day of *Auguſt*, One thouſand ſeven hundred and fourteen, ſhould be printed, ſtained, painted, or dyed, in *Great Britain*, (ſuch Callicoes, Linens, and Fuſtians, as ſhall be dyed throughout of one Colour only, and Stuffs made of Woollen, or whereof the greateſt Part in Value ſhall be Woollen, always excepted), the ſeveral and reſpective Rates and Duties therein expreſſed: And whereas, by an Act of Parliament made in the Sixth Year of the Reign of His ſaid late Majeſty King *George* the Firſt, (intituled, *An Act for enabling the* South Sea Company *to increaſe their preſent Capital Stock and Fund, by redeeming ſuch publick Debts and Incumbrances as are therein mentioned; and for raiſing Money to be applied for leſſening ſeveral of the publick Debts and Incumbrances; and for calling in the preſent Exchequer Bills remaining uncancelled; and for making forth new Bills in lieu thereof, to be circulated and exchanged, upon Demand, at or near the Exchequer)*; the ſaid ſeveral Rates and Duties, and the Powers, Authorities, Penalties, and Forfeitures, for ſecuring the ſame, are made perpetual: And whereas, for the better ſecuring the ſaid Rates and Duties, it was by the ſaid Act of the Tenth of Queen *Anne* enacted, That the Commiſſioners to be appointed for managing the ſaid Duties ſhould, at a Time therein mentioned, provide proper Seals or Stamps for marking ſuch of the ſaid Silks, Callicoes, Linens, and Stuffs, to be printed, painted, ſtained, or dyed in *Great Britain*, during the Continuance of the ſaid Act; which ſaid Stamps, or any of them, ſhould or might be altered or renewed from Time to Time, as Her Majeſty, Her Heirs or Succeſſors, ſhould think fit: And it was thereby further enacted, That if any Perſon or Perſons whatſoever ſhould, at any Time or Times thereafter, counterfeit or forge any Stamp or Seal, to reſemble any Stamp or Seal which ſhould be provided or made in purſuance of that Act, or ſhould counterfeit or reſemble the Impreſſion of the ſame upon any of the ſaid Commodities chargeable by that Act, thereby to defraud Her Majeſty, Her Heirs or Succeſſors, of any of the Duties thereby granted; then every ſuch Perſon ſo offending, being thereof convicted in due Form of Law, ſhould be adjudged a Felon, and ſhould ſuffer Death as in Caſes of Felony, without Benefit of Clergy: And whereas ſome Doubts have ariſen, whether Perſons counterfeiting or forging any Stamp or Seal, to reſemble any Stamp or Seal renewed or altered by the Commiſſioners of Exciſe, in purſuance of the Authority of the ſaid Act of the Twelfth Year of Queen *Anne*, or counterfeiting or reſembling the Impreſſion of ſuch renewed or altered Stamp or Seal, are ſubject to the Penalties and Pains of Death in the ſaid Acts enacted and declared; and evil-minded Perſons have thereby been encouraged to counterfeit ſuch renewed and altered Stamps and Seals: Now, for obviating all ſuch Doubts, be it enacted by the Authority aforeſaid, That from and after the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy three, if any Perſon or Perſons whatſoever ſhall, at any Time or Times hereafter, counterfeit or forge any Stamp or Seal already provided by the ſaid Commiſſioners, or which ſhall hereafter be by them provided, renewed, or altered, or ſhall counterfeit or reſemble the Impreſſion of the ſame, upon any of the ſaid Commodities chargeable by the ſaid Acts, thereby to defraud his Majeſty, his Heirs or Succeſſors, of any of the ſaid Duties thereby granted; then every ſuch Perſon ſo offending, being thereof convicted in due Form of Law, ſhall be adjudged a Felon, and ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

Act 12 Annæ.

Act 6 Geo. I.

After July 5, 1773, Perſons counterfeiting Stamps or Seals, to be puniſhed as Felons, without Benefit of Clergy.

CAP. LVII.

An Act to explain and amend an Act, made in the Fourth Year of His preſent Majeſty, intituled, *An Act to prevent Paper Bills of Credit, hereafter to be iſſued in any of His Majeſty's Colonies or Plantations in* America, *from being declared to be a legal Tender in Payments of Money, and to prevent the legal Tender of ſuch Bills as are now ſubſiſting from being prolonged beyond the Periods limited for calling in and ſinking the ſame.*

Preamble.

'WHEREAS by an Act, paſſed in the Fourth Year of his preſent Majeſty's Reign, (intituled, *An Act to prevent Paper Bills of Credit, hereafter to be iſſued in any of His Majeſty's Colonies or Plantations in* America, *from being declared to be a legal Tender in Payments of Money, and to prevent the legal Tender of ſuch Bills as are now ſubſiſting from being prolonged beyond the Periods limited for calling in and ſinking the ſame)*, it is enacted, That from and after the Firſt Day of *September*, One thouſand ſeven hundred and ſixty-four, no Act, Order, Reſolution, or Vote of Aſſembly, in any of His Majeſty's Colonies or Plantations in *America*, ſhall be made for creating or iſſuing any Paper Bills, or Bills of Credit, of any Kind or Denomination whatſoever, declaring ſuch Paper Bills or Bills of Credit to be legal Tender in Payments of any Bargains, Contracts, Debts, Dues, or Demands whatſoever; and that every Clauſe and Proviſion which ſhould thereafter be inſerted in any Act, Order, Reſolution,

or

'or Vote of Aſſembly, contrary to the ſaid Act, ſhall be null and void: And whereas the Want of 'Gold and Silver Currency in ſeveral of his Majeſty's Colonies and Plantations in *America* may make it 'neceſſary, as well for the publick Advantage as in Juſtice to thoſe Perſons who may have Demands 'upon the publick Treaſuries in the ſaid Colonies for Services performed, that ſuch publick Creditors 'ſhould be ſecured in the Payment of their juſt Debts and Demands, by Certificates, Notes, Bills, or 'Debentures, to be created and iſſued by the Authority of the General Aſſemblies within the ſaid Co-'lonies, on the Securities of any Taxes or Duties given and granted to his Majeſty by the ſaid Gene-'ral Aſſemblies, for and towards defraying Expences incurred for publick Services; and that ſuch 'Certificates, Notes, Bills, or Debentures, ſhould be made chargeable on the publick Treaſurers of 'the ſaid Colonies, and received and taken by them as a legal Tender in Diſcharge of any ſuch Duties 'or Taxes, or of any Debts whatſoever, due to the publick Treaſuries of the ſaid Colonies, in virtue 'of Laws paſſed in the ſaid Colonies: And whereas Doubts have ariſen, whether, under the ſaid re-'cited Statute, ſuch Proviſion as aforeſaid can lawfully be made;' may it therefore pleaſe your moſt Excellent Majeſty that it may be enacted; and be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Firſt Day of *September*, One thouſand ſeven hundred and ſeventy-three, any Certificates, Notes, Bills, or Debentures, which ſhall or may be voluntarily accepted by the Creditors of the Publick within any of the Colonies in *America*, as a Security for the Payment of what is due and owing to the ſaid publick Creditors, may be made and enacted by the ſeveral General Aſſemblies of the ſaid Colonies reſpectively to be a legal Tender to the publick Treaſurers in the ſaid Colonies, for the Diſcharge of any Duties, Taxes, or other Debts whatſoever, due to, and payable at, or in the ſaid publick Treaſuries of the ſaid Colonies, in virtue of Laws paſſed within the ſame, and in no other Caſe whatſoever; any Thing in the aforeſaid recited Statute in the Fourth Year of his preſent Majeſty to the Contrary thereof in any-wiſe notwithſtanding.

After Sept 1, 1773, Certificates, Notes, Bills, &c. which may be accepted by Creditors of the Publick in America as a Security, may be enacted to be a legal Tender.

II. Provided always, That nothing in this Act ſhall extend to alter or repeal an Act, paſſed in the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act to regulate and reſtrain Paper Bills of Credit in His Majeſty's Colonies or Plantations of* Rhode Iſland *and* Providence Plantations, Connecticut, The Maſſachuſets Bay, *and* New Hampſhire, *in* America, *and to prevent the ſame being legal Tenders in Payments of Money).

Not to extend to alter Act 24 Geo. II.

CAP. LVIII.

An Act for providing Clergymen to officiate in Gaols within that Part of *Great Britain* called *England*.

Preamble.

'WHEREAS there is no Proviſion made by Law for the Appointment of proper Miniſters to 'officiate in the ſeveral County Gaols within that Part of *Great Britain* called *England*, and the 'Principality of *Wales*: And whereas the Appointment of Miniſters to ſuch Gaols, with a proper 'Salary, for the due Execution of their Duty as Clergymen, would alleviate the Diſtreſs of the 'Perſons under Confinement, and would greatly contribute to the Purpoſes of Morality and Reli-'gion:' May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Juſtices of the Peace, or the major Part of them aſſembled at the Quarter Seſſions held for any County, Riding, or Diviſion, within that Part of *Great Britain* called *England*, and the Principality of *Wales*, and they are hereby authoriſed and impowered to ſettle and aſcertain how many Clergymen ſhall, by them, be deemed neceſſary to be employed in performing religious Duties, according to the Rites of the Church of *England*, in the ſeveral Gaols within their reſpective Juriſdictions, and to ſettle and aſcertain what Duty ſhall be performed, and what Salary ſhall be paid to every ſuch Clergyman, not exceeding Fifty Pounds, yearly, and every Year.

Juſtices to aſcertain how many Clergymen are to be employed in Gaols, and what Salary ſhall be paid them.

II. And be it further enacted, That the Treaſurers of ſuch Counties, Ridings, or Diviſions, receiving a Certificate, ſigned by the Chairman of ſuch Quarter Seſſions, of the Number of ſuch Clergymen, and the Salary to be reſpectively paid to them, ſhall pay out of the Rates of ſuch County, Riding, or Diviſion, the ſeveral Sums in the ſaid Certificate mentioned; and the ſaid ſeveral Sums ſo paid in purſuance of this Act, ſhall be allowed to the ſaid Treaſurers by the Juſtices before whom their Accounts ſhall be paſſed.

Treaſurers of Counties to pay the Sums out of the Rates.

III. And be it further enacted, That when the Number of ſuch Clergymen, and the Salary to be reſpecively paid to them, ſhall have been ſettled and aſcertained by ſuch Juſtices, it ſhall and may be lawful to and for Juſtices of the Peace, at the Quarter Seſſions, and they are hereby authoriſed and impowered, to nominate and appoint, in every County, Riding, or Diviſion, where the Juſtices ſhall have ſo ſettled and aſcertained the Number of the Clergymen, and the Salary to be paid to them, as before mentioned, ſo many Clergmen to officiate and perform Divine Service, according to the Rites of the Church of *England*, in the ſeveral Gaols within ſuch County, Riding, or Diviſion, as ſhall have been ſo ſettled and aſcertained by ſuch Juſtices; and in caſe any ſuch Clergyman or Clergymen ſhall die, or ſhall be thought unworthy, by ſuch Juſtices, at the Quarter Seſſions, to be continued in ſuch Office, then it ſhall and may be lawful for ſuch Juſtices, at the Quarter Seſſions, to nominate and appoint, from Time to Time, as Occaſion ſhall require, any other Clergyman to officiate in the Room

Juſtices to nominate Clergymen for the above Purpoſes; and, in caſe of Death, &c. to nominate others.

Room of ſuch Clergyman ſo dying, or ſo deemed to be unworthy to continue any longer in ſuch Office.

CAP. LIX.

An Act for repealing ſo much of an Act of the Thirty-firſt of His late Majeſty, as inflicts Capital Puniſhment for Frauds and Abuſes in the marking or ſtamping of Gold and and Silver Plate; and for inflicting another Puniſhment for the ſaid Offence.

Preamble. Act 31 Geo. II.

'WHEREAS by a Clauſe in an Act of Parliament, made in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, (intituled, *An Act for repealing the Duty granted by an Act, made in the Sixth Year of the Reign of His late Majeſty, on Silver Plate, made, wrought, touched, aſſayed, or marked, in* Great Britain; *and for granting a Duty on Licences to be taken out by all Perſons dealing in Gold or Silver Plate; and for diſcontinuing all Drawbacks upon Silver Plate exported; and for more effectually preventing Frauds and Abuſes in the marking or ſtamping of Gold or Silver Plate*); it is enacted, That if any Perſon whatſoever ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark or Stamp uſed, or to be uſed, for marking Gold or Silver Plate by the Company of Goldſmiths in *London*, or by the Wardens, or Aſſayer or Aſſayers, at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*, or by any Maker or Worker of Gold or Silver Plate, or any Mark, Stamp, or Impreſſion, in Imitation of, or to reſemble any Mark, Stamp, or Impreſſion, made, or to be made, with any ſuch Stamp uſed as aforeſaid; or ſhall mark or ſtamp, or cauſe or procure to be marked or ſtamped, any Wrought Plate of Gold or Silver, or any Wares of Braſs or other baſe Metal, ſilvered or gilt over, and reſembling Plate of Gold or Silver, with any Mark or Stamp which hath been, or ſhall be forged or counterfeited; or ſhall tranſpoſe or remove, or cauſe or procure to be tranſpoſed or removed, from one Piece of Wrought Plate to another, or to any Veſſel of ſuch baſe Metal as aforeſaid, any ſuch Mark, Stamp, or Impreſſion; or ſhall ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Wrought Plate of Gold or Silver, or any Veſſel of ſuch baſe Metal, with any ſuch counterfeit Mark, Stamp, or Impreſſion thereon, knowing the ſame to be forged, counterfeited or tranſpoſed; or ſhall wilfully or knowingly have or be poſſeſſed of any ſuch forged Mark or Stamp; every ſuch Perſon, being lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as a Felon without Benefit of Clergy;' be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Clauſe ſhall, from and after the Twenty-ninth Day of *September* next, be, and the ſame is hereby declared to be, repealed.

A Clauſe therein repealed.

II. And be it further enacted by the Authority aforeſaid, That if any Perſon whatſoever, from and after the ſaid Twenty-ninth Day of *September* next, ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark or Stamp uſed, or to be uſed, for the marking or ſtamping Gold or Silver Plate, in purſuance of any Act or Acts of Parliament now in Force by the Company of Goldſmiths in *London*, or by the Wardens, or Aſſayer or Aſſayers, at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall caſt, forge, or counterfeit, or cauſe or procure to be caſt, forged, or counterfeited, any Mark, Stamp, or Impreſſion, in Imitation of, or to reſemble any Mark, Stamp, or Impreſſion made, or to be made, with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in *London*, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall mark or ſtamp, or cauſe or procure to be marked or ſtamped, any Wrought Plate of Gold or Silver, or any Wares of Braſs or other baſe Metal ſilvered or gilt over, and reſembling Plate of Gold or Silver, with any Mark or Stamp which hath been or ſhall be forged or counterfeited at any Time, either before, on, or after the ſaid Twenty-ninth Day of *September* next, in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in *London*, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall tranſpoſe or remove, or cauſe or procure to be tranſpoſed or removed, from one Piece of Wrought Plate to another, or to any Veſſel of ſuch baſe Metal as aforeſaid, any Mark, Stamp, or Impreſſion, made or to be made, by or with any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in *London*, or by the ſaid Wardens, or Aſſayer or Aſſayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; or ſhall ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Wrought Plate of Gold or Silver, or any Veſſel of ſuch baſe Metal, as aforeſaid, with any ſuch forged or counterfeit Mark, Stamp, or Impreſſion thereon, or any Mark, Stamp, or Impreſſion which hath been, or ſhall be tranſpoſed or removed from any other Piece of Plate, at any Time either before, on, or after the ſaid Twenty-ninth Day of *September* next, knowing ſuch Mark, Stamp, or Impreſſion to be forged, or counterfeited, or tranſpoſed or removed as aforeſaid; or ſhall wilfully or knowingly have or be poſſeſſed of any Mark or Stamp which hath been, or ſhall be forged or counterfeited at any Time, either before, on, or after, the ſaid Twenty-ninth Day of *September* next, in Imitation of, or to reſemble any Mark or Stamp uſed, or to be uſed, as aforeſaid, by the ſaid Company of Goldſmiths in *London*, or by the ſaid Wardens,

Perſons counterfeiting of Marks or Stamps uſed by the Company of Goldſmiths in London, &c.

or tranſpoſing Stamps from one Piece to another, and expoſing ſuch to Sale;

Shall, on Conviction, be transported to America for 14 Years.

dens, or Assayer or Assayers, or by any Maker or Worker of Gold or Silver Plate, or any or either of them; every Person offending in any, each or either of the Cases aforesaid, and being thereof lawfully convicted, shall, by Order of the Court before whom such Offender shall be convicted, be transported to some of His Majesty's Colonies or Plantations in *America*, for the Term of Fourteen Years.

CAP. LX.

An Act for draining and preserving certain Lands and Grounds in the Parishes of *Tid Saint Giles* and *Newton*, in the *Isle of Ely*, in the County of *Cambridge*; and in *Tid Saint Mary's*, in the County of *Lincoln*.

Preamble.

'WHEREAS the several Lands and Grounds lying in the Parishes of *Tid Saint Giles* and *Newton*, in the *Isle of Ely*, in the County of *Cambridge*, and in *Tid Saint Mary's Fen*, in the County of *Lincoln*, containing Five thousand three hundred Acres, or thereabouts, and abutted and bounded as follows; that is to say, By *Shire Drain Bank* and *Eaudike*, on the North and West; Lands in the Parish of *Leverington*, and Lands of Lord *Web Symour*, lying in *Tid Saint Mary's* aforesaid, South; and by a certain Bank called *The Roman*, or *Old Sea Bank*, East; are much annoyed with Waters for want of a proper Drainage; and if the same were effectually drained, great Benefit would accrue, as well to the Owners and Proprietors of Lands and Grounds, as to the Publick; but there are no Powers or Provisions now in Force, by virtue of or under any Commission of Sewers, or Law in being, for the effecting of the same; and the said Lands and Grounds cannot be drained without the Aid and Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Clement Trafford* Knight, *Robert Colvile* Esquire, *Richard Colvile* Esquire, *Charles Bagge* Doctor in Divinity, *Everard Buckworth* Doctor of Laws, *Marmaduke Dayrell* Esquire, *Richard Welby* Esquire, *William Welby* Esquire, *Thomas Jenkinson Woodward* Esquire, *Charles Weston* Esquire, *Daniel Swaine* Esquire, *William Greaves* Clerk, *John Lumpkin* Clerk, *Edward Cross*, *George Hepburn*, *Jacob Dixon*, *Nicholas Lumpkin*, *George Fitzwilliam Hodgson*, *George Burges*, *John Pitchford*, *Thomas Sharpe*, *John Oldham*, *John Morris*, *Edward Jackson*, *Thomas Hankinson*, *John Harber*, *John Ream*, *William Coe*, *Jacob Scribo*, *William Kirton*, and *Edward Dickenson*; shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act into Execution.

Commissioners Names.

Qualification of Commissioners.

II. Provided nevertheless, and be it further enacted by the Authority aforesaid, That none of the said Persons shall be capable of acting as Commissioners under this Act, but for such Time only as they shall respectively be the Owners of Twenty Acres at the least of the said Lands and Grounds hereby intended to be drained; and upon any One of the said Persons being or becoming unqualified as aforesaid, another Person duly qualified shall be elected in his Room, in Manner herein-after prescribed for electing Commissioners, and shall have the same Powers for executing this Act as any other Commissioner has.

Time and Place of Commissioners Meeting.

III. And be it further enacted by the Authority aforesaid, That the said Commissioners shall meet Once at least in every Year; to wit, On the Second *Tuesday* in *April*, at *The Rose and Crown Inn*, in *Wisbech Saint Peter's*, in the said *Isle of Ely*, and County of *Cambridge*, or at such other Time or Times, Place or Places, as they shall see Cause, or think convenient; and shall and may, from Time to Time, at any of their Meetings, adjourn themselves to such other Time or Times, Place or Places, as they shall think proper; and that Three of the said Commissioners, and no less a Number, shall be deemed, at all Times, to make and constitute a Meeting within the true Intent and Meaning of this Act, for doing the Business, and carrying the Purposes thereof into Execution, (except only as it is in some Cases herein-after enacted), and that the First Meeting to be held in pursuance of this Act, shall be at the *Rose and Crown Inn* in *Wisbech Saint Peter's* aforesaid, on the *Tuesday* Three Weeks next after the Day of the passing thereof; and that Ten Days Notice of every other Meeting, in every Year, shall be given under the Hand of Two or more of the said Commissioners, or their Clerk, and affixed in some publick Place in *Wisbech Saint Peter's* aforesaid, and on the Church Doors of *Newton Tid Saint Giles*, and *Tid Saint Mary's*.

What Sums shall be allowed at Meetings, and that all Orders to be made shall be at publick Meetings only.

IV. Provided always, That no greater or larger Sum of Money than Three Pounds in the Whole, at any One of the said General Meetings, or more than Two Pounds in the Whole at any of the said other Meetings, shall ever be paid and allowed out of the Monies to be raised by virtue of this Act, for the Charges or Expences of the said Commissioners; and that all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, by a Majority of the Commissioners present at such Meetings; and that no such Order or Determination of the said Commissioners shall be revoked or altered at any subsequent Meeting, unless Five Commissioners at least shall be present, and concur in the revoking or altering thereof, (except such Orders and Determinations as shall be made at any of the said Meetings, touching the opening and shutting down of any of the Tunnels and Sluices already set down, or to be set down, and made use of in the Execution of this Act, which shall and may be revoked or altered at any subsequent Meeting of the said Commissioners.

V. And

V. And be it further enacted by the Authority aforesaid, That when and as often as any of the said Commissioners shall happen to die, it shall and may be lawful to and for the surviving or other Commissioners, at any of their Meetings, to elect and appoint One or more Person or Persons in the Place and Stead of such other Commissioner or Commissioners as shall be then dead, out of the Owners of Twenty Acres of the said Lands and Grounds; and that no Person so elected shall be qualified to act as a Commissioner under this Act for any other or longer Time than he shall continue such Owner of the said Lands and Grounds; and that upon his ceasing to be Owner as aforesaid, the said Commissioners, at their next, or some other Meeting, shall and may elect and appoint another Person qualified as aforesaid, in the Place and Stead of each such disqualified Commissioner, in like Manner as if such disqualified Commissioner was actually dead; and all such new-elected Commissioners shall be vested with the same Powers and Authorities as the Commissioners in whose Names and Steads they were respectively appointed were vested with, until their Deaths, or becoming disqualified as aforesaid. Commissioners how to be chosen, and their Qualification.

VI. And be it further enacted by the Authority aforesaid, That each and every of the said Commissioners, hereby named and appointed, or to be named appointed by virtue of this Act, shall and may, from Time to Time, by any Writing under his Hand, to be certified at the next Meeting after the signing thereof, nominate and appoint One other Person to vote and act as a Commissioner in his Place and Stead at such next Meeting only; and that such Person so nominated and appointed, shall, at such Meeting, be, and is hereby vested with the same Powers and Authorities as the Commissioner so appointing him was vested with by virtue of this Act; and that all and every such Order and Orders as shall be made by such Person, or in which he shall concur at such Meeting, shall be as valid and binding, as if the same were made by the said Commissioner; any Thing herein contained to the Contrary thereof in any-wise notwithstanding. Commissioners have power to appoint Deputies.

VII. Provided, and it is hereby further enacted, That if any Person or Persons not being qualified as aforesaid, (other than and except such Person or Persons as shall or may be appointed, by virtue of the Power aforesaid, to vote and act at any of the said Meetings for the said Commissioners, or any of them), shall presume to act as a Commissioner or Commissioners in the Execution of this Act, or he or they shall, for every such Offence, forfeit the Sum of Fifty Pounds; to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and in which Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he shall prove in his Defence, that he was, at the Time of his so acting, qualified according to the true Intent and Meaning of this Act. Penalty on acting if not qualified.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, to make, or cause to be made, raised, cut, built, and set up, within the Lands and Grounds so described and abutted as aforesaid, and also within the Lands and Grounds lying between the East Boundary thereof, and the *New Sea* or *River Bank*, from *West Walton* Tunnel on the South, to any Place or Places within the Distance of One hundred Feet of the the South Bank of the Reservoir on the North, all such Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, or other Works, as they shall think necessary for the better draining of the said Lands and Grounds, so described and abutted as aforesaid; and that the said Commissioners shall have full Power and Authority over all and singular the Works so to be made, and over all and singular the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, or other Works of draining, already made or set up within the Limits of the Lands and Grounds, so described and abutted as aforesaid, and over a certain Drain called *Buckworth's Drain*, and the Banks, Sluices, and other Works thereto belonging, and to widen, deepen, alter, repair, rebuild, and enlarge the same, for the better draining of the said Lands and Grounds so described and abutted as aforesaid; and that it also shall and may be lawful to and for the said Commissioners to make any Sluice or Sluices in or through any Part of the said *New Sea* or *River Bank*, between *West Walton* Tunnel on the South, and to within Seventy Feet Northward from the Place where *Buckworth's Sluice* now stands on the North, and also to make any Cut or Cuts, Sluice or Sluices, in or through the Foreland or Salt Marshes lying on the East or North-east of the said *New Sea* or *River Bank*, as the said Commissioners shall, at any Time or Times hereafter, think necessary and convenient, for the better conveying the Waters from the Lands and Grounds so intended to be drained, into the Waters of *Wisbech River*, as the same shall then run: Provided that such Cut or Cuts shall not be made more than Seventy Feet Northward of the said Place where *Buckworth's Sluice* now stands; and that they the said Commissioners shall have full Power, and are hereby authorised, from Time to Time, and at all Times, at their Wills and Pleasures, to dig up and take Earth from the said Lands and Grounds, bounded and intended to be drained as aforesaid, or from the said Lands and Grounds Wastes, Roads, or Ways, lying between the East Boundary thereof and the *New Sea* or *River Bank* on the North Side of *West Walton* Tunnel, so as such Earth be not taken within the Distance of One hundred Feet of the South Bank of the Reservoir, for any of the Purposes aforesaid, except only for the Purposes of rebuilding, widening, altering, and enlarging of *Buckworth's Sluice* and *Drain*, as aforesaid; paying to such Person or Persons, Body Corporate or Bodies Corporate, as shall or may have a Right to the Lands and Grounds, or any of them, from which any Earth shall be dug up or taken, or through or upon which any such Bank, Bridge, Cut, Drain, Dam, Outlet, Mill, Commissioners Powers.

Mill, Engine, Sluice, or other Work, ſhall be made or ſet up, ſuch Satisfaction for the Damages which he, ſhe, or they, ſhall thereby ſuſtain, as ſhall be agreed upon between the ſaid Commiſſioners and the Perſon or Perſons, or Bodies Corporate, having ſuch Right as aforeſaid; and if ſuch Perſon or Perſons, or Bodies Corporate, having ſuch Right as aforeſaid, cannot agree upon the Value and Amount of the ſaid Damages, then paying ſuch Satisfaction as ſhall be aſſeſſed by the Juſtices of the Peace for the Iſle or County where ſuch Damages ſhall be done, or the major Part of them, not intereſted, at any General Quarter Seſſions of the Peace, or Adjournment thereof, to be holden for the ſaid Iſle or Counties, within Twelve Months next after ſuch Damages ſhall be done; and ſuch Juſtices are hereby authoriſed and required reſpectively to examine into, hear, and determine the Value and Amount of ſuch Damages, upon the Oath of One or more Witneſs or Witneſſes, and their Determination ſhall be final and concluſive to all Parties: Provided, that if before any ſuch Application to the ſaid Juſtices reſpectively, the Satisfaction agreed to be paid by the ſaid Commiſſioners to ſuch Perſon or Perſons, or Bodies Corporate, as ſhall or may have a Right to the ſaid Lands or Grounds out of which ſuch Earth ſhall be ſo dug up and taken, or in, through or upon which any ſuch Work ſhall be made or ſet up as aforeſaid, ſhall be by the ſaid Juſtices adjudged a ſufficient Recompence for the Damages which ſuch Perſon or Perſons, or Bodies Corporate, ſhall or may ſuſtain thereby; then, and in ſuch Caſe, the Coſts and Charges of ſuch Application to the ſaid Juſtices reſpectively ſhall be borne and paid by the Perſon or Perſons, or Bodies Corporate, making ſuch Application; ſuch Coſts and Charges to be aſcertained and taxed by the ſaid Juſtices to whom ſuch Application ſhall be made.

Exemptions from taking Earth.

IX. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to give any Power or Authority to the ſaid Commiſſioners to dig up, or take any Earth from the Banks of *Shire Drain*, lying between *Clow's Croſs* and *Hill's Sluice*, or within the Diſtance of Three hundred Feet from the ſame, in the Pariſh of *Tid Saint Mary's*, or One hundred and fifty Feet in the Pariſh of *Tid Saint Giles*, or from the Banks of the Reſervoir, between *Hill's Sluice* and *New Gunthorpe Sluice*, or within the Diſtance of One hundred Feet from the ſame, (except as before excepted); or to make, raiſe, cut, build, or ſet up, any Bridge, Cut, Drain, Dam, Mill, Engine, or Sluice, upon the ſaid Banks, or any of them, or within the reſpective Diſtances aforeſaid from the ſame, (except as aforeſaid), or to make or raiſe any other Works near to the ſame, that may in anywiſe weaken or hurt the ſaid Banks, or any Part thereof; or to make, or cauſe to be made, any Works or Work whatſoever, which may in anywiſe prevent, hinder, or obſtruct, the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, or the Commiſſioners appointed or elected, or to be hereafter appointed or elected, for the North Level, Part of the ſaid Great Level, from making any Work or Works that they ſhall, at any Time or Times hereafter, judge neceſſary for conveying the Waters of the ſaid Great Level, or any Waters that do, ſhall, or may annoy the ſaid Great Level, or any Part thereof, by convenient Outfalls to the Sea; or to make or cauſe to be made, any other Works which may in any Manner obſtruct, hinder, or prejudice the draining of the ſaid Great Level of the Fens, called *Bedford Level*, or any Part thereof, or any of the Works made, or to be made, for that Purpoſe.

Commiſſioners not to injure the Turnpike Houſes.

X. Provided alſo, That nothing herein contained ſhall extend or be conſtrued to extend, to give any Power or Authority to the ſaid Commiſſioners to take down or leſſen the Turnpike Houſe or Houſes now ſtanding, or which at any Time may be ſet up or ſtanding, upon or near to the Road leading from *Wiſbech* to *Tid Gote*, or in anywiſe to hurt or damage the ſame, without making good ſuch Damage, or to take any Earth from the ſaid Road, or to make any Cut, or ſet down any Bridge or Tunnel therein, or to widen or in anywiſe alter any Bridges, Tunnels, or Cuts, in the ſaid Road, without making, maintaining, and keeping up the Breaches occaſioned thereby, and leaving the ſaid Road in a good Condition, and of ſufficient Breadth for Horſes, Carts, and Carriages, or to make or widen any Cut or Cuts, in or through the Bank of *Wiſbech* River, without making good, ſupporting, and maintaining ſuch Part or Parts of the ſaid Bank, where the ſaid Cut or Cuts ſhall be ſo made and widened.

Moles may be deſtroyed.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall have full Power, and are hereby authoriſed, to deſtroy all ſuch Moles, and other Vermin, as ſhall be found in and about the Lands and Grounds intended to be drained by virtue of this Act, or in and about the Lands and Banks adjoinining or lying near thereto, and for that Purpoſe to employ ſuch Perſon or Perſons, at ſuch Wages as they ſhall think proper; and that they, and ſuch Perſon or Perſons as they ſhall ſo employ, ſhall, and lawfully may, enter into or upon the ſaid Lands and Banks, or any of them, for that Purpoſe.

Commiſſioners to appoint Officers to open and ſhut Sluices.

XII. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, at their ſaid General Meeting in every Year, ſhall and may, and they are hereby authoriſed and required to appoint One or more Officer or Officers, for the Purpoſe of opening and ſhutting down the Tunnels and Sluices already ſet down, or to be ſet down, and made uſe of in the Execution of this Act; and that no ſuch Tunnel or Tunnels, Sluice or Sluices, ſhall at any Time or Times be opened or ſhut down but by the ſaid Officer or Officers, or by his or their Direction; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, at the ſaid General or any other Meeting, to make ſuch Order or Orders touching the opening or ſhutting down of the ſaid Tunnels and Sluices, as they ſhall think proper: And that the ſaid Officer or Officers, and all and every other Perſon and Perſons who ſhall open and ſhut down the ſaid Tunnels and Sluices, or any of them, contrary to ſuch Order or Orders of the ſaid Commiſſioners, being thereof convicted before any Two or more Juſtices

Penalty of 20 l. on Officers opening or ſhutting Sluices contrary to Orders.

of

of the Peace for the Iſle or County where the ſaid Offence ſhall be committed, who are hereby authoriſed and required to hear and determine the ſame on the Oath of One or more Witneſs or Witneſſes, or Confeſſion of the Party or Parties ſo offending, ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Pounds to the ſaid Commiſſioners, for the Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes, are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices before whom ſuch Conviction ſhall be made; and in Default of ſuch Diſtreſs or Payment, the Perſon or Perſons ſo offending ſhall be by the ſaid Juſtices committed to the Houſe of Correction, there to be kept to hard Labour, for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices, by whom ſuch Commitment ſhall be made.

Regulations for the old Drain.

XIII. Provided, That when and ſo often as the Waters in the old deſerted Drain, formerly belonging to the Land Owners in *Leverington* and *Leverington Parſon Drove*, and now intended to be ſcoured out and made uſe of by the Commiſſioners under this Act, ſhall run leſs than Eighteen Inches from the Top of the loweſt Part of the Banks of the ſaid Drain, then and ſo often the Tunnels and Sluices ſet down in *Black Dike*, for the conveying of the Waters from the Lands on the Weſt Side of *Black Dike*, through the ſame, into the ſaid Drain, ſhall be ſhut down by the ſaid Officer or Officers, to be appointed as aforeſaid, for the opening and ſhutting down of the Tunnels and Sluices made, or to be made, and uſed under and in the Execution of this Act, and ſhall continue to ſhut down until the ſaid Waters in the ſaid Drain ſhall have ſubſided, and ſhall run within Eighteen Inches of the Top of the loweſt Part of the Banks of the ſaid Drain.

Commiſſioners to make Orders for the draining of the Lands; and appoint Officers who are to account.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby impowered to make ſuch Orders, and give ſuch Directions, for the ſaid ſeveral Works of draining herein-before mentioned, and alſo for the Management of the ſame, and Maintenance thereof, as they ſhall think fit, and ſhall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, and ſuch other Officers, with reaſonable Salaries, for the making and taking Care of ſuch Works, and for the collecting of the Rates and Aſſeſſments which ſhall be made and aſſeſſed for the making and maintaining thereof, or for any other of the Purpoſes of this Act, as they the ſaid Commiſſioners ſhall think proper; and may, from Time to Time, remove any ſuch Collectors, Clerks, Receivers, or other Officers, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die; and that every Collector and Receiver, ſo to be appointed as aforeſaid, before he or they ſhall act in the Execution of their ſeveral Offices, ſhall give ſuch Security to the ſaid Commiſſioners, for the due Execution of the ſame, as the ſaid Commiſſioners ſhall think proper; and ſhall account and produce his or their Vouchers for all ſuch Sum and Sums of Money as he or they ſhall receive or pay, by virtue of their ſaid Office, at the ſaid General Meeting in every Year, and pay over the Balance of ſuch Accounts remaining in his or their Hands, if any ſuch there be, unto the ſaid Commiſſioners there aſſembled, or as they, or the major Part of them, ſhall direct and appoint.

Officers not accounting to be committed to Gaol.

XV. Provided, and it is hereby further enacted by the Authority aforeſaid, That if any ſuch Collector or Collectors, Receiver or Receivers, ſhall neglect or refuſe to account for any Sum or Sums of Money, by him or them collected or received in purſuance of this Act, at the ſaid General Meeting in every Year, or to pay over the Balance remaining in his or their Hands to the ſaid Commiſſioners there aſſembled; then, or in either of the ſaid Caſes, it ſhall and may be lawful to and for Two or more Juſtices of the Peace for the ſaid Iſle or County where ſuch Collector or Collectors, Receiver or Receivers, ſhall reſide, to enquire of and concerning ſuch Neglect or Refuſal; and if any ſuch Collector or Receiver ſhall be convicted thereof upon the Oath of One or more credible Witneſs or Witneſſes, then the ſaid Juſtices ſhall reſpectively, upon ſuch Conviction, commit the ſaid Collector or Collectors, Receiver or Receivers, to the common Gaol of the ſaid Iſle or County where ſuch Collector or Collectors, Receiver or Receivers ſhall reſide, there to remain until he or they ſhall have made a full, true, and perfect Account and Payment, as aforeſaid.

Commiſſioners may aſſeſs Owners as they ſhall judge proper.

XVI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at their Firſt Meeting after the paſſing of this Act, and from Time to Time, at their General Meeting in every ſucceeding Year, to aſſeſs, rate, tax, and charge all and every of the Owners Occupiers of all and ſingular the ſaid Lands and Grounds in the ſaid Pariſhes of *Tid Saint Giles* and *Newton*, which lie on the Weſt Side of *Black Dike*; and alſo of all and ſingular the ſaid Lands and Grounds in *Tid Saint Mary's Fen*, which lie on the Weſt Side of *Shoffendike Bank*, by an equal and proportionable Acre-tax, in ſuch Rate or Sum of Money as they ſhall think proper, and that the ſame ſhall be paid as ſoon after the aſſeſſing and charging thereof as conveniently may be.

Rates not to exceed 4 s. an Acre.

XVII. Provided, That no ſuch Aſſeſſment, Rate, or Tax, ſhall at any Time exceed the Sum of Four Shillings an Acre, or be leſs than Three Shillings an Acre, in each Year, ſo long as any Sum or Sums of Money ſhall be due and owing thereupon; and alſo, that it ſhall and may be lawful to and for the ſaid Commiſſioners, at their ſaid Firſt Meeting, and from Time to Time, at their ſaid General Meeting, in every ſucceeding Year, to aſſeſs, rate, tax, and charge, all and every of the Owners and Occupiers of all and ſingular the ſaid Lands and Grounds, in the ſaid Pariſhes of *Tid Saint Giles* and *Newton*, which lie on the Eaſt Side of *Black Dike*, by an equal and proportionable Acre-tax, in ſuch Rate or Sum of Money as they ſhall think proper; and that the ſame ſhall be paid as ſoon after the aſſeſſing and charging thereof as conveniently may be.

Certain Lands to pay only the Fourth Part of the Acre-tax.

XVIII. Provided, That the ſaid Acre-tax, for each and every Acre of the ſaid Lands and Grounds on the Eaſt Side of *Black Dike*, ſhall not exceed in any Year the Fourth Part of the Acre-tax to be rated,

rated, aſſeſſed, and charged, on the Owners and Occupiers of each and every Acre of the ſaid Lands and Grounds on the Weſt Side of *Black Dike*, and of *Shoffendike Bank*; and that no Acre-tax ſhall be laid for or in reſpect of the ſaid Lands and Grounds on the Eaſt Side of *Black Dike*, in any Year, when an Aſſeſſment ſhall not be made for or in reſpect of the ſaid other Lands and Grounds compriſed in this Act.

Lands to be ſurveyed.

XIX. And be it further enacted by the Authority aforeſaid, That on or before the Firſt Day of *May*, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four, or as ſoon after as conveniently may be, all and ſingular the ſaid Lands and Grounds, ſo abutted and deſcribed as aforeſaid, ſhall be truly and diſtinctly ſurveyed and meaſured by ſuch Perſon or Perſons as the ſaid Commiſſioners, at any of their ſaid Meetings, ſhall nominate and appoint for that Purpoſe; and that ſuch Survey ſhall be put into Writing, and ſhall contain the Number of Acres, Roods, and Perches, in Statute Meaſure, belonging to each of the Proprietors or Owners of ſuch Lands and Grounds; and that Three Maps thereof ſhall be made and depoſited in the ſeveral Pariſh Cheſts of *Newton*, *Tid Saint Giles*, and *Tid Saint Mary's* aforeſaid; and that the ſaid Survey ſhall, as ſoon as may be, after the ſame ſhall be completed, be verified at any of the Meetings of the ſaid Commiſſioners, by the Oath of ſuch Perſon or Perſons as ſhall ſo make the ſame; which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter; and that the ſaid Map ſhall be a ſufficient Warrant and Authority to the ſaid Commiſſioners to aſcertain and determine the Quantity of the ſaid Lands and Grounds belonging to each of the Owners and Proprietors thereof.

Tenants to pay Taxes, and deduct the ſame out of their Rents.

XX. And to the End that the ſaid Rates and Taxes may be more eaſily and effectually collected and received, be it further enacted by the Authority aforeſaid, That all and every the Tenants and Occupiers of the ſaid Lands and Grounds, which ſhall be aſſeſſed or rated by virtue of this Act, ſhall, and are hereby authoriſed and required to pay all and every ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed or rated on the reſpective Lands and Grounds in their Occupations, and to deduct and retain out of his, her, or their Rent, all ſuch Sum and Sums of Money as they ſhall ſo reſpectively pay as aforeſaid; and the ſeveral and reſpective Landlords or Owners of ſuch Lands and Grounds are hereby required to allow ſuch Deduction and Payment, upon Receipt of the Reſidue of their Rents; and that every ſuch Tenant or Occupier, paying ſuch Aſſeſſment or Rate, ſhall be acquitted and diſcharged of ſo much Money as the ſaid Aſſeſſment and Rate ſo paid by them ſhall amount unto, as fully and effectually as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

Leſſees not to be allowed to deduct Taxes.

XXI. Provided, and be it further enacted and declared, That no Leſſee or Tenant of any Lands or Grounds charged with the ſaid Rates, Taxes, or Aſſeſſments, who ſhall hold the ſame by virtue of, or under any Leaſe from any Biſhop, or Collegiate Church or College, or any Eccleſiaſtical Corporation, Sole or Aggregate, or by virtue of or under any other Leaſe or Agreement, of which ſaid other Leaſe or Agreement, at the Time of the paſſing this Act, there ſhall be more than Seven Years to come and unexpired, ſhall be intitled to deduct the ſaid Rates, Taxes, or Aſſeſſments, chargeable by this Act, or any of them, out of the Rent reſerved or payable by any ſuch Leaſe or Agreement; but that the ſaid Rates, Taxes, and Aſſeſſments, ſhall be charged upon and paid by the Leſſees or Tenants ſo holding ſuch Lands or Grounds as aforeſaid; and that all and every Leſſee or Leſſees, Tenant or Tenants, of any Lands or Grounds charged with the ſaid Rates, Taxes, and Aſſeſſments, by virtue of or under any other Leaſe of Agreement whatſoever, of which there ſhall be Seven Years or leſs to come and unexpired, ſhall pay ſuch an Advance of Rent as the ſaid Commiſſioners at any of their Meetings ſhall order, as a Conſideration for the Benefit which ſuch Tenant or Tenants ſhall or may receive by Means of this Act.

Manner of recovering Rates.

XXII. And be it further enacted by the Authority aforeſaid, That in caſe Default ſhall be made by any Perſon or Perſons, aſſeſſed, rated, taxed, and charged as aforeſaid, in his, her, or their reſpective Payments, by the Space of Twenty Days next after the Time hereby appointed for the Payment thereof, and Demand made by the Collector or Collectors, Receiver or Receivers, by Notice in Writing of ſuch Demand left at the uſual Place of Abode of the Perſon or Perſons who is, are, or ought to pay the ſame; or if ſuch Perſon or Perſons ſhall not have any Place of Abode within the Pariſh in which the ſaid Lands or Grounds, for or in reſpect of which, he, ſhe, or they, ſhall be aſſeſſed and rated as aforeſaid, ſhall lie, then after Demand made by the ſaid Collector or Collectors, Receiver or Receivers, by Notice in Writing of ſuch Demand, affixed upon the Church Door of the Pariſh where ſuch Lands and Grounds, or any Part thereof, ſhall lie, it ſhall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the ſaid Commiſſioners; which ſaid Warrant or Precept the ſaid Commiſſioners, or any Two or more of them, are hereby impowered and required to make and give, as there ſhall be Occaſion, to enter into and upon the Lands and Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall make Default in Payment as aforeſaid, and all Meſſuages or Tenements thereupon ſtanding, and to levy the Sum or Sums of Money by him, her, or them, payable for ſuch Rate or Tax, by Diſtreſs of the Goods, Chattels, and Cattle, which ſhall be there found, and in caſe no ſufficient Diſtreſs can be there found, it ſhall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy all Arrears of the ſaid Rates or Taxes by Diſtreſs of the Goods, Chattels, and Cattle, of the Perſon or Perſons ſo making Default in Payment as aforeſaid, which ſhall be found in any other Place in the Kingdom of *Great Britain*, and the Goods, Chattels, and Cattle, to impound, on the Meſſuages or Lands where the ſame ſhall be found, or take, lead, drive, or carry away, and the ſame to keep for the Space of Five Days, at the Coſts and Charges of the

the Owner or Owners thereof, leaving Notice in Writing of the Cauſe of ſuch Diſtreſs at the Meſſuage or Tenement, if any there be, belonging to the Lands or Grounds upon which ſuch Diſtreſs ſhall be taken; and for want of ſuch Meſſuage or Tenement, at the uſual Place of Abode of the Perſon or Perſons who is, or are, or ought to pay the ſaid Rates or Taxes; but if ſuch Perſon or Perſons ſhall not at that Time have any Place of Abode within the Pariſh in which the ſaid Lands or Grounds, or any Part thereof, for or in reſpect of which, he, ſhe, or they ſhall be ſo aſſeſſed and rated as aforeſaid, ſhall lie, then affixing ſuch Notice upon the Church Door of the Pariſh where ſuch Goods, Chattels, and Cattle, ſhall be ſo taken in Diſtreſs; and if the ſaid Owner or Owners of the ſaid Goods, Chattels, and Cattle, ſhall not pay the Sum or Sums of Money, ſo aſſeſſed, rated, or diſtrained for, as aforeſaid, together with the Charges of making ſuch Warrant, and taking ſuch Diſtreſs, and keeping and maintaining the ſame, or replevy the Goods, Chattels, and Cattle, ſo diſtrained, according to the Laws now in Force for the Nonpayment of Rent, within the ſaid Five Days, that then the Goods, Chattels, and Cattle, ſo diſtrained, ſhall be appraiſed by Two or more indifferent Perſons, to be ſworn by the Conſtable or Headborough of the Pariſh where ſuch Diſtreſs ſhall be made, (who is hereby authoriſed and required to adminiſter an Oath for that Purpoſe); to appraiſe the ſame according to the beſt of their Judgement; and that after ſuch Appraiſement as aforeſaid, the ſaid Goods, Chattels, and Cattle, ſhall be ſold by the ſaid Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, for Payment of the ſaid Sum or Sums of Money ſo aſſeſſed, rated, and diſtrained, for and of the ſaid Charges, and alſo of the Charges of appraiſing and ſelling ſuch Diſtreſs, and that the Overplus ariſing from ſuch Sale, if any be, after Payment of the ſaid Sum or Sums ſo aſſeſſed, rated, and diſtrained, and the ſaid Charges, ſhall be returned, on Demand, to the Owner or Owners thereof.

Lands untenanted to remain a Security for Taxes.

XXIII. Provided always, and it is hereby further enacted and declared, That in caſe any of the ſaid Lands or Grounds, abutted and deſcribed as aforeſaid, ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be made for levying the ſaid Rates and Taxes, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof; and all Goods, Chattels, and Cattle, which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, impounded, kept, and ſold, in Manner aforeſaid, till all Arrears of the ſaid Rates and Taxes, and the Charges incident to ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Money may be borrowed by Mortgage of Taxes, not exceeding 10,000l.

XXIV. And, foraſmuch as the ſaid Aſſeſſments, Rates, and Taxes, ſo to be charged and collected as aforeſaid, will not be ſufficient to defray the immediate Expence of making the ſeveral Works neceſſary for the ſpeedy Improvement of the ſaid Lands and Grounds; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Two or more of them, ſhall and may, and they are hereby impowered, from Time to Time, purſuant to an Order for that Purpoſe to be made at any of the ſaid General or other Meetings to be held as aforeſaid, at which Five Commiſſioners ſhall be preſent and concur, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the Whole the Sum of Ten thouſand Pounds, which they ſhall think neceſſary for the making, carrying on, and maintaining the ſaid Works, and, by Writing under their Hands and Seals, to mortgage or aſſign the ſaid Aſſeſſments, Rates, Taxes, and Sums of Money, or any Part thereof, (the Coſts and Charges of ſuch Mortgage or Aſſignment to be paid out of the ſaid Taxes), for any ſuch Term or Number of Years, and in ſuch Manner and Form, as to the ſaid Commiſſioners, or any Two or more of them, ſhall ſeem meet, as a Security for any ſuch or Sums of Money ſo borrowed, to ſuch Perſon or Perſons, his, her, or their Truſtee or Truſtees, with Intereſt for the ſame, not exceeding the Sum of Five Pounds *per Centum per Annum*; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe, by the Clerk or Clerks to the ſaid Commiſſioners; and that it ſhall and may be lawful for all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, by Indorſement on his, her, or their Security or Securities, or otherwiſe, to aſſign or transfer his, her, or their Mortgage or Security, and Right to the principal Money and Intereſt thereby ſecured; and that ſuch Aſſignment or Transfer ſhall be notified to the Clerk or Clerks within Three Calendar Months after the Date thereof; and that the ſaid Clerk or Clerks ſhall cauſe an Entry or Memorial thereof to be made, containing the Date of ſuch Aſſignment or Transfer, Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the original Mortgages or Aſſignments, for which he or they ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and that after ſuch Entries ſhall be made, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignees to the Benefit and Payment thereon; and that every ſuch Aſſignee ſhall and may, in like Manner, from Time to Time, aſſign or transfer his, her, or their Right and Intereſt therein, and thereto; and all and every Perſon and Perſons, to whom any ſuch Mortgage, Transfer, or Aſſignment, ſhall be made, as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Aſſeſſments, Rates, Taxes, and Sums of Money, in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money; and that the ſaid Money, ſo borrowed, ſhall be applied, in the Firſt Place, towards paying and diſcharging the Coſts, Charges, and Expences, of obtaining and paſſing this Act, and then in making, effecting, and maintaining, the ſaid Works of draining and improving the ſaid Lands and Grounds, ſo abutted and deſcribed as aforeſaid, and to and for no other Intent or Purpoſe whatſoever.

Taxes veſted in Creditors.

XXV. And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money, by virtue hereof to be aſſeſſed upon and paid by the Owners and Occupiers of the ſaid Lands and Grounds, ſhall be charged and chargeable, in the firſt Place, with and for the Payment of all and every ſuch Sum and Sums of Money, ſo to be borrowed as aforeſaid, and the Intereſt thereof, from Tim

Time to Time, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch Principal Money, and Intereſt, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors reſpectively, their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Powers, Rights, and Privileges, of raiſing and recovering the Rates, Taxes, and Sums of Money, payable by the Owners or Occupiers of the ſaid Lands and Grounds, for or in reſpect of ſuch Principal Money, and Intereſt, if Default ſhall be made in Payment thereof, as the ſaid Commiſſioners, or their Collector or Collectors, would have had in caſe the ſaid Principal Money, and Intereſt, had been regularly paid and ſatisfied.

Writings to be without Stamps.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That no Mortgage, Transfer, or other Security, for the borrowing of Money, or Aſſignment of ſuch Mortgage or Security, Information, Contract, Warrant, Judgement, Appointment, or other Writing, in purſuance of, or relating to, the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Perſons deſtroying Works, &c. how to be puniſhed.

XXVII. And it is further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall at any Time or Times hereafter wilfully and maliciouſly cut, throw down, burn, or otherwiſe deſtroy, any Bank, Mill, Engine, Flood-gate, or Sluice, already made and erected, or which ſhall at any Time hereafter be making and erecting, or made and erected, for the draining and improving of the ſaid Lands and Grounds, or any of them, and ſhall be thereof lawfully convicted, ſhall be guilty of Felony, and liable to be tranſported as a Felon for Seven Years; and if any Perſon or Perſons ſhall, at any Time or Times hereafter, permit or ſuffer any of his, her, or their Hogs or Swine to ſtray upon any of the ſaid Banks, or ſhall ſet down any Nets or Engines, for the catching of Fiſh in any of the ſaid Drains, or wilfully or maliciouſly throw any Earth, or other Obſtructions, into any of the ſaid Drains made for anſwering the Purpoſes aforeſaid; or if any Perſon or Perſons whatſoever ſhall dig or throw out any Pond or Watering in any of the ſaid Lands or Grounds, intended to be drained by virtue of this Act, within Forty Feet of any Drain already made, or at any Time hereafter to be made and uſed for the draining and improving of the ſaid Lands and Grounds, as aforeſaid; or ſhall at any Time hereafter maliciouſly deſtroy, ſtop, dam up, ſpoil, or damage any Drain, Watercourſe, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works, to be made, or ſet up or uſed for the ſaid Purpoſes, or ſhall cut through any Lane or Drove, to the Intent that the Waters of One Field, within the Limits of the ſaid Lands and Grounds, ſo to be drained as aforeſaid, ſhall and may run into any other Field within the ſaid Limits, or ſhall at any Time hereafter cut or dig, or cauſe to be cut or dug, any Turves, Hods, or Seſſes, within the Diſtance of Two hundred Feet of any of the Banks made and thrown up by virtue of this Act, or of any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue hereof; all and every Perſon and Perſons ſo offending, being thereof convicted before Two or more of His Majeſty's Juſtices of the Peace of the ſaid Iſle or County in which the ſaid Offence ſhall be committed, who are hereby authoriſed and required to hear and determine the ſame, on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Fifty Pounds, nor leſs than Five Pounds, as the ſaid Juſtices ſhall reſpectively order and direct, to the ſaid Commiſſioners, for the Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes, are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices; and that, in Default of ſuch Diſtreſs or Payment, the Perſon or Perſons ſo offending ſhall be committed by ſuch Juſtices to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices.

Books of Aſſeſſments to be kept.

XXVIII. And, to the Intent that it may appear clearly what is raiſed from Time to Time by virtue of the ſaid Aſſeſſments or Rates, and how the ſame have been from Time to Time applied, and that all Accounts of the Monies raiſed and diſburſed by virtue of this Act may be fairly examined, be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall order and cauſe a Book of Aſſeſſments to be made and kept, and all the Rates and Aſſeſſments made as aforeſaid under this Act to be fairly entered therein; and alſo ſhall order and cauſe a Book of Accounts to be made and kept, and an Account of all the Receipts and Diſburſements of the Monies received and diſburſed by virtue of this Act to be fairly entered in the ſame, and that no Account ſhall be paſſed and allowed unleſs the ſame ſhall be kept and made up in ſuch Books as aforeſaid; and that, once in every Year, to wit, at the ſaid General Meeting, they the ſaid Commiſſioners ſhall carefully examine all Receipts and Diſburſements of all ſuch Monies as ſhall be collected, received, and diſburſed, by virtue of this Act, to the *Lady-day* next before ſuch Meeting, and all Vouchers relating to the ſame; and that, upon Inſpection and Examination of the ſaid Accounts, upon Oath, to be adminiſtered by any One or more of the ſaid Commiſſioners, which Oath any One or more of them is hereby impowered to adminiſter, the ſaid Commiſſioners ſhall, and are hereby impowered and directed to allow and paſs the ſaid Accounts, or ſuch Part or Parts thereof as ſhall appear to them juſt and reaſonable; and the ſaid Accounts, or ſuch Part or Parts thereof as ſhall be allowed by the ſaid Commiſſioners under their Hands, ſhall be fairly entered in a Book or Books to be kept by the ſaid Commiſſioners; which Book or Books ſhall or may be inſpected and peruſed, at all ſeaſonable Times, by any Owner or Owners of the ſaid Lands and Grounds ſo abutted and bounded as aforeſaid, or of any Part thereof, without Fee or Reward.

Proceedings to be entered in Books.

XXIX. And be it further enacted and declared by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Commiſſioners ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Commiſſioners then preſent, or the

the major Part of them; and that such Orders, so signed, shall be deemed and taken to be original Orders, as fully and effectually as if the same were under under the Hands and Seals of the said Commissioners; and that such Book or Books shall and may be inspected and perused, at all seasonable Times, by any Owner or Owners of the said Lands or Grounds so abutted and bounded as aforesaid, without Fee or Reward, and shall and may be produced and read in Evidence in all Cases of Suits or Actions, touching any Thing done in pursuance and by Authority of this Act.

Occupiers to maintain their Outring Fences.

XXX. And it is hereby further enacted by the Authority aforesaid, That all Owners and Occupiers of the Lands and Grounds by virtue of this Act to be drained, shall make, and from Time to Time, and at all Times hereafter, maintain and keep all the Outring or Division Dikes or Drains of or belonging to their respective Lands and Grounds Nine Feet wide, and of a sufficient Depth from the Level Soil; and shall also, from Time to Time, and all Times hereafter, cause the same Dikes or Drains to be well and sufficiently roaded, scoured, and cleansed from Weeds and other Rubbish and Obstructions; and also cause Bridges or Tunnels to be laid over the said Dikes and Drains, of such Dimensions, and at such Places, as the said Commissioners, at any of their said Meetings, shall judge necessary, for the better issuing, running, and conveying away the Waters therein, and keep and maintain the said Bridges and Tunnels in Repair; and that if any such Owner or Occupier shall refuse or neglect to make or keep such Dikes or Drains of the Dimensions aforesaid, or to road, scour, or cleanse the same from Weeds or other Rubbish or Obstructions, or to lay down or repair such Tunnels or Bridges as aforesaid, after Fourteen Days Notice in Writing, under the Hands of any Two or more of the said Commissioners, to him or her given, or left at his or her usual Place of Abode; or, in case he or she shall not, at that Time, have any Place of Abode within the said Parish where the said Lands shall lie, to which such Drains or Dikes, Bridges or Tunnels, shall appertain or belong; then, after affixing such Notice on the Church Door of the Parish where such Lands shall lie, the said Commissioners shall and may, and they are hereby authorised and required, to cause the same to be done in a proper and effectual Manner, and by Warrant under their Hands and Seals, to authorise and impower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in doing thereof by Distress and Sale of such Goods, Chattels, and Cattle, as shall at any Time thereafter be found on the Lands and Grounds to which such Drains or Dikes, Bridges or Tunnels, shall appertain or belong; and that the Person or Persons, to whom such Warrant shall be directed, shall and may levy the Money so expended by Distress and Sale of the same Goods, Chattels, and Cattle, together with all incident Charges, in the same Manner as the Rates, Taxes, and Assessments, herein-before mentioned, are hereby directed to be levied, rendering the Overplus, if any there be, to the Owner or Owners thereof.

Kinderley's Cut to be opened.

XXXI. And whereas the opening of a certain Work, some Time since begun by the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, and intended to have been compleated, commonly called or known by the Name of *Kinderley's Cut*, from the *West Marsh* or *River's End*, through the common Salt Marsh, in the Parish of *Tid Saint Giles* aforesaid, to near *Buckworth's Drain Sluice*, and continuing the same through the said Marsh, and another small Salt Marsh in the Parish of *Tid Saint Mary's* aforesaid, to near the Outfall of *New Gunthorpe Sluice*, and the making a Dam over the present Channel of the *Wisbech River*, near the said *River's End*, to turn the Waters of the said River out of their present uncertain Course amongst the shifting Sands, into, through, and along the said Cut, will be of great Benefit to the draining and preserving of the said Lands and Grounds so abutted and described, and intended by this Act to be drained as aforesaid, and also of the said Great Level of the Fens, called *Bedford Level*: And whereas the Proprietors of the said Lands and Grounds, so abutted and described as aforesaid, are desirous of having the said Works carried into Execution, and have agreed to advance the Sum of One thousand Pounds, out of the Rates, Taxes, and Monies, to be raised and borrowed by virtue of this Act, towards compleating the same: And whereas the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, are willing to advance, out of the Revenues of the Middle and South Levels, Part of the said Great Level, or out of the Monies borrowed, or to be borrowed thereon, the like Sum of One thousand Pounds, towards the compleating of the said Works: And whereas the Commissioners elected and appointed for the North Level, Part of the said Great Level, by virtue of a certain Act of Parliament, made and passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, are willing to undertake the Execution of the said Works, and to compleat the same, and pay the Expence thereof, over and beyond the said Two Sums of One thousand Pounds and One thousand Pounds, out of the Rates and Taxes assessed upon the said North Level, under the said Act of the Twenty-seventh Year of His said late Majesty, and the Monies to be borrowed thereon by virtue of the said Act; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the said North Level, appointed, or hereafter to be appointed, by virtue of the said Act of the Twenty-seventh Year of His said late Majesty King *George* the Second, and they are hereby authorised and impowered, to open and make the said Cut, called *Kinderley's Cut*, from the South End of the *West Marsh* or the *River's End* aforesaid, through the common Salt Marsh, in the Parish of *Tid Saint Giles* aforesaid, to near *Buckworth's Sluice*, and to continue the said Cut along the said Salt Marsh, in the Parish of *Tid Saint Mary's* aforesaid, at or near the Outfall of *New Gunthorpe Sluice*; and also to make a Bank on the East and South-east Side of the said Cut, between the said Cut and the present shifting and bare Sands; and also to make a Dam or Bank in and over the present Channel of the *Wisbech River*, near the South End of the said *West Marsh*, and to continue such Bank across the Sands and Marshes

Marſhes on the Eaſt Side of the ſaid Channel, to join the preſent Sea Bank on the Marſh Land or *Norfolk* Side; and that it alſo ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid North Level, and they are hereby authoriſed and impowered to dig and take Earth, Flag, and other Materials, from any of the Open or Salt Marſhes lying in the ſaid Pariſhes of *Tid Saint Giles*, *Newton*, and *Tid Saint Mary's*, near or adjoining to the ſaid Cut, Banks, and Dam, from Time to Time, as they ſhall find neceſſary for the making, compleating, and ſupporting the ſaid Cut, Banks, and Dam, without paying any Thing for the ſame; and to do all ſuch other Acts as ſhall be neceſſary in the carrying on, compleating and maintaining of the ſaid Works.

Bedford Level Corporation, and the Commiſſioners of this Act, ſhall contribute certain Sums towards carrying on the ſaid Works.

XXXII. And be it further enacted by the Authority aforeſaid, That the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, ſhall and do, out of the Revenues of the ſaid Middle and South Levels, or out of the Monies borrowed, or to be borrowed thereon, pay the Sum of One thouſand Pounds, and that the Commiſſioners to be appointed by virtue of this preſent Act, ſhall and do, out of the Rates, Taxes, and Revenues, to be raiſed, and the Monies to be borrowed thereon, by virtue of this Act, pay the like Sum of One thouſand Pounds, for and towards the carrying on the ſaid laſt-mentioned Works, unto the Commiſſioners of the ſaid North Level, or to ſuch Perſon or Perſons as ſhall be appointed by them, or any Seven or more of them, at any of their Meetings, to receive the ſame, at the Times, and in Manner following; that is to ſay, The ſum of Three hundred Pounds each, when and ſo ſoon as the ſaid Commiſſioners of the ſaid North Level ſhall begin the ſaid Works; and when and ſo ſoon as the ſaid Commiſſioners of the ſaid North Level ſhall have expended the Sum of One thouſand eight hundred Pounds (including the ſaid Two Sums of Three hundred Pounds and Three hundred Pounds) in the carrying on the ſaid Works, then the further Sum of Three hundred Pounds each; and when and ſo ſoon as the ſaid Commiſſioners of the ſaid North Level ſhall have expended the further Sum of One thouſand eight hundred Pounds (including the ſaid Two laſt-mentioned Sums of Three hundred Pounds and Three hundred Pounds) in carrying on the ſaid Works, then the further Sum of Four hundred Pounds each, being the Reſidue of the ſaid Two Sums of One thouſand Pounds and One thouſand Pounds, ſo to be reſpectively advanced and paid towards the ſaid Works, by the ſaid Governor, Bailiffs, and Commonalty, and by the ſaid Commiſſioners to be appointed by virtue of this Act, as aforeſaid.

The Remainder of the Expence of opening the ſaid Cut out of the North Level Taxes, how to be paid.

XXXIII. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of the ſaid North Level ſhall and do, as ſoon as conveniently may be after the paſſing of this Act, begin and proceed in the ſaid laſt-mentioned Works, and perfect and compleat the ſame; and that the Expence thereof, over and beyond the ſaid Two Sums of One thouſand Pounds and One thouſand Pounds, ſo to be advanced and paid towards the ſame in Manner aforeſaid, ſhall be paid by the ſaid Commiſſioners of the ſaid North Level, out of the Rates and Taxes aſſeſſed upon the ſaid North Level, under the aforeſaid Act of Parliament of the Twenty-ſeventh Year of his late Majeſty King *George* the Second, and out of the Monies to be borrowed thereon, by virtue of the Powers in the ſame Act contained.

Perſons damaging the Works how to be puniſhed.

XXXIV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully and maliciouſly ſtop, dam up, break down, demoliſh, damage, or deſtroy, or cauſe, procure, adviſe, counſel, or hire any Perſon or Perſons to dam up, break down, demoliſh, damage, or deſtroy the ſaid Cut, Dam, or Banks, which ſhall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, or erected, ſupported, maintained, or uſed, for the Purpoſe of turning the preſent Channel of the *Wiſbech* Waters out of the ſhifting Sands, into, through, and along the ſaid Cut, intended to be opened and made as aforeſaid, or ſhall take, carry away, break, demoliſh, or deſtroy, any of the Wheel-barrows, Planks, Treſſels, or other Materials, that ſhall be procured to be uſed, or that ſhall be uſed, in making the ſaid Cut, Dam, or Banks, or in the Repair or Support thereof, all and every ſuch Perſon and Perſons ſhall be adjudged guilty of Felony, and every ſuch Felon ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Courts by and before whom ſuch Perſon or Perſons ſhall be tried, ſhall, and are hereby authoriſed and impowered to tranſport any ſuch Felon for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

The Navigation of the Cut ſhall be free.

XXXV. And be it further enacted and declared by the Authority aforeſaid, That all Perſons navigating Veſſels between the Town of *Wiſbech* and the Sea, ſhall, at all Times hereafter, have the free Uſage of the ſaid Cut, to navigate in, along, and through the ſame, in like Manner as they now have along and through the preſent Channel, except as is herein after mentioned; and alſo that it ſhall and may be lawful to and for the Owner or Owners of ſuch Veſſels, and the Servants and Workmen, or Perſons employed to navigate the ſame, to hale and tow the ſaid Veſſels with One or more Horſe or Horſes, on the Foreland and Bank on the Weſt or North-weſt (but not on the Eaſt or South-eaſt) Side of the ſaid Cut; provided that only One Horſe ſhall hale or tow by One Line, and that every ſuch Line be faſtened to the Maſt or Rigging of every ſuch Veſſel ſo navigating as aforeſaid, at leaſt Twelve Foot above the Deck of ſuch Veſſel or Veſſels, and not otherwiſe.

The Manner of towing on the Side of the Cut.

XXXVI. Provided, and it is hereby further enacted by the Authority aforeſaid, That no Horſe or Horſes ſhall at any Time or Times be made uſe of for haling or towing over or upon the ſaid Sluice called *New Gunthorpe Sluice*, or any other Sulice or Sluices erected, or to be erected, on the Side of the ſaid Cut, or over or upon any Wharf or other Works to ſuch Sluice or Sluices belonging; but that ſuch Horſe or Horſes as ſhall be uſed in the haling or towing of Veſſels along the ſaid Cut ſhall be looſened from the Lines fixed to the ſaid Veſſels, and being ſo looſened, ſhall be led or conducted over ſuch Sluice or Sluices, and Wharfs, and other Works thereto belonging, without haling or towing over the ſame; and that it ſhall and may be lawful to and for the Capital Burgeſſes of the Town of *Wiſbech*

Wiſbech for the Time being, or any Perſon or Perſons by them to be appointed, by and with the Approbation of the Superintendant General for the Time being of the Corporation of the *Bedford Level*, to fix and put down ſuch Mooring Poſts as ſhall be neceſſary for mooring and ſtopping the Veſſels paſſing the ſaid Sluices, or navigating in the ſaid Cut, ſo as ſuch Poſts ſhall be fixed in ſuch Places and Manner as that no Damage ſhall be done thereby, or by uſing the ſame, to any ſuch Sluice or Sluices, or any Wharf or other Works thereto belonging, or any Part thereof, and as that no Stoppage ſhall be thereby occaſioned to the Paſſage of the Water running from any ſuch Sluice or Sluices: And in caſe ſuch Mooring Poſts, or any of them, ſhall at any Time or Times be apprehended by the ſaid Superintendant General, or any other Perſon or Perſons appointed to ſuperintend the Works of the ſaid Sluices, Cuts and Banks, to be prejudicial to ſuch Sluice or Sluices, Cut or Banks, it ſhall and may be lawful to and for the ſaid Superintendant General, or ſuch other Perſon or Perſons as aforeſaid, to cauſe ſuch Mooring Poſts to be cut down, fixing other Poſts in ſuch other Places and Manner as may anſwer the Purpoſe of mooring the ſaid Veſſels, without being prejudicial to the ſaid Sluices, Cut, Banks, or Works; and if the ſaid Superintendant General ſhall refuſe or neglect to give Directions for placing the ſaid Poſts as aforeſaid for the Space of Twenty Days next after ſuch Notice, in Writing, ſigned by the ſaid Capital Burgeſſes for the Time being, or the major Part of them, then it ſhall be lawful for the ſaid Capital Burgeſſes for the Time being, or the major Part of them, to cauſe ſuch Poſts to be placed in ſuch Manner, and ſubject to ſuch Reſtrictions, as aforeſaid.

The Channel of the Wiſbech River, and the Sands adjacent, in the Bedford Level Corporation, how veſted.

XXXVII. And whereas the making the aforeſaid Cut, Bank, and Dam, and turning the Waters of the ſaid *Wiſbech* River out of their preſent uncertain and ſhifting Courſe amongſt the Quick Sands, into, through, and along the ſaid Cut, will be a Work of publick Utility, in regard the ſame will not only be for the Benefit of Draining, as herein-before is mentioned, but of very conſiderable Advantage to the Navigation to and from the Port of *Wiſbech*, and by Means thereof the preſent ſhifting and bare Sands, ſituate on the North and Eaſt of the ſaid Dam and Cut, and lying between, or bounded by, the preſent Salt Marſhes on the *Cambridgeſhire* and *Lincolnſhire* Coaſts on the Weſt and North-weſt, and the preſent Courſe or Channel of the *Wiſbech* River on the Eaſt and South-eaſt, will be raiſed, and may become capable of Cultivation: And whereas the ſupporting and preſerving the ſaid Dam, Cut, and Banks, after the ſame ſhall be completed, will be attended with great Labour and Expence; be it therefore enacted by the Authority aforeſaid, That the ſaid ſhifting and bare Sands, ſo ſituated and bounded as aforeſaid; and alſo the preſent Channel of the *Wiſbech* River, to the Low-water Mark, on the South and South-eaſt Side thereof, ſhall, from and immediately after the paſſing of this Act, veſt in, and the ſame are hereby veſted in, the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, and their Succeſſors, to have and to hold the ſame unto and to the Uſe of them and their Succeſſors for ever, for ſuch Uſes, Intents, and Purpoſes, as are herein-after mentioned concerning the ſame, any Law, Statute, or Cuſtom whatſoever, to the Contrary thereof in any wiſe notwithſtanding; and that the ſaid ſhifting and bare Sands and Channel, ſo veſted in the ſaid Governor, Bailiffs, and Commonalty, and their Succeſſors, ſhall for ever hereafter be deemed and taken to lie and be within the reſpective Pariſhes in the *Iſle of Ely* and County of *Cambridge*, and in the County of *Lincoln*, which abut or adjoin on the Weſt and North-weſt Sides of the ſaid Sands, ſo far as ſuch Pariſhes do reſpectively abut, front, or adjoin thereupon.

The ſaid Corporation allowed to mark out the the ſaid Sands;

XXXVIII. And for the better aſcertaining the Bounds and Limits of the ſaid ſhifting and bare Sands, and Channel, ſo veſted, or intended to be hereby veſted in the ſaid Governor, Bailiffs, and Commonalty, and their Succeſſors, as aforeſaid, and for keeping the ſame in Memory in all Times to come, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor, Bailiffs, and Commonalty, and they are hereby authoriſed, impowered, and required, to cauſe the ſame to be ſurveyed and planned, and alſo to cauſe the ſame to be ſet out and bounded with Stones, or other ſubſtantial Marks or Abuttals, ſo as at all Times to aſcertain and diſtinguiſh the ſame from the preſent Salt Marſhes and Sands, lying on each Side thereof; and after ſuch Sands and Channel ſhall be planned, bounded, and marked out, as aforeſaid, the ſaid Governor, Bailiffs, and Commonalty, ſhall cauſe One fair Copy of ſuch Plan, marking or diſtinguiſhing therein the ſeveral Bounder Stones or Abuttals, ſo to be ſet up as aforeſaid, to the Clerk of the Peace for the County of *Cambridge* aforeſaid, to be kept amongſt the Records of the Seſſions of the Peace for the ſaid County, and One other fair Copy of ſuch Plan, marked and diſtinguiſhed as aforeſaid, to the Clerk of the Peace for the Parts of *Holland*, in the County of *Lincoln*, to be kept amongſt the Records of the Seſſions of the Peace for thoſe Parts.

and to grant Leaſes thereof, as ſoon as they are capable of Cultivation.

XXXIX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, to take in and embank the ſaid Sands and Channel, ſo veſted, or intended to be hereby veſted in them, as aforeſaid, when and as often as any Part or Parts thereof ſhall be graſſed over, or become capable of Cultivation, and to grant Leaſes thereof to ſuch Perſon or Perſons, and for ſuch Terms or Eſtates, and under ſuch yearly and other Rents, and for ſuch Conſiderations, and upon ſuch Conditions, as they ſhall from Time to Time think fit, and to order, regulate, and manage the ſame, in ſuch Manner as they ſhall, from Time to Time think proper.

Receiver of the Taxes to take the Rents and Profits of the Sands, &c.

XL. And be it further enacted by the Authority aforeſaid, That all and every the Rents, Iſſues, Fines, and other Profits, which ſhall from Time to Time be reſerved or paid for or in reſpect of the ſaid Sands and Channel, ſo hereby veſted, or intended to be veſted, in the ſaid Governor, Bailiffs, and Commonalty, as aforeſaid, or ſhall ariſe from the ſame, ſhall, from Time to Time, be received by the Receiver of the Taxes rated, aſſeſſed, or impoſed upon the ſaid North Level, by virtue of a

certain Act of Parliament, made and paſſed in the Eleventh Year of the Reign of His preſent Majeſty; and that the Fines, Rents, Iſſues, Profits, and Monies, ſhall be applied, in the firſt Place, in Payment of the Expences of incloſing, embanking, and ſecuring the ſaid Sands and Channel, and then, from Time to Time, in and towards the repairing, ſupporting, and maintaining the ſaid Cut, Dam and Banks, and in continuing the ſaid Cut and Banks towards the Sea, and making ſuch other Works and Improvements in the Outfall of the *Wiſbech* River to the Sea, as ſhall from Time to Time be found neceſſary or convenient, and to or for no other Uſe, Intent, or Purpoſe whatſoever, ſave in purchaſing of Salt Marſhes adjoining or lying contiguous to the ſaid Sands, as herein-after is mentioned.

The Corporation may purchaſe Salt Marſhes in Tid Saint Giles.

XLI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, and they are hereby authoriſed and impowered, from Time to Time, to contract for and purchaſe any Salt Marſh or Marſhes in the Pariſhes of *Tid Saint Giles's* and *Tid Saint Mary's*, adjoining or lying near to the ſaid Sands hereby veſted in them as aforeſaid, and to direct the Purchaſe-monies agreed to be paid for the ſame to be paid out of the Fines, Rents, Iſſues, and Profits, of the ſaid Sands and Channel ſo veſted in them, as aforeſaid; and that ſuch Salt Marſh or Salt Marſhes, ſo to be purchaſed, ſhall be conveyed to and veſted in the ſaid Governor, Bailiffs, and Commonalty, and their Succeſſors, for ſuch and the ſame Uſes, Intents and Purpoſes, as the ſaid Sands and Channel are hereby veſted in them as aforeſaid, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

The Committee of the North Level Commiſſioners ſhall ſuperintend ſuch Works as ſhall be done with the Profits of the ſaid Sands;

XLII. And be it further enacted by the Authority aforeſaid, That the Committee from Time to Time to be elected or choſen by and out of the Commiſſioners of the ſeveral Diſtricts of the ſaid North Level, in purſuance of the ſaid Act of the Eleventh Year of His preſent Majeſty, ſhall, from Time to Time, direct and ſuperintend the Repairs and Amendments to be made in the ſaid Cut, Dam, and Banks, and ſuch other Works, as the ſaid Rents, Iſſues, Fines, and Profits, ariſing as aforeſaid, ſhall, from Time to Time, be applied in; and which ſaid Committee ſhall tranſmit to the Regiſter of the ſaid Corporation a yearly Account of their Orders, Agreements, and Tranſactions, relative to ſuch Repairs, Amendments, and other Works, and of the Application of ſuch Fines, Rents, Iſſues, and Profits therein.

and make up any Deficiency that may be therein.

XLIII. And be it further enacted by the Authority aforeſaid, That all ſuch Repairs and Amendments, for ſupporting and maintaining the ſaid Cut, Dam, and Banks, as ſhall be neceſſary to be done and made before any Profits ſhall ariſe from the ſaid Sands and Channel, hereby veſted in the ſaid Governor, Bailiffs, and Commonalty, as aforeſaid, or as ſuch Profits, when the ſame ſhall ariſe, may at any Time or Times be deficient to anſwer, ſhall, from Time to Time, be done and made by the ſaid Commiſſioners of the ſaid North Level out of the Rates, Taxes, and Monies, to be aſſeſſed or raiſed by virtue of the aforeſaid Act of the Twenty-ſeventh Year of His ſaid late Majeſty King *George* the Second, ſo as that the ſaid Cut, Dam, and Banks, may at all Times hereafter be properly upheld, maintained, and ſupported.

Walpole and other Marſhes, may be drained.

XLIV. And be it further enacted, That it ſhall and may be lawful to and for the Owner and Owners of *Walpole Marſhes*, and all other Marſhes lying on the Eaſt and South-eaſt Side of the ſaid Channel, and Sands, at all Times hereafter, to drain the Water off and from the ſaid Marſhes in and through the ſaid Sands, into the *Wiſbech* Channel, below the North End of the ſaid Cut and Bank, in ſuch Manner as they ſhall think proper.

The River Bank on the North and North weſt of Kinderley's Cut may be repaired.

XLV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners of the *North Level* ſhall and do, when and as the ſaid intended Cut, called *Kinderley's Cut*, ſhall be dug and opened, amend, and repair the River Bank lying on the North and North-weſt Side of the ſaid Cut, from a certain Place called *The River's End*, to *Buckworth's Sluice*, with Six Floors of Earth at the leaſt to each and every Rod thereof, and with proper and ſufficient Flagging, under the Direction of ſuch Perſon or Perſons as is, are, ſhall, or may be appointed by the Commiſſioners of Sewers for the Hundred of *Wiſbech*, and Parts adjacent, as Expenditor or Expenditors for the Repair of the ſaid Bank; and that it ſhall and may be lawful to and for the ſaid Commiſſioners of the North Level to dig, cut, and take Earth and Flag from the ſaid Salt Marſhes lying on the Eaſt and North-eaſt of the ſaid River Bank, or any Part thereof, for the Purpoſes aforeſaid, without paying any Thing for the ſame; and that all Monies to be expended in the amending and repairing of the ſaid Bank, as aforeſaid, ſhall be paid out of the Rates and Taxes to be laid by virtue of the ſaid Act of the Twenty-ſeventh Year of the Reign of His ſaid late Majeſty King *George* the Second, and the Monies to be borrowed thereon: Provided, that nothing herein ſhall extend, or be conſtrued to extend, to charge the ſaid Commiſſioners of the North Level with any ſubſequent Amendments or Reparations of the ſaid Bank, from the *River's End* to *Buckworth's Sluice* aforeſaid, or any Part thereof, or to alter, leſſen, or take away any of the Rights Powers, or Authorities, of the Commiſſioners of Sewers for the ſaid Hundred of *Wiſbech*, and Parts adjacent, in and over the ſame Bank; but that all ſuch Rights, Powers, and Authorities, as are now veſted in the ſaid Commiſſioners of Sewers, or any other Perſon or Perſons, in and over the ſaid Bank, ſhall be and continue in full Force and Effect, and the ſaid Bank, from and after ſuch Amendment and Reparation as aforeſaid by the ſaid Commiſſioners of the North Level, ſhall be, from Time to Time, maintained and ſupported by and at the Expence of ſuch Perſons, and in ſuch Manner, as if this Act had not been made; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

XLVI. And

A certain Piece of Land in Tid Saint Giles veſted in certain Perſons, to be ſold, and how the Money is to be applied.

XLVI. And whereas there is in the ſaid Pariſh of *Tid Saint Giles* a certain Parcel of Salt Marſh or waſte Land, bounded by the ſaid Sands, Eaſt; the Place where the ſaid Cut, called *Kinderley's Cut*, is intended to be made, Weſt; *Tid Saint Mary's* Salt Marſh, North; and the preſent Courſe of *Wiſbech River*, South; which has been heretofore uſed and enjoyed for the Intercommonage of Cattle by the Owners and Occupiers of the Lands in *Tid Saint Giles* aforeſaid, intended to be drained and preſerved by virtue of this Act, but will by the ſaid Cut called *Kinderley's Cut*, be ſevered therefrom, or otherwiſe rendered of very little Uſe or Benefit to the Perſons intitled to ſuch Intercommon; and it would be of Advantage to all Parties intereſted therein, if the ſame was to be ſold, or otherwiſe diſpoſed of, and the Money ariſing therefrom applied to the Purpoſes of this Act; be it therefore further enacted by the Authority aforeſaid, That from and immediately after the paſſing of this Act, the ſaid Salt Marſh or waſte Land deſcribed as aforeſaid, ſhall be, and is hereby veſted in Sir *Clement Trafford* of *Dunton Hall*, in the County of *Lincoln*, Knight; *Robert Colvile* of *Wiſbech Saint Peter's*, in the *Iſle of Ely*, in the County of *Cambridge*, Eſquire; *Richard Colvile* of *Hemingſton*, in the County of *Suffolk*, Eſquire; and *William Greaves* of *Sutton Saint Mary's* in the ſaid County of *Lincoln*, Clerk; their Heirs and Aſſigns, freed and abſolutely exonerated and diſcharged from all Right of Common which can or may be claimed therein by any Perſon or Perſons whomſoever, to hold the ſame unto and to the Uſe of the ſaid Sir *Clement Trafford*, *Robert Colvile*, *Richard Colvile*, and *William Greaves*, their Heirs and Aſſigns, upon the Truſts, and to and for the Purpoſes herein-after mentioned of and concerning the ſame; that is to ſay, Upon Truſt to ſell, convey, mortgage, demiſe, leaſe, or otherwiſe diſpoſe of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, in ſuch Manner as the ſaid Commiſſioners acting in the Execution of this Act, or any Three or more of them, ſhall, from Time to Time, at any of their Meetings, direct and appoint; and, in Default of and until ſuch Direction or Appointment, from Time to Time, to let, uſe, and manage the ſame, in Truſt, for the ſaid Commiſſioners under this Act for the Time being; and upon further Truſt, from Time to Time, to pay and apply the Monies ariſing from Sale or Mortgage of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, and the Rents, Iſſues, and Profits thereof, till Sale, to and for the ſame Uſes, Intents, and Purpoſes, as the Rates, Taxes, and Aſſeſſments, hereby authoriſed to be laid, and Money to be borrowed thereon, are to be paid and applied by virtue of this Act: Provided, that the Receipt or Receipts of the ſaid Sir *Clement Trafford*, *Robert Colvile*, *Richard Colvile*, and *William Greaves*, or the Survivors or Survivor of them, or the Heirs or Aſſigns of ſuch Survivor, to the Purchaſer or Purchaſers, Mortgagee or Mortgagees, of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, ſhall be a ſufficient Diſcharge for ſo much of the Purchaſe or Mortgage Money thereof as in ſuch Receipt or Receipts ſhall be expreſſed to be received; and ſuch Purchaſer or Purchaſers, Mortgagee or Mortgagees, having obtained ſuch Receipt or Receipts, ſhall not be liable to ſee to the Application of ſuch Purchaſe or Mortgage Monies, or anſwerable or accountable for the Nonapplication or Miſapplication thereof, or of any Part thereof, and that nothing herein in any-wiſe prejudice or affect the Rights or Claims of any Perſon or Perſons whatſoever, as Mortgagee or Mortgagees of the ſaid Salt Marſh or waſte Land, or any Part or Parts thereof, by virtue of this Act.

Rights of Governors, &c. of Bedford Level ſaved.

XLVII. Provided always, and be it further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners appointed, or to be appointed, by virtue of this Act, or any of them, to have, uſe, or exerciſe any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the ſettling the draining of the Great Level of the Fens, called* Bedford Level, or by virtue of any other Act or Statute whatſoever, or invalidate, leſſen, diminiſh, or take away, any of the Rights, Powers, or Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, but that all Rights, Powers, and Authorities whatſoever, which, by virtue of the ſaid Act, made in the Fifteenth Year of King *Charles* the Second, or any other Act or Statute, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, ſhall, for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had not been made.

Powers of Wiſbech Commiſſioners over Tid Saint Giles to ceaſe.

XLVIII. And be it further enacted, That all ſuch Rights, Powers, and Authorities, as the ſaid Commiſſioners of Sewers for the Hundred of *Wisbech*, and Parts adjacent, have at any Time or Times heretofore had or exerciſed over the ſaid Lands and Grounds in *Tid Saint Giles* and *Newton*, ſo abutted and intended to be drained as aforeſaid, or the Works within the Limits thereof, or in or over *Buckworth's Drain*, and the Banks, Sluices, and other Works thereto belonging, or any of them, by virtue of any Act of Parliament or Statute whatſoever, ſhall from henceforth ceaſe, and be utterly void and determined.

Right of Commiſſioners of Sewers ſaved.

XLIX. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, or take away the Rights, Powers, and Authorities, now veſted in the Commiſſioners of Sewers for the Hundred of *Wisbech*, and Parts adjacent, by virtue of any Act of Parliament or Statute, or any Commiſſion of Sewers whatſoever, for the raiſing of the Rate or Tax known by the Name of *The Halfpenny Acre Shot*, upon or from the ſaid Lands and Grounds in *Tid Saint Giles* and *Newton*, abutted and deſcribed as aforeſaid, or any of them, or for the raiſing of any Rates, Taxes, or Sums of Money, from ſuch of the ſaid Lands and Grounds in *Tid Saint Giles* and *Newton* as are lying on the Eaſt Side of *Black Dike*, for the repairing, maintaining, and ſupporting of the ſaid

Bank or Banks from *Clow's Croſs* to *Guyhirn Croſs*, and from thence to *Wisbech Bridge*, and ſo to a Place called *The Horſeſhoe*, in the Pariſh of *Leverington*, but that the ſaid Lands and Grounds ſhall ſtill remain charged and chargeable with the ſaid Rate or Tax, known by the Name of *The Halfpenny Acre Shot*, and ſhall ſtill remain charged and chargeable towards the repairing of the ſaid Bank or Banks, in ſuch Proportion, Manner, and Form, as before the paſſing of this Act they have been uſed to be charged towards the ſaid Repairs; and that the ſaid Commiſſioners of Sewers ſhall have full Power and Authority to aſſeſs, rate, and tax the ſaid Lands and Grounds reſpectively for and towards the ſaid *Halfpenny Acre Shot*, and for and towards the repairing of the ſaid Bank or Banks, in the Proportion and Manner before mentioned; and ſhall have the ſame Powers and Remedies for the Recovery and compelling Payment of the ſaid *Halfpenny Acre Shot*, and alſo for the other Rates and Aſſeſſments to be by them impoſed on the ſaid Lands and Grounds in *Tid Saint Giles* and *Newton*, on the Eaſt Side of *Black Dike*, for the repairing of the ſaid Bank or Banks, as they have heretofore had and exerciſed by or under any Law or Commiſſion of Sewers; any Thing herein-before contained to the Contrary thereof in any-wiſe notwithſtanding.

The Commiſſioners under this Act may agree with the Commiſſioners of Sewers, &c. for draining of Lands into Buckworth's Drain.

L. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners appointed, or to be appointed, by virtue of this Act, from Time to Time, and at all Times hereafter, to agree with the ſaid Commiſſioners of Sewers, or with the Proprietors and Owners of Lands in *Tid Saint Giles High* or *Low Marſh*, *Newton Marſh*, or *Weſt Walton Marſh*, or any of them, for the draining of the Lands in the ſaid Marſhes, or any of them, into the Drain called *Buckworth's Drain*, upon ſuch Terms and Conditions as they ſhall think proper; and that after ſuch Agreement ſhall be ſo made, it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers, and to and for the ſaid Land Owners and Proprietors, to drain the ſaid Lands by and through the ſaid Drain, and not otherwiſe; any Thing herein contained to the Contrary thereof in any-wiſe notwithſtanding.

Limitation of Actions.

LI. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the ſaid Iſle, or in the County where the Cauſe of Action ſhall ariſe; and the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, ſhall and may plead the General Iſſue, and, if in Replevin, juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do; and ſhall and may, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, give this Act, and the Special Matter, in Evidence, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought or laid in any other County or Liberty than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Action or Actions, Suit or Suits; or if a Verdict ſhall paſs, or, upon Demurrer, or otherwiſe, Judgement be given againſt the Plaintiff or Plaintiffs; then, or in any of theſe Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedy for the ſame, as where Coſts by Law are awarded.

General Iſſue.

Treble Coſts.

Publick Act.

LII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, taken, and allowed, to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. LXI.

An Act for the better lighting and watching the Town of *Kingſton upon Thames*, in the County of *Surrey*; and for removing and preventing all Obſtructions, Encroachments, and Nuiſances therein.

CAP. LXII.

An Act for better regulating the Aſſize and making of Bread.

Preamble.

Act 31. Geo. II.

Act 3 Geo. III. cap. 11.

'WHEREAS, according to the ancient Order and Cuſtom of the Realm, there hath been, from Time immemorial, a Standard Wheaten Bread, made of Flour, being the whole Produce of the Wheat whereof it was made: And whereas by an Act, paſſed in the Thirty-firſt Year of the Reign of *George* the Second, intituled, *An Act for the due making of Bread, and to regulate the Price and Aſſize thereof, and to puniſh Perſons who ſhall adulterate Meal, Flour, or Bread*; and by an Act, paſſed in the Third Year of the Reign of His preſent Majeſty, for explaining and amending the ſaid recited Act, Two Sorts of Bread, made of Wheat only, are allowed to be made for Sale; (that is to ſay), Wheaten and Houſehold; whereby the Flour, being the whole Produce of the Wheat, is ſo divided in the making of Bread for Sale, as that this Standard Wheaten Bread, made according to the ancient Order and Cuſtom of the Realm, could be no longer made for Sale: And

'whereas

'whereas Houſehold Bread, ſuch as is intended by the ſaid Act of *George* the Second to be made for 'Sale, is not generally made for Sale, whereby, and for want of the ſaid Standard Wheaten Bread 'being continued, many Inconveniencies have ariſen, and many of the inferior Claſſes of the People, 'more eſpecially, have been under a Neceſſity of buying Bread at a higher Price than they could 'afford, to their great Hurt and Detriment:' For Remedy thereof, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-three, a Bread made of Wheat as followeth; that is to ſay, Of the Flour of Wheat, which Flour, without any Mixture or Diviſion, ſhall be the whole Produce of the Grain, the Bran or Hull thereof only excepted, and which ſhall weigh Three-fourth Parts of the Weight of the Wheat whereof it ſhall be made, may be at all Times, and is hereby allowed to be made, baked, expoſed to or for Sale, and ſhall be called and underſtood to be a Standard Wheaten Bread.

After Sept. 29 1773, Standard Wheaten Bread allowed to be made, baked, and ſold.

II. Provided always, and be it hereby further enacted, That the Makers of the ſaid Bread for Sale, do and ſhall mark every Loaf thereof with the Capital Letters *S. W.* and that the Makers and Sellers of the ſame do make and ſell the ſame, although no Aſſize of Bread be ſet of the Weight, and in the Proportions following; that is to ſay, That every Standard Wheaten Peck Loaf ſhall always weigh Seventeen Pounds Six Ounces Avoirdupois, every Half Peck Loaf Eight Pounds Eleven Ounces, and every Quartern Load Four Pounds Five Ounces and One Half of an Ounce Avoirdupois; and that every Peck Loaf, Half Peck Loaf, and Quartern Loaf, ſhall always be ſold as to Price in Proportion to each other reſpectively; and that where Wheaten and Houſehold Bread, made as the Law now directs, ſhall be ſold at the ſame Time, together with this Standard Wheaten Bread, they be ſold in reſpect of and in proportion to each other, as followeth; that is to ſay, That the ſame Weight of Wheaten Bread as coſts Eight-pence, the ſame Weight of this Standard Wheaten Bread ſhall coſt Seven-pence, and the ſame Weight of Houſehold Bread ſhall coſt Sixpence, or Seven Standard Wheaten aſſized Loaves ſhall weigh equal to Eight Wheaten aſſized Loaves, or to Six Houſehold aſſized Loaves of the ſame Price, as near as may be.

The Weight, Price, and Proportions of the different Loaves.

III. Provided alſo, and be it hereby further enacted, That the ſaid Standard Wheaten Bread be not, nor ſhall be made into, or expoſed to or for Sale, or ſold as priced Loaves, at One and the ſame Time, together with aſſized Loaves of the ſame Standard Wheaten Bread.

Standard Wheaten Bread is not to be ſold as priced Loaves at one Time.

IV. And be it further enacted by the Authority aforeſaid, That all and every Magiſtrate, Magiſtrates, or others, who is and are, by the Laws now in being, authoriſed and impowered to ſet the Aſſize and fix the Price of Bread, is, and are hereby authoriſed and required, whenever and wherever he or they ſhall think proper, to ſet the Aſſize, or to fix the Price of Bread, in like Manner, and at the ſame Time to ſet the Aſſize on, or fix the Price of, the Standard Wheaten Bread aforeſaid, the Baker's Allowance for baking being included according to the Rates and Proportions ſeverally and reſpectively ſet down in the following Table.

Magiſtrates are, when they think proper, to ſet the Aſſize, and fix the Price of Bread.

A TABLE

A TABLE

OF THE

ASSIZE and PRICE of STANDARD WHEATEN BREAD,

IN TWO PARTS.

Note, That this Table is framed for Bread to be made of the Whole Produce of the Wheat, except the Bran or Hull thereof only; the ſaid Produce to weigh Three-fourths of the Wheat whereof it is made.

PART THE FIRST, or the ASSIZE TABLE,

Contains in Column Nº I. the Price of the Buſhel of Wheat, *Wincheſter* Meaſure, from 2*s.* 9*d.* to 14*s.* 6*d.* the Buſhel, the Allowance of the Magiſtrates to the Baker for Baking included: And in Column Nº II. are the Weights of the ſeveral Loaves. So that at whatever Price of the Buſhel of Wheat, with the Allowance, the Magiſtrates ſhall ſet the Aſſize, the ſame Price of Wheat is to be found in Column Nº I. and even therewith in Column Nº II. will be found the Weights of the ſeveral Loaves.

Note, That the ſame Weight of Standard Wheaten aſſized Bread as coſts Seven-pence, of Wheaten aſſized Bread will coſt Eight-pence, and of Houſehold aſſized Bread Sixpence: Or, Seven Standard aſſized Loaves will weigh Eight Wheaten aſſized Loaves, or Six Houſehold aſſized Loaves of the ſame Price, as near as may be.

PART THE SECOND, or the PRICE TABLE,

Contains in Column Nº II. the Price of the Buſhel of Wheat, *Wincheſter* Meaſure, from 2*s.* 9*d.* to 14*s.* 6*d.* the Buſhel, the Allowance of the Magiſtrates to the Baker for Baking included: And in Column Nº I. are the Prices of the Peck, Half Peck, and Quartern Loaves. So that at whatever Price of the Buſhel of Wheat, with the Allowance, the Magiſtrates ſhall fix the Price of Bread, the ſame Price of Wheat is to be found in Column Nº II. and even therewith, under Nº I. will be found the Prices of the ſeveral Loaves.

Note, That the Standard Wheaten Peck Loaf is always to weigh 17*lb.* 6*oz.* Avoirdupois, and the Half Peck and Quartern Loaves in Proportion; and when the ſaid Peck Loaf is ſold for Fourteen-pence, the Wheaten Peck Loaf is to be ſold for Sixteen-pence, and the Houſehold Peck Loaf is to be ſold for Twelve-pence, and always as near as may be in the ſame Proportion. No Half Quartern Loaves are to be made.

N° I.	N° II.						N° I.			N° II.
	Part the First.						Part the Second.			
	The Assize Table.						The Price Table.			
	Small Bread.			Large Assize Bread.			Prized Bread.			
The Price of the Bushel of Wheat and baking.	Penny.	Two Pence.		Sixpence.	Twelvepence.	Eighteen Pence.	Quartern Loaf.	Half Peck Loaf.	Peck Loaf.	The Price of the Bushel of Wheat and Baking.
s. d.	oz. dr.	lb. oz. dr.		lb. oz. dr.	lb. oz. dr	lb. oz. dr.	s. d.	s. d.	s. d.	s. d.
2 9	25 4	3 2 9		9 7 11	18 15 5	28 7 —	— 2¾	— 5½	— 11	2 9
3 —	23 3	2 14 5		8 11 —	17 6 1	26 1 1	— 3	— 6	1 —	3 —
3 3	21 6	2 10 12		8 — 5	16 — 11	24 1 —	— 3¼	— 6½	1 1	3 3
3 6	19 14	2 7 12		7 7 3	14 14 5	22 5 8	— 3½	— 7	1 2	3 6
3 9	18 9	2 5 1		6 15 4	13 14 7	20 13 11	— 3¾	— 7½	1 3	3 9
4 —	17 6	2 2 12		6 8 4	13 — 9	19 8 13	— 4	— 8	1 4	4 —
4 3	16 6	2 — 11		6 2 2	12 4 4	18 6 7	— 4¼	— 8½	1 5	4 3
4 6	15 7	1 14 4		5 12 11	11 9 6	17 6 1	— 4½	— 9	1 6	4 6
4 9	14 10	1 13 4		5 7 13	10 15 10	16 7 7	— 4¾	— 9½	1 7	4 9
5 —	13 14	1 11 13		5 3 7	10 6 13	15 10 4	— 5	— 10	1 8	5 —
5 3	13 4	1 10 8		4 15 7	9 14 14	14 14 5	— 5¼	— 10½	1 9	5 3
5 6	12 10	1 9 4		4 11 13	9 7 11	14 3 8	— 5½	— 11	1 10	5 6
5 9	12 1	1 8 3		4 8 9	9 1 1	13 9 10	— 5¾	— 11½	1 11	5 9
6 —	11 9	1 7 3		4 5 8	8 11 1	13 — 9	— 6	1 —	2 —	6 —
6 3	11 2	1 6 4		4 2 12	8 5 8	12 8 3	— 6¼	1 —½	2 1	6 3
6 6	10 11	1 5 6		4 — 3	8 — 5	12 — 8	— 6½	1 1	2 2	6 6
6 9	10 5	1 4 10		3 13 13	7 11 9	11 9 6	— 6¾	1 1½	2 3	7 9
7 —	9 15	1 3 14		3 13 9	7 7 3	11 2 12	— 7	1 2	2 4	7 —
7 3	9 9	1 3 3		3 9 8	7 3 1	10 12 9	— 7¼	1 2½	2 5	7 3
7 6	9 4	1 2 9		3 7 10	6 15 4	10 6 13	— 7½	1 3	2 6	7 6
7 9	9 —	1 1 15		3 5 13	6 11 10	10 1 7	— 7¾	1 3½	2 7	7 9
8 —	8 11	1 1 6		3 4 2	6 8 4	9 12 7	— 8	1 4	2 9	8 —
8 3	8 7	1 — 14		3 2 9	6 5 2	9 7 11	— 8¼	1 4½	2	8 3
8 6	8 3	1 — 6		3 1 1	6 2 2	9 3 3	— 8½	1 5	2 10	8 6
8 9	7 15	— 15 14		2 15 11	5 15 5	8 15 —	— 8¾	1 5½	2 11	8 9
9 —	7 12	— 15 7		2 14 5	5 12 11	8 11 —	— 9	1 6	3 —	9 —
9 3	7 8	— 15 —		2 13 1	5 10 3	8 7 4	— 9¼	1 6½	3 1	9 3
9 6	7 5	— 14 10		2 11 14	5 7 13	8 3 11	— 9½	1 7	3 2	9 6
9 9	7 2	— 14 4		2 10 12	5 5 9	8 — 5	— 9¾	1 7½	3 3	9 9
10 —	6 15	— 13 14		2 9 11	5 3 7	7 13 2	— 10	1 8	3 4	10 —
10 3	6 13	— 13 9		2 8 11	5 1 6	7 10 1	— 10¼	1 8½	3 5	10 3
10 6	6 10	— 13 4		2 7 12	4 15 7	7 7 3	— 10½	1 9	3 6	10 6
10 9	6 7	— 12 15		2 6 13	4 13 10	7 4 6	— 10¾	1 9½	3 7	10 9
11 —	6 5	— 12 10		2 5 15	4 11 13	7 1 12	— 11	1 10	3 8	11 —
11 3	6 3	— 12 6		2 5 1	4 10 2	6 15 4	— 11¼	1 10½	3 9	11 3
11 6	6 1	— 12 1		2 4 4	4 8 9	6 12 13	— 11½	1 11	3 10	11 6
11 9	5 15	— 11 13		2 3 8	4 7 —	6 10 8	— 11¾	1 11½	3 11	11 9
12 —	5 13	— 11 9		2 2 12	4 5 8	6 8 4	1 —	2 —	4 —	12 —
12 3	5 11	— 11 6		2 2 1	4 4 2	6 6 2	1 —¼	2 —½	4 1	12 3
12 6	5 9	— 11 2		2 1 6	4 2 12	6 4 2	1 —½	2 1	4 2	12 6
12 9	5 7	— 10 14		2 — 11	4 1 7	6 2 2	1 —¾	2 1½	4 3	12 9
13 —	5 6	— 10 11		2 — 1	4 — 3	6 — 4	1 1	2 2	4 4	13 —
13 3	5 4	— 10 8		1 15 8	3 14 15	5 14 7	1 1¼	2 2½	4 5	13 3
13 6	5 2	— 10 5		1 14 14	3 13 13	5 12 11	1 1½	2 3	4 6	13 6
13 9	5 1	— 10 2		1 14 5	3 12 11	5 11 —	1 1¾	2 3½	4 7	13 9
14 —	4 15	— 9 15		1 13 13	3 11 9	5 9 6	1 2	2 4	4 8	14 —
14 3	4 14	— 9 12		1 13 4	3 10 9	5 7 13	1 2¼	2 4½	4 9	14 3
14 6	4 13	— 9 9		1 12 12	3 9 8	5 6 5	1 2½	2 5	4 10	14 6

After September 29, 1773, Makers of Bread for Sale to make and dispose of the same as hereby directed.

V. And be it enacted by the Authority aforesaid, That all Makers of Bread for Sale, and all Persons who shall, after the said Twenty-ninth Day of *September*, One thousand seven hundred and seventy-three, make and bake, for Sale, and shall sell, or expose to or for Sale, the said Standard Wheaten Bread, shall make, sell, and expose to or for Sale the said Bread as directed by this Act; and all such Makers of the said Bread for Sale, and Persons selling, or exposing to or for Sale, the said Bread, shall be liable to the same or the like Pains, Penalties, Forfeitures, and Punishments, in all Respects whatsoever, for any Misdemeanour or Neglect in the making, marking, selling, or exposing to or for Sale, the said Standard Wheaten Bread, as they are liable to by the Laws now in being, for any Misdemeanour or Neglect, in respect to making, marking, selling, or exposing to or for Sale, Wheaten or Household Bread.

The Miller or Mealman selling adulterated Flour, shall forfeit the Penalties directed by Act 31 Geo. II.

VI. Provided always, and be it enacted by the Authority aforesaid, That if any Information shall be laid against any Baker for making, marking, baking, or exposing to or for Sale, any Bread, purporting to be the Standard Wheaten Bread aforesaid, made of Flour, not being the whole Produce of the Wheat, the Bran or Hull thereof only excepted, and weighing Three-fourth Parts of the Weight of the Wheat whereof it was made, and such Baker shall prove that he bought the said Flour, whereof his Bread was made, as and for such Flour, as aforesaid, of the Miller or Mealman, naming his Name and Place of Abode; then, and in such Case, the Baker shall stand clear and acquitted, and the Miller or Meal-man so offending, and being legally convicted thereof, shall forfeit and pay the Penalties enacted and directed to be paid, in the Case of adulterating Corn, Meal, or Flour, by an Act, passed in the Thirty-first Year of the Reign of King *George* the Second, intituled, *An Act for the due making of Bread, and to regulate the Price and Assize thereof, and to punish Persons who shall adulterate Meal, Flour, or Bread.*

Where Magistrates shall have set an Assize on the Price of Standard Wheaten Bread, other Persons authorised may omit fixing the Price of any other Sort of Bread.

VII. And be it further enacted by the Authority aforesaid, That when and where any Magistrate, Magistrates, or others, authorised as aforesaid, shall have set an Assize on or fixed the Price of the said Standard Wheaten Bread, as directed by this Act, all and every such Person or Persons so authorised, are hereby authorised and impowered to omit, if they think proper, the setting an Assize upon, or fixing the Price of any other Sort of Bread.

After Sept. 29, 1773, Justices, at their Quarter Sessions, may prohibit, for 3 Months, the baking or selling other Bread than Standard Wheaten;

but no such Order shall take Place till One Calendar Month, at least, after the making thereof.

Copy of such Order to be put up in some Market Town, or inserted in some publick News paper.

VIII. And be it further enacted by the Authority aforesaid, That from and after the Twenty-ninth Day of *September*, One thousand seven hundred and seventy-three, the Justices of the Peace of every County, Riding, Division, City, Town, Liberty, and Place, at any General or Quarter Session of the Peace which shall be held within their respective Counties, Riding, Division, Cities, Towns, Liberties, or Jurisdictions, may, if they shall think proper, prohibit, and they are hereby authorised and impowered to prohibit, for Three Months, unless they shall see Cause sooner to revoke the Order for such Prohibition, which they are hereby impowered to do at any adjourned Quarter Sessions, or any Special Sessions within their respective Jurisdictions, or within any Part thereof, the Makers of Bread for Sale from making for Sale, baking, selling, or exposing to or for Sale, any other One or more Sorts of Bread, being, or purporting to be, of a superior Quality, and sold at a higher Price than the Standard Wheaten Bread aforesaid: Provided, that no such Order for such Prohibition do take Place, or be in Force, until One Calendar Month at least after the Date of the making thereof; and every Order, which shall be so from Time to Time made, in or touching the Premises, by any such Justices, shall be entered in a Book, to be provided and kept for that Purpose by such Justices, and which Book shall and may be inspected by the Makers of Bread for Sale within the respective Jurisdiction of any such Justices, at all seasonable Times, in the Day-time, and without paying any Fee or Reward in respect thereof: And after the making every such Order by any such Justices, the Justices who shall make the same, shall, with all convenient Speed, cause a Copy of every such Order to be affixed or put up in some Market, or other publick Town, within the Division or Part of the County, Riding, Liberty, Rape, Wapentake, City, Town, or Place, in which such Order is to be observed, and take Place, or else such Justices, within their respective Jurisdictions, shall cause a Copy of every such Order to be, with all convenient Speed, after the making thereof respectively, inserted in some publick News-paper, which shall be be published in the County, Riding, Division, Rape, Wapentake, City, Town, or Place, or some Part thereof, in which every such Order respectively is to be observed, and take Place.

Company of Bakers of London, &c. may offer Objections against such Prohibition.

IX. Provided always, That within the City of *London*, and the Liberties thereof, the Company of Bakers of the said City, and in any other City, County, Division, District, Town, or Place, any Baker or Maker of Bread for Sale, Bakers or Makers of Bread for Sale, may, within the respective Jurisdiction to which he or they do belong, or wherein he or they do exercise their Trade or Mystery, have an Opportunity of offering to such Justices, as aforesaid, all such Objections as such Company of Bakers, or such Bakers or Makers of Bread for Sale, may have and think fit to offer against such Prohibition as aforesaid, at the Time when such Justices, as aforesaid, shall have under Consideration the ordering such Prohibition as aforesaid.

Wheaten Loaves, of the Price of 1 d. or 2 d. may be made and sold, according to Act 31 Geo. II.

X. Provided also, That nothing herein contained shall extend, or be construed to extend, to prevent the Magistrates and others, who, by the Laws now in being, are authorised to set an Assize on Bread, from allowing at all Times, and even during the Time of such Prohibition as aforesaid, if they shall think fit, any White Loaves or Wheaten Loaves of the Price of One Penny, or Twopence, to be made and sold, so that the said Loaves be made, marked, baked, exposed to and for Sale, and sold according to the Regulations of *The Table of Assize and Price of Bread*, contained in, and

and enacted by, an Act, passed in the Thirty-first Year of the Reign of His late Majesty *George* the Second, intituled, *An Act for the due making of Bread, and to regulate the Price and Assize thereof, and to punish Persons who shall adulterate Meal, Flour, or Bread.*

No Assize to be set on coarser Bread, if sold at a lower Price, as directed by Act 31 Geo. II.

XI. And whereas there may be many Places in this Kingdom where the inferior Classes of the People are used to and may be desirous of being supplied with Bread made of Wheat, of a coarse and cheaper Sort than the Standard Wheaten Bread aforesaid; be it hereby further enacted by the Authority aforesaid, That it shall and may be lawful for any Baker or Maker of Bread for Sale, to make, bake, expose to Sale, and sell, such inferior and coarser Bread, provided he or she sells such Bread at a Price under that of the Household Bread, as directed to be made and sold by an Act, passed in the Thirty-first Year of the Reign of *George* the Second, intituled, *An Act for the due making of Bread, and to regulate the Price and Assize thereof, and to punish Persons who shall adulterate Meal, Flour, or Bread,* although nothing in this Act contained doth extend, or shall be construed to extend, to the setting any Assize thereon.

Where any Baker of Bread shall sell coarser Bread at the assized Household Bread Price, he shall be liable to the Penalties inflicted by Law.

XII. And be it further enacted by the Authority aforesaid, That when and where any Baker or Maker of Bread for Sale shall sell, or expose to Sale, any such inferior or coarser Bread by Weights and Prices whereat the Household Bread aforesaid is at that Time assized or priced, or sold, he shall, for every such Offence, being duly convicted, be liable to the same or like Pains, Penalties, Forfeitures, and Punishments, as Bakers and Makers of Bread for Sale are now by Law liable to for any the like Misdemeanour or Neglect in making, selling, or exposing to or for Sale, any other Sort of Bread allowed by Law to be made or exposed to or for Sale, and sold.

Magistrates to have the same Powers relative to the making or selling of Bread as they may have by any Law now in being.

XIII And be it further enacted, That all and every Magistrate, Magistrates, and others, as aforesaid, following the Directions herein-before and herein-after given, shall have, and they are hereby declared to have, all the same Powers and Authority to apply them, to all Intents and Purposes whatsoever, relative to assizing, pricing, and regulating the making, selling, or exposing to or for Sale, the said Standard Wheaten Bread, and punishing the Makers, Sellers, and Exposers thereof to or for Sale, for any the like Misdemeanour or Neglect, in the making, marking, and selling or exposing the same to or for Sale, as they have by any Law now in being, relative to assizing, pricing, making for Sale, selling, or exposing to or for Sale, any Bread whatsoever, and in as full and ample a Manner as if the said Powers were recited and enacted therein.

Magistrates, &c. intitled to all the Privileges and Protections of the Laws in being relative to the making and selling of Bread.

XIV. And be it further enacted, That all Magistrates, and all other Persons whatsoever, shall be intitled to, and have all the Privileges, Protections, and Indemnifications, in all Respects whatsoever, for what they shall lawfully do in putting this Act in Execution, as they are intitled to, and have by the Laws now in being, relative to the making of Bread, and selling, or exposing the same to or for Sale, for putting the said Laws in Execution.

Not to extend to prejudice Right or Custom of the City of London, or Lords of Leet.

XV. Provided always, and be it enacted, That this Act, or any Thing herein contained, shall not extend to prejudice any Right or Custom of the City of *London*, or the Practice there used, or any Right or Custom of any Lord or Lords of any Leet, to set, enquire, and punish the Breach of Assize of Bread within their respective Leets or Views of Frank Pledge, or the Right of any Clerk or Clerks of the Market, in any Place.

Nor shall this Act prejudice the ancient Right or Custom of the Dean of St. Peter, Westminster, &c.

XVI. Provided further, and it is hereby likewise enacted, That neither this Act, or any Thing herein contained, shall extend, or be construed to extend, to prejudice the ancient Right or Custom of the Dean of the collegiate Church of *Saint Peter*, *Westminster*, or the High Steward of the City of *Westminster*, and the Liberties thereof, or his Deputy, or any of them, to set, ascertain, and appoint the Assize and Weight of all Sorts of Bread, to be sold or exposed to Sale, within the said City of *Westminster*, and the Liberties thereof; but they, and every of them, shall and may, severally and respectively, from Time to Time, as there shall be Occasion, set, ascertain, and appoint, within the said City of *Westminster*, and the Liberties thereof, according to the true Intent and Meaning of this Act, the Assize and Weight of all Sorts of Bread, which shall be made, sold, or exposed to Sale, by any Person or Persons within the Limits of the said City of *Westminster*, and the Liberties thereof; and shall and may enquire, and punish, the Breach, of every such Assize and Weight of Bread as fully and freely, in all Respects, as they, or any of them, have heretofore been accustomed to do, and as if this Act had never been made; any Thing herein contained to the Contrary hereof notwithstanding.

Nor shall any Thing contained prejudice the ancient Right of the Universities of Oxford and Cambridge.

XVII. Provided likewise, That neither this Act, nor any Thing herein contained, shall extend, or be construed to extend, to prejudice the ancient Right or Custom of the Two Universities of *Oxford* and *Cambridge*, or either of them, or of their or either of their Clerks of the Market, or the Practice within the several Jurisdictions of the said Universities, or either of them, used to set, ascertain, and appoint the Assize and Weight of all Sorts of Bread to be sold, or exposed to Sale, within their several Jurisdictions; but that they, and every of them, shall and may, severally and respectively, from Time to Time, as there shall be Occasion, set, ascertain, and appoint, within their several and respective Jurisdictions, the Assize and Weight of all Sorts of Bread to be sold, or exposed to Sale, by any Baker, or other Person whatsoever, within the Limits of their several Jurisdictions, according to the true Intent and Meaning of this Act; and shall and may enquire and punish the Breach thereof as fully and freely, in all Respects, as they used to do, and as if this Act had never been made; any Thing herein contained to the Contrary thereof notwithstanding.

All the Laws now in being for regulating the Price of Bread, &c. to remain in full Force.

XVIII. And be it hereby declared and enacted by the Authority aforesaid, That all the Laws now in being, for the due making of Bread, or to regulate the Price and Assize thereof, or to punish Persons who shall adulterate Meal, Flour, or Bread, do and shall stand and remain in full Force, in the Whole, and every Part thereof, not altered by this present Act.

Where the Chief Magistracy of a Corporation is vested in Two Bailiffs, one of them may set an Assize on Bread.

XIX. And whereas Doubts have arisen, whether by the said Act, passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, where the Chief Magistracy of any Borough or Corporation lies and is vested in Two Bailiffs, One of the said Bailiffs, in the Absence of the other, is, by the said Act, authorised and impowered to set an Assize on Bread; be it enacted by the Authority aforesaid, That in such Boroughs and Corporations, One of the said Bailiffs in the Absence of the other, shall be authorised and impowered to set an Assize on Bread, under the said Act, or this Act, and to do all other Matters and Things therein and hereby directed for setting the same.

CAP. LXIII.

An Act for establishing certain Regulations for the better Management of the Affairs of the *East India Company*, as well in *India* as in *Europe*.

Preamble.

'WHEREAS the several Powers and Authorities granted by Charters to the United Company of Merchants of *England* trading to the *East Indies* have been found, by Experience, not 'to have sufficient Force and Efficacy to prevent various Abuses which have prevailed in the Government and Administration of the Affairs of the said United Company, as well at Home as in *India*, 'to the manifest Injury of the Publick Credit, and of the Commercial Interests of the said Company; 'and it is therefore become highly expedient that certain further Regulations, better adapted to their 'present Circumstances and Condition, should be provided and established: And whereas the electing 'and chusing of Directors of the said United Company every Year, in such Manner as at present 'prescribed by Charter, has not answered the good Purposes intended thereby, but, on the contrary, 'by limiting the Duration of their Office to so short a Time, evidently tends to weaken the Authority of the Court of Directors, and to produce Instability in the Councils and Measures of the said 'Company:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the next ensuing General Election of Directors of the said United Company, instead of an Election of Twenty-four Directors to serve for the Space of One Year only, there shall be chosen, in such Manner and Order as the Directors of the said United Company for the Time being shall appoint, Six Directors expressly for the Term of One Year, and Six other Directors for the Term of Two Years, and Six other Directors for the Term of Three Years, and the remaining Six Directors for the Term of Four Years, and not otherwise; and from thenceforth yearly and every Year, and at the Expiration of each and every of the said Terms respectively, Six new Directors, and no more, shall be chosen, from Time to Time, in the Place of such Directors whose Term shall have expired, and who are hereby declared incapable of being then rechosen; and at every subsequent Election, during the Continuance of the Charter of the said United Company, Six new Directors shall be chosen, and shall continue to be Directors for the Term of Four Years, and no longer, to be accounted from the Day on which the Election of such Directors was respectively made; and in case the Office and Authority of any such Director shall become void by Death, Removal, or otherwise, another shall be chosen from Time to Time in his Place, to serve as a Director during the Remainder of such Term for which the Person whose Office shall have become void was chosen, and no longer.

At the next ensuing general Election, instead of 24, there shall be chosen 6 Directors for the Term of One Year; 6 for Two Years; 6 for Three Years; 6 for Four Years; and so hereafter yearly.

No Person employed in any Office in the East Indies, shall be chosen into the Office of Director until he shall return, and be resident in England for Two Years.

II. And it is hereby further enacted, That no Person or Persons whatsoever, employed in any Civil or Military Station, Office, or Capacity whatsoever, in the *East Indies*, or claiming or exercising any Power, Authority, or Jurisdiction therein, shall be capable of being appointed or chosen into the Office of Director, until such Person or Persons shall have returned to and been resident in *England* for the Space of Two Years; any Law or Usage to the Contrary notwithstanding.

All Transfers made in a collusive Manner, to qualify Voters at Elections;

III. And whereas it has been found, that the Provision made by the Charter of the Tenth Year of the Reign of King *William* the Third, under which, Persons possessed of Five hundred Pounds Stock are intitled to vote in General Courts, has been productive of much Inconvenience in the present Situation of the Company, and tends to promote the mischievous Practice of making collusive Transfers, which Practice hath not been sufficiently prevented by the Provision made by an Act of the Seventh Year of His present Majesty's Reign, whereby the Right of voting is limited to Persons having been Six Calendar Months in Possession of their Stock; be it further enacted, That all Transfers of Stocks whatsoever made to any Person or Persons, in any fraudulent or collusive Manner, on Purpose to qualify him, her, or them, to give his, her, or their Vote or Votes, at any Election of Members of the Court of Directors, or in any General Court of the said United Company, (subject nevertheless to Conditions or Agreements, either Verbal or in Writing, to defeat or determine such Transfers, or to retransfer or return the same), shall be deemed and taken against those Persons who

who transferred the same, as free and absolute, and be holden and enjoyed, by all and every such Person or Persons to whom such Transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all Manner of Trusts, Conditions, Powers of Revocation, Provisoes of Redemption, or other Defeazances between or with the said Parties, or any other Person or Persons in Trust for them; and that all Bonds, Covenants, Notes, Collateral or other Securities, Contracts, or Agreements, between or with the said Parties, or any other Person or Persons in Trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such Transfer, or for the restoring or retransferring thereof, or any Part thereof, to any Person or Persons who made such Transfer, or to any other Person or Persons in Trust for them, or any of them, shall be null and void, to all Intents and Purposes whatsoever: And that every Person to whom such Transfer shall have been made, and who shall have voted by virtue thereof, at any Election of Members of the Court of Directors, in any General Court of the said United Company, and who shall afterwards retransfer or return the same, in Consequence of any Trust, Condition, Powers of Revocation, Proviso of Redemption, or other Defeazance whatsoever, as aforesaid, shall, for every such Offence, forfeit the Sum of One thousand Pounds; One Moiety whereof shall go and be disposed of to any Person who shall sue for the same, and the other Moiety to His Majesty, His Heirs and Successors; to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance, shall be admitted or allowed; and that from and after the First Day of *October*, One thousand seven hundred and seventy-three, no Member or Proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any Vote or Votes, at any Election of Directors, or at any General Court of the said United Company, in respect or any Stock amounting to less than One thousand Pounds, nor in respect of any Stock transferred to him, her, or them, after the said First Day of *October*, One thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such Stock Twelve Calendar Months, in his, her, or their own Right, and not in Trust for any other Person or Persons whatsoever, freed and discharged of all Incumbrances which can or may affect the same, unless such Stock shall have been acquired, or shall have come to such Proprietor by Bequest, or by Marriage, or by Succession to any Intestate's Estates, or by the Custom of the City of *London*, or by any Deed of Settlement after the Death of any Person who shall have been intitled for Life to the Dividends of such Stock; any Law, Statute, or Usage, to the Contrary notwithstanding.

and all Bonds, Covenants, &c. with Persons in Trust, shall be null and void: And every Person to whom Transfers shall have been made, or who shall have voted by virtue thereof, at any Election, who shall afterwards retransfer the same, in consequence of any Trusts, &c. shall forfeit, for every Offence, 1000*l.* to be recovered, with full Costs, at Westminster; and after Oct. 1, 1773, no Proprietor shall vote at any Election of Directors in respect of Stock amounting to less than 1000*l.* nor until he shall have been possessed of such 12 Calendar Months.

IV. Provided always, and be it further enacted by the Authority aforesaid, That every Member or Proprietor of the said United Company, who shall be possessed, for the Time or Term aforesaid, in his or her own Right, of Three thousand Pounds, Capital Stock of the said Company, shall be intitled to give Two Votes at any Election of Directors, or at any Ballot of the said Company; and every Member or Proprietor who shall be possessed, for the Time or Term aforesaid, of Six thousand Pounds, in his or her own Right, shall be intitled to give Three Votes; and every Member or Proprietor who shall be possessed for the Time or Term aforesaid, of Ten thousand Pounds, or more, shall be intitled to give Four Votes at such Election or Ballot; and the Oath and Affirmation herein-after respectively prescribed, shall, as Occasion shall require, be altered in such Manner as shall be necessary to comprise such Right of voting.

Every Proprietor possessed of 3000*l.* Capital Stock shall be intitled to Two Votes at any Election; if possessed of 6000*l.* he shall have Three Votes; and when possessed of 10,000*l.* is intitled to Four Votes.

V. Provided always, and it is hereby further enacted, That any Member or Proprietor of the said United Company shall be deemed qualified or capable to vote, and shall be admitted to give his or her Vote or Votes, at any Election of Directors, or at any General Court of the said United Company, that shall be held after the First Day of *October*, One thousand seven hundred and seventy-three, in respect of any such Stock, not amounting to less than One thousand Pounds, whereof he or she shall have been possessed from the said First Day of *October*, any Thing herein contained to the Contrary notwithstanding: And the Oath and Affirmation herein-after respectively prescribed shall be, as Occasion shall require, altered in such Manner in respect of the Continuance of the Possession of such Stock, as to comprise the Time aforesaid.

Every Member shall be deemed qualified to vote at Elections of Directors, in respect of 1000*l.* Stock, after Oct. 1, 1773.

VI. And be it further enacted by the Authority aforesaid, That from and after the First Day of *October*, One thousand seven hundred and seventy-three, upon every Election to be made of any Member or Members of the Court of Directors, and upon every Ballot to be taken at any General Court of the said United Company, every Member or Proprietor of the said Company shall, before admitted to vote at such Election, or in such General Court, first take the Oath hereafter mentioned before Two or more of the Directors of the said United Company, who are hereby impowered to administer such Oath; (that is to say),

Upon Election of Directors, every Proprietor shall, before admitted to vote, take the following Oath.

I A. B. *do swear*, (*or being One of the People called* Quakers, *do solemnly affirm*), *That the Sum of One thousand Pounds or more of the Capital Stock of the United Company of Merchants of* England *trading to the* East Indies, *standing in my Name, doth at this Time belong, and hath for the Space of Twelve Calendar Months actually belonged to me, in my own Right, and not in Trust for any Person or Persons whatsoever; and that I have been in the actual Receipt of the Dividends and Profits thereof for my own Use, freed and discharged of all Incumbrances which can or may affect the same, for the said Space of Twelve Calendar Months; or that the same came to me within the Time aforesaid by Bequest, or by Mar-*

riage, or by Succeſſion to an Inteſtate's Eſtate, or by the Cuſtom of the City of London, *or by Settlement; and that ſuch Stock has not been transferred or made to me fraudulently or colluſively on Purpoſe to qualify me to give my Vote; and that I have not before given my Vote on this Ballot.*

So help me GOD.

Perſons committing wilful Perjury, or corruptly ſuborning others ſo to do, ſhall be liable to the Penalties in Act 5 Eliz. and 2 Geo. II.

And in caſe any Perſon taking the Oath or Affirmation hereby appointed ſhall thereby commit wilful Perjury, and be thereof convicted; and if any Perſon do unlawfully or corruptly procure or ſuborn any other Perſon to take the ſaid Oath or Affirmation, in order to vote, whereby he or ſhe ſhall commit ſuch wilful Perjury, and ſhall be thereof convicted, he, ſhe, and they, for every ſuch Offence, ſhall incur ſuch Pains and Penalties as are in and by Two Acts of Parliament, the One made in the Fifth Year of the late Queen *Elizabeth*, intituled, *An Act for puniſhing ſuch Perſons as ſhall procure or commit wilful Perjury, or ſuborn or procure any Perſon to commit any wilful or corrupt Perjury*; the other made in the Second Year of His Majeſty King *George* the Second, intituled, *An Act for the more effectual preventing, and further Puniſhment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to ſteal Bonds, Notes, or other Securities, for Payment of Money*, directed to be inflicted for Offences committed contrary to the ſaid Acts.

A Governor-general and Four Counſellors to be appointed, in whom the whole Civil and Military Government of Bengal, Bahar, and Oriſſa ſhall be veſted.

VII. And, for the better Management of the ſaid United Company's Affairs in *India*, be it further enacted by the Authority aforeſaid, That, for the Government of the Preſidency of *Fort William* in *Bengal*, there ſhall be appointed a Governor-general, and Four Counſellors; and that the whole Civil and Miltary Government of the ſaid Preſidency, and alſo the Ordering, Management and Government, of all the Territorial Acquiſitions and Revenues in the Kingdoms of *Bengal*, *Bahar*, and *Oriſſa*, ſhall, during ſuch Time as the Territorial Acquiſitions and Revenues ſhall remain in the Poſſeſſion of the ſaid United Company, be, and are hereby veſted in the ſaid Governor-general and Council of the ſaid Preſidency of *Fort William* in *Bengal*, in like Manner, to all Intents and Purpoſes whatſoever, as the ſame now are, or at any Time heretofore might have been exerciſed by the Preſident and Council, or Select Committee, in the ſaid Kingdoms.

In caſe of Difference of Opinion, the Deciſion of the major Part to be concluſive; and in caſe of Death, Removal, or Abſence, the Governor or eldeſt Counſellor to have a caſting Voice.

VIII. And be it enacted by the Authority aforeſaid, That in all Caſes whatſoever wherein any Difference of Opinion ſhall ariſe upon any Queſtion propoſed in any Conſultation, the ſaid Governor-general and Council ſhall be bound and concluded by the Opinion and Deciſion of the major Part of thoſe preſent: And if it ſhall happen that, by the Death or Removal, or by the Abſence, of any of the Members of the ſaid Council, ſuch Governor-general and Council ſhall happen to be equally divided; then, and in every ſuch Caſe, the ſaid Governor-general, or, in his Abſence, the eldeſt Counſellor preſent, ſhall have a caſting Voice, and his Opinion ſhall be deciſive and concluſive.

Power of the Governor-general and Council.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Governor-general and Council, or the major Part of them, ſhall have, and they are hereby authoriſed to have, Power of ſuperintending and controuling the Government and Management of the Preſidencies of *Madraſs*, *Bombay*, and *Bencoolen* reſpectively, ſo far and in ſo much as that it ſhall not be lawful for any Preſident and Council of *Madraſs*, *Bombay*, or *Bencoolen*, for the Time being, to make any Orders for commencing Hoſtilities, or declaring or making War, againſt any *Indian* Princes or Powers, or for negotiating or concluding any Treaty of Peace, or other Treaty, with any ſuch *Indian* Princes or Powers, without the Conſent and Approbation of the ſaid Governor-general and Council firſt had and obtained, except in ſuch Caſes of imminent Neceſſity as would render it dangerous to poſtpone ſuch Hoſtilities or Treaties until the Orders from the Governor-general and Council might arrive; and except in ſuch Caſes where the ſaid Preſidents and Councils reſpecively ſhall have received ſpecial Orders from the ſaid United Company; and any Preſident and Council of *Madraſs*, *Bombay*, or *Bencoolen*, who ſhall offend in any of the Caſes aforeſaid, ſhall be liable to be ſuſpended from his or their Office by the Order of the ſaid Governor-general and Council; and every Preſident and Council of *Madraſs*, *Bombay*, and *Bencoolen*, for the Time being, ſhall, and they are hereby reſpectively directed and required, to pay due Obedience to ſuch Orders as they ſhall receive, touching the Premiſes, from the ſaid Governor-general and Council for the Time being, and conſtantly and diligently to tranſmit to the ſaid Governor-general and Council Advice and Intelligence of all Tranſactions and Matters whatſoever that ſhall come to their Knowledge, relating to the Government, Revenues, or Intereſt, of the ſaid United Company; and the ſaid Governor-general and Council for the Time being ſhall, and they are hereby directed and required to pay due Obedience to all ſuch Orders as they ſhall receive from the Court of Directors of the ſaid United Company, and to correſpond, from Time to Time, and conſtantly and diligently tranſmit to the ſaid Court an exact Particular of all Advices or Intelligence, and of all Tranſactions and Matters whatſoever, that ſhall come to their Knowledge, relating to the Government, Commerce, Revenues, or Intereſt, of the ſaid United Company; and the Court of Directors of the ſaid Company, or their Succeſſors, ſhall, and they are hereby directed and required, from Time to Time, before the Expiration of Fourteen Days after the receiving any ſuch Letters or Advices, to give in and deliver unto the High Treaſurer, or Commiſſioners of His Majeſty's Treaſury for the Time being, a true and exact Copy of ſuch Parts of the ſaid Letters or Advices as ſhall any way relate to the Management of the Revenues of the ſaid Company; and in like Manner to give in and deliver to One of His Majeſty's principal Secretaries of State for the Time being, a true and exact Copy of all ſuch Parts of the ſaid Letters or Advices

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as ſhall any way relate to the Civil or Military Affairs and Government of the ſaid Company; all which Copies ſhall be fairly written, and ſhall be ſigned by Two or more of the Directors of the ſaid Company.

Names of the First Governor-general and Counſellors, who ſhall continue in Office Five Years after their Arrival at Fort William in Bengal.

X. And it is hereby further enacted, That *Warren Haſtings* Eſquire ſhall be the Firſt Governor-general; and that Lieutenant-general *John Clavering*, the Honourable *George Monſon*, *Richard Barwell* Eſquire, and *Philip Francis* Eſquire, ſhall be the Four Firſt Counſellors; and they, and each of them, ſhall hold and continue in his and their reſpective Offices for and during the Term of Five Years from the Time of their Arrival at *Fort William* in *Bengal*, and taken upon them the Government of the ſaid Preſidency, and ſhall not be removeable, in the mean Time, except by His Majeſty, His Heirs and Succeſſors, upon Repreſentation made by the Court of Directors of the ſaid United Company for the Time being: And in caſe of the Avoidance of the Office of ſuch Governor-general by Death, Reſignation, or Removal, his Place ſhall, during the Remainder of the Term aforeſaid, as often as the Caſe ſhall happen, be ſupplied by the Perſon of the Council who ſtands next in Rank to ſuch Governor-general; and, in caſe of the Death, Removal, Reſignation, or Promotion, of any of the ſaid Council, the Directors of the ſaid United Company are hereby impowered, for and during the Remainder of the ſaid Term of Five Years, to nominate and appoint, by and with the Conſent of His Majeſty, His Heirs and Succeſſors, to be ſignified under His or Their Sign Manual, a Perſon to ſucceed to the Office ſo become vacant in the ſaid Council; and, until ſuch Appointment ſhall be made, all the Powers and Authorities veſted in the Governor-general and Council ſhall reſt and continue in, and be exerciſed and executed by, the Governor-general and Council remaining and ſurviving; and from and after the Expiration of the ſaid Term of Five Years, the Power of nominating and removing the ſucceeding Governor-general and Council ſhall be veſted in the Directors of the ſaid United Company.

Time when the Proviſions relating to the Governor and Council ſhall commence.

XI. And be it further enacted by the Authority aforeſaid, That the ſaid ſeveral Proviſions, relating to the ſaid Governor-general and Council, ſhall commence and take Place from and immediately after the Time that publick Proclamation ſhall be made of the Arrival of the ſaid Governor-general and Counſellors herein-before appointed, or any Three of them, at *Fort William* in *Bengal*; which Proclamation the ſaid Governor-general and Council are hereby required to make.

The Company may appoint Officers in purſuance of former Acts or Charters.

XII. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to prevent, controul, or reſtrain the ſaid United Company from conſtituting and appointing ſuch Officers, Factors, or Agents, as they ſhall think proper and neceſſary, by virtue or in purſuance of any Powers, Rights, or Privileges, granted to them by any former Act or Acts of Parliament, or by any Charter or Charters, for managing, conducting, and tranſacting the Trade and Commerce of the ſaid Company, at and within the ſaid Preſidency of *Fort William* in *Bengal*.

His Majeſty may by Charter or Letters Patent, eſtabliſh a ſupreme Court of Judicature at Fort William, &c.

XIII. And whereas His late Majeſty King *George* the Second did, by His Letters Patent, bearing Date at *Weſtminſter* the Eighth Day of *January*, in the Twenty-ſixth Year of His Reign, grant unto the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies* His Royal Charter, thereby, amongſt other Things, conſtituting and eſtabliſhing Courts of Civil, Criminal, and Eccleſiaſtical Juriſdiction, at the ſaid United Company's reſpective Settlements at *Madras-patnam*, *Bombay* on the Iſland of *Bombay*, and *Fort William* in *Bengal*; which ſaid Charter does not ſufficiently provide for the due Adminiſtration of Juſtice in ſuch Manner as the State and Condition of the Company's Preſidency of *Fort William* in *Bengal*, ſo long as the ſaid Company ſhall continue in the Poſſeſſion of the Territorial Acquiſitions before mentioned, do and muſt require; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for His Majeſty, by Charter, or Letters Patent under the Great Seal of *Great Britain*, to erect and eſtabliſh a Supreme Court of Judicature at *Fort William* aforeſaid, to conſiſt of a Chief Juſtice and Three other Judges, being Barriſters in *England* or *Ireland*, of not leſs than Five Years ſtanding, to be named from Time to Time by His Majeſty, His Heirs and Succeſſors; which ſaid Supreme Court of Judicature ſhall have, and the ſame Court is hereby declared to have, full Power and Authority to exerciſe and perform all Civil, Criminal, Admiralty, and Eccleſiaſtical Juriſdiction, and to appoint ſuch Clerks, and other Miniſterial Officers of the ſaid Court, with ſuch reaſonable Salaries, as ſhall be approved of by the ſaid Governor-general and Council; and to form and eſtabliſh ſuch Rules of Practice, and ſuch Rules for the Proceſs of the ſaid Court, and to do all ſuch other Things as ſhall be found neceſſary for the Adminiſtration of Juſtice, and the due Execution of all or any of the Powers which, by the ſaid Charter, ſhall or may be granted and committed to the ſaid Court; and alſo ſhall be, at all Times, a Court of Record, and ſhall be a Court of Oyer and Terminer, and Gaol Delivery, in and for the ſaid Town of *Calcutta*, and Factory of *Fort William*, in *Bengal* aforeſaid, and the Limits thereof, and the Factories ſubordinate thereto.

to conſiſt of a Chief Juſtice and Three other Judges.

Extent of the Juriſdiction and Powers of His Majeſty's Charter; and of the Supreme Court of Judicature.

XIV. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That the ſaid new Charter which His Majeſty is herein-before impowered to grant, and the Juriſdiction Powers, and Authorities, to be thereby eſtabliſhed, ſhall and may extend to all *Britiſh* Subjects who ſhall reſide in the Kingdoms, or Provinces of *Bengal*, *Bahar*, and *Oriſſa*, or any of them, under the Protection of the ſaid United Company; and the ſame Charter ſhall be competent and effectual: And the Supreme Court of Judicature therein, and thereby to be eſtabliſhed, ſhall have full Power and Authority to hear and determine all Complaints againſt any of His Majeſty's Subjects for any Crimes, Miſdemeanours, or Oppreſſions, committed, or to be committed; and alſo to entertain, hear, and determine, any Suits or Actions whatſoever, againſt any of His Majeſty's Subjects in *Bengal*, *Bahar*, and *Oriſſa*, and any Suit, Action or Complaint againſt any Perſon who ſhall, at the Time when

ſuch

such Debt, or Cause of Action or Complaint, shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the Service of the said United Company, or of any of His Majesty's Subjects.

Supreme Court to hear and determine Indictments and Informations. Limitation of Actions before the said Court.

XV. Provided also, That the said Court shall not be competent to hear, try, or determine, any Indictment or Information against the said Governor-general, or any of the said Council for the Time being, for any Offence (not being Treason or Felony) which such Governor-general, or any of the said Council, shall or may be charged with having committed in *Bengal*, *Bahar*, and *Oriſſa*.

XVI. Provided also, and be it enacted, That the said said Supreme Court shall hear and determine any Suits or Actions whatsoever of any of His Majesty's Subjects, against any Inhabitant of *India* residing in any of the said Kingdoms or Provinces of *Bengal*, *Bahar*, or *Oriſſa*, or any of them, upon any Contract or Agreement in Writing entered into by any of the said Inhabitants with any of His Majesty's said Subjects, where the Cause of Action shall exceed the Sum of Five hundred Current Rupees; and where the said Inhabitant shall have agreed in the said Contract, that, in case of Dispute, the Matter shall be heard and determined in the said Supreme Court; and all such Suits or Actions may be brought, in the First Instance, before the said Court, or by Appeal from the Sentence of any of the Courts established in the said Provinces, or any of them.

The Governor-general, Council, &c. not subject to be arrested or imprisoned.

XVII. And it is hereby further enacted and provided, That nothing in this Act shall extend to subject the Person of the Governor-general, or of any of the said Council or Chief Justice and Judges respectively for the Time being, to be arrested or imprisoned upon any Action, Suit, or Proceeding, in the said Court.

Appeal may be made to His Majesty in Council.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be directed, in and by the said new Charter which His Majesty is herein-before impowered to grant, that in case any Person or Persons whatsoever shall think himself, herself, or themselves aggrieved by any Judgement or Determination of the said Supreme Court of Judicature, to be established as aforesaid, he, she, or they, shall and may appeal from such Judgement or Determination of His Majesty in Council, His Heirs or Successors, within such Time, in such Manner, and in such Cases, and on such Security, as His Majesty, in His said Charter, shall judge proper and reasonable to be appointed and prescribed.

So much of the Charter granted by Geo. II. (should a new Charter be granted) to be repealed; otherwise to be in full Force.

XIX. And be it further enacted by the Authority aforesaid, That so much of the said Charter, granted by His said late Majesty, as respects or relates to the Establishment of the Mayor's Court at *Calcutta* aforesaid, in *Bengal*, or to the Civil, Criminal, or Ecclesiastical Jurisdiction thereof, in the said United Company's Settlement there, or the Subordinates thereunto belonging, in case a new Charter shall be granted by His Majesty in pursuance of this Act, and shall be openly published at *Fort William* aforesaid, from and immediately after such Publication, shall cease, determine, and be absolutely void, to all Intents and Purposes: But nevertheless, the said Charter, so granted by His said late Majesty, shall, in all other Respects, and as for and concerning all or any other of the said Company's principal Presidencies or Settlements to which the same relates, or to any Factories or Places now or hereafter to be subordinate to such principal Settlements, continue, be, and remain in full Force and Virtue, according to the true Intent and Meaning thereof, and that as fully and effectually, to all Intents and Purposes whatsoever, as if this Act had never been made, or such new Charter as aforesaid should never have been granted.

All Records and Muniments belonging to the Mayor's Court at Calcutta, &c. to be delivered to, and preserved by, the new Court.

XX. And be it further enacted by the Authority aforesaid, That all the Records, Muniments, and Proceedings whatsoever, of and belonging to the said Mayor's Court at *Calcutta* aforesaid, or to the Courts of Oyer and Terminer and Gaol Delivery at *Fort William* aforesaid, established by the said Charter of His said late Majesty, shall, from and immediately after such Court of Judicature, which His Majesty is herein-before impowered to erect, shall be established at *Fort William* as aforesaid, be delivered over, preserved, and deposited for safe Custody, in the said new Court of Judicature, to which all Parties concerned shall and may resort and have Recourse, upon Application to the said Court.

Salaries established to the Governor-general, Council, Chief Justice, and Judges.

XXI. And be it further enacted by the Authority aforesaid, That during such Time as the Territorial Acquisitions shall remain in the Possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid, certain and established Salaries to the Governor-general, and to each of the Council of the said United Company's Presidency of *Fort William* in *Bengal*, and to the Chief Justice and each of the Judges of such Supreme Court of Judicature at *Fort William*, as shall be by the said new Charter established; (that is to say), To the Governor-general Twenty-five thousand Pounds by the Year, and to each of the Council of the said United Company's Presidency of *Fort William* in *Bengal* Ten thousand Pounds by Year; and to the Chief Justice Eight thousand Pounds by the Year; and to each of the Judges of the said Supreme Court of Judicature, at *Fort William*, Six thousand Pounds by the Year: And that such Salaries shall be paid and payable to each and every of them respectively for the Time being out of the said Territorial Acquisitions in the Kingdoms of *Bengal*, *Bahar*, and *Oriſſa*.

When such Salaries shall commence.

XXII. And be it further enacted by the Authority aforesaid, That the Salaries of such Governor-general and Council, and of such Chief Justice and Judges, of such Supreme Court of Judicature as aforesaid, shall take place and commence in respect to all such Persons who shall be resident in *Great Britain* at the Time of their Appointment, upon, and from the Day, on which such Person shall embark from *Great Britain*; and that the Salaries of all such Persons who shall, at the

the Time of their Appointment, be reſident in *India*, ſhall commence and take Place from and after their reſpectively taking upon them the Execution of their Office as aforeſaid; and that all ſuch Salaries to ſuch Governor-general and Council, and of ſuch Chief Juſtice and Judges, ſhall be in lieu of all Fees of Office, Perquiſites, Emoluments, and Advantages, whatſoever; and that no Fees of Office, Perquiſites, Emoluments, or Advantages whatſoever, ſhall be accepted, received, or taken by ſuch Governor-general and Council, or by ſuch Chief Juſtice and Judges, as aforeſaid, or any of them, in any Manner, or on any Account or Pretence whatſoever, other than ſuch Salaries and Allowances as are in and by this Act directed to be paid to them reſpectively.

The Governor-general, or Council, ſhall not accept of any Preſent;

XXIII. And be it further enacted by the Authority aforeſaid, That no Governor-general, or any of the Council of the ſaid United Company's Preſidency of *Fort William* in *Bengal*, or any Chief Juſtice, or any of the Judges of the Supreme Court of Judicature at *Fort William* aforeſaid, ſhall, directly, or indirectly, by themſelves, or by any other Perſon or Perſons for his or their Uſe, or on his or their Behalf accept, receive, or take, of or from any Perſon or Perſons, in any Manner, or on any Account whatſoever, any Preſent, Gift, Donation, Gratuity, or Reward, pecuniary or otherwiſe, or any Promiſe or Engagement for any Preſent, Gift, Donation, Gratuity, or Reward; and that no Governor-general, or any of the ſaid Council, or any Chief Juſtice or Judge of the ſaid Court, ſhall carry on, be concerned in, or have any Dealing or Tranſactions, by way of Traffick or Commerce of any Kind whatſoever, either for his or their Uſe or Benefit, Profit or Advantage, or for the Benefit or Advantage of any other Perſon or Perſons whatſoever, (the Trade and Commerce of the ſaid United Company only excepted); any Uſage or Cuſtom to the Contrary thereof in anywiſe notwithſtanding.

nor be concerned in any Tranſaction by way of Traffick.

No Perſon holding a Civil or Military Office under the Crown, ſhall accept any Donation or Gratuity.

XXIV. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-four, no Perſon holding or exerciſing any Civil or Military Office under the Crown, or the ſaid United Company in the *Eaſt Indies*, ſhall accept, receive, or take, directly or indirectly, by himſelf, or any other Perſon or Perſons on his Behalf, or for his Uſe or Benefit, of and from any of the *Indian* Princes or Powers, or their Miniſters or Agents, (or any of the Natives of *Aſia*), any Preſent, Gift, Donation, Gratuity, or Reward, pecuniary or otherwiſe, upon any Account, or on any Pretence whatſoever; or any Promiſe or Engagement for any Preſent, Gift, Donation, Gratuity, or Reward: And if any Perſon, holding or exerciſing any ſuch Civil or Military Office, ſhall be guilty of any ſuch Offence, and ſhall be thereof legally convicted in ſuch Supreme Court at *Calcutta*, or in the Mayor's Court in any other of the ſaid United Company's Settlements where ſuch Offence ſhall have been committed; every ſuch Perſon ſo convicted, ſhall forfeit Double the Value of ſuch Preſent, Gift, Donation, Gratuity, or Reward, ſo taken and received; One Moiety of which Forfeiture ſhall be to the ſaid United Company, and the other Moiety to him or them who ſhall inform or proſecute for the ſame; and alſo ſhall and may be ſent to *England*, by the Order of the Governor and Council of the Preſidency or Settlement where the Offender ſhall be convicted, unleſs ſuch Perſon ſo convicted ſhall give ſufficient Security to remove him themſelves within Twelve Months after ſuch Conviction.

Counſellors, Phyſicians, Surgeons, and Chaplains, excepted.

XXV. Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or prevent any Perſon or Perſons who ſhall carry on, or exerciſe the Profeſſion of a Counſellor at Law, a Phyſician, or a Surgeon, or being a Chaplain, from accepting, taking, or receiving any Fees, Gratuities, or Rewards, in the Way of their Profeſſion.

The Company may proſecute and recover any Gift, upon waiving Forfeitures.

XXVI. And it is hereby further enacted by the Authority aforeſaid, That every ſuch Preſent, Gift, Gratuity, Donation, or Reward, accepted, taken, or received, and all ſuch Dealing or Tranſaction, by way of Traffick or Commerce, of any Kind whatſoever, carried on, contrary to the true Intent and Meaning of this Act, ſhall be deemed and conſtrued to have been received, taken, had, and done, to and for the ſole Uſe of the ſaid United Company; and that the ſaid United Company, upon waiving all Penalties and Forfeitures, ſhall and may ſue and proſecute for the Recovery of the ſame, or the full Value of ſuch Preſent or Gift, or the Profits of ſuch Trade reſpectively, together with Intereſt, at the Rate of Five Pounds *per Centum per Annum*, from the Time of ſuch Preſent, Gift, Gratuity, Donation, or Reward, being received, or of ſuch Dealing or Tranſaction, by way of Traffick or Commerce, as aforeſaid, by Action, for Money had and received to the Uſe of the ſaid Company.

No Collector, Superviſor, &c. to buy Goods by way of Traffick.

XXVII. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and Seventy-four, it ſhall not be lawful for any Collector, Superviſor, or any other of his Majeſty's Subjects, employed or concerned in the Collection of the Revenues, or the Adminiſtration of Juſtice, in the Provinces of *Bengal*, *Bahar*, or *Oriſſa*, or their Agents or Servants, or any Perſon or Perſons in Truſt for them, to buy any Goods, Wares, Merchandiſe, or other Commodities whatſoever, by way of Traffick or Trade, at any Place within the Provinces of *Bengal*, *Bahar*, and *Oriſſa*, and to ſell the ſame again, or any Part thereof, at the Place where he or they bought the ſame, or at any other Place within the ſaid Provinces reſpectively; and it ſhall not be lawful for any of his Majeſty's Subjects in the ſaid Provinces, to engage, intermeddle, or be any way concerned, directly or indirectly, in the Inland Trade, in Salt, Beetlenut, Tobacco, or Rice, except on the Account of the ſaid United Company, on Pain of forfeiting all ſuch Goods or Commodities which he ſhall ſo buy and ſell again, by way of Traffick, or in which he ſhall ſo trade; and alſo Treble the Value thereof; One Moiety to the ſaid United Company, and the other Moiety to him or them who will ſue for the ſame, in the ſaid Supreme Court; and every ſuch Perſon, on Conviction, ſhall, moreover,

over, be liable to be ſent to *England*, by ſuch Order as aforeſaid, unleſs he or they ſhall give ſufficient Security to remove him or themſelves within Twelve Months after ſuch Conviction.

Not to reſtrain His Majeſty's Subjects not herein prohibited:

XXVIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or reſtrain any of his Majeſty's Subjects, or any Perſon or Perſons whatſoever, (except ſuch Perſons as are by this Act prohibited and reſtrained from being concerned in Trade) from carrying on or exerciſing any Trade or Traffick within *Fort William*, and the Town of *Calcutta*.

Nor to extend to outſtanding Debts, nor to ſelling Merchandiſes poſſeſſed by Perſons before ſuch Prohibition take Place.

XXIX. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prohibit or prevent any ſuch Perſon or Perſons who is, are, or ſhall be hereby reſtrained from carrying on any Trade, or being concerned in the buying or ſelling any Goods, Wares, Merchandiſes, or other Commodities whatſoever, by way of Traffick or Trade, as aforeſaid, or from being any Way concerned in the Inland Trade in Salt, Beetlenut, Tobacco, or Rice, from collecting in their outſtanding Debts, or from ſelling and diſpoſing of the Goods, Wares, Merchandiſes, Effects, and Stock in Trade, of which ſuch Perſon or Perſons ſhall ſeverally be poſſeſſed, at the Time when ſuch Prohibition ſhall reſpectively take Place, ſo as each ſuch Perſon or Perſons who by this Act is, are, or ſhall be ſo reſtrained, ſhall, and each and every of them reſpectively do, deliver in to ſuch Governor-general and Council of the Provinces of *Bengal*, *Bahar*, and *Oriſſa* aforeſaid, within Thirty Days from the Time when ſuch Reſtriction and Prohibition ſhall take Place, as aforeſaid, a full, true, and juſt Specification, upon Oath, of the Goods, Wares, Merchandiſes, Effects, and Stock in Trade, of which he or they ſhall be at that Time ſo reſpectively poſſeſſed; and ſo as ſuch Perſon or Perſons ſhall and do ſell and diſpoſe of ſuch Goods, Wares, Merchandiſes, Effects, and Stock in Trade, within the Space of Nine Months after ſuch Reſtriction and Prohibition, as aforeſaid, ſhall commence and take Place; and ſo as no new Trade or Concern in Commerce or Merchandiſe be entered into, contracted for, or carried on, by ſuch Perſon or Perſons.

No Perſon ſhall take, on Loan of Monies, above the Rate of 12 per Cent. per Annum,

XXX. And be it further enacted by the Authority aforeſaid, That no Subject of his Majeſty, his Heirs and Succeſſors, in the *Eaſt Indies*, ſhall, upon any Contract which ſhall be made from and after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and Seventy-four, take, directly or indirectly, for Loan of any Monies, Wares, Merchandiſe, or other Commodities whatſoeve., above the Value of Twelve Pounds for the Forbearance of One hundred Pounds for a Year; and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time; and that all Bonds, Contracts, and Aſſurances whatſoever, made after the Time aforeſaid, for Payment of any Principal or Money to be lent or covenanted to be performed upon, or for any Uſury whereupon or whereby there ſhall be reſerved or taken above the Rate of Twelve Pounds in the Hundred, as aforeſaid, ſhall be utterly void: And all and every ſuch Perſon or Perſons whatſoever who ſhall, after the Time aforeſaid, upon any Contract to be made after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-four, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Intereſt of any Wares, Merchandiſes, or other Thing or Things whatſoever, or by any deceitful Way or Mean, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for One whole Year, of and for their Money or other Thing, above the Sum of Twelve Pounds for the forbearing of One hundred Pounds for a Year, and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Term, ſhall forfeit and loſe, for every ſuch Offence, Treble the Value of the Monies, Wares, Merchandiſes, and other Things ſo lent, bargained, exchanged, or ſhifted, with Coſts of Suit, One Moiety whereof ſhall be to the ſaid United Company, and the other Moiety to him or them who will ſue for the ſame in the Supreme Court of Judicature at *Fort William* in *Calcutta*, or in the Mayor's Court in any other of the ſaid United Company's Settlements where ſuch Offence ſhall have been committed, by Action of Debt, Bill, Plaint, or Information, in which no Eſſoin, Wager of Law, or Protection ſhall be allowed; and in caſe no ſuch Action, Bill, Plaint, or Information, ſhall have been brought and proſecuted with Effect within Three Years, that then it ſhall and may be lawful to and for the Party aggrieved to ſue and proſecute for Recovery of all Sums of Money paid over and above ſuch Rate of Intereſt.

Perſons by Covin accepting Loans, &c. ſhall forfeit for every Offence, Treble the Value;

One Moiety to go to the Company, and the other to the Proſecutor.

Perſons making Compoſitions contrary to the Meaning of the Act,

XXXI. And be it further enacted, That no Informer or Plaintiff ſhall or may compound or agree with any Perſon or Perſons that ſhall offend, or ſhall be ſurmiſed to offend, againſt this Act, for any Offence committed, or pretended to be committed, before Anſwer made in the ſaid Supreme Court, unto the Information or Suit in that Behalf exhibited or proſecuted, nor after Anſwer, but by the Order or Conſent of the ſaid Court, on Pain that if any Perſon or Perſons ſhall offend in making of any Compoſition or Agreement, contrary to the true Intent and Meaning of this Act, or ſhall, by Colour or Pretence of Proceſs, or without Proceſs, upon Colour or Pretence of any Matter of Offence againſt this Act, make any Compoſition, or take any Money, Reward, or Promiſe of Reward, for himſelf, or to the Uſe of any other, without Order or Conſent of the ſaid Court; that then, he or they ſo offending, being thereof lawfully convicted, ſhall, for every ſuch Offence, be liable to be fined and impriſoned, at the Diſcretion of the ſaid Court.

Liable to be impriſoned at the Diſcretion of the Court.

Perſons who may be diſmiſſed the Service, or reſign, &c.

not to be concerned in Traffick, other than for Diſpoſal of Stock in Hand.

XXXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-four, it ſhall not be lawful for any Perſon or Perſons whatſoever, who ſhall have been diſmiſſed from, or ſhall have voluntarily reſigned, the Service of the ſaid United Company, or for any free Merchant, free Mariner, or other Perſon, whoſe Covenants or Agreements with the ſaid United Company for reſiding or trading in *India* ſhall be expired, from thenceforth to carry on or be in any-wiſe concerned in any Trade, Traffick, Merchandiſe, or Commerce whatſoever, in the *Eaſt Indies*, other than for the Diſpoſal of his or their Stock in Hand, without the Licence of the ſaid United Company, or the Governor-general and Council of the Preſidency of *Fort-*

Fort William in *Bengal*, or the Prefident and Council at the Place of Settlement where fuch Perfon or Perfons fhall refide for that Purpofe, firft had and obtained.

Servants of the Company profecuted for Breaches of Truft, on Conviction, to be fined or imprifoned at the Difcretion of the Court.

XXXIII. And be it further enacted by the Authority aforefaid, That from and after the faid Firft Day of *Auguft*, One thoufand feven hundred and Seventy-four, if any of his Majefty's Subjects in *India*, employed by, or in the actual Service of the faid United Company, fhall be charged with and profecuted for any Breach of publick Truft, or for Embezzlement of publick Money or Stores, or for defrauding the faid United Company; every fuch Offender, being convicted thereof, in the faid Supreme Court of Judicature, or in any Court of Judicature in any other Prefidency or Settlement in *India*, may be fined and imprifoned, and adjudged to be for ever after incapable of ferving the faid United Company, at the Difcretion of the Court before which he fhall be tried; and immediately after the Sentence of fuch Court fhall have been executed and inflicted, fhall and may be fent over to *England*, by fuch Order, and in fuch Manner, as is herein-before mentioned and directed, unlefs he fhall remove himfelf within Twelve Months, and in the mean Time give fufficient Security fo to do.

Offences to be tried by a Jury of Britifh Subjects.

XXXIV. And be it further enacted by the Authority aforefaid, That all Offences and Mifdemeanours which fhall be laid, tried, and enquired of in the faid Supreme Court, fhall be tried by a Jury of *Britifh* Subjects refident in the Town of *Calcutta*, and not otherwife.

The Company may compound or difcharge Sentences of the Supreme Court, &c.

XXXV. And be it further enacted by the Authority aforefaid, That after any Judgement of the faid Supreme Court of Judicature, or of any Court of Judicature at any of the faid United Company's Settlements, againft any of the faid United Company's Servants, Civil or Military, for any Debt or Penalty, due or belonging to the faid United Company, fhall be made known to the Court of Directors for the Time being of the faid United Company, it fhall not be lawful to releafe or compound fuch Sentence or Judgment, or to releafe, difcharge, or put a ftop to any Profecution, Suit or Action, commenced or to be commenced, for carrying on any illicit Trade, or for any Debt or Penalty due to the faid United Company, or to reftore any Servant or Servants whatever of the faid Company, who fhall have been removed or difmiffed from his or their Office or Employment, for or upon Account of any Mifbehaviour, without the Confent of Three Parts in Four of the faid Court of Directors, to be taken by Ballot, and alfo the Confent of Three Parts in Four in Number of the Proprietors of the faid United Company, who fhall be prefent, and give their Votes by Ballot, to be taken at a general Court to be fpecially called for that Purpofe, and of which Fourteen Days publick Notice, at the leaft, fhall be given before the holding the fame, and of the particular Occafion for which fuch General Court fhall be called.

Governor-general and Council may make fuch Regulations as may appear juft;

which fhall not be valid until duly regiftered in the Supreme Court.

XXXVI. And be it further enacted by the Authority aforefaid, That it fhall and may be lawful for the Governor-general and Council of the faid United Company's Settlement at *Fort William* in *Bengal*, from Time to Time, to make and iffue fuch Rules, Ordinances, and Regulations, for the good Order and Civil Government of the faid United Company's Settlement at *Fort William* aforefaid, and other Factories and Places fubordinate, or to be fubordinate thereto, as fhall be deemed juft and reafonable, (fuch Rules, Ordinances, and Regulations, not being repugnant to the Laws of the Realm), and to fet, impofe, inflict, and levy, reafonable Fines and Forfeitures for the Breach or Non-obfervance of fuch Rules, Ordinances, and Regulations; but nevertheleſs the fame, or any of them, fhall not be valid, or of any Force or Effect, until the fame fhall be duly regiftered and publifhed in the faid Supreme Court of Judicature, which fhall be, by the faid new Charter, eftabliſhed, with the Conſent and Approbation of the faid Court, which Regiſtry fhall not be made until the Expiration of Twenty Days after the fame fhall be openly publifhed, and a Copy thereof affixed in fome conſpicuous Part of the Court-houſe or Place where the faid Supreme Court fhall be held; and from and immediately after fuch Regiſtry as aforefaid, the fame fhall be good and valid in Law; but, nevertheleſs, it fhall be lawful for any Perſon or Perſons in *India* to appeal therefrom to his Majeſty, his Heirs or Succeſſors, in Council, who are hereby impowered, if they think fit, to ſet aſide and repeal any ſuch Rules, Ordinances, and Regulations reſpectively, ſo as ſuch Appeal, or Notice thereof, be lodged in the ſaid new Court of Judicature, within the Space of Sixty Days after the Time of the regiſtering and publiſhing the ſame; and it ſhall be lawful for any Perſon or Perſons in *England* to appeal therefrom in like Manner, within Sixty Days after the publiſhing the ſame in *England*; and it is hereby directed and required, that a Copy of all ſuch Rules, Ordinances, and Regulations, from Time to Time, as the ſame ſhall be ſo received, ſhall be affixed in ſome conſpicuous and publick Place in the *India Houſe*, there to remain and be reſorted to as Occaſion ſhall require; yet nevertheleſs, ſuch Appeal ſhall not obſtruct, impede, or hinder the immediate Execution of any Rule, Ordinance, or Regulation, ſo made and regiſtered as aforeſaid, until the ſame ſhall appear to have been ſet aſide or repealed, upon the Hearing and Determination of ſuch Appeal.

Appeals may be made to the King in Council, who may repeal ſuch Rules;

and a Copy of all Regulations to be affixed in the India Houſe.

Governor-general and Council to tranſmit Copies of their Rules to One of the Secretaries of State; which if His Majeſty does not ſignify His Diſallowance of, ſhall have full Force.

XXXVII. Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Governor-general and Council ſhall, and they are hereby required, from Time to Time, to tranſmit Copies of all ſuch Rules, Ordinances, and Regulations, as they ſhall make and iſſue to One of His Majeſty's principal Secretaries of State for the Time being, and that it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, from Time to Time, as They ſhall think neceſſary, to ſignify to the ſaid United Company, under His or Their Sign Manual, His or Their Diſapprobation and Diſallowance of all ſuch Rules, Ordinances, and Regulations; and that from and immediately after the Time that ſuch Diſapprobation ſhall be duly regiſtered and publiſhed in the ſaid Supreme Court of Judicature at *Fort William* in *Bengal*, all ſuch Rules, Ordinances, and Regulations, ſhall be null and void; but in caſe His Majeſty, His Heirs and Succeſſors, ſhall not, within the Space of Two Years from the making of ſuch Rules, Ordinances, and Regulations, ſignify His or Their Diſapprobation or Diſal-

Diſallowance thereof, as aforeſaid, that then, and in that Caſe, all ſuch Rules, Ordinances, and Regulations, ſhall be valid and effectual, and have full Force.

Governor-general and Counil to act as Juſtices of Peace.

XXXVIII. And be it further enacted by the Authority aforeſaid, That the Governor-general and Council for the Time being of the ſaid United Company's Settlement at *Fort William* aforeſaid, and the Chief Juſtice and other Judges of the ſaid Supreme Court of Judicature, ſhall and may, and they are hereby reſpectively declared to be, and to have full Power and Authority to act as Juſtices of the Peace for the ſaid Settlement, and for the ſeveral Settlements and Factories ſubordinate thereto; and to do and tranſact all Matters and Things which to the Office of a Juſtice or Juſtices of the Peace do belong and appertain; and for that Purpoſe the ſaid Governor-general and Council are hereby authoriſed and impowered to hold Quarter-ſeſſions within the ſaid Settlement of *Fort William* aforeſaid, Four Times in every Year, and the ſame ſhall be at all Times a Court of Record.

If the Governor-general, Preſident, &c. commit Offences, the ſame may be tried and determined in the Court of King's Bench.

XXXIX. And be it further enacted by the Authority aforeſaid, That if any Governor-general, Preſident, or Governor, or Council of any of the ſaid Company's Principal or other Settlements in *India*, or the Chief Juſtice, or any of the Judges of the ſaid Supreme Court of Judicature, to be by the ſaid new Charter eſtabliſhed, or of any other Court in any of the ſaid United Company's Settlements, or any other Perſon or Perſons who now are, or heretofore have been employed by or in the Service of the ſaid United Company, in any Civil or Military Station, Office, or Capacity, or who have or claim, or heretofore have had or claimed, any Power or Authority, or Juriſdiction, by or from the ſaid United Company, or any of His Majeſty's Subjects reſiding in *India*, ſhall commit any Offence againſt this Act, or ſhall have been, or ſhall be guilty of, any Crime, Miſdemeanour, or Offence, committed againſt any of His Majeſty's Subjects, or any of the Inhabitants of *India* within their reſpective Juriſdictions, all ſuch Crimes, Offences, and Miſdemeanours, may be reſpectively enquired of, heard, tried, and determined in His Majeſty's Court of *King's Bench*, and all ſuch Perſons ſo offending, and not having been before tried for the ſame Offence in *India*, ſhall, on Conviction, in any ſuch Caſe as is not otherwiſe ſpecially provided for by this Act, be liable to ſuch Fine or Corporal Puniſhment as the ſaid Court ſhall think fit; and moreover ſhall be liable, at the Diſcretion of the ſaid Court, to be adjudged to be incapable of ſerving the ſaid United Company in any Office, Civil or Military; and all and every ſuch Crimes, Offences, and Miſdemeanours, as aforeſaid, may be alledged to be committed, and may be laid, enquired of, and tried in the County of *Middleſex*.

Manner of Procedure in Caſes of Indictments and Informations laid in the King's Bench.

XL. And whereas the Proviſions made by former Laws for the hearing and determining in *England* Offences committed in *India* have been found ineffectual, by reaſon of the Difficulty of proving in this Kingdom Matters done there; be it further enacted by the Authority aforeſaid, That in all Caſes of Indictments or Informations, laid or exhibited in the ſaid Court of *King's Bench*, for Miſdemeanours or Offences committed in *India*, it ſhall and may be lawful for His Majeſty's ſaid Court, upon Motion to be made on Behalf of the Proſecutor, or of the Defendant or Defendants, to award a Writ or Writs of *Mandamus*, requiring the Chief Juſtice and Judges of the ſaid Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at *Madraſs*, *Bombay*, or *Bencoolen*, as the Caſe may require, who are hereby reſpectively authoriſed and required accordingly to hold a Court, with all convenient Speed, for the Examination of Witneſſes, and receiving other Proofs concerning the Matters charged in ſuch Indictments or Informations reſpectively; and, in the mean Time, to cauſe ſuch publick Notice to be given of the holding the ſaid Court, and to iſſue ſuch Summons or other Proceſs, as may be requiſite for the Attendance of Witneſſes, and of the Agents or Counſel, of all or any of the Parties reſpectively, and to adjourn, from Time to Time, as Occaſion may require; and ſuch Examination as aforeſaid ſhall be then and there openly and publickly taken *viva voce* in the ſaid Court, upon the reſpective Oaths of Witneſſes, and the Oaths of ſkilful Interpreters, adminiſtered according to the Forms of their ſeveral Religions; and ſhall, by ſome ſworn Officer of ſuch Court, be reduced into One or more Writing or Writings on Parchment, in caſe any Duplicate or Duplicates ſhould be required by or on Behalf of any of the Parties intereſted, and ſhall be ſent to His Majeſty, in His Court of *King's Bench*, cloſed up, and under the Seals of Two or more of the Judges of the ſaid Court, and One or more of the ſaid Judges ſhall deliver the ſame to the Agent or Agents of the Party or Parties requiring the ſame; which ſaid Agent or Agents, (or, in caſe of his or their Death, the Perſon into whoſe Hands the ſame ſhall come), ſhall deliver the ſame to One of the Clerks in Court of His Majeſty's Court of *King's Bench*, in the publick Office, and make Oath that he received the ſame from the Hands of One or more of the Judges of ſuch Court in *India*, (or if ſuch Agent be dead, in what Manner the ſame came into his Hands); and that the ſame has not been opened, or altered, ſince he ſo received it, (which ſaid Oath ſuch Clerk in Court is hereby authoriſed and required to adminiſter): And ſuch Depoſitions, being duly taken and returned, according to the true Intent and Meaning of this Act, ſhall be allowed and read, and ſhall be deemed as good and competent Evidence as if ſuch Witneſs had been preſent, and ſworn and examined *viva voce* at any Trial for ſuch Crimes or Miſdemeanors, as aforeſaid, in His Majeſty's ſaid Court of *King's Bench*, any Law or Uſage to the Contrary notwithſtanding; and all Parties concerned ſhall be intitled to take Copies of ſuch Depoſitions at their own Coſts and Charges.

Offences againſt this Act committed by the Chief Juſtices or Judges to be determined by the Court of King's Bench.

XLI. And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Chief Juſtice, or Judges of the ſaid Supreme Court of Judicature, or any of them, for the Time being, ſhall commit any Offence againſt this Act, or be guilty of any corrupt Practice, or other Crime, Offence, or Miſdemeanour, in the Execution of their reſpective Offices, it ſhall and may be lawful for His Majeſty's ſaid Court of *King's Bench* in *England*, upon an Information or Indictment laid or exhibited in the

the ſaid Court for ſuch Crime, Offence, or Miſdemeanour, upon Motion to be made in the ſaid Court, to award ſuch Writ or Writs of *Mandamus*, as aforeſaid, requiring the Governor-general, and Council of the ſaid United Company's Settlement at *Fort William* aforeſaid, who are hereby reſpectively authoriſed and required accordingly to aſſemble themſelves in a reaſonable Time, and to cauſe all ſuch Proceedings to be had and made as are herein-before reſpectively directed and preſcribed concerning the Examination of Witneſſes; and ſuch Examination, ſo taken, ſhall be returned and proceeded upon in the ſame Manner, in all Reſpects, as if the ſeveral Directions herein-before preſcribed and enacted in that Behalf were again repeated.

The Chancellor, or Speaker of the Houſe of Commons, may iſſue Warrants for the Examination of Witneſſes in India; which ſhall be deemed competent Evidence to both Houſes of Parliament.

XLII. And be it further enacted by the Authority aforeſaid, That in all Caſes of Proceedings in Parliament, touching any Offences againſt this Act, or any other Offences committed in *India*, it ſhall and may be lawful for the Lord High Chancellor, or Speaker of the Houſe of Lords, and alſo for the Speaker of the Houſe of Commons for the Time being, in like Manner, to iſſue his or their Warrant or Warrants to the Governor-general and Council of the ſaid United Company's Preſidency of *Fort William*, and to the Chief Juſtice and Judges of the ſaid Supreme Court of Judicature, or the Judges of the Mayor's Court at *Madraſs*, *Bombay*, or *Bencoolen*, as the Caſe may require, for the Examination of Witneſſes; and ſuch Examination ſhall be returned to the ſaid Lord High Chancellor, or Speaker of the Houſe of Lords, or to the Speaker of the Houſe of Commons reſpectively, and proceeded upon in the ſame Manner, in all Reſpects, as if the ſeveral Directions herein-before preſcribed and enacted in that Behalf were again particularly repeated; and every ſuch Examination, returned either to the Lord Chancellor, or Speaker of the Houſe of Lords, or to the Speaker of the Houſe of Commons, as aforeſaid, ſhall be deemed good and competent Evidence, and ſhall be allowed and read in both Houſes of Parliament, or either of them reſpectively, as Occaſion may require; any Law or Uſage to the Contrary notwithſtanding.

No Proceedings in Parliament, touching Offences in India, to be diſcontinued by any Prorogation.

XLIII. And whereas, by the Uſage and Cuſtom of Parliament, no Proceedings by Bill in Parliament have Continuance from One Seſſion to another: And whereas it would be impracticable that the Examination taken upon ſuch Warrant, as aforeſaid, could ever be returned within the ordinary Length of a Seſſion of Parliament; be it enacted by the Authority aforeſaid, That from and after the Firſt Day of *November*, One thouſand ſeven hundred and ſeventy-three, no Proceedings in Parliament touching any Offence committed, or to be committed, in *India*, wherein ſuch Warrant as aforeſaid ſhall have been iſſued, ſhall be diſcontinued by any Prorogation or Diſſolution of the Parliament, but that ſuch Proceedings may be reſumed and proceeded upon in a ſubſequent Seſſion, or in a ſubſequent Parliament, in either Houſe of Parliament, in like Manner, to all Intents and Purpoſes, as they might have been in the Courſe of One and the ſame Seſſion; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding.

Writs of Mandamus may be awarded by the Courts at Weſtminſter, when the Company commence Suits in Law or Equity there.

XLIV. And whereas His Majeſty's Subjects are liable to be defeated of their ſeveral Rights, Titles, Debts, Dues, Demands, or Suits, for which they have Cauſe ariſing in *India* againſt other Subjects of His Majeſty; now, for preventing ſuch Failure of Juſtice, be it further enacted by the Authority aforeſaid, That when, and as often as the ſaid United Company, or any Perſon or Perſons whatſoever, ſhall commence and proſecute any Action or Suit, in Law or Equity, for which Cauſe hath ariſen, or ſhall hereafter ariſe in *India*, againſt any other Perſon or Perſons whatever, in any of His Majeſty's Courts at *Weſtminſter*, it ſhall and may be lawful for ſuch Court reſpectively, upon Motion there to be made, to provide and award ſuch Writ or Writs, in the Nature of a *Mandamus*, or Commiſſion, as aforeſaid, to the Chief Juſtice and Judges of the ſaid Supreme Court of Judicature for the Time being, or the Judges of the Mayor's Court at *Madraſs*, *Bombay*, or *Bencoolen*, as the Caſe may require, for the Examination of Witneſſes, as aforeſaid; and ſuch Examination, being duly returned, ſhall be allowed and read, and ſhall be deemed good and competent Evidence, at any Trial or Hearing between the Parties in ſuch Cauſe or Action, in the ſame Manner, in all Reſpects, as if the ſeveral Directions herein-before preſcribed and enacted in that Behalf were again repeated.

No Depoſitions returned to be allowed as Evidence, in Caſes not proceeded againſt in Parliament.

XLV. Provided nevertheleſs, and be it enacted, That no ſuch Depoſitions, taken and returned as aforeſaid by virtue of this Act, ſhall be allowed or permitted to be given in Evidence in any capital Caſes, other than ſuch as ſhall be proceeded againſt in Parliament; any Thing in this Act contained to the Contrary notwithſtanding.

The Privileges of the Company, not hereby varied, ſhall remain in Force.

XLVI. And be it further enacted by the Authority aforeſaid, That all and every the Rights, Intereſt, Powers, Privileges and Authorities, which are now veſted in the ſaid United Company of Merchants trading to the *Eaſt Indies*, and which are not hereby expreſsly taken away, altered, or varied, ſhall remain to, and continue in the ſaid Company, in as full and ample a Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Publick Act.

XLVII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a Publick Act; of which Notice ſhall be judicially taken by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. LXIV.

An Act for granting to His Majesty a Sum of Money to be raised by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of *England* trading to the *East Indies*.

Preamble.

'WHEREAS the United Company of Merchants of *England* trading to the *East Indies* do 'at present labour, and have, for some Time past, laboured under great and unusual Difficul-'ties in the carrying on of their Affairs, from which it greatly imports the Publick, as well as the 'said United Company, that they should, as speedily as possible, be relieved: And whereas the said 'Company, finding themselves under the Necessity of applying to Parliament for Relief did, by their 'Petition to the House of Commons, make Application for the Loan of One Million five hundred 'thousand Pounds, or so much as should be wanted to be advanced, and repaid in such Manner, and 'to be attended with such other Conditions and Provisions as in their said Petition is set forth, in 'consequence whereof the House of Commons came to several Resolutions, specifying the Terms 'upon which it might be expedient for the Publick to advance to the said United Company the Sum 'of One million four hundred thousand Pounds, and the several Limitations which ought to accom-'pany such Loan: And whereas the said United Company did, by a subsequent Petition, declare their 'Determination to depend on the Laws of their Country, and submit to the temporary Difficulties 'which may attend the present Situation of their Affairs, rather than receive the Loan offered to them 'upon the Conditions prescribed: And whereas, in case the said Company should not be forth-'with assisted by the Publick with the Advance of a considerable Sum of Money, they would re-'main altogether unable to provide for the Payment of their Debts, some of which Debts being 'due to the Publick, and others to the Governor and Company of the Bank of *England*, the Payment 'thereof could not long be postponed without great Prejudice to the Publick Service, and Dis-'advantage to publick Credit, and yet could not be expedited or secured otherwise than by the Use 'of such Methods as must be attended with Consequences the most fatal to the said United Com-'pany; and, forasmuch as upon Consideration of the several Matters before mentioned, it appears 'absolutely necessary that immediate Provision should be made by Parliament for giving Assistance to 'the said Company, in such Manner, and upon such Terms, as may be best calculated for effecting 'the Preservation of the said United Company, and the Re-establishment of their Affairs, without 'leaving it in the Power of the General Court of Proprietors, by withholding their Consent to the 'Acceptance of such Assistance, to expose, at once, each separate Proprietor of *East India* Stock, 'the Company itself, the Creditors of the Company, and the Publick, to all the Mischiefs which 'must attend the Want of such Assistance, as aforesaid: And whereas it hath been resolved that 'a Sum, not exceeding One million four hundred thousand Pounds, be granted to His Majesty, to 'be applied for the Purpose of relieving the *East India Company*, and for securing to the Creditors of 'the said Company a more speedy Satisfaction of their Demands:' Now, to the End that no Want or Failure may happen or be made by Reason or Means of such Grant, and the Application of the same, in the Aids granted, or to be granted, in this Session of Parliament, for defraying the several publick Services, and for answering which the said Aids were, or may be intended to be applied; and, for the better supplying the said Sum of One million four hundred thousand Pounds, and applying the same in the most effectual Manner for the Purposes above mentioned; we Your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of His Majesty's Treasury, now and for the Time being, or any Three or more of them, or for the High Treasurer for the Time being, and he and they respectively are hereby authorised and impowered, at any Time or Times before the First Day of *October*, One thousand seven hundred and seventy-three, by his or their Warrant or Warrants, to direct, or cause to be prepared and made, at the Receipt of His Majesty's Exchequer, any Number of Exchequer Bills for such Sum or Sums of Money as he or they shall think most proper and convenient, so as all the Principal Monies to be contained in the Bills so to be made forth by virtue of this Act do not exceed in the Whole the said Sum of One Million four hundred thousand Pounds, (exclusive of any Exchequer Bills that are or may be made forth by virtue of any other Act or Acts passed in this Session of Parliament for the publick Service); and the said Exchequer Bills, so to be made forth in pursuance of this Act, shall bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum*, and proportionably for any greater or less Sum to be contained therein, to be payable to the Bearers thereof respectively; which said Exchequer Bills shall be made out in the like Manner, Form, and Order, and according to the same or like Rules and Directions, as in and by an Act of this present Session of Parliament, intitled, *An Act for continuing and granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and seventy-three*, are enacted and prescribed concerning the Exchequer Bills authorised to be made forth in pursuance of the said Act.

Commissioners of the Treasury, before Oct. 1, 1773, are to cause Exchequer Bills, for 1,400,000 l. to be applied for Relief of the East India Company,

according to the Rules in the Malt-tax Act, 13 Geo. III.

II. And

Clauſes in the Malt-tax Act to extend to this Act.

II. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities, contained in the ſaid laſt-mentioned Act, relating to the Exchequer Bills authoriſed to be made out by the ſame Act, (except ſuch Clauſes as do charge the ſame on the Duties granted and contained by the ſame Act, and except ſuch Clauſes as limit the Rate of Intereſt to be paid for the Forbearance of the Money lent on the Credit of the ſaid Act, and alſo except as is herein-after mentioned), ſhall be applied and extended to the Exchequer Bills to be made forth in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame Exchequer Bills had been originally authoriſed by the ſaid laſt mentioned Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this Act.

The Exchequer Bills ſhall not be current till April 6, 1779;

III. Provided always, and be it further enacted by the Authority aforeſaid, That no Exchequer Bill or Bills, to be made out by virtue of this Act, ſhall, after the ſame hath or have been iſſued at the Receipt of the Exchequer, be afterwards, at any Time before the Sixth Day of *April*, One thouſand ſeven hundred and ſeventy-nine, received or taken, or paſs or be current, to any Receiver or Collector in *Great Britain*, of the Cuſtoms, Exciſe, or any Revenue, Supply, Aid, or Tax whatſoever, due or payable to His Majeſty, His Heirs or Succeſſors, or at the Receipt of the Exchequer, from any ſuch Receiver or Collector, or from any other Perſon or Perſons, Bodies Politick or Corporate, otherwiſe or on any other Account than for the Diſcharge and cancelling of ſuch Bills, in caſe the ſame ſhall be in due Courſe or Order of Payment before the ſaid Sixth Day of *April*, One thouſand ſeven hundred and ſeventy-nine; nor ſhall any Receiver or Collector exchange, at any Time, before the Sixth Day of *April*, One thouſand ſeven hundred and ſeventy-nine, for any Money of ſuch Revenues, Aids, Taxes, or Supplies, in his Hands, any Exchequer Bill or Bills which ſhall have been iſſued as aforeſaid, by virtue of this Act; nor ſhall any Action be maintained againſt any ſuch Receiver or Collector for neglecting or refuſing to exchange any ſuch Bill or Bills for ready Money before the ſaid Sixth Day of *April*, One thouſand ſeven hundred and ſeventy-nine, any Thing in the ſaid Act made in this Seſſion of Parliament, intituled, *An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three*, or this Act, contained to the Contrary notwithſtanding.

nor be exchanged.

The Exchequer Bills, with the Intereſt, &c. to be chargeable on the Monies to be paid into the Exchequer by the Eaſt India Company.

IV. And be it further enacted by the Authority aforeſaid, That all ſuch Exchequer Bills, together with the Intereſt, Premium, Rate, and Charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid and borne by and out of the Monies to be paid into the Receipt of His Majeſty's Exchequer by the United Company of Merchants of *England* trading to the *Eaſt Indies*, in the Manner, and at the Times, herein-after directed and appointed: And in caſe ſuch Monies, ſo to be paid into the ſaid Receipt of the Exchequer, ſhall not be ſufficient to ſatisfy and diſcharge all the Principal Monies contained in ſuch Exchequer Bills, together with all the Intereſt, Premium, Rate, and Charges incident to and attending the ſame, and that ſhall incur and grow due thereupon before the Sixth Day of *April*, One thouſand ſeven hundred and ſeventy-nine; then, and in ſuch Caſe, the ſaid Exchequer Bills, or ſuch Part thereof as ſhall remain unſatisfied and uncancelled, together with all the Intereſt due, or to grow due thereupon, and all other Charges and Expences incurred, or to be incurred, in reſpect of the ſame Exchequer Bills, ſhall be charged and chargeable upon, and payable out of, all or any the Aids or Supplies that ſhall or may be granted by Parliament, for the Service of the Year One thouſand ſeven hundred and ſeventy-nine: And, in caſe ſufficient Aids or Supplies for that Purpoſe ſhall not be granted before the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-nine, then all the ſaid Exchequer Bills, with the Intereſt, Premium, Rate, and Charges, incident to or attending the ſame, ſhall be, and are hereby charged and chargeable upon ſuch Monies as at any Time or Times at or after the ſaid Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-nine, ſhall be or remain in the Receipt of the Exchequer of the Surpluſſes, Exceſſes, Overplus Monies, and other Revenues, compoſing the Fund commonly called *The Sinking Fund*, (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any Act or Acts of Parliament in that Behalf); and ſuch Monies of the ſaid Sinking Fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging, ſuch Exchequer Bills ſo remaining uncancelled and unpaid, together with the Intereſt, Premium, Rate, and Charges, until the Whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable, on Demand, to the reſpective Proprietors thereof.

Monies iſſued out of the ſinking Fund to be replaced by the firſt Aids granted.

V. Provided always, and be it enacted by the Authority aforeſaid, That whatever Monies ſhall be ſo iſſued out of the ſaid Surpluſſes, Exceſſes, Overplus Monies, and other Revenues, compoſing the ſaid Sinking Fund, ſhall, from Time to Time, be replaced by and out of the firſt Aids or Supplies to be then after granted in Parliament.

Governor of the Bank of England may advance the Sum of 1,400,000 l. at the Receipt of Exchequer.

VI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majeſty, at the Receipt of the Exchequer, upon the Credit of the Exchequer Bills directed to be made forth by virtue of this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of One million four hundred thouſand Pounds; any Thing in an Act, made in the Fifth and Sixth Years of the Reign of King

King *William* and Queen *Mary*, intituled, *An Act for granting to Their Majeſties ſeveral Rates and Duties upon Tonage of Ships and Veſſels, and upon Beer, Ale, and other Liquors, for ſecuring certain Recompences and Advantages in the ſaid Act mentioned to ſuch Perſons as ſhall voluntarily advance the Sum of One million five hundred thouſand Pounds, towards carrying on the War againſt France*, to the Contrary thereof in any-wiſe notwithſtanding.

Manner in which the Treaſury may iſſue the ſaid Sum for defraying the Debts of the Company.

VII. And foraſmuch as it is moſt immediately neceſſary, as well for the Relief of the ſaid Company as for the Benefit of the publick Service, that certain Debts due from the ſaid Company to the Publick, and certain other Debts due from the ſaid Company to the Governor and Company of the Bank of *England*, ſhould be without Delay diſcharged; it is hereby enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the Treaſury now and for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, and he and they is and are hereby authoriſed, directed, and required, to iſſue and apply, or cauſe to be iſſued, paid, and applied, at the Receipt of the Exchequer, the ſaid Sum of One million four hundred thouſand Pounds, (directed by this Act to be raiſed by making forth Exchequer Bills), ſo far as the ſame will extend towards ſatisfying, paying, and diſcharging, ſuch Debts of the ſaid Company, in Manner following; (that is to ſay), That, out of the ſaid Sum of One million four hundred thouſand Pounds, there ſhall, in the Firſt Place, be iſſued and paid to the Receiver-general of His Majeſty's Cuſtoms all ſuch Sum or Sums of Money as are now due and payable to His Majeſty for any Cuſtom-duties, Subſidies, or Impoſitions whatſoever, and ſhall be remaining unpaid by the ſaid United Company; and, in the next Place, there ſhall be iſſued and paid out of the ſaid Sum of One million four hundred thouſand Pounds, the Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny, to ſuch Perſon or Perſons as the ſaid Commiſſioners of the Treaſury now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, ſhall, by his or their Warrant or Warrants, authoriſe and direct to receive the ſame; which Sum of One hundred and ſeventeen thouſand three hundred and fourteen Pounds, One Shilling, and Three-pence, and Seven-twentieth Parts of a Penny, by an Act of the laſt Seſſion of Parliament, was directed to be paid by the ſaid United Company into the Receipt of the Exchequer on or before the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, to complete the whole of the Monies due to the Publick for making good to the Publick the Deficiency of the Duties on Tea for Four Years ended the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-one; and alſo there ſhall be iſſued and paid unto the ſame Perſon or Perſons the further Sum of Eighty-four thouſand eight hundred and forty-two Pounds Eight Shillings and Seven-pence and Two-fifth Parts of a Penny, to ſatisfy and make good to the Publick the Deficiency of the Duties on Tea on the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, according to an Account made up and delivered to the Chairman of the ſaid United Company, purſuant to the Directions of the ſaid laſt-mentioned Act; which ſaid Sums of One hundred and ſeventeen thouſand three hundred and fourteen Pounds One Shilling and Three-pence, and Seven-twentieth Parts of a Penny, and Eighty-four thouſand eight hundred and forty-two Pounds Eight Shillings and Seven-pence, and Two-fifth Parts of a Penny, making together Two hundred and two thouſand one hundred and fifty-ſix Pounds Nine Shillings and Ten-pence Three Farthings, are intended to be and ſhall immediately be paid back into the ſaid Receipt of the Exchequer, and ſhall be applied to the ſame Uſes and Purpoſes, to which the Duties on Tea paid in there are applicable; which Warrant or Warrants the ſaid Commiſſioners of the Treaſury, now or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, is and are hereby authoriſed and required to make out accordingly.

Manner in which the Remainder of the Sum granted ſhall be applied.

VIII. And whereas there is due and payable from the ſaid United Company to the Publick the further Sum of Two hundred thouſand Pounds, and One hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds Eighteen Shillings and Two-pence, making together the Sum of Three hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds Eighteen Shillings and Two-pence, purſuant to an Act, made in the Ninth Year of the Reign of His preſent Majeſty, *For carrying into Execution certain Propoſals made by the Eaſt India Company*, and the ſaid Company being alſo greatly indebted to the Governor and Company of the Bank of *England* for Monies borrowed for the Service of the ſaid United Company; be it therefore enacted by the Authority aforeſaid, That ſo much of the ſaid Sum of One million four hundred thouſand Pounds, as ſhall remain after the full Satisfaction and Payment of the Monies due and payable to His Majeſty, for the Duties of Cuſtoms, Subſidies, and Impoſitions, aforeſaid, and of the ſeveral Sums of One hundred and ſeventeen thouſand three hundred fourteen Pounds One Shilling and Three-pence, and Seven-twentieth Parts of a Penny, and Eighty-four thouſand eight hundred and forty-two Pounds eight Shillings and Seven-pence, and Two-fifth Parts of a Penny, alſo due from the ſaid Company, to make good the Deficiency of the Duties on Tea, as aforeſaid, ſhall be applied in Manner following; that is to ſay, There ſhall be iſſued and paid to the Governor and Company of the Bank of *England* the Sum of Six hundred thouſand Pounds, in Part of the Monies due and owing from the ſaid United Company to the ſaid Governor and Company of the Bank of *England*, and all the Reſt, Reſidue, and Remainder of the ſaid Sum of One million four hundred thouſand Pounds, after ſatisfying and paying all and every the Sums herein-before directed to be paid thereout, ſhall remain in the Receipt of the Exchequer, for ſupplying the before-mentioned Sums of Two hundred thouſand Pounds, and One hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds Eighteen Shillings and Two-pence, making

together the Sum of Three hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds Eighteen Shillings and Two-pence, due and payable from the ſaid United Company to the Publick, purſuant to the ſaid Act of the Ninth Year of the Reign of His preſent Majeſty, and ſhall be iſſued, paid, and applied, for and towards ſuch of the publick Services as the ſaid Sums of Two hundred thouſand Pounds, and One hundred and ſixty-nine thouſand three hundred and ninety-eight Pounds, Eighteen Shillings and Two-pence, are or may be applicable to, in the ſame Manner as if ſuch Monies had been actually paid into the ſaid Receipt of the Exchequer by the ſaid United Company, at the Times, and in the Manner, preſcribed and directed by the ſaid Act of the Ninth Year of the Reign of His preſent Majeſty; which ſeveral Sums, ſo payable at the Exchequer purſant to this Act, ſhall be paid, clear of all Fees, Charges, or Gratuities whatſoever.

How Difficulties are to be prevented in diſcharging the Company of their ſaid Debts.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid United Company of Merchants of *England* trading to the *Eaſt Indies*, and their Succeſſors, ſhall, upon the Payment of the ſeveral Sums herein-before directed to be made to the Receiver-general of His Majeſty's Cuſtoms, and into the Receipt of His Majeſty's Exchequer, be fully exonerated, acquitted, and diſcharged againſt His Majeſty, His Heirs and Succeſſors, for and in reſpect of all and every the Sums herein directed to be paid, and that ſhall be paid purſuant thereto, and from all Writs, Actions, Suits, and Proceedings, for or on account of ſuch Debts, or ſo much of the ſame as ſhall be ſatisfied by ſuch Payments; and alſo of the Sum or Sums hereby intended to be paid at the Receipt of the Exchequer to the Bank of *England*, in reſpect of the Whole or ſuch Part of the ſaid United Company's Debts as ſhall be ſo diſcharged; and that no Diſpute or Difficulty may ariſe, for or on account of the Monies that ſhall or may be paid to the Bank of *England* at the Receipt of the Exchequer, in purſuance of this Act, a Certificate ſhall be made forth, aſcertaining the Amount of the Sum or Sums ſo paid, and the Day of Payment of the ſame, which ſhall be ſigned by the Auditor of the ſaid Receipt of the Exchequer, the Clerk of the Pells, and the Teller or Tellers who paid the ſame; and in the Abſence of thoſe Officers, or either of them, by the Deputy or Deputies of ſuch abſent Officer or Officers attending at the ſaid Receipt at the Time of Payment of ſuch Monies; and ſuch Certificate ſhall be made forth and ſigned without Fee or Charge, and ſhall be good and ſufficient Evidence in Law againſt the ſaid Governor and Company of the Bank of *England*, for and in reſpect of ſuch Sum or Sums ſo paid in Satisfaction or Diminution of the Debt of Debts due to the Bank of *England* from the ſaid United Company.

Act 7 Geo. III.

X. And whereas by an Act, paſſed in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act for taking off the Inland Duty of One Shilling* per *Pound Weight on all Black and Singlo Teas conſumed in* Great Britain; *and for granting a Drawback upon the Exportation of Teas to* Ireland, *and the* Britiſh *Dominions in* America, *for a limited Time, upon ſuch Indemnification to be made in reſpect thereof by the* Eaſt India Company, *as is therein mentioned*; *for permitting the Exportation of Teas in ſmaller Quantities than One Lot to* Ireland, *or the ſaid Dominions in* America; *and for preventing Teas ſeized and condemned from being conſumed in* Great Britain; it is enacted, That in caſe the ſaid United Company, or their Succeſſors, ſhould make Failure in any of the Payments directed by the ſaid Act to be made into the Receipt of His Majeſty's Exchequer, in the Manner, or on or before the reſpective Times therein limited for that Purpoſe; that then, as often as the Caſe ſhould happen, the Money, whereof ſuch Failure in Payment ſhould be made, ſhould be recovered to His Majeſty's Uſe, in the Manner therein mentioned; and that there ſhould be further recovered to His Majeſty's Uſe, againſt the ſaid United Company, Damages after the Rate of Twelve Pounds *per Centum per Annum*, for the reſpective Monies ſo unpaid, contrary to the ſaid Act, with full Coſts of Suit; and the ſaid United Company, and their Succeſſors, and all their Stock, Funds, and all other their Eſtate and Property whatſoever and whereſoever, are thereby made ſubject and liable to the Payment of ſuch Monies, Damages, and Coſts.

Act 9 Geo. III.

XI. And whereas by another Act of Parliament paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for carrying into Execution certain Propoſals made by the* Eaſt India Company *for the Payment of the annual Sum of Four hundred thouſand Pounds for a limited Time, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the* Eaſt Indies, it is enacted, That the United Company of Merchants of *England* trading to the *Eaſt Indies*, and their Succeſſors, ſhould advance and pay into the Receipt of His Majeſty's Exchequer, for His Majeſty's Uſe, the Sum of Four hundred thouſand Pounds *per Annum*, for and during the Term of Five Years, to be computed from the Firſt Day of *February*, One thouſand ſeven hundred and ſixty-nine, by Half-yearly Payments of Two hundred thouſand Pounds each, which Payments are directed to be paid at the Times therein mentioned: And in caſe the ſaid United Company ſhould make Failure in any of the ſaid Payments thereby directed to be made into the Receipt of His Majeſty's Exchequer, on or before the reſpective Times therein limited; that then, and as often as the Caſe ſhould happen, the Money whereof ſuch Failure in Payment ſhould be made, ſhould and might be recovered to His Majeſty's Uſe, in the Manner therein mentioned; and that there ſhould be further recovered to His Majeſty's Uſe againſt the ſaid United Company, Damages after the Rate of Fifteen Pounds *per Centum per Annum*, for the Monies ſo unpaid, contrary to the ſaid Act, together with Full Coſts of Suit; and the ſaid United Company, and their Succeſſors, and all their Stock, Funds, and all other their Eſtates and Property whatſoever, are thereby made liable to the Payment of all ſuch Monies, Damages, and Coſts.

After Payment of the Sums mentioned, the Company ſhall

XII. And whereas the ſeveral Deficiencies of the Duties upon Tea, and alſo of the ſaid annual Sum of Four hundred thouſand Pounds, whereof any Failure of Payment hath been made by the ſaid United

be indemnified against Damages in the ſaid Acts.

United Company, will be paid and made good to the Publick, under the Proviſions of this preſent Act; and it is expedient, in the preſent Situation of the ſaid United Company's Affairs, that they ſhould be indemnified againſt all Damages which may have been incurred, or which may be recoverable againſt them, under either of the ſaid laſt-recited Acts, by Means of their Failure in making ſuch Payments at the Times therein reſpectively prescribed and directed; be it therefore enacted by the Authority aforeſaid, That from and after the Payment into the Receipt of His Majeſty's Exchequer of the ſeveral Sums of Money herein-before directed to be paid, in Diſcharge of the ſeveral principal Sums due from the ſaid United Company, under the ſaid recited Acts, or either of them, the ſaid United Company, and their Succeſſors, ſhall be, and they are hereby declared to be, from thenceforth fully and abſolutely freed, exonerated, and diſcharged, of and from all Damages and Coſts which they the ſaid United Company may have incurred, or which may be recoverable againſt them, by means or on account of any Failure in Payment of any of the ſaid principal Sums reſpectively, by the ſaid recited Acts, or either of them, directed to be paid, as therein mentioned.

Application of the Revenues of the Company, till their Debt be reduced.

XIII. And whereas, in the preſent Circumſtances of the *Eaſt India Company*, it will not be in their Power to provide for the Repayment of ſuch Loan as aforeſaid, and for eſtabliſhing their Affairs upon a more ſecure Foundation for the Time to come, unleſs the Publick ſhould agree to forego, for the preſent, all Participation in the Profits ariſing from the territorial Acquiſitions and Revenues lately obtained in the *Eaſt Indies*, in order that Proviſion be made by Parliament for applying as well the whole of the Profits ariſing from the ſaid territorial Acquiſitions and Revenues, as all the Revenue and Profits of the Company, after providing for certain neceſſary Payments and Deductions to be made thereout, to the Repayment of the ſaid Sum of One million four hundred thouſand Pounds, and to the Reduction of the Company's Bond Debt; be it therefore enacted by the Authority aforeſaid, That until the ſaid Sum of One million four hundred thouſand Pounds ſhall have been repaid, and the Bond Debt of the ſaid Company be reduced to the Sum of One million five hundred thouſand Pounds, the whole clear Profits ariſing from the ſaid territorial Acquiſitions and Revenues, after defraying the Charges and Expences attending the ſame, together with all the clear Revenue and Profits of the ſaid Company, after providing for the current Payments of Intereſt, and other Outgoings, Charges, and Expences of the ſaid Company, ſhall, from Time to Time, be diſpoſed of and applied in Manner following; that is to ſay, Until the whole of the Money ſo advanced and applied as aforeſaid ſhall have been repaid, it ſhall and may be lawful, out of the ſaid clear Revenues and Profits, to ſet apart and apply, in the firſt Place, ſuch Sum as may be ſufficient for anſwering a Dividend to the Proprietors of the Stock of the ſaid Company, not exceeding the Rate of Six Pounds *per Centum per Annum*, upon the Capital Stock of the ſaid Company, and all the Surplus of the ſaid clear Revenues and Profits ſhall be applied in Diminution of the ſaid Sum of One million four hundred thouſand Pounds, or ſuch Part thereof as ſhall be remaining unpaid, and for defraying the Charges incurred in reſpect thereof; and after the Repayment of the whole of the Money ſo advanced and applied as aforeſaid, and until the Bond Debt of the ſaid Company ſhall be reduced to the Sum of One million five hundred thouſand Pounds, it ſhall and may be lawful, in like Manner, to ſet apart and apply, in the Firſt Place, out of the ſaid clear Revenues and Profits, ſuch Sum as may be ſufficient for anſwering a Dividend not exceeding the Rate of Seven Pounds *per Centum per Annum*, upon the Capital Stock of the ſaid Company; after which, all the Surplus of the ſaid clear Revenues and Profits ſhall be applied in reducing the Bond Debt of the ſaid Company.

Surplus of their clear Revenue to be applied in Diminution of their Debt.

XIV. And be it further enacted by the Authority aforeſaid, That until the ſaid Sum of One million four hundred thouſand Pounds, ſo advanced as aforeſaid, ſhall have been repaid, the ſaid United Company ſhall, from Time to Time, pay, or cauſe to be paid, into the Receipt of His Majeſty's Exchequer, by Half-yearly Payments, ſuch Surplus of the clear Revenue and Profits of the Company as is herein-before directed to be applied in Diminution of the ſaid Sum of One million four hundred thouſand Pounds, or ſuch Part thereof as ſhall be remaining unpaid, and for defraying the Charges incurred in reſpect thereof, to be applied, in the firſt Place, for anſwering and paying all ſuch Intereſt, Premium, Rate, and Charges, as ſhall have grown due in reſpect of the Exchequer Bills made out, iſſued, and circulated, as aforeſaid; and in the next Place, as far as the ſame will extend, for paying off, cancelling, and diſcharging, ſuch of the ſaid Exchequer Bills as ſhall then remain uncancelled.

Statements of the Company's Debts to be made up every Half Year.

XV. And be it further enacted by the Authority aforeſaid, That, during the Continuance of this Act, the ſaid United Company do, and they are hereby directed and required, to cauſe to be made up, Half-yearly, with as much Accuracy as the Nature of the Caſe will admit, a Statement or Account of the Profit and Loſs upon the whole of the Trade and Revenues of the ſaid Company, together with a State of the Debts of the ſaid Company in *England*, excluſive of their Bond Debt, to the Firſt Day of *March* and the Firſt Day of *September*, in every Year; the Firſt of ſuch Statements or Accounts to be made up from the Firſt Day of *September*, One thouſand ſeven hundred and ſeventy-three, to the Firſt Day of *March*, One thouſand ſeven hundred and ſeventy-four; and to tranſmit ſuch Statement or Account, fairly written, and ſigned by Two or more of the Directors of the ſaid United Company, within Twenty-one Days after the Day to which ſuch Statement or Account ſhall be made up reſpectively, to the Commiſſioners of His Majeſty's Treaſury, or the High Treaſurer for the Time being.

Company ſhall not bind themſelves with Bills of Exchange, without the Conſent of the Treaſury.

XVI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, and until the ſaid Sum of One million four hundred thouſand Pounds ſhall be repaid, it ſhall not be lawful for the ſaid United Company, or their Succeſſors, or any of their Officers or Servants on their Account, to accept, or otherwiſe bind the ſaid Company, or their Succeſſors, for the Payment of any

Bill

Bill or Bills of Exchange drawn by any of their Officers or Servants at any of their Prefidencies in the *Eaſt Indies*, for any Sum exceeding the Sum of Three hundred thouſand Pounds, excluſive of Certificates to the Amount of Five thouſand Pounds to the Commanders and Officers of each of the Company's Ships, in the Space of any One Year, without the Conſent or Order firſt had and obtained of the Commiſſioners of His Majeſty's Treaſury now and for the Time being, or any Three or more of them, or of the High Treaſurer for the Time being, who are hereby reſpectively authoriſed to give ſuch Conſent, or to make ſuch Order thereon, as they ſhall judge expedient; and every Acceptance or Engagement made, contrary to the true Intent and Meaning of this Act, ſhall be null and void to all Intents and Purpoſes.

Amount of Merchandiſe which ſhall be exported yearly by the Company.

XVII. And be it further enacted by the Authority aforeſaid, That, during the Term of Two Years, to be computed from the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-three, the ſaid United Company, or their Succeſſors, ſhall, and are hereby required, to export from *Great Britain*, in each and every Year, during ſuch Term, to the *Britiſh* Settlements, within the Limits preſcribed by the ſaid Company's Charter for their carrying on an excluſive Trade in the *Eaſt Indies*, or elſewhere, upon the Account of the ſaid Company, or their Succeſſors, in their Courſe of Trade, excluſive of what may be exported by their Servants or Private Traders, licenſed by the ſaid Company, or their Succeſſors, ſuch Goods and Merchandiſes of the Growth, Produce, or Manufacture, of *Great Britain*, as ſhall amount in Value to the Sum of Three hundred and eighty thouſand eight hundred and thirty-ſeven Pounds, in each and every ſuch Year; but the Amount of the Value of the Military and Naval Stores ſo exported ſhall not be eſteemed or reckoned as Part of the ſaid Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds *per Annum*; and the ſaid Company, or their Succeſſors, ſhall, on or before the Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-four, and on or before the Firſt Day of *June*, One thouſand ſeven hundred and ſeventy-five, give Security, by Bond, to His Majeſty, His Heirs and Succeſſors, under the Common Seal of the ſaid Company, or of their Succeſſors, in the penal Sum of Double the ſaid Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds, for the due Exportation of the ſaid Goods and Merchandiſes annually, to the Amount of the ſaid Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds, according to the real Value of ſuch Goods and Merchandiſes in this Kingdom at the Time of ſuch Exportation, or of the Purchaſe thereof, by or on the Behalf of the ſaid Company, or their Succeſſors; which Security the High Treaſurer, or the Commiſſioners of his Majeſty's Treaſury, for the Time being, or any Three or more of ſuch Commiſſioners, is or are hereby authoriſed to take; and the ſaid Company, or their Succeſſors, ſhall, on or before the Thirty-firſt Day of *October*, One thouſand ſeven hundred and ſeventy-four, and on or before the Thirty-firſt Day of *October*, One thouſand ſeven hundred and ſeventy-five, deliver to the ſaid High Treaſurer, or Commiſſioners, an Account, in Writing, ſigned by Two or more of the Directors of the ſaid Company for the Time being, ſpecifying the particular Goods and Merchandiſes which ſhall have been ſo exported in every ſuch Year, in purſuance of and according to the true Intent and Meaning of this Act, with the ſaid true and real Values of ſuch Goods and Merchandiſes, with the Names of the Ships in which the ſame were reſpectively ſo exported; and which Account ſhall be verified, on Oath, made before any One Juſtice of the Peace, (which Oath ſuch Juſtice is hereby authoriſed and required to adminiſter), by the proper Officers or Servants of the ſaid Company, or their Succeſſors, who ſhall keep their Books for the Entry of Goods outwards, to the beſt of their Knowledge; and if it ſhall appear, to the Satisfaction of the ſaid High Treaſurer, or Commiſſioners, that Goods and Merchandiſes ſhall have been, agreeably to the Directions of this Act, exported as aforeſaid in the reſpective Year, in relation whereto each Bond ſhall have been ſo given, then, in each and every ſuch Caſe, the ſaid High Treaſurer, or Commiſſioners, ſhall cauſe ſuch Bond to be delivered up; but in caſe no ſuch Account ſhall be delivered as herein-before mentioned, or if it ſhall appear that the ſaid Goods and Merchandiſes exported within the Term mentioned in any ſuch Bond ſhall not have amounted to ſuch Value as aforeſaid, or that any ſuch Account ſhall appear not to be truly made, it ſhall and may be lawful for the ſaid High Treaſurer, or Commiſſioners, to cauſe each and every ſuch Bond to be proſecuted according to Law, unleſs he or they ſhall find ſufficient Cauſe to forbear the ſame.

Security to be given to the Treaſury for the due Exportation thereof.

Exceſs in One to be allowed in the ſucceeding Year.

XVIII. Provided always, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Company or their Succeſſors ſhall, in any One of the ſaid Two Years export, or cauſe to be exported, ſuch Goods and Merchandiſes of the Growth, Produce, or Manufacture of *Great Britain*, exceeding in Value the Sum of Three hundred eighty thouſand eight hundred and thirty-ſeven Pounds; then, and in ſuch Caſe, the ſaid Exceſs ſhall, from Time to Time, be taken into the Account of the Exports of ſuch Goods and Merchandiſes by the ſaid Company, or their Succeſſors, in and for the next ſucceeding Year, and ſhall be allowed and conſidered as Part thereof.

CAP. LXV.

An Act for explaining Two Acts, made in the Eleventh Year of the Reign of King *George* the First, and the Thirtieth Year of the Reign of His late Majesty, in relation to the Stamp-duties upon News-papers.

Preamble. Act 11 Geo. I. and Act 30 Geo. II. recited.

'WHEREAS by an Act of Parliament, made in the Eleventh Year of the Reign of His Majesty King *George* the First, after reciting, amongst other Things, that the Authors or Printers of several Journals, Mercuries, and other News-papers, did, with an Intent to defeat the Payments of the Duties therein mentioned, and in Defraud of the Crown, so contrive as to print their said Journals and News-papers on One Sheet and a Half Sheet of Paper each, and by that Means they did neither pay the Duties of One Penny for each Sheet, nor a Halfpenny for the Half Sheet, as by Law they ought to have done, but entered them as Pamphlets, and paid only Three Shillings for each Impression thereof, whereby His Majesty had been much injured in his Revenue, and the Printers of other News-papers, who did regularly pay the said Duties, were great Sufferers; it was enacted and declared, That such Journals, Mercuries, and News-papers, so printed on One Sheet and Half Sheet of Paper, should not, for the future, be deemed or taken as Pamphlets to be entered, and to pay only Three Shillings for each Impression thereof: And it was also further enacted, That, from and after the Twenty-fifth Day of *April*, One thousand seven hundred and twenty-five, the following Duties should be paid to His Majesty, His Heirs and Successors, upon every Journal, Mercury, or other publick News-papers, which should be printed and published in *Great Britain*; that is to say, For every Sheet of Paper on which any Journal, Mercury, or other News-papers whatsoever, should be printed, a Duty of One Penny Sterling; and for every Half Sheet thereof the Sum of One Halfpenny Sterling; as by the said recited Act, relation being thereunto had, may more fully and at large appear: And whereas by another Act of Parliament, made in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, an additional Duty of One Halfpenny was imposed upon every News-paper, or Paper containing publick News, Intelligence, or Occurrences, printed in *Great Britain*, to be dispersed and made publick, whether the same be contained in Half a Sheet, or any less Piece of Paper, or in any Paper larger than Half a Sheet, and not exceeding One whole Sheet, over and above all other Rates and Duties: And whereas Doubts have arisen whether Journals, Mercuries, Chronicles, or other News-papers, printed on more than on One Sheet and a Half of Paper, might not be entered as Pamphlets, and pay only Three Shillings for each Impression thereof, instead of the Duty chargeable on every Sheet of each Copy thereof; and certain Printers and Publishers of Journals, Mercuries, Chronicles, and other News-papers, have increased the Number of Sheets on which the same have been printed, with an Intent to evade the Payment of the said Duties, and in fraud of His Majesty's Revenue:' For Remedy whereof, be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before recited Acts of Parliament, and the Duties thereby granted on Journals, Mercuries, and other publick News-papers, were meant and intended, and do accordingly extend to, and charge with, the said Duties respectively, every Sheet, and every Half Sheet of Paper, on which any Journal, Mercury, Chronicle, or other publick News-paper, or Paper containing publick News, Intelligence, or Occurrences, were or shall be printed, whether such Journals, Mercuries, Chronicles, or other publick News-papers, or Papers containing publick News, Intelligence, or Occurrences, were or shall be contained in a greater or less Number of Sheets or Half Sheets of Paper; any Thing in the said recited Acts, or any other Act of Parliament, to the Contrary thereof in any-wise notwithstanding.

Duties of the before-recited Acts continued by this Act.

CAP. LXVI.

An Act for raising a certain Sum of Money by Loans, or Exchequer Bills, for the Service of the Year One thousand seven hundred and seventy-three.

CAP. LXVII.

An Act for laying an additional Duty on Paper printed, painted, or stained, in foreign Parts, imported into this Kingdom.

Preamble. Act 3 Edw. IV. Act 1 Ric. III.

'WHEREAS by an Act of Parliament, made in the Third Year of the Reign of King *Edward* the Fourth, (intituled, *Certain Merchandises not lawful to be brought ready-wrought into this Realm*), amongst several other Articles therein mentioned, any painted Wares are prohibited to be brought into this Realm, to be uttered and sold within the same; and by another Act made in the First Year of the Reign of King *Richard* the Third, (intituled, *Certain Merchandises prohibited to be brought ready wrought into this Realm*); it is, amongst other Things, ordained and provided, That no Merchant Stranger shall bring into this Realm to be sold any Manner of painted Papers: And whereas notwithstanding the said recited Acts, great Quantities of Paper painted in foreign Parts have

'been

'been clandeſtinely brought and imported into this Kingdom, and privately run on Shore and ſold 'here; and there is great Reaſon to believe that ſeveral Parcels of ſuch painted Paper, which, upon 'Importation, have been entered for private Uſe, and paid the Duties impoſed by Law upon painted 'Paper ſo imported, have nevertheleſs afterwards been ſold and diſpoſed of in this Kingdom, to the 'great Prejudice of the Paper Stainers and Artificers in that Branch of Buſineſs here: And whereas all 'Paper, printed, painted, or ſtained, in *Great Britain*, is liable to an additional Duty of One Penny 'Halfpenny for every Yard Square, which Duty is not chargeable upon the Importation of Paper, 'printed, painted, or ſtained, in foreign Parts; and it may tend to diſcourage the clandeſtine and 'illegal Importation and Sale of Foreign painted Paper, and to encourage the Manufacture of painted 'Paper in this Kingdom, if the Importation of ſuch Paper to be ſold here was permitted, ſubject to the 'like additional Duty as is charged upon ſuch Paper, printed, painted, or ſtained, in this Kingdom;' be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-three, it ſhall and may be lawful for any Perſon or Perſons whatſoever, to import into this Kingdom, by way of Merchandiſe, and to utter and ſell the ſame here, any Sort of Paper, printed, painted, or ſtained, in foreign Parts; any Thing in the before-recited Acts, or any other Act or Acts to the Contrary notwithſtanding.

After Auguſt, 1773, Paper printed or ſtained to be imported or ſold.

II. And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-three, all Paper, printed, painted, or ſtained, in foreign Parts, and imported into this Kingdom, over and above the Cuſtoms, Subſidies, and Duties, already impoſed thereupon, ſhall be charged with and liable to pay a further Duty of One Penny Halfpenny for every Yard Square thereof, and in that Proportion for any greater or leſs Quantity of ſuch Paper; which ſaid additional Duty ſhall be raiſed, levied, and recovered, and paid by the ſame Rules and Regulations, and under ſuch Penalties and Forfeitures, as the former Duties payable upon the Importation of ſuch Paper are by any Law now in Force, raiſed, levied, recovered, and paid; and the ſame ſhall be applied and appropriated to the ſame Uſes and Purpoſes, and in the ſame Proportions, as the new Duties impoſed upon painted Paper imported into this Kingdom, by Two Acts of Parliament, made in the Tenth and Twelfth Years of the Reign of Queen *Anne*, are applied and appropriated.

Duty of One Penny Halfpenny to be impoſed per Yard on all Paper imported.

III. Provided always, and it is hereby further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge any Paper with the additional Duty by this Act granted, which ſhall be printed, painted, or ſtained, in the *Eaſt Indies*, and imported from thence by the United Company of Merchants of *England* trading thither, or Perſons licenſed by them; any Thing herein-before contained to the Contrary notwithſtanding.

Not to extend to affect the Eaſt India Company.

CAP. LXVIII.

An Act to impower the Magiſtrates therein mentioned to ſettle and regulate the Wages of Perſons employed in the Silk Manufacture within their reſpective Juriſdictions.

'WHEREAS it would be for the Benefit of Perſons employed in the Silk Manufacture, if the 'Magiſtrates were impowered to ſettle, between the Maſter Weavers and their Journeymen, 'the Price of Labour in the ſeveral Branches of the ſaid Manufacture;' be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of *July*, One thouſand ſeven hundred and ſeventy-three, the Wages and Prices for Work of the Journeymen Weavers within the City of *London* ſhall be ſettled, regulated, and declared, by the Lord Mayor, Recorder, and Aldermen, of the ſaid City; and in all Places in the County of *Middleſex*, by the Juſtices of the Peace for the ſaid County; and in all Places within the City and Liberty of *Weſtminſter*, at the General Quarter Seſſions of the Peace holden in and for the ſaid City and Liberty; and in all Places within the Liberty of the *Tower of London*, at the General Quarter Seſſions of the Peace holden in and for the ſaid Liberty, at their General Quarter Seſſions of the Peace reſpectively; and the Lord Mayor, Recorder, and Aldermen, of the City of *London*, and the ſaid Juſtices of the Peace are hereby reſpectively authoriſed and impowered, from Time to Time, upon Application being made to them for that Purpoſe, to ſettle, regulate, order, and declare, the Wages and Prices of Work of the Journeymen Weavers working within their reſpective Juriſdictions as aforeſaid; and ſhall and may, within the Space of Fourteen Days next after the making every ſuch Order, cauſe the ſame to be printed and publiſhed, at the reaſonable Expence of the Perſon or Perſons applying for the ſame, Three Times, in any Two daily News-papers publiſhed in *London* or *Weſtminſter*; which Publication ſhall be deemed and allowed to be ſufficient Notice and Publication thereof; and from and after Publication thereof, all Weavers, and their Journeymen, are hereby ſtrictly required to obſerve the ſame.

Preamble.

After July 1, 1773, the Wages of Journeymen Weavers within London to be ſettled by the Lord Mayor, &c.

and in Middleſex and Weſtminſter, &c. by the Juſtices of the Peace.

Orders to be publiſhed in Two News papers Three Times, at the Expence of perſons applying for the ſame.

II. And be it further enacted, That if after the ſaid Firſt Day of *July*, One thouſand ſeven hundred and ſeventy-three, any Maſter Weaver, within either of the aforeſaid Diſtricts, ſhall give more or leſs Wages, or pay larger or leſs Prices, to any of the Journeymen Weavers aforeſaid, for their Work, than ſhall be ſettled or allowed as aforeſaid, and ſhall be convicted of the ſaid Offences before any

Maſter Weavers giving more or leſs Wages than ſhall be ſettled as aforeſaid, on Conviction, to forfeit 50l.

Two of His Majesty's Justices of the Peace, within either of the Districts or Jurisdictions aforesaid, where the said Offence shall be committed, on the Oath or Oaths of One or more credible Witness or Witnesses, he shall forfeit the Sum of Fifty Pounds; to be levied by Distress and Sale of the Offender's Goods; and the said Penalty, when recovered, shall be paid into the Hands of the Master of the Weavers Company, first deducting the Expence of such Prosecution, to be distributed by him, in Conjunction with the Wardens of the said Company, to any distressed Journeymen Weavers, or their Families, who shall have been last employed in either of the aforesaid Jurisdictions, at their Discretion.

Penalty how to be applied.

Journeymen Weavers taking more or less Wages than shall be settled, or entering into Combinations, &c. shall forfeit 40s.

III. And be it further enacted, That if any Journeyman Weaver or Weavers within the Districts aforesaid, shall ask, receive, or take more or less Wages, or larger or less Prices for their Work than shall be settled by the respective Quarter-sessions, as aforesaid; or shall enter into any Combination to raise the Wages or Prices of the said Work, or for this Purpose shall decoy, solicit, or intimidate, any Journeyman or Journeymen Weavers within the Districts aforesaid, so that he or they quit their Masters, for whom they shall then be employed; or shall assemble themselves in any Numbers exceeding the Number of Ten, in order to frame or deliver Petitions or other Representations, touching their Wages or Prices of Work, except to the said Justices of the Peace, or to the Lord Mayor, Recorder, and Aldermen, of the City of *London*, at their respective Quarter-sessions, and shall be convicted of any of the said Offences, on the Oath or Oaths of One or more credible Witness or Witnesses, before any Two or more of His Majesty's Justices of the Peace, within either of the Districts or Jurisdictions aforesaid where the Offence shall be committed, shall forfeit a Sum not exceeding Forty Shillings: And if the said Forfeiture be not immediately paid, it shall and may be lawful for the said Justices to commit the said Offender to the House of Correction, to hard Labour, for any Time not exceeding Three Months; the said Forfeiture, when recovered, to be applied in the same Manner as the Forfeiture of Fifty Pounds aforementioned.

Penalties not being immediately paid, Offenders to be committed.

Justices, on Suspicion of Offences committed, may issue Summonses necessary for Evidence.

IV. And be it further enacted, That it shall and may be lawful for any Two Justices of the Peace, within the Limits and Jurisdictions aforesaid, on Information upon Oath made before them by any Person or Persons whatsoever, that there is Reason to suspect that any Master or Journeyman Weaver, within the Districts or Jurisdictions aforesaid, hath been guilty of any of the Offences aforesaid, at Request of such Informant, to issue their Summons, in Writing, signed by any such Two Justices, requiring any Clerk, Foreman, Apprentice, Servant, or other Person or Persons employed or retained by such Person so suspected to have offended, or any other Person or Persons whatsoever, whose Attendance shall appear necessary for the Purpose of giving Evidence in the Premises, to attend and testify concerning the Premises: And if any Person so summoned shall not attend, and Proof shall be made of the Service of such Summons, either personally, or by leaving the same at the last or usual Place of Abode of such Person, it shall be lawful for such Two Justices, or any other Two Justices of the Peace acting for such County or Place, and they are hereby required (unless a reasonable Excuse be made for such Nonattendance to the Satisfaction of such Justices) to issue their Warrant, under their Hands and Seals, for the apprehending and bringing him or her before them, or some other Two or more Justices of the Peace acting for such County or Place, to be examined touching the Premises; and if any such Person so attending, or being brought before such Justices, shall refuse to be examined or give their Testimony touching the Premises, such Person shall by the said Justices be committed to the House of Correction for One Month, there to remain, unless he or she shall sooner submit to be examined and give Testimony, as the Law requires.

Persons refusing to attend, Justices may issue their Warrant;

or attending and refusing to be examined, may be committed.

Master Weavers within the Limits employing Journeymen beyond the Limits, with Design to elude this Act, &c. to forfeit 50l.

V. And be it further enacted, That if any Master Weaver residing within the Limits aforesaid, shall, directly or indirectly, in any Manner whatsoever, retain or employ any Journeyman Weaver out of or beyond the Limits aforesaid, with Intent or Design to elude or evade this Act, or shall give, allow, or pay, or cause to be given, allowed, or paid, to such Journeyman, any more or less Wages than shall be settled, as aforesaid, every such Person shall, for every such Offence, forfeit Fifty Pounds; to be sued for by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed, and wherein the Ordinary Costs of the Suit shall be paid; One Moiety of which said Forfeiture, when recovered, shall belong and be paid to His Majesty and His Successors, and the other Moiety to the Person who shall sue for the same.

Forfeitures how to be applied.

Not to fix the Wages of Foremen.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to fix, controul, or regulate, the Wages or Allowances to be paid to Servants in the said Business of a Weaver, *bona fide* retained and employed as Foremen.

No Silk Weavers residing within the Districts aforesaid to have more than Two Apprentices at One Time, under Penalty of 20l.

Penalty to be applied as aforesaid.

VII. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, no Person or Persons, being Silk Weavers, residing within the Districts aforesaid, shall have in his or their Service at any One Time more than Two Apprentices, upon Pain of forfeiting for every Offence the Sum of Twenty Pounds; to be levied by Distress and Sale of the Offender's Goods and Chattels, upon Conviction, on the Oath or Oaths of One or more credible Witness or Witnesses, before Two Justices of the Peace within either of the Jurisdictions aforesaid where the said Offence shall be committed; and the said Penalty, when recovered, shall be paid into the Hands of the Master of the Weavers Company, to be applied by him, as aforesaid, and the said Justices are hereby authorised and required to discharge every such Apprentice or Apprentices exceeding the Number of Two.

Persons convicted before Two Justices, may appeal to the Quarter Sessions.

VIII. Provided also, and be it further enacted, That it shall and may be lawful for any Person convicted before any Two Justices of the Peace, as before mentioned, to appeal to the Justices of the Peace assembled at the next General Quarter Sessions, or General Sessions to be held for the County, City,

City, or Place, wherein such Conviction shall be made, giving immediate Notice of such Appeal, and finding sufficient Security to the Satisfaction of such Justices for being personally present at such General Quarter Sessions or General Sessions, and for prosecuting the said Appeal with Effect, and abiding the Judgment of the Court; and such Justices, in such General Quarter Sessions or General Sessions, shall finally hear and determine the Matter, and shall have Power to award reasonable Costs to either Party as to them shall seem just; and if such Conviction shall be affirmed at such General Quarter Sessions or General Sessions, such Appellant shall be committed to Prison for the Time specified in the said Conviction, and until Payment of the Costs so to be awarded.

Determination of Justices shall be final.

Conviction affirmed at Quarter Sessions, Appelant may be committed.

IX. Provided also, and be it further enacted by the Authority aforesaid, That no Action shall be brought against any Justice of the Peace, Constable, Headborough, or other Officer, or against any other Person or Persons whomsoever, for any Matter or Thing whatsoever done or committed, under, by virtue, or in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing or committing of such Matter or Thing.

Limitation of Actions.

X. Provided also, That if any Action or Suit shall hereafter be commenced or prosecuted against any Person or Persons, for any Thing done under, by virtue, or in the Execution of this Act, such Person or Persons may plead the General Issue, and give this Act, and the Special Matter, in Evidence; and if the Plaintiff shall become nonsuited, or suffer Discontinuance, or forbear further Prosecution, or if Judgment shall be given for the Defendant or Defendants, such Defendant or Defendants shall recover his, her, or their full Costs, for which he, she, or they, shall have like Remedy as in Cases where Costs by Law are given to Defendants.

General Issue.

Full Costs.

XI. And be it further enacted, That this Act shall be taken and allowed to be a Publick Act in all Courts within this Kingdom; and all Judges and Justices of the Peace are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

CAP. LXIX.

An Act for further continuing an Act, made in the Fourth Year of the Reign of His present Majesty, for importing Salt from *Europe* into the Province of *Quebec* in *America* for a limited Time.

CAP. LXX.

An Act to continue an Act, made in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the Encouragement of the Exportation of Culm to* Lisbon, *in the Kingdom of* Portugal; and for charging a higher Duty upon Culm exported thither in Foreign Shipping.

CAP. LXXI.

An Act for the better preventing the counterfeiting, clipping, and other diminishing the Gold Coin in this Kingdom.

Preamble.

'WHEREAS the preventing the Currency of clipped and unlawfully diminished and counterfeit Money is a more effectual Means to preserve the Coin of this Kingdom entire 'and pure, than the most rigorous Laws for the Punishment of such as diminish or counterfeit the same: And whereas, by the known Laws of this Kingdom, no Person ought to 'pay, or knowingly tender in Payment, any counterfeit or unlawfully diminished Money, and 'all Persons may not only refuse the same, but may, and by the ancient Statutes and Ordinances 'of this Kingdom have been required to destroy and deface the same, and more particularly the 'Tellers in the Receipt of the Exchequer, by their Duty and Oath of Office, are required to receive 'no Money but good and true; and to the End the same might be the better discerned and known 'by the ancient Course of the said Receipt of the Exchequer, all Money ought to be received there 'by Weight as well as Tale: And whereas, by an Act, passed in the Ninth and Tenth Years of the 'Reign of the late King *William* the Third, (intituled, *An Act for the better preventing the counterfeiting, clipping, and other diminishing the Coin of this Kingdom)*, Provisions are made for preventing 'the Currency of clipped and counterfeit Silver Money, but respecting the Gold Money no Provision 'is thereby made;' be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it is and shall be lawful to and for any Person to whom any Gold Money shall be tendered, any Piece or Pieces whereof shall be diminished otherwise than by reasonable wearing, or that by the Stamp, Impression, Colour, or Weight thereof, he shall suspect to be counterfeit, to cut, break, or deface, such Piece or Pieces; and if any Piece so cut, broken, or defaced, shall appear to be diminished (otherwise than by reasonable wearing) or counterfeit, the Person tendering the same shall bear the Loss thereof; but if the same shall be of due Weight, and appear to be lawful Money, the Person that cut, broke, or defaced the same, shall, and is hereby required to take and receive the same at the Rate it was coined for; and if any Question or Dispute shall arise, whether the Piece so cut be counterfeit or diminished, in Manner aforesaid, it shall be heard and finally determined by the Mayor, Bailiff or Bailiffs, or other Chief Officer, of any City or Town Corporate, where such Tender shall be made; and if such Tender shall be made out of

Act 9 & 10 Gul. III.

Persons to whom Gold Money shall be tendered, diminished otherwise than by reasonable wearing, or appearing to be counterfeit, may cut or deface such Money.

Disputes to be finally determined by Mayors, &c. in Cities, and by any Juf-

tice of the County where such Tender shall be made; who may administer Oaths.

of any City or Town Corporate, then by some Justice of the Peace of the County inhabiting or being near the Place where such Tender shall be made; and the said Mayor, or other Chief Officer, and Justice of the Peace, shall have full Power and Authority to administer an Oath, as he shall see convenient, to any Person, for the determining any Questions relating to the said Piece.

Tellers of the Exchequer are to cut or deface Gold Money unlawfully diminished.

II. And be it further enacted by the Authority aforesaid, That the Tellers at the Receipt of His Majesty's Exchequer, and their Deputies and Clerks, shall, and they are hereby required, to cut, break, or deface, or cause to be cut, broken, or defaced, every Piece of counterfeit or unlawfully diminished Gold Money that shall be tendered in Payment to them, to the Use of His Majesty, His Heirs or Successors, or for or in respect of any Part of the Revenue, Aids, Impositions, Duties, or Taxes, of His Majesty, His Heirs or Successors: And the better to discover Gold Money that is counterfeit, or unlawfully diminished, from that which is good and true, the said Tellers, and their respective Deputies and Clerks, shall weigh in whole Sums, or otherwise, all Gold Money by them received; and if the same, or any Piece thereof, shall, by the Weight, or otherwise, appear to be counterfeit, or unlawfully diminished, the same shall not be received by or from them, in the said Receipt of the Exchequer, nor be allowed them upon their respective Accounts.

CAP. LXXII.

An Act to permit the free Importation of Cod Fish, Ling, and Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coast of *Labrador*.

Preamble. Act 2 & 3 Annæ.

'WHEREAS by an Act, made in the Second and Third Years of the Reign of Her late Majesty Queen *Anne*, (intituled, *An Act for the better securing and regulating the Duties upon Salt*), Cod Fish, Ling, or Hake, caught and cured at *Newfoundland*, or *Ireland*, are permitted to be imported, brought in, or landed, under certain Restrictions and Regulations therein particularly mentioned: And whereas it may tend to the Increase of the Trade and Navigation of this Kingdom, if the like Permission were granted of importing and bringing in Cod Fish, Ling, or Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coast of *Labrador*;' may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

After passing this Act, all Cod Fish, Ling, and Hake, caught in Chaleur Bay, &c. may be imported, subject to the Rules in Act 10 & 11 Gul. III.

That from and after the passing of this Act, it shall and may be lawful to import, bring in, in *British*-built Vessels, navigated according to Law, and subject to the Rules prescribed in an Act of the Tenth and Eleventh Years of the Reign of His late Majesty King *William* the Third, (intituled, *An Act to encourage the Trade to* Newfoundland), and to land in *Great Britain*, all Cod Fish, Ling, and Hake, caught and cured in *Chaleur Bay*, or any other Part of the Gulph of *Saint Lawrence*, or on the Coast of *Labrador*, so as Oath be first made before the Landing thereof, by the Owner or Proprietor of such Fish, or the Master of the Vessel bringing the same, before the Officer for the Duties on Salt, in the Port or Place where such Fish shall be imported or brought in, (who is hereby required to administer the same without Fee or Charge), that all the Fish so imported or brought in came from the Gulph of *Saint Lawrence*, or the Coast of *Labrador*, and were caught and cured there; and so as the said Fish be, at the Landing thereof, and before the same be removed from the Shore, tendered to the Officer of the Port or Place, for the said Duties, to have Part of the Tail of every such Cod Fish, Ling, or Hake, cut off, that no Allowance for such Fish may be obtained upon Exportation; and the said Officer is hereby impowered and required to cut off Part of the Tail of all such Fish on the Landing thereof: And in case any such Fish shall be landed or removed from the Shore before the same shall be tendered to the Officer, to have Part of the Tail cut, as aforesaid, all the Fish so imported and landed shall be forfeited, and Double the Value thereof, to be recovered of the Importer, Proprietor, or Master of the Vessel.

Oath being made by the Master of the Vessel, that the Fish brought in, came from the Gulph of St. Lawrence, &c.

Penalty on removing Fish from the Shore before tendered to the Officer.

The Master of every Vessel with Fish coming from Newfoundland, &c. to destroy all the foul Salt on board, in the Presence of a Salt Officer.

II. And whereas, in the curing of Cod Fish, Ling, and Hake, considerable Quantities of Salt are necessarily thrown over them, when shipped, to preserve them from spoiling, and a great Part thereof falls off in unloading the Vessel, and it hath been too common a Practice for the Owner or Master of the Vessel, and People belonging thereto, to collect such loose and foul Salt together, and clandestinely convey it on Shore, and sell it at an under Price, whereby His Majesty's Revenue has been considerably injured; be it therefore enacted, That from and after the passing of this Act, the Master of every Vessel laden with Cod Fish, Ling, or Hake, either coming from *Newfoundland*, the *North Seas*, or *Ireland*, or the Gulph of *Saint Lawrence*, or the Coast of *Labrador*, into any Port or Place in *Great Britain*, shall, and is hereby required to throw, or cause to be thrown, overboard, and destroyed, all the Salt that shall so fall off, or be in the Vessel, at the Time of the unloading or landing of all or any Part of her Cargo, in the Presence of an Officer for the Duties on Salt; and if the Master of such Vessel shall neglect or refuse so to do, it shall and may be lawful to and for the Salt Officer on Board, by himself, or with such Assistance as may be necessary, to throw all and every Part thereof overboard, or otherwise destroy the same, and the Master, for such Neglect or Refusal, shall forfeit the Sum of Twenty Pounds, and Costs; and if any such Salt shall be landed or

Penalty on Refusal or Neglect, 20 l.

run

run on Shore, the ſame, and every Part thereof, ſhall be forfeited, and Treble the Value thereof; and all and every Perſon and Perſons in whoſe Cuſtody the ſame ſhall be found, and all and every Perſon and Perſons, who is, are, or ſhall be aiding or aſſiſting in the Landing or Running thereof, ſhall forfeit the like Sum of Twenty Pounds, and Coſts; One Moiety of all which Forfeitures ſhall be to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Officer or Officers who ſhall ſeize, proſecute, or inform for the ſame; to be recovered and levied in ſuch Manner and Form, and with ſuch Power of Mitigation, as any Fine, Forfeiture, or Penalty, is or may be recovered by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer in *Scotland*, wherein no Eſſoin, Protection, or Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Perſons in whoſe Cuſtody ſuch Salt, is found, &c. to forfeit 20 l.

Forfeitures how to be applied.

CAP. LXXIII.

An Act to continue and amend an Act, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for opening and eſtabliſhing certain Ports in the Iſlands of* Jamaica *and* Dominica, *for the more free Importation and Exportation of certain Goods and Merchandiſes; for granting certain Duties to defray the Expences of opening, maintaining, ſecuring, and improving, ſuch Ports; for aſcertaining the Duties to be paid upon the Importation of Goods from the ſaid Iſland of* Dominica *into this Kingdom; and for ſecuring the Duties upon Goods imported from the ſaid Iſland into any other* Britiſh *Colony*; and for allowing Timber and Wood to be exported from the ſaid Iſland of *Dominica* into any other of the *Britiſh* Iſlands, Colonies, or Plantations in *America*, for a limited Time.

Preamble. Act 6 Geo. III.

'WHEREAS an Act, made in the Sixth Year of the Reign of His preſent Majeſty, (intituled, *An Act for opening and eſtabliſhing certain Ports in the Iſlands of* Jamaica *and* Dominica, *for the more free Importation and Exportation of certain Goods and Merchandiſes; for granting certain Duties to defray the Expences of opening, maintaining, ſecuring, and improving, ſuch Ports; for aſcertaining the Duties to be paid upon the Importation of Goods from the ſaid Iſland of* Dominica *into this Kingdom; and for ſecuring the Duties upon Goods imported from the ſaid Iſland into any other* Britiſh *Colony*), which was to continue in Force until the Firſt Day of *November*, One thouſand ſeven hundred and ſeventy-three, and from thence to the End of the then next Seſſion of Parliament, hath been found uſeful and beneficial, and would become more ſo if it was continued, altered, and amended;' may it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, and every Thing therein contained, (except ſo much thereof as is by this Act altered and amended), ſhall be, and the ſame is hereby further continued until the Firſt Day of *November*, which ſhall be in the Year of our Lord One thouſand ſeven hundred and eighty, and from thence to the End of the then next Seſſion of Parliament, (except what relates to the ſaid Iſland of *Jamaica*), which ſhall have Continuance only until the Firſt Day of *November*, One thouſand ſeven hundred and ſeventy-four, and from thence to the End of the then next Seſſion of Parliament.

further continued till Nov. 1, 1780.

except what relates to Jamaica, which ſhall continue only till Nov. 1, 1774.

II. And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of *November*, in the preſent Year One thouſand ſeven hundred and ſeventy-three, any Cocoa and Coffee, either in or out of the Huſk, being the Growth and Produce of the ſaid Iſland of *Dominica*, may be imported into *Great Britain* under Certificate, in like Manner, and under ſuch Securities, Regulations, and Reſtrictions, and ſubject to ſuch Penalties and Forfeitures, as Sugar and Rum, the Growth and Produce of the ſaid Iſland, are allowed by the ſaid Act to be imported into *Great Britain*; and that from and after the ſaid Firſt Day of *November*, One thouſand ſeven hundred and ſeventy-three, any Coffee in the Huſk, being of the Growth and Produce of any other of His Majeſty's Colonies or Plantations in *America*, may be imported into *Great Britain* in *Britiſh*-built Ships, navigated according to Law, from any of the ſaid Colonies or Plantations.

After Nov. 1. 1773, Cocoa and Coffee, of the Produce of Dominica, &c. may be imported under ſuch Regulations as Sugar and Rum from ſaid Iſland.

III. Provided always, and be it enacted by the Authority aforeſaid, That a Deduction or Allowance of One-ſeventh Part ſhall be made from and upon every One hundred Pounds Weight of all Coffee in the Huſk, of the Growth and Produce of the ſaid Iſland of *Dominica*, or of any other *Britiſh* Colony or Plantation in *America*, which ſhall be from thence imported into *Great Britain*; for which Quantity, ſo deducted as aforeſaid, no Cuſtom or Duty of Exciſe ſhall be paid by the Importer or Proprietor thereof.

An Allowance of One-ſeventh in the 100 lb. Weight to be made from all Coffee in the Huſk imported, Duty free.

IV. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *November*, in the preſent Year One thouſand ſeven hundred and ſeventy-three, the Duty of One Pound Ten Shillings, payable by the ſaid Act of the Sixth Year of the Reign of His preſent Majeſty, for and upon every Negroe imported into the ſaid Iſland of *Dominica*, and upon every Negroe exported from the ſaid Iſland of *Jamaica*, ſhall ceaſe, determine, and be no longer paid or payable; and that, inſtead and in lieu of the ſaid Duties, there ſhall be raiſed, levied,

Duties payable on the Importation and Exportation of Negroes to and from Dominica and Jamaica.

levied, collected, and paid, unto His Majesty, His Heirs and Successors, a Duty of Two Shillings and Sixpence for and upon every Negroe which shall be imported into the said Island of *Dominica*, or which shall be brought into any Port, Harbour, or River, belonging to the said Island, with an Intent to be landed, sold, or reshipped on Board any other Vessel there, in order to be carried into any other Colony or Place whatsoever; and also a Duty of Two Shillings and Sixpence upon every Negroe which shall be exported from the said Island of *Jamaica*; which said respective Duties shall be deemed and taken to be Sterling Money of *Great Britain*, and shall be respectively received, raised, levied, collected, paid, and recovered, and shall be applied and disposed of, in such and the same Manner, to all Intents and Purposes, as the Duties hereby repealed and taken off are by the said recited Act directed to be received, raised, levied, collected, paid, and recovered, applied, and disposed of.

Timber of the Growth of Dominica may be exported and imported into America, subject to the Penalties in Act 12 Car. II.

V. And whereas there are growing in the said Island of *Dominica* great Quantities of Timber and Wood fit for building Sugar Mills and other Purposes: And whereas those Articles are frequently purchased by the Inhabitants of the other *British* Islands, Colonies, and Plantations in *America*, from Foreigners, at a great Expence; be it therefore further enacted by the Authority aforesaid, That from and after the said First Day of *November*, in the present Year One thousand seven hundred and seventy-three, any Timber or Wood of the Growth or Produce of the said Island of *Dominica*, may be exported therefrom, and imported into, any other of His Majesty's Islands, Colonies, or Plantations, in *America*, in any Ship or Vessel, *British*-built, not having more than one Deck, and navigated according to Law, and landed therein, under such Securities, Regulations, and Restrictions, and subject to the same Penalties and Forfeitures, as are mentioned in an Act, made in the Twelfth Year of King *Charles* the Second, (intituled, *An Act for encouraging and increasing of Shipping and Navigation*), until the First Day of *November*, One thousand seven hundred and seventy-six, and from thence to the End of the then next Session of Parliament; the said herein first-recited Act, or any other Act, Law, or Usage, to the Contrary notwithstanding.

CAP. LXXIV.

An Act for the better ascertaining the Tonage and Burthen of Ships and Vessels importing and exporting Goods into and from this Kingdom, or hovering upon the Coasts thereof; for amending so much of an Act, made in the last Session of Parliament, for lowering the Duty payable upon the Importation of Oak Bark, as relates to the suing for the Penalties and Forfeitures thereby inflicted in the Court of Exchequer in *Scotland*; for appropriating the Duty on Oak Bark, granted by the said Act; and for obviating Doubts which have arisen with respect to the allowing the Drawback upon certain Callicoes; and the Bounty upon *British*-made Cordage exported to the Islands of *Madeira*, the *Canary* Islands, and the *Azores* or Western Islands.

Preamble. Act 6 Geo. I.

'WHEREAS by an Act of Parliament, made in the Sixth Year of the Reign of His late 'Majesty King *George* the First, intituled, *An Act for preventing Frauds and Abuses in the pub-* 'lick Revenues of Excise, Customs, Stamp-duties, Post Office, and House Money, and by several subse- 'quent Acts of Parliament, a Rule is prescribed for admeasuring of Ships and Vessels importing 'Brandy and other Spirits, and hovering upon the Coasts of this Kingdom with various Goods pro- 'hibited to be imported here; but no Rule being prescribed by Law for the admeasuring of Ships or 'Vessels exporting Spirits from *Great Britain* into foreign Parts, and in various other Cases where 'the Tonage and Burthen of Ships or Vessels, trading to and from this Kingdom is necessary to be 'known and ascertained; and it being expedient that One certain Rule for this Purpose should be 'settled and established in all Cases, to prevent any Disputes that may arise concerning the Tonage 'and Burthen of such Ships or Vessels,' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *August*, One thousand seven hundred and seventy-three, the Tonage and Burthen of any Ship or Vessel importing or exporting Brandy, or other Spirituous Liquors, or any other Goods whatsoever, into or from this Kingdom, or hovering upon the Coasts thereof, and where the Owner or Proprietor, or other Person, shall be intitled to any Bounty or Allowance, according to the Tonage of any Ship or Vessel, and in all other Cases whatsoever where the Tonage and Burthen of any Ship or Vessel shall be necessary to be ascertained and known by any Act or Acts of Parliament made, or hereafter to be made, concerning the Revenues of Customs, Excise, or Salt Duty, the Rule for admeasuring such Ships or Vessels shall be as follows; that is to say, The Length shall be taken on a streight Line along the Rabbet of the Keel of the Ship, from the Back of the Main Stern Post to a perpendicular Line from the Forepart of the Main Stern under the Bowsprit, from which substracting Three-fifths of the Breadth, the Remainder shall be esteemed the just Length of the Keel to find the Tonage; and the Breadth shall be taken from the Outside of the outside Plank, in the broadest Place of the Ship, be it either above or below the Main Whales, exclusive of all Manner of doubling Planks that may be wrought upon the Sides of the Ship, then multiplying the Length of the Keel by the

Rule by which Ships are to be measured for ascertaining the Tonage.

the Breadth ſo taken, and that Product by Half the Breadth, and dividing the Whole by Ninety-four, the Quotient ſhall be deemed the true Contents of the Tonage; according to which Rule the Tonage of all ſuch Ships and Veſſels ſhall be meaſured and aſcertained, any Thing in the ſaid recited Act of the Sixth of King *George* the Firſt, or any other Act or Acts of Parliament to the Contrary notwithſtanding.

Not to alter the Method of admeaſuring Coal Veſſels;

II. Provided always, and it is hereby further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to make any Alteration in the Method of admeaſuring Keels, Boats, and other Veſſels, uſed in carrying Coals, purſuant to an Act, made in the Sixth and Seventh Years of the Reign of King *William* the Third, intituled, *An Act for the better Admeaſurement of Keels and Keel Boats in the Port of* Newcaſtle, *and the Members thereto belonging*: Provided alſo, that nothing herein contained ſhall extend, or be conſtrued to extend, to make any Alteration in the Method of admeaſuring any Buſs or Veſſel uſed in carrying on the White Herring Fiſhery, purſuant to the ſeveral Acts made for the Encouragement of the *Britiſh* White Herring Fiſhery.

nor of Veſſels employed in the White Herring Fiſhery.

Act 12 Geo. III.

III. And whereas Doubts have ariſen upon the Conſtruction of an Act, made in the laſt Seſſion of Parliament, intituled, *An Act for encouraging the Manufacture of Leather, by lowering the Duty payable upon the Importation of Oak Bark, when the Price of ſuch Bark ſhall exceed a certain Rate, for a limited Time*, whether Oak Bark, ſeized and condemned within that Part of *Great Britain* called *Scotland*, in purſuance of the ſaid recited Act, and the Penalties and Forfeitures thereby inflicted, may be ſued for, proſecuted, and recovered, in the Court of *Exchequer* in *Scotland*; and by reaſon of ſuch Doubts great Frauds and Abuſes may be committed: Now, for removing and putting an End to the ſame; be it enacted by the Authority aforeſaid, That all ſuch Oak Bark which ſhall be ſeized and condemned within that Part of *Great Britain* called *Scotland*, in purſuance of the ſaid recited Act, and all Offences againſt the ſame, and all Penalties and Forfeitures whatſoever thereby inflicted, ſhall and may be reſpectively ſued for, proſecuted, recovered, and applied, in the Court of Exchequer in *Scotland*, by ſuch Perſons reſpectively, and in the ſame Manner, as fully and amply, to all Intents and Purpoſes, as they might in any of His Majeſty's Courts of Record at *Weſtminſter*, in like Caſes happening in that Part of *Great Britain* called *England*.

Penalties for Oak Bark ſeized and condemned in Scotland, may be recovered in the Court of Exchequer there, as in Courts of Record at Weſtminſter.

How the Duty of 1d. per Hundred Weight upon Oak Bark imported into this Kingdom is to be applied.

IV. And whereas the Duty of One Penny *per* Hundred Weight upon Oak Bark imported into this Kingdom, which was granted by the ſaid recited Act, is not appropriated by Parliament; be it therefore further enacted by the Authority aforeſaid, That all the Monies ariſing by the ſaid Duty on Oak Bark, which was granted by the ſaid recited Act, ſhall be accounted for by the ſeveral Officers of His Majeſty's Cuſtoms, who ſhall collect and receive the ſame, to that Branch of the Cuſtoms which is called *The Old Subſidy*, and ſhall be applied and appropriated to the ſame Uſes and Purpoſes as other Monies ariſing by the ſaid Branch of Cuſtoms are applied and appropriated by virtue of any Act of Parliament now in Force.

Act 6 Geo. III.

V. And whereas by an Act of Parliament, made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for repealing certain Duties in the* Britiſh *Colonies and Plantations, granted by ſeveral Acts of Parliament; and alſo the Duties impoſed by an Act, made in the laſt Seſſion of Parliament, upon certain* Eaſt India *Goods exported from* Great Britain, *and for granting other Duties inſtead thereof; and for further encouraging, regulating, and ſecuring, ſeveral Branches of the Trade of this Kingdom, and the* Britiſh *Dominions in* America, it is, amongſt other Things, enacted, That a Drawback or Allowance of the Duty paid in purſuance of that Act ſhall be repaid, according to the reſpective Rates and Values therein expreſſed, upon the Exportation from this Kingdom to *Africa* of certain printed Callicoes of the Manufacture of *Perſia*, *China*, or *Eaſt India*, in the ſaid Act particularly enumerated: And whereas by another Act of Parliament, made in the Twelfth Year of His ſaid Majeſty's Reign, intituled, *An Act for granting a Drawback of Part of the Cuſtoms upon the Exportation of Tea to* Ireland; *and the* Britiſh *Dominions in* America; *for altering the Drawback upon Foreign Sugars exported from* Great Britain *to* Ireland; *for continuing the Bounty on the Exportation of* Britiſh-*made Cordage*; *for allowing the Importation of Rice from the* Britiſh *Plantations into the Ports of* Briſtol, Liverpoole, Lancaſter, *and* Whitehaven, *for immediate Exportation to Foreign Parts*; *and to impower the Chief Magiſtrate of any Corporation to adminiſter the Oath, and grant the Certificate required by Law upon the Removal of certain Goods to* London, *which have been ſent into the Country for Sale*, it is, amongſt other Things, enacted, That no Bounty ſhall be allowed for any Cordage which ſhall be exported, or entered for Exportation, to any Part of *Aſia*, *Africa*, or *America*, the *Iſle of Man*, or the Iſlands of *Faro* or *Ferro*: And whereas Doubts have ariſen, whether the Iſlands of *Madeira*, and the *Azores* or Weſtern Iſlands, are to be deemed Part of *Africa*, within the Intention of theſe Acts; and there is Reaſon to believe that ſuch Callicoes have been, and may be entered for Exportation from this Kingdom to the ſaid Iſlands of *Madeira*, as well as to the *Canary* Iſlands, and the *Azores* or Weſtern Iſlands, and afterwards clandeſtinely landed in the *Britiſh* Plantations in *America*; and that *Britiſh*-made Cordage entered for Exportation from this Kingdom to the ſaid *Madeira* Iſlands, and the *Azores* or Weſtern Iſlands, may be afterwards clandeſtinely landed in ſome Parts of *Aſia*, *Africa*, or *America*, whereby the good Purpoſes intended by the ſaid recited Acts may be fruſtrated; for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the Firſt Day of *Auguſt*, One thouſand ſeven hundred and ſeventy-three, the Drawback granted by the Firſt recited Act, made in the Sixth Year of His Majeſty's Reign, upon the Exportation of the printed Callicoes therein mentioned; and the Bounty by the laſt recited Act, made in the Twelfth Year of His Majeſty's Reign, or by any other Act of Parliament upon the Exportation of *Britiſh*-made Cordage, ſhall not be paid or allowed upon the Exportation of ſuch Goods reſpectively from this Kingdom to the ſaid Iſlands of *Madeira*,

and Act 12 Geo. III. recited.

After Auguſt 1, 1773, the Drawback and Bounty granted by the before-recited Acts upon certain Goods

therein mentioned not to be allowed on said Goods exported to Madeira, the Canary Islands, &c.

Madeira, the *Canary* Islands, the *Azores* or Western Islands, or to any or either of them; any Thing in the said recited Acts, or any other Act, Usage, or Custom, to the Contrary notwithstanding.

Penalty for entering Callicoes and Cordage to other foreign Parts and landing them on said Islands.

VI. And be it further enacted by the Authority aforesaid, That if any Merchant or other Person shall enter any such Callicoes or Cordage for Exportation to foreign Parts, other than to the said Islands, in order to obtain the Drawback or Bounty for the same, and such Goods shall nevertheless be carried to the said Islands, or either of them, and landed there, contrary to the true Intent and Meaning of this Act; that then, and in every such Case, the Drawback or Bounty paid, or to be paid, for the same shall be forfeited, and the Exporter of such Goods, and the Master of the Ship or Vessel, on Board which such Goods were loaded and exported, and every Person concerned or assisting in the Exportation or Landing thereof, shall forfeit Treble the Value of such Goods, and the Ship or Vessel on Board which such Goods were loaden and exported, with all her Tackle, Furniture, and Apparel, shall also be forfeited, and shall and may be seized and prosecuted by any Officer or Officers of the Customs in *Great Britain*; and the several Penalties and Forfeitures herein-before mentioned shall and may be sued for and recovered, in such and the like Manner as any Forfeiture incurred by any Law of the Revenue of Customs may be sued for and recovered in this Kingdom; One Moiety of which Penalties and Forfeitures, after deducting the Charges of Prosecution, shall be to the Use of His Majesty, His Heirs and Successors, and the other Moiety to such Officer or Officers of the Customs as shall sue or prosecute for the same.

After Aug. 1, 1773, the Islands of Madeira, &c. to be added to the Oath upon Debentures for Callicoes and Cordage exported.

VII. And be it further enacted by the Authority aforesaid, That from and after the said First Day of *August*, One thousand seven hundred and seventy-three, the said Islands of *Madeira*, the *Canary* Islands, and the *Azores* or Western Islands, shall be added to, and included in, the Oath upon all Debentures for such Callicoes and Cordage exported, whereon the Exporter is to swear that the same are not landed, or intended to be landed, in *Great Britain* or *Ireland*.

CAP. LXXV.

An Act for enabling *John*, *Robert*, *James*, and *William Adam*, to dispose of several Houses and Buildings in the Parishes of *Saint Martin in the Fields*, and *Saint Mary le bon*, in the County of *Middlesex*, and other their Effects, by Way of Chance, in such Manner as may be most for the Benefit of themselves and Creditors.

CAP. LXXVI.

An Act to indemnify Justices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others, who have omitted to register or deliver in their Qualifications within the Time limited by Law; and for giving further Time for those Purposes.

Preamble.

Act 18. Geo. II.

Act 2 Geo. III.

Act 9 Geo. III.

'WHEREAS divers Justices of the Peace, Deputy Lieutenants, and Officers of Militia, or others, who ought to have registered or delivered in their Qualifications, according to an Act, made in the Eighteenth Year of the Reign of His late Majesty King *George* the Second, intituled, '*An Act to amend and render more effectual an Act, passed in the Fifth Year of His present Majesty's Reign, intituled*, An Act for the further Qualification of Justices of the Peace; or according to another Act, made in the Second Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the several Laws now in being, relating to the raising and training the Militia within that Part of* Great Britain *called* England; or according to another Act, made in the Ninth Year of His present Majesty, intituled, *An Act for explaining, amending, and continuing an Act, made in the Second Year of the Reign of His present Majesty, intituled*, An Act to explain, amend, and reduce into One Act of Parliament, the several Laws now in being, relating to the raising and training the Militia within that Part of *Great Britain* called *England*, have through Ignorance of the Law, Absence, or some unavoidable Accident omitted to register, or deliver in their Qualifications as aforesaid, within such Time, and in such Manner as in and by the said Acts respectively, or by any other Act of Parliament in that Behalf made is required, whereby they have incurred, or may be in Danger of incurring, divers Penalties and Disabilities:' For quieting the Minds of His Majesty's Subjects, and for preventing any Inconveniencies that might otherwise happen by Means of such Omissions; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Justice or Justices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others who, at the Time of the passing of this Act, shall have omitted to register or deliver in their Qualifications, within such Time, and in such Manner, as in and by the said Act, or any of them, or by any other Act of Parliament in that Behalf is required, and who hath or have, or who shall, on or before the Twenty-fifth Day of *December*, One thousand seven hundred and seventy-three, register his or their Qualification, in Manner and Form as in and by the said in part recited Acts, or any of them, are required, shall be, and are hereby indemnified,

All Justices, Deputy Lieutenants, &c. who shall have omitted to register their Qualifications, and before Dec. 25, 1773, shall register in Manner required, shall be freed from Penalties for Omission.

indemnified, freed, and discharged, from and against all Penalties, Forfeitures, Incapacities, and Disabilities, incurred, or to be incurred, for or by Reason of any Neglect or Omission, previous to the passing of this Act, for not registering his or their Qualification, according to the above-mentioned Acts, or any of them, or any other Act or Acts; and such Person and Persons is and are, and shall be fully and actually recapacitated, and restored to the same State and Condition, as he or they were in before such Neglect or Omission; and shall be deemed and adjudged to have duly qualified him or themselves, according to the above-mentioned Acts, and every of them; and that all Acts done or to be done, by any such Person or Persons, or by Authority derived from him or them, are and shall be of the same Force and Validity, as the same, or any of them, would have been, if such Person or Persons respectively had registered his or their Qualification, according to the Direction of the said Acts, and every or any of them; any Thing in the said in part recited Acts, or any of them, to the Contrary in any-wise notwithstanding.

II. Provided always, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to indemnify any Person against whom final Judgement shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, for any Penalty incurred, by having neglected to qualify himself within the Time limited by Law. Not to extend to indemnify any Person against whom final Judgement shall have been given.

CAP. LXXVII.

An Act for granting to His Majesty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies therein mentioned for the Service of the Year One thousand seven hundred and seventy-three; and for further appropriating the Supplies granted in this Session of Parliament; and for paying to *John Harrison* a further Reward for his Invention of a Time-keeper for ascertaining the Longitude at Sea, and his Discovery of the Principles upon which the same was constructed.

'*Most Gracious Sovereign*,

'WE, Your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament assembled, towards raising the necessary Supplies which we have chearfully granted to 'Your Majesty in this Session of Parliament, have resolved to give and grant to Your Majesty the 'Sum herein after mentioned; and do therefore most humbly beseech Your Majesty that it may be 'enacted;' and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That by or out of such Monies as shall, from Time to Time, be and remain in the Receipt of the Exchequer, of the Surpluses, Exceses, Overplus Monies, and other Revenues composing the Fund, commonly called *The Sinking Fund*, after paying, or reserving sufficient to pay, all such Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, there shall and may be issued and applied, for and towards making good the Supply granted to His Majesty for the Service of the Year One thousand seven hundred and seventy-three, a Sum not exceeding Two millions three hundred forty-nine thousand eight hundred and six Pounds, Twelve Shillings and Seven pence Three Farthings; and the Commissioners of His Majesty's Treasury now or for the Time being, or any Three or more of them, or the High Treasurer for the Time being, are or is hereby authorised and impowered to issue and apply the same accordingly. Preamble. 2,349,806l. 12s. 7d. 3q. granted out of the Fund, for the Service of the current Year; to be issued by the Treasury accordingly.

II. And it is hereby enacted by the Authority aforesaid, That in case the said Commissioners of His Majesty's Treasury now or for the Time being, or any Three or more of them, or the High Treasurer for the Time being, shall think it adviseable to raise the said Sum of Two millions three hundred forty-nine thousand eight hundred and six Pounds, Twelve Shillings and Seven-pence Three Farthings, or any Part thereof, by Loans or Exchequer Bills, in Manner herein-after mentioned, that it shall and may be lawful to and for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, to advance or lend to His Majesty, at the Receipt of His Majesty's Exchequer, any Sum or Sums of Money not exceeding the said Sum of Two millions three hundred forty-nine thousand eight hundred and six Pounds, Twelve Shillings and Seven-pence Three Farthings, upon the Credit of the said Surpluses, Exceses, and Overplus Monies, or other Revenues composing the Sinking Fund, and to have and receive Interest for the Forbearance of the Money lent, so as such Loans be allowed to be made by the said Commissioners of the Treasury, or any Three or more of them, now or for the Time being, or the High Treasurer for the Time being, who are or is hereby authorised to issue his or their Warrants for that Purpose, as such Loans shall be wanted for the publick Service; and moreover, that no Money to be lent upon the Security of this Act shall be rated or assessed to any Tax or Assessment whatsoever. Treasury impowered to raise the said Sum, or any Part thereof, by Loans or Exchequer Bills, on the Credit of the Sinking Fund.

III. And be it further enacted, That all and every Person or Persons who shall lend any Money upon the Credit of this Act, as aforesaid, and pay the same into the Receipt of the Exchequer, shall immediately have a Tally of Loan struck for the same, and an Order for his, her, or their Repayment bearing the same Date with his, her, or their Tally, in or upon which Order shall be also contained a Warrant for Payment of Interest for the Forbearance thereof, and to be paid every Three Months, until the Repayment of the Principal; and all such Orders for Repayment of Money so to be lent shall be registered in Course, according to the Dates respectively; and that all and every Person and Persons All Persons who shall lend any Money upon the Credit of this Act have a Tally of Loan, with Orders for Repayment of the Money with Interest.

Orders to be regiſtered in Courſe.

Perſons ſhall be paid in Courſe, according as their Orders ſhall ſtand regiſtered in the ſaid Regiſter Books, ſo as the Perſon or Perſons, Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, who ſhall have his, her, or their Order or Orders firſt entered in the ſaid Books of Regiſter, ſhall be taken and accounted to be the Firſt Perſon or Perſons to be paid out of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues; and he, ſhe, or they, who ſhall have his, her, or their Order or Orders next entered, ſhall be taken and accounted to be the Second Perſon to be paid, and ſo ſucceſſively, and in Courſe; and that the Monies to come in, of or for the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund, as aforeſaid, ſhall be, in the ſame Order, liable to the Satisfaction of the ſaid reſpective Perſons, and Body or Bodies Politick or Corporate, their Executors, Adminiſtrators, Succeſſors, or Aſſigns, reſpectively, without any undue Preference of One before another, and not otherwiſe; and ſhall not be diverted or divertible to any other Uſe, Intent, or Purpoſe whatſoever, other than ſuch Uſes and Purpoſes as are appointed by any other Act or Acts of Parliament in that Behalf, as aforeſaid; and that no Fee, Reward, or Gratuity, directly or indirectly, ſhall be demanded or taken of any of His Majeſty's Subjects, for providing or making of any ſuch Books or Regiſters, or any Entries, Views, or Searches, in or for Payment of Money lent, or the Intereſt thereof, as aforeſaid, by any of His Majeſty's Officer or Officers, their Clerks or Deputies, on Pain of Payment of Treble Damages to the Party grieved by the Party offending, with full Coſts of Suit; or if the Officer himſelf take or demand any ſuch Fee or Reward, then to loſe his Place alſo: And if any undue Preference of One before another ſhall be made, either in Point of Regiſtry or Payment, contrary to the true Meaning of this Act, by any ſuch Officer or Officers, then the Party offending ſhall be liable, by Action of Debt, or on the Caſe, to pay the Value of the Debt, with full Coſts of Suit, to the Party grieved, and ſhall be forejudged of his Place or Office; and if any ſuch Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Maſter, then ſuch Deputy or Clerk only ſhall be liable to ſuch Action, Debt, Damages, and Coſts, and ſhall be for ever after incapable of his Office or Place: And in caſe the Auditor of the Receipt ſhall not direct the ſaid Orders of Loan, or the Clerk of the Pells record, or the Teller make Payment upon ſuch Orders, according to each Perſon's due Place and Order, as before directed; then he or they ſhall be adjudged to forfeit, and the reſpective Deputies and Clerks therein offending to be liable to ſuch Action, Debt, Damages, and Coſts, in ſuch Manner as aforeſaid; all which ſaid Penalties, Forfeitures, Damages, and Coſts, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*; wherein no Eſſoin, Protection, Privilege, Wager of Law, Injunction, or Order of Reſtraint, ſhall be in any-wiſe granted or allowed.

No undue Preference to be given in Payment.

No Fee to be taken on Forfeiture of Treble Damages, with full Coſts.

Penalty of undue Preference in Point of Regiſtry or Payment.

Auditor, &c. neglecting his Duty, liable for Damages, &c.

to be recovered at Weſtminſter.

No undue Preference in the Regiſtering, where Orders are brought the ſame Day;

IV. Provided always, and it is declared, That if it ſhall happen that ſeveral Tallies of Loan, or Orders for Payment, as aforeſaid, bear Date, or be brought the ſame Day to the Auditor of the Receipt to be regiſtered; then it ſhall be interpreted no undue Preference which of thoſe be entered firſt, ſo as he enters them all the ſame Day.

nor if ſubſequent Orders are paid before others not brought in Courſe, ſo as Money be reſerved for the preceding Orders.

V. Provided alſo, That it ſhall not be interpreted any undue Preference, to incur any Penalty in point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay ſubſequent Orders, to Perſons that come and demand their Monies, and bring their Orders, before other Perſons that did not come and take their Monies, and bring their Orders in Courſe, ſo as there be ſo much Money reſerved as will ſatisfy preceding Orders, which ſhall not be otherwiſe diſpoſed of, but kept for them; Intereſt upon Loan being to ceaſe from the Time the Money is ſo reſerved and kept in Bank for them.

Power of Aſſignment, and Method of transferring of Orders.

VI. And be it further enacted, That all and every Perſon and Perſons to whom any Money ſhall be due for Loans to be regiſtered by virtue of this Act, after Order entered in the Book of Regiſter, as aforeſaid, his, her, or their Executors, Adminiſtrators, or Aſſigns, by proper Words or Aſſignment, to be indorſed and written upon his, her, or their Order, may aſſign and transfer his, her, or their Right, Title, Intereſt, and Benefit of ſuch Order, to any other; which being notified in the Office of the Auditor of the Receipt aforeſaid, and an Entry or Memorial thereof alſo made in the Book of Regiſter aforeſaid for Orders, (which the Officers ſhall, upon Requeſt, without Fee or Charge, accordingly make), ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, Succeſſors, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the Power of ſuch Perſon or Perſons, who hath or have made ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

If it ſhall be judged more adviſeable, the Treaſury may raiſe the ſaid Sum by Exchequer Bills, inſtead of Loans;

VII. And, to the End there may be no Want or Failure of a certain Sum, not to exceed in the Whole the ſaid Sum of Two millions three hundred forty-nine thouſand eight hundred and ſix Pounds, Twelve Shillings and Seven-pence Three Farthings, to be raiſed either by ſuch Loans as aforeſaid, or by iſſuing Exchequer Bills, as is herein-after mentioned, or by both or either of thoſe Ways or Means, for the Publick Service; be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, now or for the Time being, or the High Treaſurer for the Time being, ſhall judge it more adviſeable to raiſe the ſaid Sum of Two millions three hundred forty-nine thouſand eight hundred and ſix pounds, Twelve Shillings and Seven-pence Three Farthings, or any Part thereof, by Exchequer Bills, inſtead of ſuch Loans, as aforeſaid, that

that then he or they reſpectively is or are hereby authoriſed and impowered, at any Time or Times, to prepare and make, or cauſe to be prepared or made, at the Exchequer, any Number of new Exchequer Bills, for any Sum or Sums of Money, not exceeding in the Whole the ſaid Sum of Two millions three hundred forty-nine thouſand eight hundred and ſix Pounds, Twelve Shillings and Seven-pence three Farthings, together with ſuch Loans aforeſaid, in the ſame or like Manner, Form, or Order, and according to the ſame or like Rules and Directions, as in and by a certain Act of this preſent Seſſion of Parliament, intituled, *An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ſeventy-three*, are enacted and preſcribed concerning the Exchequer Bills to be made in purſuance of the ſaid Act.

the Bill in ſuch Caſe to be made as thoſe preſcribed by the Malt Act of this Seſſion.

VIII. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities, contained in the ſaid laſt-mentioned Act, relating to the Loans or Exchequer Bills authoriſed to be made by the ſame Act, (except ſuch Clauſes as do charge the ſame on the Taxes granted by the ſame Act, and except ſuch Clauſes as limit the Rate of Intereſt to be paid for the Forbearance of Money lent on the Credit of the ſaid Act), ſhall be applied and extended to the Exchequer Bills to be made in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſaid Exchequer Bills had been originally authoriſed by the ſaid laſt-mentioned Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this preſent Act.

All Advantages and Penalties in the Malt Act of this Seſſion, relating to Loans or Exchequer Bills thereby authoriſed to be made forth, extended to this Act.

IX. And be it enacted by the Authority aforeſaid, That all the Exchequer Bills, which ſhall be made in purſuance of this Act, and the Intereſt, Premium, Rate, and Charges, incident to, or attending the ſame, ſhall be, and are hereby charged and chargeable upon, and ſhall be repaid and borne by and out of the growing Produce of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund, (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any former or other Act or Acts of Parliament in that Behalf); and ſuch Monies of the ſaid Sinking Fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards the paying off, cancelling, and diſcharging, ſuch Exchequer Bills, Intereſt, Premium, Rate, or Charges, until the Whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable on Demand to the reſpective Proprietors thereof.

The ſaid Exchequer Bills, Intereſt, and Charges, are to be paid out of the Sinking Fund.

X. And be it declared and further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majeſty, in like Manner, at the Receipt of the Exchequer, upon the Credit of Loan granted by this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Two millions three hundred forty-nine thouſand eight hundred and ſix Pounds, Twelve Shillings and Seven-pence Three Farthings, any Thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled, *An Act for granting to Their Majeſties ſeveral Rates and Duties upon Tonage of Ships and Veſſels; and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages, in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of one million five hundred thouſand Pounds, towards carrying on the War againſt* France, to the Contrary thereof in any-wiſe notwithſtanding.

Bank authoriſed to lend to His Majeſty the Sum of 2,340,806l. 12s. 7d. 3q. notwithſtanding Act 5 and 6 Gul. & Mar.

XI. And be it further enacted by the Authority aforeſaid, That the Sum of Three hundred and fifty thouſand one hundred ninety-three Pounds, Seven Shillings and Four-pence Farthing, remaining in the Receipt of the Exchequer on the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-three, for the Diſpoſition of Parliament, of the Monies which had then ariſen of the Surpluſſes, Exceſſes, or Overplus Monies, and other Revenues compoſing the Fund, commonly called *The Sinking Fund*, after ſatisfying all the Charges and Incumbrances thereupon; and alſo the Sum of Nine thouſand nine hundred ſixty-one Pounds, Eleven Shillings and Eight-pence, remaining in the Receipt of the Exchequer for the Diſpoſition of Parliament; and alſo the Sum of One hundred ſixty nine thouſand three hundred ninety-eight Pounds, Eighteen Shillings and Two-pence, which, in purſuance of an Act, made in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act for carrying into Execution certain Propoſals made by the* Eaſt India Company, *for the Payment of the annual Sum of Four hundred thouſand Pounds, for a limited Time, in reſpect of the Territorial Acquiſitions and Revenues lately obtained in the* Eaſt Indies, is directed to be paid, within the preſent Year, into the Receipt of His Majeſty's Exchequer by the ſaid Company; and alſo ſuch of the Monies as ſhall be paid into the Receipt of the Exchequer after the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-three, and on or before the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-four, of the Produce of the Duties charged by an Act of Parliament, made in the Fifth Year of His preſent Majeſty's Reign, upon the Importation and Exportation of *Gum Senega* and *Gum Arabic*, ſhall and may be iſſued and applied at the ſaid Receipt of his Majeſty's Exchequer, for and towards making good the ſaid Supply; and the Commiſſioners of His Majeſty's Treaſury, now, or for the Time being, or any Three or more of them, or the High Treaſurer for the Time being, are or is hereby authoriſed and impowered to iſſue and apply the ſame accordingly.

The Sum of 350,193l. 7s. 4d. 1q. Surplus of the Sinking Fund in the Exchequer on 10 Oct. 1773; 9961l. 11s. 8d. remaining in the Exchequer on 5 Jan. 1772; and 169,398l. 18s. 2d. 9 Geo. III.; and ſuch Monies as ſhall be paid into the Exchequer between April 5, 1773, and April 5, 1774, of the Produce of the Duties on Gum Senega and Gum Arabic;

XII. And be it further enacted by the Authority aforeſaid, That a Sum not exceeding Ten thouſand Pounds, out of ſuch Monies as ſhall be paid into the Receipt of the Exchequer on or before the Fifth Day of *April*, One thouſand ſeven hundred and ſeventy-four, of the Produce of all or any of the Duties and Revenues which by any Act or Acts of Parliament have been directed to be reſerved for the Diſpoſition of Parliament, towards defraying the neceſſary Expences of defending, protecting, and ſecuring, the *Britiſh* Colonies and Plantations in *America*, be applied towards making good ſuch Part of

10,000l. for ſupporting the neceſſary Expences of Forces in America, Nova Scotia, Newfoundland,

and the ceded Islands, out of the Monies paid into the Exchequer on April 5, 1774.

Appropriation of the Supplies.

of the Supply as hath been granted to His Majesty for maintaining His Majesty's Forces and Garrisons in the Plantations, and for Provisions for the Forces in *North America*, *Nova Scotia*, *Newfoundland*, and the ceded Islands, for the Year One thousand seven hundred and seventy-three: And the Commissioners of his Majesty's Treasury now or for the Time being, or any Three or more of them, or the High Treasurer for the Time being, are or is hereby authorised and impowered to issue and apply the same accordingly.

The Monies arising by the Malt Tax.

Land Tax.

Loans.

and 350,193 l. 7 s 4 d. 1 q. remaining in the Exchequer on April 5, 1773; and 9,961 l. 11 s. 8 d. remaining for Disposition of Parliament; and 169,398 l. 18 s. 2 d. by Act 9 Geo. III. and such Monies as shall be paid into the Exchequer between April 5, 1773, & April 5, 1774, of the Produce of the Duties on Gum Senega and Gum Arabic; and 2,349,806 l. 12 s. 7 d. 3 q. granted by this Act out of the Sinking Fund; together with the Money arising from the Sale of French Prizes taken before the Declaration of War; and also such Sum of Money as His Majesty shall direct, to be applied to the publick Service, which shall arise by the Sale of the ceded Islands in the West Indies.

XIII. Provided always, and it is hereby enacted by the Authority aforesaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One Act of this Session of Parliament, intituled, *An Act for continuing and granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and seventy-three*, and so much Money, if any such be, of the Duties thereby granted, as shall arise or remain after all the Loans or Exchequer Bills made, or to be made, on the same Act, and all the Interest, Premium, Rate, and Charges thereon, and the Charges thereby allowable for raising the said Duties, shall be satisfied, or Money sufficient shall be reserved in the Exchequer, to satisfy and discharge the same; and also all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One other Act of this Session of Parliament, intituled, *An Act for granting an Aid to His Majesty by a Land Tax, to be raised in* Great Britain, *for the Service of the Year One thousand seven hundred and seventy-three*; and so much Money, if any such be, of the Tax thereby granted, as shall arise or remain after all the Loans or Exchequer Bills made, or to be made, on the same Act, and all the Interest, Premium, Rate, and Charges thereon, and the Charges allowable thereby, for raising the said Land Tax, shall be satisfied, or Money sufficient shall be reserved in the Exchequer to satisfy and discharge the same; and also the Sum of One Million, granted by One other Act of this Session of Parliament, intituled, *An Act for raising a certain Sum of Money by Loans or Exchequer Bills for the Service of the Year One thousand seven hundred and seventy-three*; and also the said Sum of Three hundred and fifty thousand one hundred ninety-three Pounds, Seven Shillings and Four-pence Farthing, remaining in the Receipt of the Exchequer on the Fifth Day of *April*, One thousand seven hundred and seventy three, for the Disposition of Parliament, of the Monies which had then arisen of the Surpluses, Excesses, or Overplus Monies, and other Revenues composing the Fund, commonly called *The Sinking Fund*; and also the said Sum of Nine thousand nine hundred sixty-one Pounds, Eleven Shillings and Eight-pence, remaining in the Receipt of the Exchequer, for the Disposition of Parliament; and also the said Sum of One hundred sixty-nine thousand three hundred ninety-eight Pounds, Eighteen Shillings and Two-pence, which, in pursuance of an Act, made in the Ninth Year of His present Majesty's Reign, intituled, *An Act for carrying into Execution certain Proposals made by the* East India Company, *for the Payment of the annual Sum of Four hundred thousand Pounds, for a limited Time, in respect of the Territorial Acquisitions and Revenues lately obtained in the* East Indies, is directed to be paid, within the present Year, into the Receipt of His Majesty's Exchequer by the said Company; and also such of the Monies as shall be paid into the Receipt of the Exchequer after the Fifth Day of *April*, One thousand seven hundred and seventy-three, and on or before the Fifth Day of *April*, One thousand seven hundred and seventy-four, of the Produce of the Duties charged by an Act of Parliament, made in the Fifth Year of His present Majesty's Reign, upon the Importation and Exportation of *Gum Senega* and *Gum Arabic*; and also the further Sum of Two millions three hundred forty nine thousand eight hundred and six Pounds, Twelve Shillings and Seven-pence Three Farthings, by this Act granted, out of such Monies as shall or may arise of the Surpluses, Excesses, or Overplus Monies, and other Revenues composing the Fund, commonly called *The Sinking Fund*, shall be further appropriated, and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed, together with the Residue of the Monies arising from the Sale of *French* Prizes taken before the Declaration of the late War, which His Majesty declared in a most Gracious Speech to His Parliament, that He had directed, for the Ease of his Subjects, to be applied to the publick Service; and also such Sum or Sums of Money as His Majesty, according to His most gracious Intentions, expressed in the same Speech, shall direct, for the further Ease of His Subjects, to be also applied to the publick Service, out of the Monies which have arisen, or shall arise, by the Sale of Lands belonging to His Majesty in the Islands of the *West Indies*, which were ceded to His Majesty by the late Treaty of Peace.

Out of the Supplies there shall be issued not exceeding 1,885,573 l. 9 d. towards Naval Services;

XIV. And it is hereby also enacted by the Authority aforesaid, That out of all or any of the Aids or Supplies provided as aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding One million eight hundred eighty-five thousand five hundred seventy-three Pounds, and Nine-pence, for or towards the Naval Services herein particularly expressed; (that is to say), For or towards Victuals, Wages, Wear and Tear of the Navy, and the victualling thereof, performed and to be performed; and for or towards Sea Services in the Office of Ordnance, performed, and to be performed; and for or towards defraying the Ordinary of His Majesty's Navy, and for Half-pay to Sea and Marine Officers; and for or towards maintaining Four thousand three hundred and fifty-four Marines; and towards the Buildings, Rebuildings, and Repairs, of Ships of War in His Majesty's Yards, and other *extra* Works, over and above what may be done upon the Heads of Wear and Tear, and Ordinary, for the Year One thousand seven hundred and seventy-three.

XV. And

XV. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Two hundred eighteen thouſand four hundred and ſixty Pounds, Thirteen Shillings and Ten-pence, for the Charge of the Office of Ordnance for Land Service for the Year One thouſand ſeven hundred and ſeventy-three.

Not exceeding 21,460 l. 13 s. 10 d. towards Charges of the Office of Ordnance in 1773.

XVI. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Seventeen thouſand nine hundred fifty-four Pounds, Four Shillings and Seven-pence, for defraying the Expence of Services performed by the Office of Ordnance for Land Service, and not provided for by Parliament, in One thouſand ſeven hundred and ſeventy-two.

17,954 l. 4 s. 7 d. for Charges of the Office of Ordnance not provided for in 1772.

XVII. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding One Million five hundred and ſix thouſand four hundred and two Pounds Seven Shillings and Three-pence, and Seven-eighth Parts of a Penny, for and towards maintaining His Majeſty's Land Forces, and other Services, herein-after more particularly expreſſed; that is to ſay, Any Sum or Sums of Money not exceeding Six hundred ſixteen thouſand eight hundred ninety-five Pounds, One Shilling and Ten-pence, for defraying the Charge of Seventeen thouſand and ſeventy effective Men, commiſſioned and non-commiſſioned Officers included; and including One thouſand five hundred and twenty-two Invalids for Guards, Garriſons, and other His Majeſty's Land Forces in *Great Britain*, *Jerſey*, and *Guernſey*, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding Three hundred eighty-ſix thouſand nine hundred thirty-five Pounds, Five Shillings and Ten-pence, and One-eighth Part of a Penny, towards further maintaining His Majeſty's Forces and Garriſons in the Plantations and *Africa*, including thoſe in Garriſon at *Minorca* and *Gibraltar*, and for Proviſions for the Forces in *North America*, *Nova Scotia*, *Newfoundland*, *Gibraltar*, the ceded Iſlands, and *Africa*, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding Five thouſand five hundred and three Pounds, Nine Shillings, and Five-pence, for defraying the Charge of the Difference of Pay between the *Britiſh* and *Iriſh* Eſtabliſhment of Six Battalions and Three Companies of Foot, ſerving in the *Iſle of Man*, at *Gibraltar*, *Minorca*, and the ceded Iſlands, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding Eleven thouſand four hundred ſeventy-three Pounds, Eighteen Shillings and Sixpence Halfpenny, for the Pay of the General and General Staff Officers in *Great Britain*, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money, not exceeding One hundred and eleven thouſand one hundred twenty-ſeven Pounds, Five Shillings, and Ten-pence, upon account of the reduced Officers of His Majeſty's Land Forces and Marines, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money, not exceeding One thouſand one hundred forty-eight Pounds, Ten Shillings, for defraying the Charge for Allowances to the ſeveral Officers and private Gentlemen of the Two Troops of Horſe Guards reduced, and to the ſuperannuated Gentlemen of the Four Troops of Horſe Guards, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money, not exceeding Six hundred and twenty-eight Pounds, for the paying of Penſions to the Widows of ſuch reduced Officers of His Majeſty's Land Forces and Marines as died upon the Eſtabliſhment of Half Pay in *Great Britain*, and who were married to them before the Twenty-fifth Day of *December*, One thouſand ſeven hundred and ſixteen, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money, not exceeding One hundred twenty-two thouſand nine hundred eighty-two Pounds, Three Shillings and Nine-pence, upon Account, towards defraying the Charge of Out-penſioners of *Cheſſea Hoſpital*, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money, not exceeding Two hundred forty-nine thouſand ſeven hundred and eight Pounds, Twelve Shillings and One Penny Farthing, towards defraying the extraordinary Expences of His Majeſty's Land Forces, and other Services incurred between the Twenty-fifth Day of *February* One thouſand ſeven hundred and ſeventy two, and the Eighth Day of *March*, One thouſand ſeven hundred and ſeventy-three, and not provided for by Parliament.

1,506,402 l. 7 s. 3 d. and 7-8ths of a Penny, towards the Land Forces; of which 616,895 l. 12 s. 10 d. for defraying the Charges of 17,070 effective Men, &c. and 1522 Invalids, for Guards, &c. in Great Britain, &c. Not exceeding 386,935 l. 5 s. 10 d. and 1-8th Part of a Penny, for Forces and Garriſons in Africa, &c. and for Proviſions for the Forces abroad; 5503 l. 9 s. 5 d. to make good the Difference of Pay between the Britiſh and Iriſh Eſtabliſhment of the Troops in the Iſle of Man, &c.; 11,473 l. 18 s. 6 d. 2 q. for General and General Staff Officers in Great Britain; 111,127 l. 5 s. 10 d. to the reduced Officers of the Land Forces and Marines; 1148 l. 10 s. to the Two Troops of Horſe Guards reduced, and to 31. 9 d. to the incurred and

the ſuppernannuated Gentlemen of the Four Troops of Horſe Guards; not exceeding 6,028 l. to the Penſions of Officers Widows; 122,982 l. Out-penſioners of Cheſſea Hoſpital; 249,703 l. 12 s. 1 d. 1 q. towards extraordinary Expences of the Land Forces, and other Services not provided for.

XVIII. And it hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of One million eight hundred thouſand Pounds, for paying off and diſcharging the Exchequer Bills made out by virtue of an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for raiſing a certain Sum of Money by Loans or Exchequer Bills, for the Service of the Year One thouſand ſeven hundred and ſeventy-two*, and charged upon the firſt Aids to be granted in this Seſſion of Parliament.

1,800,000 l. for diſcharging Exchequer Bills of laſt ſeſſion.

XIX. And it is hereby alſo enacted by the Authority aforeſaid, That out all or any of the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of Six thouſand two hundred Pounds, to make good to His Majeſty the like Sum which has been iſſued by His Majeſty's Orders, in purſuance of the Addreſſes of the Houſe of Commons.

Not exceeding 6200 l. to make good to His Majeſty the like Sum iſſued in purſuance of the Addreſſes of the Houſe of Commons.

XX. And

5146 l. 10s. 5d. for supporting the Civil Eſtabliſhment of Nova Scotia;

3086 l. for the Civil Eſtabliſhment of Georgia;

4950 l. for the Civil Eſtabliſhment of East Florida;

XX. And it is hereby alſo enacted by the Authority aforeſaid, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Five thouſand One hundred forty-ſix Pounds, Ten Shillings, and Five Pence, upon Account, for maintaining and ſupporting the Civil Eſtabliſhment of His Majeſty's Colony of *Nova Scotia*, for the Year One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding Three thouſand and eighty-ſix Pounds, upon Account for defraying the Charges of the Civil Eſtabliſhment of His Majeſty's Colony of *Georgia*, and other incidental Expences attending the ſame, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, to the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding Four thouſand nine hundred and fifty Pounds, upon Account, for defraying the Expences of the Civil Eſtabliſhment of His Majeſty's Colony of *Eaſt Florida*, and other incidental Expences attending the ſame, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, to the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding Seven thouſand two hundred ſeventy-four Pounds, Thirteen Shillings and Sixpence, upon Account for defraying the Expences of the Civil Eſtabliſhment of His Majeſty's Colony of *Weſt Florida*, and other incidental Expences attending the ſame, from the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-two, to the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three; and any Sum or Sums of Money not exceeding One thouſand eight hundred eighty-five Pounds four Shillings, upon Account, for defraying the Expences attending General Surveys of His Majeſty's Dominions in *North America*, for the Year One thouſand ſeven hundred and ſeventy-three.

7274 l. 13 s. 6d. for the Civil Eſtabliſhment of Weſt Florida;

1885 l. 4s. for defraying Expences attending Surveys in North America.

Not exceeding 13,000 l. for repairing and maintaining the Forts in Africa.

6336 l. 9 d. 2 q. for ſupporting the Civil Eſtabliſhment of Senegambia.

XXI. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Thirteen thouſand Pounds, to be employed in repairing, maintaining, and ſupporting the *Britiſh* Forts and Settlements on the Coaſt of *Africa*; and any Sum or Sums of Money not exceeding Six thouſand three hundred thirty-ſix Pounds, and Nine-pence Halfpenny, upon Account for defraying the Expence of ſupporting and maintaining the Civil Eſtabliſhment of the Government of *Senegambia*, on that Part of the Coaſt of *Africa* ſituate between the Port of *Sallee* in *South Barbary* and *Cape Rouge*, for the Year One thouſand ſeven hundred and ſeventy-three.

2000 l. for building a Bridge croſs the Thames, from Weſtminſter, to the oppoſite Shore in Surrey, &c.;

5000 l. to the Governor and Company of Merchants of England trading to the Levant Seas.

XXII. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Two thouſand Pounds, towards enabling the Commiſſioners for building a Bridge croſs the River *Thames* from the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*, to maintain the ſaid Bridge, and to perform the other Truſts repoſed in them; and any Sum or Sums of Money, not exceeding Five thouſand Pounds, to be advanced to the Governor and Company of the Merchants of *England* trading into the *Levant Seas*, to be applied in aſſiſting the ſaid Company in carrying on their Trade.

6998 l. 10s. 9d. on account of the Expence of New Roads, &c. in the Highlands of Scotland in 1773.

XXIII. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Six thouſand nine hundred ninety-eight Pounds, Ten Shillings and Nine-pence, upon Account of the Expences of the new Roads of Communication, and building Bridges in the *Highlands* of *North Britain*, in the Year One thouſand ſeven hundred and ſeventy-three.

Not exceeding 4363 l. to repay Meſſrs Hodgſon, Gordon, and Debonnaire, overpaid by them for Duties of Exciſe on Beer, &c.

2000 l. to Mr. Williams, for his inventing a faſt Green and Yellow Dye on Cotton Yarns, &c.

XXIV. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied the Sum of Four thouſand three hundred and ſixty-three Pounds, to enable His Majeſty to repay to Meſſieurs *Hodgſon*, *Gordon*, and *Debonnaire*, the like Sum which has been overpaid by them to the Commiſſioners of Exciſe for the Duties of Exciſe upon Beer and Ale, ſuch Commiſſioners not having made the full Allowance for Waſte agreeable to the Directions of an Act of Parliament, paſſed in the Firſt Year of King *William* and *Mary*, (intituled, *An Act for an additional Duty of Exciſe upon Beer and Ale, and other Liquors*); and any Sum or Sums of Money, not exceeding Two thouſand Pounds, to be advanced to Doctor *Richard Williams*, of *Saint Margaret's Weſtminſter*, as a Reward for his inventing a faſt Green and Yellow Dye on Cotton Yarns and Thread, and for diſcovering the Secret thereof.

48,245 l. 11s. 6d. to the Sinking Fund to make good the Deficiency on July 5, 1772, of the Fund for paying Annuities;

21,085 l. 1s. 7d. to make good the Deficiency of Grants for 1772.

XXV. And it is hereby alſo enacted by the Authority aforeſaid, That, out of all or any the Aids or Supplies aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Forty-eight thouſand two hundred forty-five Pounds, Eleven Shillings, and Sixpence, to replace to the Sinking Fund the like Sum paid out of the ſame to make good the Deficiency on the Fifth Day of *July*, One thouſand ſeven hundred and ſeventy-two, of the Fund eſtabliſhed for paying Annuities in reſpect of Five Millions borrowed by virtue of an Act, made in the Thirty-firſt Year of the Reign of His late Majeſty, towards the Supply granted for the Service of the Year One thouſand ſeven hundred fifty-eight; and any Sum or Sums of Money, not exceeding Twenty-one thouſand eighty-five Pounds, One Shilling, and Seven-pence, to make good the Deficiency of the Grants for the Service of the Year One thouſand ſeven hundred and ſeventy-two.

XXVI. And

XXVI. And it is hereby further enacted by the Authority aforesaid, That the said Aids and Supplies provided as aforesaid, shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses and Purposes before mentioned, or for the several Deficiencies, or other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose, contained in any other Act or Acts of this present Session of Parliament. The said Aids to be applied, only to the Uses before mentioned.

XXVII. And, as to the Sum of One hundred and eleven thousand one hundred twenty-seven Pounds, FiveShillings, and Ten pence, by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared by the Authority aforesaid, That the Rules herein-after prescribed shall be duly observed in the Application of the said Half Pay; that is to say, That no Person shall have or receive any Part of the same who was a Minor, and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company, in which he served, was reduced; that no Person shall have or receive any Part of the same, except such Person who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit, Civil or Military, under His Majesty, shall have or receive any Part of the said Half Pay; that no Chaplain of any Garrison or Regiment, who has any Ecclesiastical Benefice in *Great Britain* or *Ireland*, shall have or receive any Part of the said Half Pay; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person, by virtue of any Warrant or Appointment, except to such Persons as would have been otherwise intitled to the same as reduced Officers; and that no Part of the same shall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately disbanded in *Ireland*, except to such as were lately taken off the Establishment of Half Pay in *Great Britain*. Rules to be observed in the Application of the Half Pay.

XXVIII. And whereas by an Act of Parliament made in the Twelfth Year of His present Majesty's Reign, intituled, *An Act for granting to His Majesty a certain Sum of Money out of the Sinking Fund, and for applying certain Monies therein mentioned for the Service of the Year One thousand seven hundred and seventy-two, and for further appropriating the Supplies granted in this Session of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders, and other Orders, lost, burnt, or destroyed*; the several Supplies which had been granted to His present Majesty, as is therein mentioned, were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money, not exceeding One hundred and fifteen thousand seven hundred sixty-five Pounds, and sixteen Shillings, was appropriated to be paid to the reduced Officers of His Majesty's Land Forces and Marines for the Year One thousand seven hundred and seventy-two, subject nevertheless to such Rules to be observed in the Application of the said Half Pay, as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, by the Authority aforesaid, That so much of the said Sum of One hundred and fifteen thousand seven hundred sixty-five Pounds, and sixteen Shillings, as is or shall be more than sufficient to satisfy the said reduced Officers, according to the Rules prescribed by the said Act to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed, or have lost their Limbs in the late Wars, or such others as, by reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any Thing in this Act, or the said former Act, to the Contrary notwithstanding. By Act 12 Geo. III. a Sum not exceeding 115,765 l. 16 s. was appropriated to be paid to reduced Officers. Overplus Monies, above satisfying said Officers, to be disposed of to Officers who were maimed, &c in the late Wars, or to Officers Widows and Children, as His Majesty shall direct.

XXIX. And whereas *John Harrison* of *Red Lion Square*, having, under the Encouragement of an Act, made in the Twelfth Year of Her Majesty Queen *Anne*, intituled, *An Act for granting a Reward for the Discovery of the Longitude at Sea*, applied himself, with unremitting Industry for the Space of Forty-eight Years, to the making an Instrument for ascertaining the Longitude at Sea; and having constructed a Time-keeper for that Purpose, and discovered the Principles of constructing the same, by which other Time-keepers have been already made, and found to answer with great Exactness; from which Discovery, it is apprehended that great Benefit will arise to the Trade and Navigation of these Kingdoms, is highly deserving of publick Encouragement and Reward; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Treasurer of His Majesty's Navy, and he is hereby directed, out of any Sums of Money now in His Hands, to pay, or cause to be paid to the said *John Harrison*, a Sum not exceeding Eight thousand seven hundred and fifty Pounds, as a further Reward and Encouragement, over and above the Sums already received by him for his said Invention of a Time-keeper, and his Discovery of the Principles upon which the same was constructed. Act 12 Annæ. Not exceeding 8750 l. to be paid to Mr. Harrison for his Invention of a Time-keeper, &c.

CAP. LXXVIII.

An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being, for the Amendment and Preservation of the Publick Highways within that Part of *Great Britain* called *England*, and for other Purposes.

Preamble.

'WHEREAS the Laws now in being for the Amendment and Preservation of the Highways of that Part of *Great Britain* called *England* require some Explanation and Amendment;' may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from henceforth, upon the Twenty-second Day of *September*, in every Year, unless that Day shall be *Sunday*, and then on the Day following, the Constables, Headboroughs, Tythingmen, Churchwardens, Surveyor of the Highways, and Householders, being assessed to any Parochial or Publick Rate of every Parish, Townships, or Place, shall assemble together at the Church or Chapel of such Parish, Township, or Place, or if there shall be no Church or Chapel, then at the usual Place of publick Meetings for such Parish, Township, or Place, at the Hour of Eleven in the Forenoon: And the major Part of them, so assembled, shall make a List of the Names of at least Ten Persons living within such respective Parishes, Townships, or Places, who each of them have an Estate in Lands, Tenements, or Hereditaments, lying within such respective Parish, Township, or Place, in their own Right, or in the Right of their Wives, of the Value of Ten Pounds by the Year; or a personal Estate of the Value of One hundred Pounds; or are Occupiers or Tenants of Houses, Lands, Tenements, or Hereditaments, of the yearly Value of Thirty Pounds: And if there shall not be Ten Persons having such Qualifications as aforesaid, then they shall insert in such List the Names of so many of such Persons as are so qualified, as above required, together with the Names of so many of the most sufficient and able Inhabitants of such Parish, Township, or Place, not so qualified, as shall make up the Number Ten, if so many can be found; if not, so many as shall be there resident, to serve the Office of Surveyor of the Highways: And the Constable, Headborough, or Tythingman, of such Parish, Township, or Place, shall, within Three Days after such Meeting, transmit a Duplicate of such List to One of the Justices of the Peace within the Limit of the County, Riding, Division, Hundred, City, Corporation, Precinct, or Liberty, where such Parish, Township, or Place, shall lie, living in or near the same; and shall also return and deliver the original List, made and agreed upon at such Meeting, to the Justices of the Peace, at their Special Sessions to be held for the Highways within that Limit, in the Week next after the *Michaelmas* General Quarter Sessions of the Peace in every Year; and shall also, within Three Days after making the said List, give personal Notices to, or cause Notices in Writing to be left at, the Places of Abode of the several Persons contained in such List, informing them of their being so named, to the Intent that they may severally appear before the Justices at the said Special Sessions to accept such Office, if they shall be appointed thereto, or to shew Cause, if they have any, against their being appointed: And the said Justices are hereby authorised and required to hold such Special Sessions at such convenient Place or Places within their respective Limits, as they in their Discretion shall judge proper; and to give Notice of the Time and Place where they intend to hold the same to the Constables, Headboroughs, or Tythingmen, of every such Parish, Township, or Place, at least Ten Days before the holding of the said Session; and the said Justices, then and there, from the said Lists, according to their Discretion, and the Largeness of the Parish, Township, or Place respectively, by Warrant under their Hands and Seals, shall appoint One, Two, or more of such Persons, as aforesaid, if he or they shall, in the Opinion of such Justices, be qualified for the Office of Surveyor, if not, One, Two, or more of the other substantial Inhabitants or Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments, within such Parish, Township, or Place, living within Three Miles thereof, and within the same County, fit and proper to serve the Office of Surveyor of the Highways for such Parish, Township, or Place, if any such can be found; which Appointment shall, by the Constables, Headboroughs, or Tythingmen, aforesaid, be notified to every Person so appointed by the said Justices, within Three Days after such Appointment, by serving him with the said Warrant, or by leaving the same, or a true Copy thereof, at his House, or usual Place of Abode; and every Person so appointed, if he accepts the said Office, shall be Surveyor of the Highways for the said Parish, Township, or Place, for the Year ensuing, and shall take upon him and duly execute the Office aforesaid; and the said Justices shall then and there give such of the said Surveyors as shall personally appear before them a Charge, for the better Performance of their Duty, according to the Directions of this Act: And if any of the said Persons, so appointed, whose Names were contained in such List, and who were served with the said Notice, shall refuse or neglect to appear at the said Special Sessions, and accept the said Office, if appointed thereto, in Manner aforesaid, or shall not, within Six Days after being served with such Warrant of Appointment, signify his Acceptance thereof, either in Person, or by Writing, to One of the said Justices, he shall forfeit the Sum of Five Pounds; and in case any Person so appointed by the said Justices, whose Name was not contained in such List, shall refuse or neglect to accept the said Office, or shall not, within Six Days after being served with such Appointment, shew to One of the Justices signing such Appointment, sufficient Cause why he should not serve such Office, he shall forfeit the Sum of Fifty Shillings: Provided that no Person who hath been appointed

On Sept. 22, yearly, a List is to be made of at least Ten Persons, by the Constables, &c. at the usual Place of publick Meetings.

Qualification of Surveyors.

A Duplicate of such List shall be transmitted to One of the Justices, and the original List to the Special Sessions, by the Constable, &c.

Notices to the Persons contained in the List.

The Justices are to give 10 Days Notice of holding Special Sessions to the Constables, &c. and may appoint from the Lists such Number of Surveyors as they shall judge fit, if they shall in the Opinion of the Justices be qualified for the Office; if not, other Inhabitants or Occupiers, &c. which Appointment shall be notified to the Persons named by the Constables, &c.; and the Surveyor shall hold his Office for One Year.

Justices to give a Charge for the Performance of Surveyor's Duty.

Persons appointed from the List

appointed and ſerved the Office of Surveyor for One Year, ſhall be liable to be appointed Surveyor for the ſame Pariſh, Townſhip, or Place, within Three Years from the Time of ſuch firſt Appointment and Service, unleſs he ſhall conſent thereto; but if no ſuch Liſt ſhall be made and returned, or if the ſaid Juſtices ſhall make ſuch Appointment, as aforeſaid, and the Perſon or Perſons ſo appointed ſhall refuſe to ſerve the ſaid Office, the ſaid Juſtices, or any Two of them, ſhall and may, and are hereby required, at the ſaid Special Seſſions, or at ſome ſubſequent Special Seſſions, to be held within One Month after, to nominate and appoint ſome other Perſon or Perſons to be Surveyor of ſuch Pariſh, Townſhip, or Place, whom they ſhall judge proper to execute that Office, and ſhall and may fix ſuch Salary to be paid to ſuch Surveyor, to be appointed as herein laſt before mentioned, out of the ſaid Forfeitures, and all other Forfeitures, Fines, Penalties, Aſſeſſments, and Compoſitions, to be paid, levied, and raiſed, under the Authority of this Act, within ſuch Pariſh, Townſhip, or Place reſpectively, as ſuch Juſtices ſhall think fit, not exceeding One-eighth Part of what ſhall have been raiſed by an Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within ſuch Pariſh, Townſhip, or Place, where any ſuch Aſſeſſment ſhall have been raiſed, and obſerving the ſame Reſtriction as near as they can, from the beſt Information they ſhall be able to get of the probable Amount of ſuch an Aſſeſſment, where none hath been already made; and the ſaid Juſtices ſhall and may, if they think fit, require the Conſtables, Headboroughs, Tythingmen, and Surveyor, of every ſuch Pariſh, Townſhip, and Place, or any of them, to return to them, at ſuch Time and Place as they ſhall appoint, an Account, in Writing, of the Sum which ſuch Aſſeſſment of Sixpence in the Pound hath raiſed, or will, in his or their Opinion, raiſe, within ſuch Pariſh, Townſhip, or Place: And if the Conſtables, Headboroughs, Tythingmen, Churchwardens, Surveyors of the Highway, and ſuch Houſeholders as aforeſaid, of any Pariſh, Townſhip, or Place, ſhall neglect or refuſe to make ſuch Liſt as aforeſaid; or if the Conſtable, Headborough, or Tythingman, of any Pariſh, Townſhip, or Place, ſhall not return the ſaid Liſt of Names when made, and ſuch Duplicate thereof, as aforeſaid, and give ſuch Notice or Notices, and ſerve ſuch Warrant or Warrants, as in this Act is directed; or if the ſaid Conſtable, Headborough, Tythingman, and Surveyor, or any of them, ſhall neglect to return ſuch Account of the Amount of ſuch Aſſeſſment, as aforeſaid, when ſo required as aforeſaid; every Conſtable, Headborough, Tythingman, Churchwarden, or Surveyor, ſo neglecting or refuſing, in any of the ſaid Caſes, ſhall, for every ſuch Default reſpectively, forfeit the Sum of Forty Shillings.

refuſing to ſerve ſhall forfeit 5l, and thoſe not in the Liſt, on Refuſal, ſhall forfeit 50s.

No Perſon who hath ſerved One Year is to be again appointed for the ſame Place within 3 Years after, without his Conſent.

If no ſuch Liſt be made, or the Perſon appointed refuſes to ſerve, another Perſon may be appointed, at a ſubſequent Special Seſſions, and a Salary fixed,

not exceeding 1 8th Part of a 6d. Aſſeſſment.

Juſtices may require the Conſtables, &c. to return an Account, in Writing, of the Sum which the Aſ-

ſeſſment of 6d. per Pound will raiſe. 40s. Penalty on the Conſtables, &c. not making or returning ſuch Liſts, or not giving the Notices required.

II. And be it further enacted, That in all Caſes where the ſaid Juſtices, upon Neglect or Refuſal of the Perſon ſo nominated Surveyor as aforeſaid to accept the ſaid Office, ſhall appoint any other Perſon for ſuch Surveyor, with a Salary as aforeſaid, the ſaid Juſtices ſhall, and are hereby required to appoint One ſubſtantial Inhabitant of ſuch Pariſh, Townſhip, or Place, for Aſſiſtant to ſuch Surveyor in the ſeveral Matters, and for the ſeveral Purpoſes hereafter mentioned, until the next annual Appointment of Surveyors, according to the Directions of this Act; and if the Perſon ſo appointed Aſſiſtant ſhall, upon Notice of ſuch Appointment, refuſe to accept that Office, he ſhall forfeit the Sum of Fifty Shillings: And in that Caſe, it ſhall and may be lawful for ſuch Juſtices to appoint any other ſubſtantial Inhabitant of ſuch Pariſh, Townſhip, or Place, for Aſſiſtant to ſuch Surveyor, in Manner and for the Time aforeſaid; and if ſuch Second appointed Aſſiſtant ſhall decline or refuſe to accept the ſaid Office, he ſhall, in like Manner, forfeit the Sum of Fifty Shillings; and the ſaid Juſtices ſhall and may appoint any other Perſon, inhabiting in ſuch Pariſh, Townſhip, or Place, Aſſiſtant to ſuch Surveyor, who ſhall be intitled to the ſaid Forfeitures herein laſt before mentioned; and alſo to ſome further Allowance by way of Salary, (to be paid as the Surveyor's Salary is hereby directed to be paid), if the ſaid Juſtices ſhall think any ſuch Salary neceſſary, and ſhall order the ſame, which they are hereby authoriſed to do: Provided that no Perſon ſo appointed Aſſiſtant for One Year ſhall be liable to be appointed Aſſiſtant for the ſame Pariſh, Townſhip, or Place, within Three Years next following ſuch Firſt Appointment, without his Conſent.

Where the Juſtices, upon ſuch Refuſal, ſhall appoint another Perſon, they are to appoint One ſubſtantial Inhabitant for his Aſſiſtant; and, on his Refuſal to accept that Office, he ſhall forfeit 50s. and the Juſtices may in that Caſe appoint another, who, on Refuſal, ſhall alſo forfeit 50s. and, in that Caſe, they may appoint a third

Perſon, who ſhall be intitled to the ſaid Forfeitures, and to a further Allowance, by way of Salary, if the Juſtices ſhall think it neceſſary.

III. And be it further enacted, That the Surveyor of every Pariſh, Townſhip, and Place, who ſhall not reſide therein, but ſhall be appointed with ſuch Salary as aforeſaid, ſhall, if required by the Churchwarden, Overſeer of the Poor, or any principal Inhabitant of the Pariſh, Townſhip, or Place, for which he ſhall be ſo appointed Surveyor, at the Time of his Appointment, or within Fourteen Days after, give a Bond upon Paper, without Stamp thereupon, to ſome proper Perſon within ſuch Pariſh, Townſhip, or Place, to be nominated by the ſaid Juſtices, with ſufficient Surety, to account for the Money which ſhall come to his Hands as Surveyor, according to the Directions of this Act; which Bond ſhall be good and effectual in Law.

Bond to be given by the Surveyor appointed with a Salary, to account for the Money which ſhall come to his Hands.

IV. And be it further enacted, That the Aſſiſtant, ſo to be nominated and appointed, ſhall, and is hereby required, to the beſt of his Skill and Judgement, to aſſiſt the ſaid Surveyor, whenever requeſted by him, in calling in and attending the Performance of the Statute Duty; in collecting the Compoſitions, Fines, Penalties, and Forfeitures; in making and collecting the Aſſeſſments; in making out and ſerving the Notices authoriſed by this Act; and in ſuch other Matters and Things as ſhall be reaſonably required of him by the Surveyor, in the Execution of his Office as Surveyor, purſuant to this Act: And the ſaid Aſſiſtant ſhall juſtly and truly account with, and pay to, the ſaid Surveyor, or to his Order, from Time to Time, according to the Directions of this Act, all the Money which ſhall

Duty of the Aſſiſtant Surveyor.

Forfeitures for Neglect of his Duty.

come to his Hands as Aſſiſtant, by the Means aforeſaid; and, in Default thereof, he ſhall forfeit Double the Value of the Money by him ſo received, and not ſo paid and accounted for; and if the ſaid Aſſiſtant ſhall wilfully neglect or make Default in the Performance of any of the Duty required from him by this Act, he ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices of the Limit within which ſuch Aſſiſtant ſhall be appointed: And the ſaid Surveyor ſhall, and is hereby required to ſend Orders,

Surveyors to ſend Orders upon the Aſſiſtant for Payment of all Sums amounting to 40s. or upwards.

in Writing, upon the ſaid Aſſiſtant, for the Payment of all Sums due to any Perſon or Perſons, for Work or Materials, by virtue of this Act, which amount to Forty Shillings, or upwards; and the ſaid Surveyor ſhall not be reſponſible for any Sum or Sums of Money which ſhall be received by the ſaid Aſſiſtant, and ſhall not be actually paid to ſuch Surveyor, or to his Order, as aforeſaid.

If Two Parts out of Three of thoſe aſſembled in any Pariſh, &c. ſhall agree in the Choice of a Perſon of Skill to ſerve the Office of Surveyor, and in ſettling his Salary, Juſtices may appoint ſuch Perſon, and allow him the ſaid Salary; and if any Surveyor ſhall die, or become incapable of executing the Office, the Juſtices may appoint another Perſon, and allow him the Salary. If more

V. Provided always, and be it further enacted, That if Two Parts out of Three of thoſe ſo to be aſſembled in any ſuch Pariſh, Townſhip, or Place, for the Nomination of Surveyors, as aforeſaid, ſhall agree in the Choice of any particular Perſon of Skill and Experience, to ſerve the ſaid Office of Surveyor for ſuch Pariſh, Townſhip, or Place, and in the ſettling of a certain Salary for his Trouble therein, and ſhall return the Name of ſuch Perſon, together with the Liſt herein-before directed, to the Juſtices of the Peace at their ſaid Seſſions, to be held in the Week next after the *Michaelmas* Quarter Seſſions; that then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Juſtices, if they ſhall think proper to appoint ſuch Perſon to be Surveyor for ſuch Pariſh, Townſhip, or Place, and allow him the Salary mentioned in ſuch Agreement, which ſhall be raiſed and paid in the ſame Manner as the Salary herein-before mentioned is directed to be raiſed and paid; and in caſe any Surveyor to be appointed under the Authority of this Act ſhall die, or become incapable of executing that Office, before ſuch next Special Seſſions for appointing Surveyors, the ſaid Juſtices, or any Two of them, ſhall and may, at ſome Special Seſſions, nominate and appoint ſuch Perſon or Perſons as they ſhall think proper, to execute the ſaid Office, until ſuch next Special Seſſions for appointing Surveyors as aforeſaid; and if ſuch deceaſed Surveyor had a Salary, they may allow the ſame Salary to his Succeſſor, in Proportion to the Time he ſhall ſerve the ſaid Office; and if the ſaid Juſtices of the Peace, at their ſaid Special Seſſions, or at any Time afterwards, purſuant to the Powers of this Act, ſhall appoint more than one Perſon for Surveyor of any Pariſh, Townſhip, or Place, all and every Perſon or Perſons ſo appointed, ſhall be comprehended under the Word *Surveyor* in every Part of this Act.

Surveyors than One ſhall be appointed, they are all comprehended under the Word Surveyor.

No Tree, Buſh, or Shrub, allowed to grow or ſtand within 15 Feet of the Centre of the Highway; on Forfeiture of 10s. by the Owners.

VI. And be it further enacted, That no Tree, Buſh, or Shrub, ſhall be permitted to ſtand or grow, in any Highways, within the Diſtance of Fifteen Feet from the Centre thereof, (except for Ornament or Shelter to the Houſe, Building, or Court-yard of the Owner thereof), or hereafter to be planted within the Diſtance aforeſaid; but the ſame ſhall reſpectively be cut down, grubbed up, and carried away, by the Owner or Occupier of the Land or Soil where the ſame doth or ſhall ſtand or grow, within Ten Days after Notice to him, her, or them, or his, her, or their Steward or Agent, given by the ſaid Surveyors, or any of them, on Pain of forfeiting for every Neglect, the Sum of Ten Shillings.

Hedges and Trees adjoining to Highways, by whom, and in what Manner, to be cut and pruned,

VII. And be it further enacted, That the Poſſeſſors of the Land next adjoining to every Highway ſhall cut, prune, and plaſh their Hedges, and alſo cut down or prune and lop the Trees growing in or near ſuch Hedges or other Fences, (except thoſe Trees planted for Ornament or Shelter, as aforeſaid), in ſuch Manner that the Highways ſhall not be prejudiced by the Shade thereof reſpectively, and that the Sun and Wind may not be excluded from ſuch Highway to the Damage thereof; and that if ſuch Poſſeſſor ſhall not, within Ten Days after Notice given by the Surveyor for that Purpoſe, cut, prune, and plaſh, ſuch Hedges, and cut down or prune and lop ſuch Trees, in Manner aforeſaid, it ſhall and may be lawful for the Surveyor, and he is hereby required, to make Complaint thereof to ſome Juſtice of the Peace of the Limit where ſuch Highway ſhall be, who ſhall ſummon the Poſſeſſor of the ſaid Lands to appear before the Juſtices at ſome Special Seſſions for that Limit, to anſwer to the ſaid Complaint; and if it ſhall appear to the Juſtices, at ſuch Special Seſſions, that ſuch Poſſeſſor had not complied with the Requiſites of this Act, it ſhall and may be lawful for the ſaid Juſtices, upon hearing the Surveyor and the Poſſeſſor of ſuch Land, or his Agent, (or in Default of his Appearance, upon having due Proof of the Service of ſuch Summons), and conſidering the Circumſtances of the Caſe, to order ſuch Hedges to be cut, plaſhed, and pruned, and ſuch Trees to be cut down, or pruned in ſuch Manner, as may beſt anſwer the Purpoſes aforeſaid; and if the Poſſeſſor of ſuch Lands ſhall not obey ſuch Order, within Ten Days after it ſhall have been made, and he ſhall have had due Notice thereof, he ſhall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of ſuch Hedge which ſhall be ſo neglected to be cut and plaſhed, and the Sum of Two Shillings for every Tree which ſhall be ſo neglected to be cut down or pruned, and lopped; and the Surveyor, in caſe of ſuch Default made by the Poſſeſſor, ſhall, and is hereby required to cut, prune, and plaſh ſuch Hedges, and to cut down or prune and lop ſuch Trees, in the Manner directed by ſuch Order; and ſuch Poſſeſſor ſhall be charged with, and pay, over and above the ſaid Penalties, the Charges and Expences of doing the ſame; or, in Default thereof, ſuch Charges and Expences ſhall be levied, together with the ſaid Forfeitures, upon his or her Goods and Chattels by War-

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rant from a Juſtice of Peace, in ſuch Manner as is authoriſed for Forfeitures incurred by virtue of this Act.

Occupiers of Lands ſhall make ſufficient Ditches, Drains, or Watercourſes, and lay ſufficient Trunks, Plats, or Bridges, where Cartways, &c. lead out of Highways into ſuch Lands: They ſhall forfeit, for every Offence, 10s.

VIII. And be it further enacted, That Ditches, Drains, or Watercourſes, of a ſufficient Depth and Breadth, for the keeping all Highways dry, and conveying the Water from the ſame ſhall be made, ſcoured, cleanſed, and kept open, and ſufficient Trunks, Tunnels, Plats, or Bridges, ſhall be made and laid where any Cartways, Horſeways, or Footways, lead out of the ſaid Highways into the Lands or Grounds adjoining thereto, by the Occupier or Occupers of ſuch Lands or Grounds; and every Perſon or Perſons who ſhall occupy any Lands or Grounds adjoining to, or lying near ſuch Highway through which the Water hath uſed to paſs from the ſaid Highway, ſhall, and is hereby required, from Time to Time, as often as Occaſion ſhall be, to open, cleanſe, and ſcour, the Ditches, Watercourſes, or Drains, for ſuch Water to paſs without Obſtruction; and that every Perſon making Default in any of the Matters or Things aforeſaid, after Ten Days Notice to him, her, or them, given of the ſame, by the ſaid Surveyor, ſhall, for every ſuch Offence, forfeit the Sum of Ten Shillings.

Perſons laying Stone, Timber, Straw, &c. in any Highway, or Soil out of Ditches, &c. ſhall, for every Offence, forfeit 10s.

IX. And be it further enacted, That if any Perſon or Perſons, ſhall lay, in any Highway, any Stone, Timber, Straw, Dung, or other Matter, or in making, ſcouring, or cleanſing the Ditches or Watercourſes, ſhall permit the Soil or Earth, dug out of ſuch Ditches, Drains, or Watercourſes, to remain in ſuch Highway, in ſuch Manner as to obſtruct or prejudice the ſame, for the Space of Five Days after Notice thereof given by the Surveyor of the Highways; every Perſon or Perſons offending in any of the ſaid Caſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Stone, Timber, Hay, Straw, &c. laid within 15 Feet of the Centre of the Highway, and not removed in 5 Days after Notice given, the Owner of the adjacent Lands may remove and diſpoſe of the ſame to his own Uſe.

X. And be it further enacted, That if any Stone or Timber, or any Hay, Straw, Stubble, or other Matter, for the making of Manure, or on any other Pretence whatſoever, not tolerated by this Act, ſhall be laid in any Highway, within the Diſtance of Fifteen Feet from the Centre thereof, and ſhall not, within Five Days after Notice given by the Surveyor, or ſome Perſon aggrieved thereby, be removed, it ſhall and may be lawful for the Owner or Poſſeſſor of the Lands adjacent, or any other Perſon or Perſons whomſoever, by Order from ſome Juſtice of Peace, to clear the ſaid Highways, by removing the ſaid Stone, Timber, Hay, Straw, Dung, or other Matter, and to have, take, and diſpoſe of the ſame, to his and their own Uſe.

Obſtruction in the Highways by Carriages or Implements of Huſbandry, makes the Offender forfeit 10s.

XI. And, for preventing Obſtructions in the ſaid Highways, be it enacted, That if any Perſon ſhall wilfully ſet, place, or leave, any Waggon, Cart, or other Carriage, or any Plough or Inſtrument of Huſbandry, in any of the ſaid Highways, (except only with reſpect to ſuch Waggon, Cart, or Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near the Side of ſuch Highway as conveniently may be), ſo as to interrupt or hinder the free Paſſage of any other Carriage, or of His Majeſty's Subjects; every Perſon ſo offending ſhall forfeit the Sum of Ten Shillings for every ſuch Offence.

Surveyors Duty, on taking a View of the Condition of the Highways, &c. within the Diſtrict, in reſpect of Nuiſances, Obſtructions, &c.

If the Offender does not remove ſuch Nuiſances, &c. after Notice, the Surveyor ſhall do it,

and the Offender ſhall pay the Charges thereof.

XII. And be it further enacted, That the Surveyors of the Highways, to be appointed by virtue of this Act, ſhall, at all ſuch Times and Seaſons as they ſhall judge proper, view all the common Highways, Trunks, Tunnels, Plats, Hedges, Ditches, Banks, Bridges, Cauſeways, and Pavements, within the Pariſh, Townſhip, or Place, for which they ſhall be appointed Surveyors; and in caſe they ſhall obſerve any Nuiſances, Incroachments, Obſtructions, or Annoyances, made, committed, or permitted in, upon, or to the Prejudice of them, or any of them, contrary to the Directions of this Act, they ſhall, from Time to Time, as ſoon as conveniently may be, give, or cauſe to be given, to any Perſon or Perſons, doing, committing, or permitting the ſame, perſonal Notice, or Notice in Writing, to be left at his, her, or their uſual Place or Places of Abode, ſpecifying the Particulars wherein ſuch Nuiſances, Defaults, Obſtructions, or Annoyances, conſiſt; and if ſuch Nuiſances, Obſtructions, or Annoyances, ſhall not be removed, and the Ditches, Drains, Gutters, and Watercourſes aforeſaid effectually made, ſcoured, cleanſed, and opened, and ſuch Trunks, Tunnels, Plats, and Bridges, made and laid, and ſuch Hedges properly cut and pruned, within Twenty Days after ſuch Notice of the ſame reſpectively given as aforeſaid, then the ſaid Surveyors ſhall be, and they are hereby fully authoriſed and impowered, forthwith to remove ſuch Nuiſances, Obſtructions, or Annoyances, and open, cleanſe, and ſcour ſuch Ditches, Gutters, and Watercourſes, and make or amend ſuch Trunks, Tunnels, Plats, or Bridges, and cut and prune ſuch Hedges, for the Benefit and Improvement of the ſaid Highways, to beſt of their Skill and Judgement, and according to the true Intent and Meaning of this Act; and the Perſon or Perſons ſo neglecting to make, or open and cleanſe ſuch Ditches, Gutters, or Watercourſes, or to cut or prune ſuch Hedges, during the Time aforeſaid, after ſuch Notice given, ſhall forfeit for every Foot in Length which ſhall be ſo neglected, the Sum of One Penny; and the ſaid Surveyors ſhall be reimburſed what Charges and Expences they ſhall be at in removing ſuch Nuiſances, Obſtructions, or Annoyances, and making or opening, cleanſing and ſcouring, ſuch Ditches, Gutters, and Watercourſes, and in making or amending ſuch Trunks, Tunnels, Plats, or Bridges, and in cutting and pruning ſuch Hedges reſpectively, by the Perſon or Perſons who ought to have done the ſame, over and above the ſaid Forfeiture; and in caſe ſuch Perſon or Perſons ſhall, upon Demand, refuſe or neglect to pay the ſaid Surveyor his

Charges and Expences occaſioned thereby reſpectively, and alſo the ſaid Forfeiture of One Penny *per* Foot, then the ſaid Surveyor ſhall apply to any Juſtice of the Peace; and, upon making Oath before him of Notice being given to the Defaulter in Manner aforeſaid, and of the ſaid Work being done by ſuch Surveyor, and of the Expences attending the ſame, the ſaid Surveyor ſhall be repaid by ſuch Perſon or Perſons all ſuch his ſaid Charges as ſhall be allowed to be reaſonable by the ſaid Juſtice; or, in Default of Payment thereof on Demand, the ſame ſhall be levied in ſuch Manner as the Penalties and Forfeitures hereby inflicted are directed to be levied.

Times of cutting Hedges, and of felling Trees, &c. growing in the Highways.

XIII. Provided nevertheleſs, That no Perſon or Perſons, ſhall be compelled, nor any Surveyor permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the laſt Day of *September* and the laſt Day of *March*; and that nothing herein contained ſhall extend, or be conſtrued to oblige any Perſon or Perſons to fell any Timber Trees growing in Hedges at any Time whatſoever, except where the Highways ſhall be ordered to be enlarged, as herein-after mentioned, or to cut down or grub up any Oak Trees growing within ſuch Highway, or in ſuch Hedges, except in the Months of *April*, *May*, or *June*, or any Aſh, Elm, or other Trees, in any other Months than in the Months of *December*, *January*, *February*, or *March*.

Where the old Ditches, Gutters, or Watercourſes are inſufficient, new ones may be made.

XIV. And be it further enacted, That where the Ditches, Gutters, or Watercourſes, which have been uſually made, or which are herein-before directed to be made, cleanſed, and kept open, ſhall not be ſufficient to carry off the Water which ſhall lie upon and annoy the Highways; that then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Surveyors, by the Order of any One or more of the ſaid Juſtices, to make new Ditches and Drains in and through the ſaid Lands and Grounds adjoining, or lying near to ſuch Highways, or in and through any other Lands or Grounds, if it ſhall be neceſſary, for the more eaſy and effectually carrying off ſuch Water from the ſaid Highways, and alſo to keep ſuch Ditches, Gutters, or Watercourſes, ſcoured, cleanſed, and opened; and the ſaid Surveyors, and their Workmen, are hereby authoriſed to go upon the ſaid Lands for the Purpoſes aforeſaid: Provided, that the ſaid Surveyors make proper Trunks, Tunnels, Plats, Bridges, or Arches, over ſuch Ditches, Gutters, or Watercourſes, where the ſame ſhall be neceſſary, for the convenient Uſe and Enjoyment of the Lands or Grounds through which the ſame ſhall be made, and, from Time to Time, keep the ſame in Repair; and do alſo make Satisfaction to the Owner or Occupier of ſuch Lands which are not Waſte or Common, for the Damages which he, ſhe, or they, ſhall ſuſtain thereby; to be ſettled and paid in ſuch Manner as the Damages for getting Materials in ſeveral or incloſed Lands or Grounds are hereafter directed to be ſettled and paid.

Cartways to Market Towns are to be made 20 Feet wide, and Horſeways or Driftways Eight Feet wide.

XV. And be it further enacted, That the ſaid Surveyors of the Highways ſhall, and they are hereby required to make, ſupport, and maintain, or cauſe to be made, ſupported, and maintained, every publick Cartway leading to any Market Town, Twenty Feet wide at the leaſt; and every publick Horſeway or Driftway, Eight Feet wide at the leaſt, if the Ground between the Fences incloſing the ſame will admit thereof.

Juſtices may order narrow Roads to be widened

or diverted and turned.

Surveyors to agree with Owers of Lands for Recompence;

and if they cannot agree,

the ſame may be aſſeſſed by a Jury

at the Quarter Seſſions.

XVI. Provided always, and be it further enacted, That where it ſhall appear, upon the View of any Two or more of the ſaid Juſtices of the Peace, that the Ground or Soil of any Highway between the Fences thereof is not of ſufficient Breadth, and may be conveniently widened and enlarged, or that the ſame cannot be conveniently enlarged, and made commodious for Travellers, without diverting and turning the ſame; ſuch Juſtices ſhall, and they are hereby impowered, within their reſpective Juriſdictions, to order ſuch Highways reſpectively to be widened and enlarged, or diverted and turned, in ſuch Manner as they ſhall think fit, ſo that the ſaid Highways, when enlarged and diverted, ſhall not exceed Thirty Feet in Breadth; and that neither of the ſaid Powers do extend to pull down any Houſe or Building, or to take away the Ground of any Garden, Park, Paddock, Court, or Yard; and for the Satisfaction of the Perſon or Perſons, Bodies Politick or Corporate, who are ſeiſed or poſſeſſed of, or intereſted in their own Right, or in Truſt for any other Perſon or Perſons, in the ſaid Ground that ſhall be laid into the ſaid Highways reſpectively, ſo to be enlarged, or through which ſuch Highway, ſo to be diverted and turned, ſhall go, the ſaid Surveyor, under the Direction, and with the Approbation of the ſaid Juſtices, ſhall, and is hereby impowered to make an Agreement with him, her, or them, for the Recompence to be made for ſuch Ground, and for the making ſuch new Ditches and Fences as ſhall be neceſſary, according and in Proportion to the ſeveral and reſpective Intereſts therein, and alſo with any other Perſon or Perſons, Bodies Politick or Corporate, that may be injured by the enlarging, altering, or diverting ſuch Highways reſpectively, for the Satisfaction to be made to him, her, or them reſpectively, as aforeſaid: And if the ſaid Surveyor under the Direction, and with the Approbation, of the ſaid Juſtices, cannot agree with the ſaid Perſon or Perſons, Bodies Politick or Corporate, or if he, ſhe, or they, cannot be found, or ſhall refuſe to treat, or take ſuch Recompence or Satisfaction as ſhall be offered to them reſpectively by ſuch Surveyor; then the Juſtices of the Peace, at any General Quarter Seſſions to be holden for the Limit wherein ſuch Ground ſhall lie, upon Certificate in Writing, ſigned by the Juſtices making ſuch View as aforeſaid, of their Proceedings in the Premiſes, and upon Proof of Fourteen Days Notice in Writing having been given by the Surveyor of ſuch Pariſh, Townſhip, or Place, to the Owner, Occupier, or other Perſon or Perſons, Bodies Politick or Corporate, intereſted in ſuch Ground, or to his, her, or their Guardian, Truſtee, Clerk, or Agent, ſignifying an Intention to apply to ſuch Quarter Seſſions for the Purpoſe of taking ſuch Ground, ſhall impanel a Jury of Twelve diſintereſted Men out of the Perſons returned to ſerve as Jurymen, at ſuch Quarter Seſſions; and the ſaid Jury ſhall, upon their Oaths, to the beſt of their Judgement, aſſeſs the Damages to be given, and Recompence to be made,

to the Owners and others intereſted as aforeſaid in the ſaid Ground, for their reſpective Intereſts, as they ſhall think reaſonable, not exceeding Forty Years Purchaſe for the clear yearly Value of the Ground ſo laid out, and likewiſe ſuch Recompence as they ſhall think reaſonable, for the making of new Ditches and Fences on the Side or Sides of the ſaid Highways that ſhall be ſo enlarged or diverted, and alſo Satisfaction to any Perſon or Perſons, Bodies Politick or Corporate, that may be otherwiſe injured by the enlarging or diverting the ſaid Highways reſpectively: And, upon Payment or Tender of the Money ſo to be awarded and aſſeſſed to the Perſon or Perſons, Bodies Politick or Corporate, intitled to receive the ſame, or leaving it in the Hands of the Clerk of the Peace of ſuch Limit, in caſe ſuch Perſon or Perſons, Bodies Politick or Corporate, cannot be found, or ſhall refuſe to accept the ſame, for the Uſe of the Owner of, or others intereſted in, the ſaid Ground, the Intereſt of the ſaid Perſon or Perſons, Bodies Politick or Corporate, in the ſaid Ground, ſhall be for ever diveſted out of them, and the ſaid Ground, after ſuch Agreement or Verdict as aforeſaid, ſhall be eſteemed and taken to be a publick Highway, to all Intents and Purpoſes whatſoever; ſaving nevertheleſs to the Owner or Owners of ſuch Ground all Mines, Minerals, and Foſſils, lying under the ſame, which can or may be got without breaking the Surface of the ſaid Highway; and alſo all Timber and Wood growing upon ſuch Ground, to be fallen and taken by ſuch Owner or Owners within One Month after ſuch Order ſhall have been made, or in Default thereof, to be fallen by the ſaid Surveyor or Surveyors within the reſpective Months aforeſaid, and laid upon the Land adjoining, for the Benefit of the ſaid Owner or Owners: And where there ſhall not appear ſufficient Money in the Hands of the Surveyor or Surveyors, for the Purpoſes aforeſaid, then the ſaid Two Juſtices, in caſe of Agreement, or the ſaid Court of Quarter Seſſions, after ſuch Verdict as aforeſaid, ſhall order an equal Aſſeſſment to be made, levied, and collected, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, in the reſpective Pariſhes, Townſhips, or Places, where ſuch Highways ſhall lie, and direct the Money to be paid to the Perſon or Perſons, Bodies Politick or Corporate, ſo intereſted in ſuch Manner as the ſaid Juſtices, or Court of Quarter Seſſions reſpectively, ſhall direct and appoint: And the Money thereby raiſed ſhall be employed and acounted for, according to the Order and Direction of the ſaid Juſtices, or Court of Quarter Seſſions reſpectively, for and towards the purchaſing the Land to enlarge or divert the ſaid Highways, and for the making the ſaid Ditches and Fences, and alſo Satisfaction for the Damages ſuſtained thereby; and the ſaid Aſſeſſment, if not paid within Ten Days after Demand, ſhall, by Order of the ſaid Juſtices, or Court of Quarter Seſſions reſpectively, be levied by the ſaid Surveyor, in the Manner herein-after mentioned: Provided, that no ſuch Aſſeſſment to be made in any One Year ſhall exceed the Rate of Sixpence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, ſo aſſeſſed.

On Payment of Money aſſeſſed, Ground to be deemed a publick Highway.

Where there is not Money ſufficient, Aſſeſſments may be raiſed by Order of the Juſtices at their Quarter Seſſions.

not exceeding 6d. in the Pound.

XVII. And be it further enacted, That when any ſuch new Highways ſhall be made as aforeſaid, the old Highway ſhall be ſtopped up, and the Land and Soil thereof ſhall be ſold by the ſaid Surveyor, with the Approbation of the ſaid Juſtices, to ſome Perſon or Perſons whoſe Lands adjoin thereto, if he, ſhe, or they, ſhall be willing to purchaſe the ſame, if not, to ſome other Perſon or Perſons, for the full Value thereof: But if ſuch old Road ſhall lead to any Lands, Houſe, or Place, which cannot in the Opinion of ſuch Juſtices reſpectively be accommodated with a convenient Way and Paſſage from ſuch new Highway, which they are hereby authoriſed to order and lay out, if they find it neceſſary; then, and in ſuch Caſe, the ſaid old Highway ſhall only be ſold ſubject to the Right of Way and Paſſage to ſuch Lands, Houſe, or Place reſpectively, according to the ancient Uſage in that Reſpect; and the Money ariſing from ſuch Sale, in either of the ſaid Caſes, ſhall be applied towards the Purchaſe of the Land where ſuch new Highway ſhall be made: And upon Payment or Tender of the Money ſo to be agreed for as aforeſaid, and upon a Certificate being ſigned by the ſaid Two Juſtices, or by the Chairman of the ſaid Court of Quarter Seſſions, in caſe the ſame ſhall be determined there, deſcribing the Lands ſo ſold, and expreſſing the Sum ſo agreed for, and directing to whom the ſame ſhall be paid; and upon the Purchaſer's taking a Receipt for ſuch Purchaſe-money from the Perſon intitled to receive the ſame, by an Indorſement on the Back of ſuch Certificate, the Soil of ſuch old Highway ſhall become veſted in ſuch Purchaſer and his Heirs; but all Mines, Minerals, and Foſſils, lying under the ſame, ſhall continue to be the Property of the Perſon or Perſons who would from Time to Time have been intitled to the ſame, if ſuch old Highway had continued there.

Old Highway and Soil may be ſold by the Surveyor,

ſubject to ancient Right of Way and Paſſage.

Mines and Minerals reſerved to the Owners.

XVIII. And be it further enacted, That in caſe ſuch Jury ſhall give in and deliver a Verdict for more Monies, as a Recompence for the Right, Intereſt, or Property, of any Perſon or Perſons, Bodies Politick or Corporate, in ſuch Lands or Grounds, or for the making ſuch Fence, or for ſuch Damage or Injury to be ſuſtained by him, her, or them reſpectively, as aforeſaid, than what ſhall have been propoſed and offered by the ſaid Surveyor, before ſuch Application to the ſaid Court of Quarter Seſſions, as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences attending the ſaid ſeveral Proceedings ſhall be borne and paid by the Surveyor of the ſaid Highway, out of the Monies in his or their Hands, or to be aſſeſſed and levied by virtue and under the Powers of this Act; but if ſuch Jury ſhall give and deliver a Verdict for no more, or for leſs Monies than ſhall have been ſo offered and propoſed by the ſaid Surveyor, before ſuch Application to the ſaid Court or Quarter Seſſions; that then the ſaid Coſts and Expences ſhall be borne and paid by the Perſon or Perſons, Bodies Politick or Corporate, who ſhall have refuſed to accept the Recompence and Satisfaction ſo offered to him, her, or them, as aforeſaid.

Coſts of Proceedings by whom payable.

XIX. And

Highways, Bridleways, and Footways, may be turned by the Juſtices at their Special Seſſions, with the Conſent of the Owners of the Lands, if they are nearer or more convenient to the Publick, and the old ones may be ſtopped up and incloſed.

XIX. And be it further enacted, That when it ſhall appear, upon the View of any Two or more of the ſaid Juſtices of the Peace, that any publick Highway, not in the Situation herein-before deſcribed, or publick Bridleway, or Footway, may be diverted, ſo as to make the ſame nearer or more commodious to the Publick, and the Owner or Owners of the Lands and Grounds through which ſuch new Highway, Bridleway, or Footway, is propoſed to be made, ſhall conſent thereto, by Writing under his or their Hand and Seal, or Hands and Seals, it ſhall and may be lawful, by Order of ſuch Juſtices, at ſome Special Seſſions, to divert and turn, and to ſtop up ſuch Footway, and to divert, turn, and ſtop up, and incloſe, ſell, and diſpoſe of ſuch old Highway or Bridleway, and to purchaſe the Ground and Soil for ſuch new Highway, Bridleway, or Footway, by ſuch Ways and Means, and ſubject to ſuch Exceptions and Conditions, in all Reſpects, as herein-before mentioned with regard to Highways to be widened or diverted; and where any ſuch Highway, Bridleway, or Footway, herein laſt before deſcribed, ſhall be ſo ordered to be ſtopped up or incloſed, and ſuch new Highway, Bridleway, or Footway, ſet out and appropriated in lieu thereof, as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons injured or aggrieved by any ſuch Order or Proceeding, or by the Incloſure of any Road or Highway, by virtue of any Inquiſition taken upon any Writ of *Ad quod damnum*, to make his or their Complaint thereof, by Appeal to the Juſtices of the Peace at the next Quarter Seſſions, which ſhall be holden within the Limit where the ſame ſhall lie, after ſuch Order made or Proceeding had, as aforeſaid, upon giving Ten Days Notice in Writing of ſuch Appeal to the Surveyor and Party intereſted in ſuch Incloſure, if there ſhall be ſufficient Time for that Purpoſe; if not, ſuch Appeal may be made upon the like Notice to the next ſubſequent Quarter Seſſions of the Peace, which Courts of Quarter Seſſions are hereby reſpectively authoriſed and impowered to hear and finally determine ſuch Appeal; and if no ſuch Appeal be made, or, being made, ſuch Order and Proceedings ſhall be confirmed by the ſaid Court, the ſaid Incloſures may be made, and the ſaid Ways ſtopped, and the Proceedings thereupon ſhall be binding and concluſive to all Perſons whomſoever; and the new Highway, Bridleway, or Footway, ſo to be appropriated and ſet out, ſhall be, and for ever after continue, a publick Highway, Bridleway, or Footway, to all Intents and Purpoſes whatſoever; but no Incloſures of ſuch old Highways or Bridleway, or Stoppage of ſuch Footway, ſhall be made, until ſuch new Highways, Bridleway, or Footway, ſhall be compleated and put into good Condition and Repair, and ſo certified by Two Juſtices of the Peace, upon View thereof; which Certificate ſhall be returned to the Clerk of the Peace, and by him inrolled amongſt the Records of the ſaid Court of Quarter Seſſions; but from and after ſuch Certificate, ſuch old Highways, Bridleway, or Footway, ſhall and may be ſtopped up, and the Soil of ſuch old Highways or Bridleway ſold, in the Manner, and ſubject to the Reſervations and Reſtrictions herein-before mentioned with reſpect to Highways to be enlarged or diverted by virtue of this Act: And where any Highway, Bridleway, or Footway, hath been diverted and turned above Twelve Months, either from Neceſſity, where the ſame have been deſtroyed by Floods, or Slips of the Ground on which they were made, or from other Cauſes and Motives, if new Highways, Bridleways, or Footways, have been made in lieu thereof, nearer or more commodious to the Publick, and the ſame have been acquieſced in, and no Suit or Proſecution hath been commenced for the diverting or turning the ſame, every new Highway, Bridleway, or Footway, ſet out and uſed in the Place of that ſo diverted and turned, ſhall from henceforth be the publick Highway, Bridleway, or Footway, to all Intents and Purpoſes whatſoever; and all Perſons liable to the Repair of any ſuch old Highways, Bridleway, or Footway, ſo diverted and turned, or to be diverted and turned, as aforeſaid, ſhall, in the ſame Manner, be and continue liable to the Repair of ſuch new Highways, Bridleway, or Footway, except where any Agreement ſhall have been made relative to ſuch Repairs, between the Parties intereſted therein, which hath laid the Burthen thereof, or of any Part thereof, upon any other Perſon or Perſons in which Caſe the ſame ſhall be obſerved.

Appeal may be made to the Quarter Seſſions to Proceedings by Writ of Ad quod damnum, or otherwiſe.

No ſuch Incloſures to be made until the new Highways, &c. ſhall be compleated, and Certificate thereof returned to the Clerk of the Peace.

Concerning thoſe which have been turned above 12 Months and no Proſecution commenced.

In what Caſes, and in what Manner, and upon what Terms, the old Highways or the Lands lying between the Fences incloſing the ſame, ſhall be diſpoſed of.

XX. Provided nevertheleſs, and be it further enacted, That no common Land, lying between the Fences of any old Highway to be ſtopped up or incloſed by virtue of this Act ſhall be incloſed; and where the Land lying between the Fences of ſuch Highway, not being common Land, ſhall, upon a Medium, exceed Thirty Feet in Breadth, and not extend to Fifty Feet in Breadth, the ſame ſhall not be ſtopped up or incloſed, until Satisfaction ſhall be made to the Owner of ſuch Land, for ſo much thereof as ſhall exceed the ſaid Breadth of Thirty Feet; and if the Parties cannot agree in the Satisfaction ſo to be made, the ſame ſhall be adjuſted by the ſaid Juſtices, or the Jury, if a Jury ſhall be impanelled; and if the Land between the Fences incloſing ſuch Highways, not being common Land, ſhall exceed Fifty Feet in Breadth upon a Medium, or if the ſaid old Road, ſo to be diverted or turned ſhall lie through the open Field or Ground belonging to any particular Perſon or Perſons, ſuch Perſon or Perſons, and alſo the Perſon or Perſons intitled to the Land between the Fences on the Side of ſuch Highway, ſhall reſpectively hold and enjoy the Land and Soil of ſuch old Highway, and pay to the Surveyor, for the Uſe of the Highways, ſo much Money as ſhall be agreed upon between the Parties; or if they cannot agree, ſo much as ſhall be deemed and adjudged by the ſaid Juſtices, or Jury, if ſuch Jury ſhall be impanelled, as aforeſaid, to be adequate to the Purchaſe of it, eſtimating ſuch Highway at Thirty Feet in Breadth, upon an Average.

When old Footways are ſtopped up, and new ones laid out, in what Manner the Owners of the Lands ſhall make and receive Satisfaction.

XXI. And be it further enacted, That where any Footway ſhall be diverted by virtue of this Act, through the Land belonging to the ſame Perſon who owned the Land through which ſuch old Footway lay, the ſame ſhall be adjudged and deemed an Exchange only, and no Satisfaction or Compenſation ſhall be made, unleſs the Land to be uſed for ſuch new Footway ſhall be of greater Length, and of greater Value, than the Land uſed for ſuch old Footway; and where the ſaid Footway ſhall not be turned through the Lands belonging to the ſame Perſon, the Damage occaſioned by ſuch old Footway to the Lands through which it lay, if the Parties intereſted ſhall not agree in adjuſting the

ſame,

ſame, ſhall be adjudged by Two indifferent Perſons, the One to be named by the Owner of the Land, and the other by the ſaid Two Juſtices; and if the Perſons ſo to be nominated cannot agree therein, they ſhall chuſe ſome Third Perſon to adjudge the ſame, whoſe Determination ſhall be final; and the Money at which ſuch Damages ſhall be aſſeſſed ſhall be applied in making Satisfaction to the Owner or Owners of the Land through which ſuch new Footway ſhall be made.

Juſtices to order unneceſſary Highways to be ſtopped up.

XXII. And be it further enacted, That if in any Pariſh, Townſhip, or Place, where any Highway ſhall be diverted and turned by virtue of this Act, it ſhall appear to the Juſtices who are hereby authoriſed to view or inquire into the ſame, that there are other Highways within ſuch Pariſh, Townſhip, or Place, beſides that ſo to be diverted and turned, which may, without Inconvenience to the Publick, be diverted into ſuch new Highway hereby authoriſed to be made, or into any other Highway or Highways within ſuch Pariſh, Townſhip, or Place, and the Charge of repairing ſuch Highway or Highways may be thereby ſaved to ſuch Pariſh, Townſhip, or Place, it ſhall and may be lawful for ſuch Juſtices to order ſuch Highway or Highways, which ſhall appear to them unneceſſary, to be ſtopped up, and the Soil thereof ſold, in ſuch Manner, and ſubject to ſuch Reſtrictions, and ſuch Right of Appeal to the Party or Parties aggrieved thereby, as are herein-before reſpectively directed and given concerning the Highways, to be ſtopped up or incloſed.

Juſtices on Information of Surveyor, may order Highways, liable to be repaired by Tenure, &c. to be repaired within a limited Time; and if not repaired within that Time may preſent them.

XXIII. And be it further enacted, That every Surveyor ſhall and may, from Time to Time, give Information upon Oath to the ſaid Juſtices, or any Two or more of them, of all ſuch Highways, and of all Bridges, Cauſeways, or Pavements, upon ſuch Highways, as are out of Repair, and ought to be repaired by any Perſon or Perſons, Bodies Politick or Corporate, by reaſon of any Grant, Tenure, Limitation, or Appointment, of any charitable Gift, or otherwiſe howſoever; and the ſaid Juſtices ſhall limit a Time for repairing the ſame, of which Notice ſhall be given by the ſaid Surveyor to the Occupier or Occupiers of the Lands or Tenements liable to the Burthen of ſuch Repairs, or to ſuch other Perſon or Perſons, Bodies Politick or Corporate, as are chargeable with the ſame; and if ſuch Repairs ſhall not be effectually made within the Time ſo limited, the ſaid Juſtices ſhall, and are hereby required to preſent ſuch Highways, Bridges, Cauſeways, or Pavements, ſo out of Repair, together with the Perſon or Perſons, Bodies Politick or Corporate, liable to repair the ſame, at the next General Quarter Seſſions of the Peace for the Limit wherein ſuch Highway ſhall lie, and the Juſtices at ſuch Quarter Seſſions may, if they ſee juſt Cauſe, direct the Proſecution to be carried on at the general Expence of ſuch Limit, and to be paid out of the general Rates within the ſame.

Juſtices of Aſſize and of the Peace, &c. to make Preſentments of Highways &c. out of Repair.

XXIV. And be it further enacted, That every Juſtice of Aſſize, Juſtices of the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham*, and of the Great Seſſions in *Wales*, ſhall have Authority by this Statute, upon his or their own View, and every Juſtice of the Peace, either upon his own View, or upon Information upon Oath to him given by any Surveyor of the Highways, to make Preſentment, at their reſpective Aſſizes or Great Seſſions, or in the open General Quarter Seſſions, of ſuch reſpective Limit of any Highway, Cauſeway, or Bridge, not well and ſufficiently repaired and amended, or of any other Default or Offence committed and done contrary to the Proviſion and Intent of this Statute; and that all Defects in the Repair thereof ſhall be preſented in ſuch Juriſdiction where the ſame do lie, and not elſewhere; and that no ſuch Preſentment, nor any Indictment for any ſuch Default or Offence, ſhall be removed by *Certiorari*, or otherwiſe, out of ſuch Juriſdiction, till ſuch Indictment or Preſentment be traverſed, and Judgement thereupon given, except where the Duty or Obligation of repairing the ſaid Highways, Cauſeways, or Bridges, may come in Queſtion; and that every ſuch Preſentment made by any ſuch Juſtice of Aſſize, Counties Palatine, Great Seſſions, or of the Peace, upon his own View, or upon ſuch Information having been given to ſuch Juſtice of the Peace, upon the Oath of ſuch Surveyor of the Highways, as aforeſaid, ſhall be as good, and of the ſame Force, Strength, and Effect, in the Law, as if the ſame had been preſented and found by the Oaths of Twelve Men; and that for every ſuch Default or Offence ſo preſented, as aforeſaid, the Juſtices of Aſſize, Counties Palatine, and Great Seſſions, at their reſpective Courts, and the Juſtices of the Peace, at their General Quarter Seſſions, ſhall have Authority to aſſeſs ſuch Fines as to them ſhall be thought meet: Saving to every Perſon and Perſons that ſhall be affected by any ſuch Preſentment, his, her, or their lawful Traverſe to the ſame Preſentment, as well with reſpect to the Fact of Non-repair as to the Duty or Obligation of repairing the ſaid Highways, as they might have had upon any Indictment of the ſame, preſented and found by a Grand Jury; and the Juſtices of the Peace, at their General Quarter Seſſions, or the major Part of them, may, if they ſee juſt Cauſe, direct the Proſecutions upon ſuch Preſentments as ſhall be made at the Quarter Seſſions, as aforeſaid, to be carried on at the general Expence of ſuch Limit, and to be paid out of the general Rates within the ſame.

Juſtices may order what Highways ſhall be firſt repaired.

XXV. And be it further enacted, That the ſaid Juſtices of the Peace, at any Special Seſſions to be held by virtue of this Act, may, by Writing under their Hands and Seals, order and appoint thoſe Highways, (not being Turnpike Road), which in their Opinion do moſt want Repair within their Juriſdiction, to be firſt amended, and at what Time, and in what Manner, the ſame ſhall be amended; according to which Order, if ſuch there be, all and ſingular the reſpective Surveyors of the ſaid Highways are hereby required to proceed within their reſpective Liberties.

Direction Poſts where and how to be erected.

XXVI. And, for the better Convenience of Travellers, where ſeveral Highways meet, be it further enacted, That the ſaid Juſtices, at ſome Special Seſſions to be held for the Purpoſes of this Act, ſhall iſſue their Precept to the Surveyor of the Highways for any Pariſh, Townſhip, or Place, where ſeveral Highways meet, and there is no proper or ſufficient Direction Poſt, or Stone, already fixed or erected, requiring him forthwith to cauſe to be erected or fixed, in the moſt convenient Place

where such Ways meet, a Stone or Post, with Inscriptions thereon, in large legible Letters, painted on each Side thereof, containing the Name or Names of the next Market Town or Towns, or other considerable Place or Places, to which the said Highways respectively lead; and also at the several Approaces or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, graduated Stones or Posts, denoting the Depth of Water in the deepest Part of the same, and likewise such Direction Posts or Stones, as the said Justices shall judge to be necessary, for the guiding of Travellers in the best and safest Tract through the said Floods or Waters; and the said Surveyor shall be reimbursed the Expences of providing and erecting the same respectively out of the Monies which shall be received by him or them, pursuant to the Directions of this Act; and in case any Surveyors shall, by the Space of Three Months after such Precept to him directed and delivered, neglect or refuse to cause such Stones or Posts to be fixed, as aforesaid, every such Offender shall forfeit the Sum of Twenty Shillings.

Materials, where and in what Manner to be taken by Surveyors,

XXVII. And for the better repairing, and keeping in Repair, the said Highways, and providing of Materials for that Purpose, be it enacted, That it shall and may be lawful to and for every Surveyor, to be appointed as aforesaid, to take and carry away, or cause to be taken and carried away, so much of the Rubbish or Refuse Stones, of any Quarry or Quarries, lying and being within the Parish, Township, or Place, where he shall be Surveyor, (except such as shall have been got by the Surveyor of any Turnpike Road), without the Licence of the Owner or Owners of such Quarries, as they shall judge necessary, for the Amendment of the said Highways, but not to dig or get Stone in such Quarry without Leave of the Owner thereof; and also that it shall and may be lawful for every such Surveyor, for the Use aforesaid, in any waste Land or common Ground, River, or Brook, within the Parish, Townshiip, or Place, for which he shall be Surveyor, or within any other Parish, Township, or Place, wherein Gravel, Sand, Chalk, Stone, or other Materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the Parish, Township, or Place, where the same are to be employed, and sufficient shall be left for the Use of the Roads in such other Parish, Townshiip, or Place), to search for, dig, get, and carry away the same, so that the said Surveyor doth not thereby divert or interrupt the Course of such River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the Distance of One hundred Feet above or below any Bridge, nor within the like Distance of any Dam or Wear; and likewise to gather Stones lying upon any Lands or Grounds within the Parish, Townshiip, or Place, where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials; but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons, by carrying away the same, in the Manner herein-after directed for getting and carrying Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Occupier of such Lands or Grounds, or a Licence from a Justice of Peace for that Purpose, after having summoned such Occupier to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.

without making Satisfaction;

but Satisfaction to be made for Damages done by carrying them away.

Not to extend to Stones thrown up by the Sea, called Beach.

XXVIII. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, relative to the gathering or getting of Stones, shall extend to any Quantity of Land, (being private Property), covered with Stones thrown up by the Sea, commonly called *Beach*.

If sufficient Materials cannot be found in waste Lands, &c. the Surveyor may take them from several or inclosed Lands or Grounds,

XXIX. And be it further enacted, That it shall and may be lawful for every such Surveyor, for the Use aforesaid, to search for, dig, and get Sand, Gravel, Chalk, Stone, or other Materials, if sufficient cannot conveniently be had within such waste Lands, common Grounds, Rivers, or Brooks, in and through any of the several or inclosed Lands or Grounds of any Person or Persons whomsoever, within the Parish, Townshiip, or Place where the same shall be wanted, or by Licence from two Justices of the Peace, at a Special Sessions within any other Parish, Townshiip, or Place, adjoining or lying near to the Highway for which such Materials shall be required, if it shall appear to such Justices that sufficient Materials cannot be conveniently had in the Parish, Townshiip, or Place, where such Highways lie, or in the waste Lands, or common Grounds, Rivers, or Brooks, of such adjacent Parish, Townshiip, or Place, and that a sufficient Quantity of Materials will be left for the Use of the Parish, Townshiip, or Place, where the same shall be, (such Lands or Grounds not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or inclosed Plantation), and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways; the said Surveyor making such Satisfaction for the Damage to be done to such Lands or Grounds by the getting and carrying away the same, as shall be agreed upon between him and the Owner, Occupier, or other Person interested in such Lands or Ground respectively, in the Presence and with the Approbation of Two or more substantial Inhabitants of such Parish, Townshiip, or Place; and in case they cannot agree, then such Satisfaction and Recompence shall be settled and ascertained by Order of One or more Justice or Justices of the Peace of the Limit where such Land or Ground shall lie: And in such Places, where, from the want of other Materials, burnt Clay may be substituted in the Place thereof, it shall and may be lawful for the Surveyor to dig Clay in such Places as he is hereby authorised to dig Chalk or Gravel, and to dry the same upon the Lands adjoining, and to burn the same upon any waste Lands or common Grounds, and to carry such Clay in such Manner as other Materials are allowed to be carried by this Act, upon making such Satisfaction for the Damages within the several inclosed Lands or Grounds where such Clay shall be placed or carried, as herein directed with regard to other Materials: Provided, that when the Owner of any such inclosed Lands shall have Occasion for any such Materials lying within the same,

making Satisfaction to the Owners.

In what Manner Satisfaction is to be settled.

Clay may be got and burnt into Materials for repairing the Highways.

for

for the Repair of any Highway, or other Roads or Ways upon his Eſtate, or which he ſhall be under Obligation to repair, and ſhall give Notice to ſuch Surveyor that he apprehends there will not be ſufficient for thoſe Purpoſes, and alſo for the Uſe of the publick Highways; then, and in every ſuch Caſe, the Surveyor ſhall not be permitted to dig or take ſuch Materials without the Conſent of ſuch Owner, or an Order of Two Juſtices of the Peace, after having ſummoned and heard the ſaid Owner or Occupier, or his Steward or Agent; which Juſtices are hereby authoriſed to inquire into the Nature and Circumſtances of the Caſe, and to permit or reſtrain ſuch Power, in ſuch Manner, and under ſuch Directions, as to them ſhall ſeem juſt.

Expences incurred for buying Materials, making Satisfaction for Damages, &c.

XXX. And whereas in ſome Pariſhes, Townſhips, or Places, there may not be ſufficient Materials for the Repair of the Highways within the ſame, nor within the waſte Lands, common Grounds, Rivers, or Brooks, of any other Pariſh, Townſhip, or Place, lying within a convenient Diſtance from ſuch Highway, by reaſon whereof the Surveyor of ſuch Highway may be forced to buy ſuch Materials, and to make Recompence and Satisfaction to the Owner or Occupier of incloſed Lands for Damage which may be done by getting and carrying thereof: And whereas no Proviſion is made for raiſing a Fund to reimburſe the Expences thereof, and alſo ſuch Expences as the ſaid Surveyors may incur, by erecting Guide-poſts, or other Poſts or Stones, and by making or repairing ſuch Trunks, Tunnels, Plats, Bridges, or Arches, as aforeſaid, and by rendering Satisfaction for Damages done to Lands by the making of new Ditches or Drains, nor for the Salary to be paid by ſuch Pariſh, Townſhip, or Place, to ſuch Surveyor as aforeſaid; be it therefore enacted, That upon Application by ſuch Surveyor to the Juſtices of the Peace, at their Special Seſſions, and Oath made of the Sum or Sums of Money which he hath *bona fide* laid out and expended, or which will be required for the Purpoſes aforeſaid, the ſaid Juſtices, or any Two or more of them, ſhall, and they are hereby impowered, by Warrant under their Hands and Seals, to cauſe an equal Aſſeſſment to be made for the Purpoſes aforeſaid, upon all Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within ſuch Pariſh, Townſhip, or Place, where ſuch Money ſhall be ſo expended or laid out; and the ſame ſhall be made and collected by ſuch Perſon or Perſons, and allowed in ſuch Manner, as the ſaid Juſtices, by their Order at ſuch Seſſions, ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for, according to the Direction of the ſaid Juſtices, for the Purpoſes aforeſaid; and the ſaid Aſſeſſment ſhall be levied in ſuch Manner as herein-after mentioned: Provided nevertheleſs, That no ſuch Aſſeſſment to be made for thoſe or any of thoſe Purpoſes, in any One Year, ſhall exceed the Rate of Sixpence in the Pound, of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, ſo to be aſſeſſed.

On Application to Juſtices, at a Special Seſſions, may be raiſed by an Aſſeſſment,

not exceeding 6d. in the Pound.

If Pits or Holes are made in getting Materials, the Surveyor ſhall cauſe them to be filled up or fenced off,

XXXI. And be it further enacted, That if any Surveyor, or Perſon employed by him, ſhall, by reaſon of the ſearching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials for repairing any Highways, make, or cauſe to be made, any Pit or Hole in any ſuch Lands or Grounds, Rivers or Brooks, as aforeſaid, wherein ſuch Materials ſhall be found, ſuch Surveyor, Perſon or Perſons, ſhall forthwith cauſe the ſame to be ſufficiently fenced off, and ſuch Fence ſupported and repaired, during ſuch Time as the ſaid Pit or Hole ſhall continue open, and ſhall, within Three Days after ſuch Pit or Hole ſhall be opened or made, where no Gravel, Stones, or Materials ſhall be found, cauſe the ſame to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the ſame; and where any ſuch Materials ſhall be found, within Fourteen Days after having dug up ſufficient Materials in ſuch Pit or Hole, cauſe the ſame to be filled up, ſloped down, or fenced off, and ſo continued; and every Surveyor ſhall, within Twenty Days after he ſhall be appointed to that Office, cauſe all the ſaid Pits and Holes which ſhall then be open, and not likely to be further uſeful, to be filled up or ſloped down, in Manner aforeſaid; and if they are likely to be further uſeful, he ſhall ſecure the ſame by Poſts and Rails, or other Fences, to prevent Accidents to Perſons or Cattle; and in caſe ſuch Surveyor, Perſon or Perſons, ſhall neglect to fill up, ſlope down, or fence off, ſuch Pit or Hole, in Manner and within the Time aforeſaid, he or they ſhall forfeit the Sum of Ten Shillings for every ſuch Default: And in caſe ſuch Surveyor, Perſon or Perſons, ſhall neglect to fence off ſuch Pit or Hole, or to ſlope down the ſame as herein-before directed, for the Space of Six Days after he or they ſhall have received Notice for either of thoſe Purpoſes from any Juſtice of the Peace, or from the Owner or Occupier of ſuch ſeveral Ground, River, or Brook, or any Perſon having Right of Common within ſuch common or waſte Lands, as aforeſaid, and ſuch Neglect and Notice ſhall be proved upon Oath before One or more of the ſaid Juſtices of the Peace, ſuch Surveyor, Perſon or Perſons, ſhall forfeit and pay any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, for every ſuch Neglect; to be determined and adjudged by ſuch Juſtice or Juſtices, and to be laid out and applied in the fencing off, filling up, or ſloping down, ſuch Pit or Hole, and toward the Repair of the Roads in the Pariſh, Townſhip, or Place, where the Offence ſhall be committed, in ſuch Manner as the ſaid Juſtice or Juſtices ſhall direct and appoint; which Forfeiture, in caſe the ſame be not forthwith paid, ſhall be levied as other Forfeitures are herein-after directed to be levied.

or forfeit 10s. for every Neglect;

and for every Neglect after Notice given,

a Sum not exceeding 10 l. nor leſs than 40 s.

Materials dug for the Uſe of any other Pariſh to be removed in Summer or hard Froſt.

XXXII. Provided always, and be it further enacted, That no Stone, Gravel, or Materials, to be dug for the Uſe of any other Pariſh, Townſhip, or Place, than that wherein the ſame are found, ſhall be removed or carried from the Place where they ſhall be ſo dug at any other Time than between the Firſt Day of *April* and the Firſt Day of *November*, or in the Time of hard Froſt in the Winter Seaſon.

Perſons damaging Mills, Buildings, Dams, &c. by

XXXIII. And be it further enacted, That if any Perſon ſhall dig, or cauſe to be dug, Materials for the Highways, contrary to the Direction of this Act, whereby any Bridge, Mill, Building, Dam, High-

digging Materials, forfeit not exceeding 5l. nor less than 20s.

Highway, Ford, Mines, or Tin-works, may be damaged or endangered; every Offender therein shall forfeit, for every such Offence, any Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of the Court or Justices before whom Complaint thereof shall be made.

Statute-duty, in respect of keeping a Team or occupying Lands, &c.

XXXIV. And be it further enacted, That the said Surveyor, to be appointed as aforesaid, together with the Inhabitants and Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within each Parish, Township, or Place, shall, at proper Seasons in every Year, use their Endeavours for the Repair of the Highways, and shall be chargeable thereunto, as followeth; that is to say, Every Person keeping a Waggon, Cart, Wain, Plough, or Tumbrel, and Three or more Horses or Beasts of Draught used to draw the same, shall be deemed to keep a Team, Draught, or Plough, and be liable to perform Statute-duty with the same, in the Parish, Township, or Place, where he resides, and shall, Six Days in every Year, (if so many Days shall be found necessary), to be computed from *Michaelmas* to *Michaelmas*, send on every Day, and at every Place, to be appointed by the Surveyor for the amending the Highways in such Parish, Township, or Place, One Wain, Cart, or Carriage, furnished after the Custom of the Country, with Oxen, Horses, or other Cattle, and all other Necessaries fit to carry Things for that Purpose, and also Two able Men with such Wain, Cart, or Carriage; which Duty so performed shall excuse every such Person from his Duty in such Parish, Township, or Place, in respect of all Lands, Tenements, Woods, Tithes, or Hereditaments, not exceeding the annual Value of Fifty Pounds, which he shall occupy therein: And every Person keeping such Team, Draught, or Plough, and occupying in the same Parish, Township, or Place, Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, over and beyond the said yearly Value of Fifty Pounds, in respect whereof such Team-duty shall be performed, and every such Person occupying Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, in any other Parish, Township, or Place, besides that wherein he resides, and every other Person not keeping a Team, Draught, or Plough, but occupying Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Fifty Pounds, in any Parish, Township, or Place, shall, in like Manner respectively, and for the same Number of Days, find and send One Wain, Cart, or Carriage, furnished with not less than Three Horses, or Four Oxen and One Horse, and Two Oxen and Two Horses, and Two able Men to each Wain, Cart, or Carriage; and, in like Manner, for every Fifty Pounds *per Annum* respectively which every such Person shall further occupy, in any such Parish, Township, or Place respectively, such Wains, Carts, or Carriages, to be employed by the Surveyor in the repairing and amending the Highways within the Parish, Township, or Place, where such Lands, Tenements, Woods, Tithes, or Hereditaments, shall respectively lie; and every

Contribution in Money.

Person who shall not keep a Team, Draught, or Plough, but shall occupy Lands, Tenements, Woods, Tithes, or Hereditaments, under the yearly Value of Fifty Pounds, in the Parish, Township, or Place, where he resides, or in any other Parish, Township, or Place, and every Person keeping a Team, Draught, or Plough, and occupying Lands, Tenements, Woods, Tithes, or Hereditaments, under the yearly Value of Fifty Pounds, in any other Parish, Township, or Place, than that wherein he resides, shall respectively contribute to the Repair of the Highways, and pay to the Surveyor of such Parish, Township, or Place respectively, in lieu of such Duty, the Sums following; *videlicet*, For every Twenty Shillings of the annual Value of such Lands, Tenements, Woods, Tithes, or Hereditaments respectively, the Sum of One Penny for every Day's Statute-duty which shall be required and called for by the Surveyor of such Parish, Township, or Place respectively, in every Year, not exceeding Six Days Duty in the Whole, as aforesaid; and every such Person respectively shall, in like Manner, pay the Sum of One Penny for every Twenty Shillings of the annual Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy in any such Parish, Township, or Place respectively, above the annual Value of Fifty Pounds, and less than One hundred Pounds, and so for every Twenty Shillings that each progressive and intermediate annual Value of Twenty Shillings, of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall so occupy, shall fall short of the further Increase of Fifty Pounds, in every Parish, Township, or Place, where such Lands, Tenements, Woods, Tithes, and Hereditaments, shall respectively lie, for every Day's Statute-duty so to be required as aforesaid; which said several Sums shall be considered as Compositions, and shall be paid to the Surveyor of the Parish, Township, or Place, in which they are charged, for the Use of the Highways therein, at the Time such Compositions are to be paid under the Authority of this Act, or within Ten Days after; or, in Default of such Payments, such Money shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, in such Manner as the Forfeitures for the Neglect in performing the Statute-duty are hereby authorised to be levied and raised: Provided that no Person keeping such Team, Draught, or Plough, and performing Duty with the same, as aforesaid, in the Parish, Township, or Place, where he resides, and not occupying Lands, Tenements, Woods, Tithes, or Hereditaments, within the same, of the yearly Value of Thirty Pounds, shall be obliged to send more than One Labourer with such Team, Draught, or Plough.

How these Contributions in Money are to be recovered.

The Duty required from Persons who do not keep a Team, but keep One or Two Horses used to draw,

XXXV. And be it further enacted, That every Person who shall not keep a Team, Draught, or Plough, but shall keep One or more Cart or Carts, and One or Two Horses or Beasts of Draught only, used to draw in each of such Carts upon the Highways, shall be obliged to perform his Statute-duty for the like Number of Days with such Cart or Carts, and Horse or Horses, or Beasts of Draught, and One Labourer to attend each Cart, or to pay for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy,

occupy, according to the Rate aforesaid, at the Option of the Surveyor; and every Person who shall keep a Coach, Post-chaise, Chair, or other Wheel-carriage, and not keep a Team, Draught, or Plough, nor occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of Fifty Pounds, in the Parish, Township, or Place, where he shall reside, shall pay to the Surveyor One Shilling in respect of every such Day's Statute-duty, for every Horse which he shall draw in any such Carriage, or shall pay according to the Value of the Lands, Tenements, or Hereditaments, which he shall occupy, according to the Rate aforesaid, at the Option of the Surveyor; and also every Man inhabiting in any Parish, Township, or Place, and being of the Age of Eighteen, and under the Age of Sixty Years, not chargeable in any of the Respects aforesaid for Lands, Tenements, Woods, Tithes, or Hereditaments, of the yearly Value of Four Pounds, or upwards, and not being *bona fide* an Apprentice or menial Servant, nor having performed the said Duty, or paid the Composition for the same, in any other Parish, Township, or Place, for that Year, shall, by themselves, or One sufficient Labourer for every of them, upon every of the said Days on which they shall be called forth by the said Surveyor, together with the said other Labourers, work and labour in the Amendment of the said Highways, as they shall be directed by such Surveyor; and if the said Teams, Draughts or Ploughs, or any of them, shall not be thought needful by the Surveyor, on any of the said Days, then every such Person who should have sent any such Team, Draught or Plough, according to the Directions aforesaid, shall, according to the Notice to be given, as herein-after directed, send unto the said Work, for every One so spared, Three able Men, there to labour as aforesaid, or to pay to the said Surveyor the Sum of Four Shillings and Sixpence in lieu thereof; and all such Persons as aforesaid shall respectively have and bring with them such Shovels, Spades, Picks, Mattocks, and other Tools and Instruments as are useful and proper for the Purposes aforesaid; and all the said Persons and Carriages shall diligently perform the Work and Labour to which they shall be appointed by such Surveyor for Eight Hours in every of the said Days, within such Parish, Township, or Place, or in getting and carrying Materials in and from any other Parish, Township, or Place, to be employed in the Repair of the Highways of the Parish, Township, or Place, for which they shall be required to perform such Duty and Labour as aforesaid: And if any Person sending a Team, as aforesaid, shall not send a sufficient Labourer besides the Driver, (except as herein-before mentioned); or if any such Labourer, or Driver, or any other Labourer, or the Driver of any Cart, required by this Act to perform Statute-duty as aforesaid, shall refuse to work and labour, during the Time above mentioned, according to the Direction of the Surveyor; or if any Driver shall refuse to carry proper and sufficient Loads; it shall and may be lawful for such Surveyor to discharge every such Team, Cart, or Labourer, and to recover from the Owner of every such Team or Cart the Forfeiture which every such Person or Persons would have incurred by virtue of this Act, in case no such Team, Cart, or Labourer respectively had been sent.

or who keep a Coach, Post-chaise, &c.

Personal Labour required from Inhabitants or those who occupy less than 4l. per Annum.

Three Men to be sent in lieu of a Team, if required,

or 4s. 6d. in Money.

During what Hours, and under what Regulation, the Duty shall be performed.

XXXVI. And be it further enacted, That it shall and may be lawful for the Surveyor, where the Employment for Teams is of such Sort that Two Horses will be sufficient for One Cart, or where a Stand Cart with One Horse shall be necessary, to call upon any Person liable to send a Team, Draught, or Plough, by virtue of this Act, who keeps One or more Cart or Carts, and Three or more Horses, to send such Cart or Carts, Horse or Horses, to perform his Statute-duty, as the Surveyor shall find most convenient, and shall direct; and the Surveyor shall allow every such Stand Cart and One Horse as Half a Team, and every Cart and Two Horses as Two-thirds of a Team; and if a Waggon shall be found necessary for any particular Business, the Surveyor may require the Duty, or any Part thereof, to be performed with such Waggon, by any Person who keeps One; which Directions of the Surveyors shall be observed, or the Person liable to perform such Duty shall forfeit such Sum as the Duty so required of him shall bear, in proportion to the Forfeiture hereby inflicted for every Neglect in performing Duty with a Team, Draught, or Plough.

The Surveyor may call for Part of a Team where he thinks it necessary.

XXXVII. And be it further enacted, That every such Surveyor shall, from Time to Time, give to, or cause to be left at the House, or usual Place of Abode of every Person or Persons so liable to perform such Duty or Labour, as in this Act directed, Four Days Notice at the least of the Day, Hour, and Place, upon which each of the said Day's Duty shall be required to be performed; and every Person or Persons making Default in finding and sending each Wain, Cart, or Carriage, furnished as aforesaid, and such able Men with the same, as herein required, or in performing the said Duty at the Time and Place, and in the Manner, by this Act directed, shall, for every such Default or Neglect in sending such Wain, Cart, or Carriage, with such Men as aforesaid, forfeit the Sum of Ten Shillings; and for every Default in sending every Cart with One Horse and One Man, Three Shillings; and for not sending every Cart with Two Horses and One Man, Five Shillings: And every Person or Persons making Default in sending any such Labourer, and every Person making Default in performing such Labour at the Time and Place, and in the Manner, directed by this Act, or in paying such Composition-money for the same, as herein mentioned, shall, for every such Neglect, forfeit the Sum of One Shilling and Sixpence; all which Forfeitures shall be applied for the Use of the Highways within the Parish, Township, or Place, where the same shall arise; and the said Surveyor shall fairly and equally demand and require such Duty and Labour from every Person or Persons liable to perform the same according to the Directions of this Act, without Favour or Partiality to any Person or Persons whomsoever: And if in any Parish, Township, or Place, it shall not be necessary to call forth the whole Duty in any Year, it shall be abated in a just and equal Proportion among all Persons liable to the same; and the said Surveyor may and shall, and he is hereby required, with all convenient Speed, after Default made in Performance of such Duty or Labour as aforesaid, to proceed for the Recovery of the Penalties or Forfeitures hereby

What Notice to be given for performing the Duty.

Forfeitures for every Default or Neglect.

Application of the Forfeitures.

The Surveyor to call forth the Duty fairly and equally.

hereby inflicted for the same respectively, in Manner herein-after directed, so that the same may be recovered before he makes up his Accounts in the Manner directed by this Act.

Persons may compound for Statute-work.

XXXVIII. Provided always, and be it further enacted, That any Person or Persons liable to perform the said Duty, by sending One or more Team or Teams, Draught or Draughts, Plough or Ploughs, with Men, Horses, or Oxen, in Manner aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the said Surveyor, at the Time, and in the Manner, herein-after mentioned, such Sum or Sums of Money as the Justices of the Peace for the Limit wherein such Parish, Township, or Place, shall be, or the major Part of them, at their said Special Sessions, to be held in the First Week after *Michaelmas* Quarter Sessions in every Year, shall adjudge and declare to be reasonable, not exceeding Six Shillings, nor less than Three Shillings, for each Team, Draught, or Plough, for each Day; and in Default of their adjudging and declaring the same, the Sum of Four Shillings and Sixpence for and in lieu of every such Day's Duty for each Team, Draught, or Plough; and for every Cart and One Horse or Beast of Draught, Two Shillings; and for every Cart with Two Horses or Beasts of Draught, Three Shillings, for and in lieu of every Day's Duty; and every Inhabitant liable to perform such Duty or Labour, as aforesaid, and not chargeable in any other Respect, as aforesaid, shall and may compound for the same, if he, she, or they, shall think fit, by paying to the Surveyor the Sum of Four-pence for and in lieu of every such Day's Duty or Labour respectively, at the Time, and in the Manner herein-after directed for the Payment of Composition money.

Compositions fixed.

Justices may direct the performance of Team Duty or Labour in Kind in any particular Parish, &c. where they find extravagant Prices required.

XXXIX. Provided always, and be it further enacted, That if it shall appear to the Justices, at their Special Sessions, to be held in the Week next after *Michaelmas* Quarter Sessions, that, from the Directions herein before given for the performing and compounding the Statute-duty, there will be Difficulty in procuring the necessary Carriage, or a sufficient Number of Labourers for the Repair of the Highways, in any particular Parish, Township, or Place, within their respective Limits, without paying high and extravagant Prices for the same, it shall and may be lawful for such Justices to order and direct the Team-duty hereby required, or so much thereof as they shall think fit, to be performed in Kind, within every such Parish, Township, or Place, except in respect of such Teams as belong to Persons who do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, of the annual Value of Thirty Pounds within the same; and also to order the Labourers, liable by this Act to perform or compound for Statute-duty, or such Part of them as they shall think fit, to perform Six Days Labour upon such Highways in Kind, in case so many Days Duty shall be required, upon being paid for such Labour the usual and customary Wages given to Labourers in such Parish, Township, or Place, deducting thereout the Sum of Four-pence for each Day's Duty so performed, being the Composition hereby allowed for Labourers: Provided, that if Part of such Teams or Labourers only are required, it shall be directed by the said Order of the Justices in some given Proportion, as One Half, Third, or Fourth, Part thereof; and the Surveyor shall, in that Case, at a publick Vestry for such Parish, Township, or Place, put the Names of all the Persons liable by this Act to send such Teams into One Hat or Box, and the Names of all the Persons liable to perform such Labour into another Hat or Box, and some Inhabitant then present shall draw out such Number from each as shall be equal to the Proportion so ordered by the said Justices, and the Persons so drawn shall perform such Duty in Kind for that Year; and that if any such Order shall be made or continued in the subsequent Year, the same Method shall be observed, but the Names drawn in the preceeding Year shall not be put into such Hat or Box; and in every succeeding Year such Method and Regulation shall be observed by such Surveyor, as to render the Duty so required to be performed in Kind as equal amongst the several Persons liable thereto as may be: Which Order of the said Justices, so far as the same shall be extended, shall supersede the said Power or Liberty of compounding, and shall be binding and effectual, to all Intents and Purposes whatsoever, and shall continue in Force until it shall be discharged or varied by the Justices at some subsequent Special Sessions for the Highways within such Limit, to be held in the Week next after *Michaelmas* Quarter Sessions; any Thing herein contained in the Contrary thereof in any-wise notwithstanding.

Justices may mitigate the Composition where a Person maintains his Team partly from Lands in another Parish.

XL. Provided always, and be it further enacted, That if any Person or Persons who shall keep a Team, Draught, or Plough, and shall not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, to the Value of Thirty Pounds *per Annum*, in the Parish, Township, or Place, where he shall reside, but shall in Part maintain his Horses and Beasts of Draught used in such Team upon or from Lands which he shall occupy in One or more adjacent Parish or Parishes, it shall and may be lawful for the said Justices, at some Special Sessions, to mitigate and reduce the Duty or Composition so required to be performed or paid by such Person or Persons, in such Manner, and to such Sum, as they shall think just and reasonable.

Surveyors to give Notice of the Time and Place for compounding.

XLI. Provided also, and be it further enacted, That the said Surveyor of every Parish, Township, or Place, shall, on some *Sunday* in *November* in every Year, cause Ten Days Notice at the least to be given in the Church or Chapel of such Parish, Township, or Place, and if there be no Church or Chapel, or no Service performed therein, then at the most publick Place there, and repeat the like Notice in such Church, Chapel, or Place, on the next succeeding *Sunday*, of the Time and Place when and where the Persons permitted under the Authority of this Act, and inclined to compound for the said Duty, in Manner aforesaid, may signify to such Surveyor their Intention to compound; and all and every Person or Persons signifying the same, who shall then, or within the Space of One Calendar Month afterwards, pay to such Surveyor the Composition authorised and allowed by this

Act, shall be discharged from the Performance of such Duty, which Composition-money shall be employed by the Surveyor for the Use of the Highways; and that no Composition shall be permitted, unless the same shall be paid at the Day, or within the Time aforesaid; but in Cases where the Occupation of any Lands, Tenements, Woods, Tithes, or Hereditaments, shall be changed, or any new Occupant or Inhabitant shall come to reside in such Parish, Township, or Place, after the Time appointed for such Composition, then the Person or Persons occupying such Lands, Tenements, Woods, Tithes, or Hereditaments, or so residing in such Parish, Township, or Place, shall be allowed to compound in Manner aforesaid: Provided he, she, or they, shall pay the said Composition-money to the said Surveyor within Fourteen Days after he, she, or they, shall enter upon such Lands, Tenements, or Hereditaments, or shall come to reside in such Parish, Township or Place; and every Tenant or Occupier of any Lands, Tenements, Woods, Tithes, or Hereditaments, who intends to quit the Possession thereof within Six Calendar Months from the Time fixed for making such Composition, shall and may compound for Half the Duty hereby required, and the succeeding Tenant or Occupier shall and may, in that Case, compound or perform the Duty in Kind for the other Half thereof; and if the Surveyor shall receive from any Person or Persons a Composition for more Duty than shall be required from the other Inhabitants and Occupiers within the same Parish, Township, or Place, for the same Year, he shall repay such extraordinary Composition-money to such Person or Persons, so as to bring the Duty to an Equality amongst all such Inhabitants and Occupiers.

How the Composition-money shall be paid and employed.

XLII. Provided always, and be it further enacted, That in every Parish, Township, or Place, where any Person shall keep a Draught or Plough, and no Carriage, he shall pay to the Surveyor the Sum of One Shilling for every Horse, or Pair of Oxen or Neat Cattle, used in such Draught or Plough, for every Day's Statute-duty on the Day such Duty is required to be performed, or pay according to the Rate aforesaid for the Lands, Tenements, Woods, Tithes, and Hereditaments, which he shall occupy in such Parish, Township, or Place, at the Option of the Surveyor.

Persons keeping a Draught or Plough, and no Carriage, to pay for the Horses or Oxen drawing them.

XLIII. And, in order to prevent as much as possible any Inconvenience to the Persons liable to perform Statute-duty, be it enacted, That it shall and may be lawful for the Inhabitants of every Parish, Township, or Place, at some Vestry, or other publick Meeting or Meetings to be held pursuant to this Act, to appoint Three Months in every Year, within which no Statute-duty shall be performed; *videlicet*, One Month in the Spring, to be called *The Seed Month*; One Month in the Summer, for the Hay Harvest; and One other Month in the Summer, for the Corn Harvest: Provided, that Notice, in Writing, be given of the Times so appointed to the Surveyor of such Parish, Township, or Place respectively, and also to the Surveyor of every Turnpike Road lying within the same, within Three Days after every such Meeting, and Fourteen Days at least before the Beginning of each of such Months.

Inhabitants may fix certain Times when the Statute-duty shall not be called forth.

XLIV. And whereas, by several Acts of Parliament concerning Turnpike Roads, a certain Part of the Duty called *Statute-duty* is or may be directed to be performed on such Roads, and it may happen in some Places, that the several Persons liable thereto may have compounded for the same, be it therefore further enacted, That in all such Cases, the Surveyor of the Highways of the Parish, Townshiip, or Place, where such Composition shall have been made, shall pay to the Treasurer or Surveyor of such Turnpike Roads a certain Part of the Composition-money so received, to be proportioned according to the Number of Days Duty which such Person or Persons was or were liable to perform on such Turnpike Road; which Money shall be laid out and expended on such Part of the said Turnpike Road as lies within the Parish, Township, or Place, from which it was received, and not elsewhere; and if such Surveyor of the Highways shall refuse or neglect to pay to the Treasurer or Surveyor of such Turnpike Road such Part of the said Composition-money so received by him, within Twenty Days after he shall have received the same, upon Demand made by such Treasurer or Surveyor, the same shall and may be levied upon the Goods and Chattels of such Surveyor, in such Manner as Penalties and Forfeitures are by this Act authorised to be levied.

Where the Surveyor receives Composition-money due to the Turnpike Roads, he shall pay it to the Treasurer, to be laid out for the Use of the Turnpike Road within the Parish, &c. where it is collected.

XLV. And be it further enacted, That if upon Application of the Surveyor of the Highways for any Parish, Township, or Place, to the Justices of the Peace for the Limit wherein such Parish, Township, or Place, lieth, at their General or Quarter Sessions of the Peace, or at some Special Sessions for the Highways, the said Justices shall be fully satisfied, by Proof upon Oath, that the Duty hereby directed to be performed, and the Money hereby authorised to be collected and received, has been performed, applied, and expended, according to the Directions of this Act, or shall be fully satisfied that the common Highways, Bridges, Causeways, Streets, or Pavements, belonging to such Parish, Township, or Place, are so far out of Order that they cannot be sufficiently amended and repaired, paved, cleansed, and supported, by the Means herein before prescribed, (Notice being first given of such intended Application at the Church or Chapel of such Parish, Township, or Place, on some *Sunday* preceding such Quarter or Special Sessions, or if the Place be extraparochial, Notice, in Writing, being first given of such intended Application to some of the principal Inhabitants residing in such extraparochial Place, a Week at least before such General or Special Sessions); that then, and in any of the said Cases, an equal Assessment upon all and every the Occupier of Lands, Tenements, Woods, Tithes, and Hereditaments, within any such Parish, Township, or Place, shall or may be made and collected by such Person and Persons, and allowed in such Manner, as the said Justices, by their Order, at such General or Special Sessions, shall direct and appoint in that Behalf; and the Money thereby raised shall be employed and accounted for, according to the Orders and Directions of the said Justices, for and towards the amending, repairing, paving, cleansing, and supporting,

If the Duty and the Money before authorised to be raised shall not be sufficient, the Justices may order an Assessment:

porting, ſuch Highways, Cauſeways, Streets, Pavements, and Bridges, from Time to Time, as Need ſhall require.

But ſuch Aſſeſſment, with the other, for buying Materials, &c. not to exceed 9d. in the Pound in any One Year.

XLVI. Provided nevertheleſs, That the Aſſeſſment herein laſt before authoriſed, and the Aſſeſſment herein before authoriſed, for buying Materials, making Satisfaction for Damages, erecting Guide-poſts, and paying the Surveyor's Salary, ſhall not together, in any One Year, exceed the Rate of Nine-pence in the Pound of the yearly Value of the Lands, Tenements, Woods, Tithes, and Hereditaments, ſo to be aſſeſſed.

Fines, Penalties, and Forfeitures, how to be levied and applied.

XLVII. And be it further enacted, That no Fine, Iſſue, Penalty, or Forfeiture, for not repairing the Highways, or not appearing to any Indictment or Preſentment for not repairing the ſame, ſhall hereafter be returned into the Court of Exchequer, or other Court, but ſhall be levied by and paid into the Hands of ſuch Perſon or Perſons reſiding in or near the Pariſh, Townſhip, or Place, where the Road ſhall lie, as the Court impoſing ſuch Fines, Iſſues, Penalties, or Forfeitures, ſhall order and direct, to be applied towards the Repair and Amendment of ſuch Highways; and the Perſon or Perſons ſo ordered to receive ſuch Fine ſhall, and is hereby required to receive, apply, and account for the ſame, according to the Direction of ſuch Court, or in Default thereof, ſhall forfeit Double the Sum received; and if any Fine, Iſſue, Penalty, or Forfeiture, to be impoſed on any ſuch Pariſh, Townſhip, or Place, for not repairing the Highways, or not appearing as aforeſaid, ſhall hereafter be levied on any One or more of the Inhabitants of ſuch Pariſh, Townſhip, or Place, that then ſuch Inhabitant or Inhabitants ſhall and may make his or their Complaint to the Juſtices of the Peace, at their Special Seſſions; and the ſaid Juſtices are hereby impowered and authoriſed, by Warrant under their Hands and Seals, to cauſe a Rate to be made, according to the Form and Manner herein-laſt before preſcribed, for the reimburſing ſuch Inhabitant or Inhabitants the Monies ſo levied on him or them as aforeſaid; which Rate ſo made, and confirmed by any Two Juſtices, ſhall be collected and levied by the Surveyor of the Highways of ſuch Pariſh, Townſhip, or Place, ſo preſented or indicted, as aforeſaid; and the ſaid Surveyor ſhall, within One Month next after the making and confirming the Rate aforeſaid, collect, levy, and pay unto ſuch Inhabitant or Inhabitants the Money ſo levied on him or them as aforeſaid.

The Surveyor's Duty is to keep Books, and enter the Accounts of all Money paid and received;

and alſo of all Money remaining due;

alſo of all Tools, Materials, &c.

and ſhall produce his Accounts at a Veſtry Meeting.

and afterwards before a Juſtice of Peace, who may allow them;

or they may be further examined and allowed, or diſallowed, at the Special Seſſions.

Books, Materials, Tools, &c. to be delivered to the ſucceeding Surveyor.

New Surveyor authoriſed to collect the Arrears, &c.

XLVIII. And be it further enacted, That the Surveyor of the Highways for every Pariſh, Townſhip, or Place, ſhall carefully and diligently collect, or cauſe to be collected, the ſeveral Aſſeſſments, Forfeitures, Penalties, Sums of Money, and Compoſitions, directed and allowed to be received and taken within the ſame by virtue of this Act, within the Year for which he is appointed Surveyor, and ſhall keep One or more Book or Books, in which he ſhall fairly enter a juſt, true, and fair Account of all ſuch Money as ſhall have come to his Hands, or to the Hands of the ſaid Aſſiſtant, in reſpect of ſuch Pariſh, Townſhip, or Place, by virtue and for the Purpoſes of this Act, and to whom, and on what Occaſion, he ſhall have paid or applied the ſame; and ſhall alſo enter in ſuch Book or Books a Liſt or Liſts of all ſuch Sums of Money as ſhall then remain due and owing from any Perſon or Perſons, in reſpect of the Payments, Compoſitions, Aſſeſſments, Penalties, or Forfeitures, to be collected, received, or taken, for and in reſpect of the ſaid Highways, by virtue of this Act; and the ſaid Surveyor ſhall alſo enter in the ſaid Book or Books an Account of all Tools, Materials, Implements, and other Things provided, or to be provided, by Order of the Inhabitants, at a Veſtry or other publick Meeting for the Repair of the ſaid Highways, at the publick Expence of ſuch Pariſh, Townſhip, or Place; and ſhall produce ſuch Books, and the Aſſeſſments made within that Year for the Purpoſes of this Act, unto the Inhabitants of the Pariſh, Townſhip, or Place, to which they belong, at a Veſtry or other publick Meeting to be held for that Purpoſe, within Fifteen Days before the ſaid Special Seſſions ſo to be held in the Week next after *Michaelmas* Quarter Seſſions, as aforeſaid, to the Intent that the ſaid Accounts, Aſſeſſments, and Liſts, may be inſpected by the Inhabitants of ſuch Pariſh, Townſhip, or Place reſpectively; and every ſuch Surveyor ſhall, after the ſaid Books and Aſſeſſments ſhall have been produced at ſuch Meeting, take the ſame to ſuch Juſtice of the Peace for the Limit wherein ſuch Pariſh, Townſhip, or Place, doth lie, and on ſuch Day, and at ſuch Hour as ſhall be agreed upon at ſuch Meeting, ſome Day after the ſaid Meeting of the Inhabitants, and before ſuch laſt-mentioned Special Seſſions, and then and there verify ſuch Account, or any Part thereof, upon Oath, if required; and ſuch Juſtice may allow ſuch Account, if he finds it juſt, or poſtpone it until ſuch Special Seſſions, if he finds Cauſe for ſo doing, in which Caſe it may be ſettled and allowed at ſuch Special Seſſions, after the Parts objected to by ſuch Juſtice ſhall have been explained and verified by proper Evidence, to the Satisfaction of the Juſtices at ſuch Special Seſſions; and in caſe any Articles contained in ſuch Accounts ſhall not be explained and proved to the Satisfaction of ſuch Juſtices, they may diſallow the ſame; and whenever the ſaid Accounts ſhall be ſo ſettled and allowed, or diſallowed, as aforeſaid, all ſuch Books and Aſſeſſments ſhall be tranſmitted to the Churchwarden or Overſeer of the Poor for ſuch Pariſh, Townſhip, or Place reſpectively, or, if the Place be extraparochial, then to ſome principal Inhabitant thereof, to be kept for the Uſe of ſuch Pariſh, Townſhip, or Place; and the ſaid Surveyor ſhall forthwith deliver a Duplicate of ſuch Book and Account, together with all Sums of Money as ſhall remain in his Hands, and likewiſe all Tools, Materials, Implements, and other Things, as aforeſaid, to the ſucceeding Surveyor for ſuch Pariſh, Townſhip, or Place, in caſe any new Surveyor ſhall be appointed, or retain the ſame in his Hands, and account for them in his next Account, if he ſhall be continued Surveyor for ſuch Pariſh, Townſhip, or Place, in the ſucceeding Year; and it ſhall and may be lawful for the ſucceeding Surveyor, and he is hereby authoriſed and required, to recover, collect, and receive

all ſuch Sums of Money which ſhall be due and owing as aforeſaid, by all ſuch Ways and Means, as fully and effectually, to all Intents and Purpoſes, as the preceding Surveyor could, might, or ought to have recovered, collected, or received the ſame: And in caſe ſuch Surveyor ſhall neglect to provide ſuch Book or Books, or to enter ſuch reſpective Accounts and Liſts therein, or to deliver the ſaid Book or Books, and ſuch Duplicate thereof, and ſuch Aſſeſſments, Tools, Materials, Implements, and other Things, in Manner aforeſaid, he ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings; and in caſe he ſhall make Default in the paying or accounting for the Money ſo remaining in his Hands, within the Time, and according to the Directions aforeſaid, he ſhall forfeit Double the Value of the Money which ſhall be adjudged by the ſaid Juſtices to be in his Hands; and in caſe any ſuch Surveyor ſhall die before ſuch reſpective Accounts and Liſts ſhall be made out, or ſuch Monies, Books, Aſſeſſments, Tools, Materials, and Implements, ſhall be ſo delivered and paid, the Executors or Adminiſtrators of ſuch Surveyor ſhall make out, pay, and deliver the ſame, in like Manner, and under the like Penalty, as ſuch Surveyor is hereby required and made ſubject and liable to; and every Surveyor ſhall pay to the Juſtices Clerks, for the Appointment and Charge, the Sum of One Shilling; for the Bond Sixpence; and for the Account ſo to be examined and taken, and for the Oath ſo to be adminiſtered, the Sum of One Shilling, and no more; and if any Perſon or Perſons ſhall receive any greater Sum or Fee for the Buſineſs aforeſaid than hereinbefore mentioned, he ſhall forfeit the Sum of Ten Pounds for every Offence.

The Surveyor liable to Forfeitures for Neglect of Duty.

If Surveyor dies, his Executors, &c. ſhall account in the ſame Manner.

Fees to be paid to the Juſtices Clerks.

L. And be it further enacted, That in every Pariſh, Townſhip, or Place, where a ſufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required by this Act to perform Statute-duty within ſuch Pariſh, Townſhip, or Place, the ſaid Surveyor ſhall, and is hereby required to contract for the getting and carrying thereof, (in the Preſence of the ſaid Aſſiſtant, if any ſuch ſhall be appointed), at a Meeting to be held for that Purpoſe, of which Ten Days Notice in Writing ſhall be given, by fixing the ſame upon the Door of the Church or Chapel of ſuch Pariſh, Townſhip, or Place, or if there be no Church or Chapel, at the moſt publick Place there; which Notice ſhall ſpecify the Work to be done, and the Time and Place for letting thereof; and if any Surveyor ſhall have any Part, Share, or Intereſt, directly or indirectly, in any ſuch Contract, or in any other Contract or Bargain for Work or Materials to be made, done, or provided, upon, for, or on account of any of the Highways, Roads, Bridges, or other Works whatſoever, under his Care or Management, or ſhall, upon his own Account, directly or indirectly, let to hire any Team, or ſell or diſpoſe of any Timber, Stone, or other Materials, to be uſed or employed in making or repairing ſuch Roads, Bridges, or other Works, as aforeſaid, (unleſs a Licence, in Writing, for the Sale of any ſuch Materials, or to let to hire any ſuch Team, be firſt obtained from ſome Juſtice of the Peace within that Limit), he ſhall forfeit, for every ſuch Offence, the Sum of Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary, under the Authority of this Act.

Surveyor may contract for getting and carrying Materials at publick Meeting.

If the Surveyor has a Share in any Contract, or ſhall let to hire any Team, or ſell or diſpoſe of any Timber, Stones, &c. without Licence from a Juſtice of Peace, he ſhall forfeit 10l. and be incapable of being Surveyor with a Salary.

LI. And be it further enacted, That if any Surveyor of the Highways, after his Acceptance of the ſaid Office, ſhall neglect his Duty in any Thing required of him by this Act, for which no particular Penalty is impoſed, he ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Ten Shillings, at the Diſcretion of the Juſtice or Juſtices having Juriſdiction therein.

Surveyor for every Neglect of Duty, ſhall forfeit 5l. when no particular Penalty is impoſed.

LII. And be it further enacted, That where any Lands have been, or ſhall be given, for the Maintenance of Cauſeways, Pavements, Highways, and Bridges, all ſuch Perſons who are, or ſhall be enfeoffed or truſted with any ſuch Lands, ſhall let them to farm at the moſt improved yearly Value, without Fine; and that the Juſtices of the Peace, in their open Seſſions, ſhall and may inquire, by ſuch Ways and Means as they ſhall think fitting, into the Value of all ſuch Lands ſo given, or to be given, and order the Improvement and Employment of the Rents and Profits thereof according to the Will and Direction of the Donor of ſuch Lands, if they find that the Perſons ſo intruſted have been negligent or faulty in the Performance or Truſt, (except ſuch Lands have been given for the Uſes aforeſaid to any College or Hall in either of the Univerſities of this Kingdom, which have Viſitors of their own); any Law, Statute, Uſage, or Cuſtom, to the Contrary notwithſtanding.

Perſons enfeoffed with Lands for the Maintenance of Cauſeways, Highways, and Bridges, ſhall let them to farm at the moſt improved Value.

LIII. And whereas in ſome Places it hath been and may be found neceſſary, and the Surveyors are hereby authoriſed and required, to ſecure Horſe Cauſeways and Foot Cauſeways, by Poſts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth caſt up, or otherwiſe, from being broken up and ſpoiled with Waggons, Wains, Carts, or Carriages; and foraſmuch as ſeveral evil-diſpoſed Perſons do or may wilfully or wantonly pull up, cut down, and remove or damage the ſaid Poſts, Blocks, and great Stones, ſo fixed, or to be fixed as aforeſaid, and drive Carriages upon ſuch Banks and Cauſeways, or againſt the Sides thereof, and alſo dig or caſt down the ſaid Banks, which are the Securities and Defence of the ſaid Cauſeways, whereby the Cauſeways or Banks are often ruined and deſtroyed; and ſuch evil-diſpoſed Perſons do or may break, damage, or throw down the Stones, Bricks, or Wood, fixed upon the Parapets or Battlements of Bridges, and do or may pull down, deſtroy, obliterate, or deface, any Mile Stone or Poſt, Graduated or Direction Poſt or Stone, erected or to be erected upon any Highway: For Prevention thereof, be it enacted, That every Perſon who ſhall be guilty of any ſuch Offence, ſhall, upon Complaint thereof made to any Juſtice of the Peace of the

Penalty on Perſons damaging Banks, Cauſeways, Direction Poſts, Mile Stones, Battlements of Bridges, &c.

Limit where the ſame ſhall be proved to be done, by the Oath of any One credible Witneſs, or upon View of the Juſtice himſelf, forfeit for every of the ſaid Offences any Sum not exceeding Five Pounds, nor leſs than Ten Shillings; and in Default of Payment thereof, ſhall be committed to the Houſe of Correction of ſuch Limit, there to be whipped, and kept to hard Labour for any Time not exceeding One Calendar Month, nor leſs than Seven Days, at the Diſcretion of ſuch Juſtice.

Juſtices of Cities, &c. to put the Act into Execution.

LIV. And be it further enacted, That the Juſtices of the Peace of all Cities, Corporations, Boroughs, and other Places, are hereby required to put in Execution every Part of this Act within their reſpective Juriſdictions.

Juſtices of Cities or Boroughs not to allow Salaries to Surveyors, except ſuch as ſhall be agreed upon at the Meeting of the Houſeholders.

LV. Provided always, and be it further enacted, That nothing in this Act contained ſhall authoriſe or impower, or be deemed, conſtrued, or taken to authoriſe and impower, any Juſtice or Juſtices of the Peace, for any City, Town Corporate, or Borough, or fix or allow any Salary to or for any Surveyor to be appointed by any ſuch Juſtice or Juſtices, other than and except ſuch Salary as ſhall be ſettled and agreed upon by Two Parts out of Three of the Perſons aſſembled in the Pariſh, Townſhip, or Place, within ſuch City, Town Corporate, or Borough, for which ſuch Surveyor ſhall be appointed, purſuant to the Directions of this Act.

Limitation of the Number of Horſes for the Waggons and Carts with different Wheels.

LVI. And whereas the Highways not being Turnpike Roads, are much prejudiced by the Narrowneſs of the Wheels of the ſeveral Carriages travelling thereon, and by the exceſſive Burthens loaded in ſuch Carriages; be it enacted, That no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, ſhall go or be drawn with more than Eight Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, ſhall go or be drawn with more than Five Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, ſhall go or be drawn with more than Seven Horſes; and that no ſuch Waggon rolling a Surface of Six Inches only, ſhall go or be drawn with more than Six Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall go or be drawn with more than Four Horſes; and that no Waggon having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall go or be drawn with more than Five Horſes; and that no Cart having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall go or be drawn with more than Three Horſes upon ſuch Highways, under the Pains, Penalties, and Forfeitures herein after mentioned; (that is to ſay), That the Owner of ſuch Waggon or Cart reſpectively ſhall forfeit the Sum of Five Pounds, and the Driver not being the Owner, the Sum of Ten Shillings, for every Horſe or Beaſt which ſhall be ſo drawing above the Number hereby ſo reſpectively limited as aforeſaid, to the ſole Uſe and Benefit of the Informer; but Carriages moving upon Wheels or Rollers, of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, are hereby allowed to be drawn with any Number of Horſes, or other Cattle.

The Owner offending forfeits 5l. and the Driver 10s. for every Horſe above the Number allowed. Sixteen Inch Rollers not reſtrained in the Number of Horſes.

Proſecutions for ſuch additional Number of Horſes, how and in what Manner to be carried on.

LVII. Provided always, and be it enacted, That no Proſecution ſhall be commenced before a Juſtice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage, having a greater Number of Horſes therein than are allowed by this Act, unleſs ſuch Information be laid within Three Days after the Offence committed; and that no Action ſhall be commenced for any ſuch Offence, unleſs the ſame be commenced within One Calendar Month after the Offence committed; and that neither ſuch Information or Action ſhall be laid or commenced, unleſs Notice ſhall be given by the Informer to the Driver of every ſuch Carriage, on the Day upon which the Offence ſhall be committed, of an Intention to complain of ſuch Offence; and if it ſhall appear to the Juſtice before whom ſuch Complaint ſhall be made, that the Offender lives ſo remote as to make it inconvenient to ſummon him to appear before ſuch Juſtice, the Juſtice may diſmiſs the Complaint, and leave the Informer to his Remedy by Action at Law.

Juſtices of Peace, at their Michaelmas Quarter Seſſions, may licenſe an Increaſe of the Number of Horſes.

LVIII. Provided always, and be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace, at their reſpective General Quarter Seſſions of the Peace, to be held in the Week after *Michaelmas*, to licenſe in ſuch Manner, and for ſuch Time, as they ſhall think think fit, an Increaſe of the Number of Horſes to be drawn in Carriages up any ſteep Hill, or on any Road not Turnpike, within their reſpective Juriſdictions, over and above the Number herein-before limited, if, upon Inquiry into the State and Condition of ſuch Roads, they ſhall find any additional Number of Horſes neceſſary; and, from Time to Time, at any *Michaelmas* Quarter Seſſions, to revoke, alter, or vary the ſame, as they ſhall think fit.

Juſtices may ſtop Proceedings for Forfeiture in reſpect of additional Horſes, when, from Ice or deep Snow, they were neceſſary.

LIX. Provided always, and be it further enacted, That if it ſhall appear upon the Oaths of credible Witneſſes, to the Satisfaction of any Juſtice or Juſtices of the Peace, or of any Court of Juſtice authoriſed to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reaſon of deep Snow or Ice, be drawn by the Number of Horſes or Beaſts of Draught hereby reſpectively allowed; then, and in every ſuch Caſe, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, or Court reſpectively, and they are hereby reſpectively required, to ſtop all Proceedings before them reſpectively for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horſes, or Beaſts of Draught, than are hereby allowed;

any

any Thing herein contained to the Contrary notwithſtanding: Provided alſo, That the Regulations herein-before mentioned, concerning the Number of Horſes, and Wheels of Carriages, ſhall not be deemed or conſtrued to extend to Carts, Waggons, or other Carriages, employed only in carrying any One Stone, Block of Marble, Cable Rope, or Piece of Metal, or Piece of Timber, or to ſuch Ammunition or Artillery as ſhall be for His Majeſty's Service; and that Two Oxen or Horned Cattle ſhall, for all the Purpoſes of this Act, be conſidered as One Horſe.

Carriages excepted out of this Act.

Two Oxen to be conſidered as One Horſe.

LX. And, for the better Diſcovery of Offenders againſt this preſent Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, and alſo of every Coach, Poſt Chaiſe, or other Carriage let to Hire, ſhall paint, or cauſe to be painted, upon ſome conſpicuous Part of his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all ſuch Coaches, Poſt Chaiſes, or other Carriages, before the ſame ſhall be uſed upon any publick Highway, his or her Chriſtian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the ſame thereupon ſo long as ſuch Waggon, Cart, Coach, Poſt Chaiſe, or other Carriage ſhall be uſed upon any ſuch Highway; and the Owner of every Common Stage Waggon or Cart, employed as Travelling Stages from Town to Town, ſhall, over and above his or her Chriſtian and Surname, paint, or cauſe to be painted, on the Part, and in the Manner aforeſaid, the following Words, *Common Stage Waggon*, or *Cart*, as the Caſe may be; and every Perſon uſing any ſuch Carriage as aforeſaid upon any Highway, without the Names and Deſcriptions painted thereon reſpectively as aforeſaid, or who ſhall paint, or cauſe to be painted, any falſe or fictitious Name or Place of Abode, on ſuch Waggon, Wain, Cart, Coach, Poſt Chaiſe, or other Carriage, ſhall forfeit, for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

The Owner's Name, &c. to be painted on all Waggons and Carts, and alſo on Coaches, Poſt Chaiſes, &c. let to Hire.

LXI. And whereas many bad Accidents happen, and great Miſchiefs are frequently done upon the Streets and Highways, by the Negligence or wilful Miſbehaviour of Perſons driving Carriages thereon; be it therefore further enacted, That if the Driver of any Cart, Car, Dray, or Waggon, ſhall ride upon any ſuch Carriage in any Street or Highway, not having ſome other Perſon on Foot, or on Horſeback, to guide the ſame, (ſuch Carriages as are conducted by ſome Perſon holding the Reins of the Horſe or Horſes drawing the ſame excepted); or if the Driver of any Carriage whatſoever on any Part of any Street or Highway ſhall, by Negligence, or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage paſſing or being upon ſuch Street or Highway, or ſhall quit the Highway, and go on the other Side the Hedge or Fence incloſing the ſame; or wilfully be at ſuch Diſtance from ſuch Carriage, whilſt it ſhall be paſſing upon ſuch Highway, that he cannot have the Direction and Government of the Horſes or Cattle drawing the ſame; or ſhall, by Negligence or wilful Miſbehaviour, prevent, hinder, or interrupt the free Paſſage of any other Carriage, or of His Majeſty's Subjects, on the ſaid Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, ſhall refuſe or neglect to turn aſide and make Way for any Coach, Chariot, Chaiſe, loaded Waggon, Cart, or other loaded Carriage; or if any Perſon ſhall drive, or act as the Driver, of any ſuch Coach, Poſt Chaiſe, or other Carriage, let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as before required, painted thereon, or ſhall refuſe to diſcover the true Chriſtian and Surname of the Owner of ſuch reſpective Carriages; every ſuch Driver ſo offending in any of the Caſes aforeſaid, and being convicted of any ſuch Offence, either by his own Confeſſion, the View of a Juſtice of Peace, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace of the Limit where any ſuch Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings, in caſe ſuch Driver ſhall not be the Owner of ſuch Carriage; and in caſe the Offender be Owner of ſuch Carriage, then any Sum not exceeding Twenty Shillings; And in either of the ſaid Caſes, ſhall, in Default of Payment, be committed to the Houſe of Correction, for any Time not exceeding One Month, unleſs the ſame ſhall be ſooner paid; and every ſuch Driver, offending in either of the ſaid Caſes, ſhall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Perſon or Perſons who ſhall ſee ſuch Offence committed, and ſhall be immediately conveyed or delivered to a Conſtable or other Peace Officer, in order to be conveyed before ſome Juſtice of the Peace, to be dealt with according to Law: And if any ſuch Driver, in any of the Caſes aforeſaid, ſhall refuſe to diſcover his Name, it ſhall and may be lawful for the Juſtice of the Peace before whom he ſhall be taken, or to whom any ſuch Complaint ſhall be made, to commit him to the Houſe of Correction for any Time not exceeding Three Months, or to proceed againſt him for the Penalty aforeſaid, by a Deſcription of his Perſon and the Offence, and expreſſing in ſuch Proceedings that he refuſed to diſcover his Name.

Drivers of Carriages puniſhable for Miſbehaviour or Negligence, in order to prevent Accidents.

LXII. And be it further enacted, That it ſhall and may be lawful for any Two or more Juſtices of the Peace within their reſpective Limits, and they are hereby impowered, from Time to Time, whenever they ſhall judge proper, to hold any Special Seſſions, beſides that which is herein-before directed, for executing the Purpoſes of this Act; and to adjourn the ſame from Time to Time, as they ſhall think fit, cauſing Notice to be given of the Time and Place of holding ſuch Special Seſſions, and of the Adjournments thereof, to the ſeveral Juſtices acting and reſiding within ſuch Limits, by the High Conſtable, or other proper Officer within the ſame.

Juſtices may hold and adjourn Special Seſſions whenever they think fit, upon giving Notice to the other Juſtices.

LXIII. And, for preventing Obſtructions, which frequently happen by ſtopping of Carriages on or near publick Bridges, be it further enacted, That if any Perſon or Perſons collecting any Tolls payable for paſſing over any publick Bridge with Carriages or Cattle of any Kind ſhall keep any Victualling-houſe, Alehouſe, or other Place of publick Entertainment, or ſhall ſell, or permit to be ſold therein, any Wine, Beer, Ale, Cyder, Spirituous Liquors, or other Strong Liquors, by Retail, he, ſhe,

In order to prevent Obſtructions, Alehouſes, &c. not ſuffered to be kept on Bridges where Tolls are taken.

ſhe, or they, being lawfully convicted of ſuch Offence, by the Oath of One or more credible Witneſs or Witneſſes, or by his own Confeſſion, before any Juſtice of the Peace of the Limit wherein ſuch Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

Penalty for incroaching on Highways.

LXIV. And whereas Inconveniencies have ariſen from making Hedges or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds near the Middle or Centre of Highways: For Remedy thereof, be it enacted, That if any Perſon ſhall incroach, by making, or cauſing to be made, any Hedge, Ditch, or other Fence, on any Highway, not being Turnpike Road, within the Diſtance of Fifteen Feet from the Middle or Centre thereof, or ſhall plough, harrow, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Lands, ſhall turn his Plough in or upon any Land or Ground within the Diſtance of Fifteen Feet from the Middle or Centre of any Highway, where the Breadth of ſuch Highway is formed and marked, or deſcribed with Certainty, and does not exceed in Breadth Thirty Feet, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, Forty Shillings, to ſuch Perſon who ſhall make Information of the ſame; and it ſhall be lawful for the Surveyor who hath the Care of any ſuch Road to cauſe ſuch Hedge, Ditch, or Fence, to be taken down, or filled up, at the Expence of the Perſon or Perſons to whom the ſame ſhall belong: And it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace of the Limit where ſuch Offence ſhall be committed, upon Proof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Hedges as aforeſaid, as the ſeveral and reſpective Penalties hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, in ſuch Manner as Diſtreſſes and Sales for Forfeitures are authoriſed and directed to be levied by virtue of this Act.

Incroachment to be taken down by the Surveyor.

Court may award Coſts to the Proſecutor or Defendant upon an Indictment or Preſentment.

LXV. And be it further enacted, That it ſhall and may be lawful for the Court before whom any Indictment or Preſentment ſhall be tried for not repairing Highways, to award Coſts to the Proſecutor, to be paid by the Perſon or Perſons ſo indicted or preſented, if it ſhall appear to the ſaid Court that the Defence made to ſuch Indictment or Preſentment was frivolous; or to award Coſts to the Perſon indicted or preſented, to be paid by the Proſecutor, if it ſhall appear to the ſaid Court that ſuch Proſecution was vexatious.

Expences for carrying on or defending Proſecutions, agreed upon at a Veſtry Meeting, how to be paid.

LXVI. And be it further enacted, That if the Inhabitants of any Pariſh, Townſhip, or Place, ſhall agree, at a Veſtry or publick Meeting, to proſecute any Perſon by Indictment for not repairing any Highway within ſuch Pariſh, Townſhip, or Place, which they apprehend ſuch Perſon was obliged by Law to repair, or for committing any Nuiſance upon any Highways, or ſhall agree at ſuch Veſtry Meeting to defend any Indictment or Preſentment preferred againſt any ſuch Pariſh, Townſhip, or Place, it ſhall and may be lawful for the Surveyor of ſuch Pariſh, Townſhip, or Place, to charge in his Account the reaſonable Expences incurred in carrying on or defending ſuch reſpective Proſecutions, after the ſame ſhall have been agreed to by ſuch Inhabitants at a Veſtry or publick Meeting, or allowed by a Juſtice of the Peace within the Limit where ſuch Highway ſhall be; which Expences, when ſo agreed to, or allowed, ſhall be paid by ſuch Pariſh, Townſhip, or Place, out of the Fines, Forfeitures, Compoſitions, Payments, and Aſſeſſments, authoriſed to be collected and raiſed by virtue of this Act.

The Notice required for holding Veſtries or publick Meetings.

LXVII. And be it further enacted, That in all Caſes where a Veſtry or publick Meeting of the Inhabitants of any Pariſh, Townſhip, or Place, is authoriſed or directed by this Act, there ſhall be publick Notice given of the Day, Hour, and Place, of holding the ſaid Meeting, at the Church or Chapel of ſuch Pariſh, Townſhip, or Place, on the *Sunday* next preceding ſuch Meeting, and alſo Notice thereof in Writing, ſpecifying the Purpoſe of ſuch Meeting, fixed at the ſame Time upon the Door of ſuch Church or Chapel, and the ſame ſhall not be held till Three Days at leaſt after ſuch Notice given; and if there be no Church or Chapel, the like Notice of ſuch Meeting ſhall be given in Writing, and put up at the moſt publick Place therein, Three Days at leaſt before ſuch Meeting.

Sums aſſeſſed may be levied by Diſtreſs and Sale of the Offenders Goods.

LXVIII. And be it further enacted, That if any Perſon ſhall refuſe or neglect to pay the Sum or Sums aſſeſſed upon him, by any Aſſeſſment to be made in purſuance of this Act, within Ten Days after Demand thereof made, the ſame ſhall and may be levied by the Surveyor, or any other Perſon or Perſons authoriſed, by Warrant under the Hand and Seal of One Juſtice of the Peace, having Juriſdiction therein, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo refuſing or neglecting, rendering the Overplus to the Owner or Owners thereof, the neceſſary Charges of making ſuch Diſtreſs and Sale being firſt deducted; and in Default of ſuch Diſtreſs, it ſhall be lawful for any ſuch Juſtice to commit the Perſon ſo refuſing or neglecting to the common Gaol, there to remain until he ſhall have paid the Sum ſo aſſeſſed, and the Coſts and Charges occaſioned by ſuch Neglect or Refuſal.

Surveyor may be a competent Witneſs.

LXIX. And be it further enacted, That the Surveyor of any Pariſh, Townſhip, or Place, ſhall be deemed, in all Caſes, a competent Witneſs, in all Matters relative to the Execution of this Act, notwithſtanding his Salary may ariſe in Part from the Forfeitures and Penalties hereby inflicted.

Concerning the Forms of Proceedings.

LXX. And be it further enacted, That the Forms of Proceedings relative to the ſeveral Matters contained in this Act, which are ſet forth and expreſſed in the Schedule hereunto annexed, ſhall be uſed, upon all Occaſions, with ſuch Additions or Variations only as may be neceſſary to adapt them to the particular Exigencies of the Caſe; and that no Objection ſhall be made, or Advantage taken, for want of Form in any ſuch Proceedings, by any Perſon or Perſons whomſoever.

Printed Abſtracts to be given to Surveyors.

LXXI. And, in order to have the Contents of this Act more generally communicated and known, be it further enacted, That the Juſtices of the Peace within their reſpective Limits, ſhall, at every Special Seſſions to be held in the Week next after the *Michaelmas* General Quarter Seſſions of the Peace, procure and deliver, or cauſe to be procured and delivered, a printed Abſtract of the moſt material Parts

of

of this Act to every Surveyor, to be then appointed by them respectively, as the Charge hereby directed to be given; and shall also, at their said Special Sessions, to be held in the Year One thousand seven hundred and seventy-three, deliver, or cause to be delivered, to every of the said Surveyors, One other of the said printed Abstracts of this Act, for the Use of the Parish, Township, or Place, for which the said Surveyor shall be appointed; which last-mentioned Abstract the said Surveyors are hereby respectively ordered and required to fix on the Church or Chapel Door, or other publick Place, within their respective Liberties, on the next *Sunday* after they shall so receive the same; and the said Surveyors shall severally pay to the said Justices Clerks the Sum of Sixpence for each of the said last-mentioned printed Abstracts.

One to be fixed on the Church Door.

LXXII. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or make any Rescue of the Cattle or other Goods distrained by virtue of this Act; or if any Constable, Headborough, or Tythingman, shall refuse or neglect to execute or obey any Warrant or Precept granted by any Justice of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof by a Justice of the Peace, shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Justice before whom he or she shall be so convicted; to be paid to the Surveyor of the Highways for the Parish, Township, or Place, where the Offence was committed, to be laid out in the Repair of the Highways: And in case he or she do not forthwith pay, or secure to be paid, the said Forfeiture, after such Conviction; then it shall and may be lawful for such Justice of the Peace to commit such Person or Persons to the common Gaol, or House of Correction, of the Limit where such Offence shall be committed, there to remain for any Time not exceeding Three Months, unless the said Forfeiture shall be sooner paid.

Persons resisting the Execution of this Act, or Constables refusing to obey the Warrant of a Justice of Peace, to forfeit not exceeding 10 l nor less than 40s.

LXXIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence against the same, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of some Justice of the Peace for the Limit where such Offence, Neglect, or Default, shall happen, or such Order for Payment of such Costs or Charges shall be made, rendering the Overplus of such Distress (if any be) to the Party or Parties, after deducting the Charges of making the same; which Warrant such Justice is hereby impowered and required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of One or more credible Witness or Witnesses, or upon Order made as aforesaid; and the Penalties and Forfeitures, when so levied, shall be paid, the One Half to the Informer, and the other Half to the Surveyor of the Highway where such Offence, Neglect, or Default, shall happen; to be applied towards the Repair thereof, unless otherwise directed by this Act; but in case the Surveyor shall be the Informer, then the Whole shall be employed towards the Repair of such Highway: And in case such Distress cannot be found, and such Penalties and Forfeitures, or the said Costs and Charges, shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorised and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders, or Person or Persons, liable to pay the same respectively, to the common Gaol, or House of Correction, of the Limit where the Offence shall be committed, or such Order as aforesaid shall be made, for any Time not exceeding Three Months, unless the said Penalty, Forfeiture, Costs, and Charges, shall respectively be sooner paid; and if such Offender or Offenders, or Person or Persons, liable or ordered to pay the same respectively, shall live out of the Jurisdiction of the Justice hereby authorised to grant such Warrant, it shall and may be lawful for any Justice of the Peace of the Limit wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, and of the Order for the Payment of such Costs and Charges, produced and proved by a credible Witness upon Oath, by Warrant under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Conviction, and the Costs and Charges mentioned in such Order, or so much thereof as shall not have been paid, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, or Person or Persons, liable or ordered to pay the same respectively, as aforesaid; and if no sufficient Distress can be had, to commit such Offender or Offenders, or Person or Persons, liable as aforesaid, to the common Gaol, or House of Correction, of such Limit, for the Time, and in Manner aforesaid.

Forfeitures, Costs, and Charges, may be levied by Distress and Sale of the Offender's Goods.

In what Manner to be applied.

How to proceed when the Offender lives within another Jurisdiction.

LXXIV. Provided nevertheless, That no Warrant of Distress, unless otherwise directed by this Act, shall be issued for levying any Penalty or Forfeiture, Costs or Charges, until Six Days after the Offender shall have been convicted, and an Order made and served upon him or her for Payment thereof.

Warrant of Distress when to be issued.

LXXV. Provided also, and be further enacted, That every Prosecutor or Informer may, at his Election, sue for, and recover any Forfeiture or Penalty imposed by this Act, which shall amount to the Sum of Forty Shillings or upwards (the Manner of Recovery thereof not being particularly directed by this Act), either in the Manner herein-before directed, or by Action at Law, to be brought by such Informer or Prosecutor in any of His Majesty's Courts of Record, in Manner following; (that is to say), Where any Person shall be liable to any such Pecuniary Penalty, it shall and may be lawful to sue for and recover the same by Action of Debt, in which it shall be sufficient to declare, that the Defendant is indebted to the Plaintiff in the Sum of being 40s. forfeited

The Prosecutor has his Option to proceed for the Forfeiture by Information before a Justice, or by Action at Law, if it amount to

forfeited by an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the publick Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*; and the Plaintiff, if he recovers in any ſuch Actions, ſhall have Double Coſts.

Within what Time Actions are to be commenced, and what Notice is to be given.

LXXVI. Provided, That there ſhall not be more than One Recovery for the ſame Offence; and that Ten Days Notice, in Writing, be given to the Party offending previous to the Commencement of ſuch Action; and that the ſame be brought and commenced within One Calendar Month after the Offence for which ſuch Action is brought ſhall have been committed.

Convictions how to be made.

LXXVII. Provided alſo, and be it further enacted, That no Conviction ſhall be had or made by virtue of this Act, unleſs upon Confeſſion of the Party accuſed, or upon the Oath of One or more credible Witneſs or Witneſſes, or upon the View of a Juſtice of Peace, in the Caſes before mentioned;

Inhabitant of a Pariſh a good Witneſs.

and that any Inhabitant of any Pariſh, Townſhip, or Place, in which any Offence ſhall be committed contrary to this Act, ſhall be deemed a competent Witneſs, notwithſtanding his or her being an Inhabitant of ſuch Pariſh, Townſhip, or Place.

Juſtice may adminiſter Oaths.

LXXVIII. And be it futher enacted, That it ſhall and may be lawful for any Juſtice of the Peace to adminiſter an Oath to any Witneſs of Witneſſes, or other Perſon or Perſons, for the better Diſcovery and Execution of the ſeveral Matters or Things herein-before authoriſed or directed to be examined, enquired into, or performed by ſuch Juſtice.

Satisfaction recoverable for Special Damage; but Diſtreſs not unlawful for want of Form in the Proceedings.

LXXIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or want of Form in any Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe.

Plaintiffs not to recover for Irregularity, if Tender of Amends be made.

LXXX. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs, or wrongful Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceedings or Orders, and Judgement, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal may be made to Quarter Seſſions by the Perſon aggrieved by any Thing done in the Execution of this Act.

LXXXI. Provided alſo, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done by any Juſtice or Juſtices of the Peace, or other Perſon, in the Execution of any of the Powers given by this Act, and for which no particular Method of Relief hath been already appointed, every ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be held for the Limit wherein the Cauſe of ſuch Complaint ſhall ariſe, ſuch Appellant giving, or cauſing to be given, Notice in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Juſtice, or other Perſon or Perſons againſt which ſuch Complaint ſhall be made, within Six Days after the Cauſe of ſuch Complaint aroſe, and within Four Days after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace within ſuch Limit, with One ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſion; and every Juſtice of the Peace, and other Perſon, having received Notice of ſuch Appeal, as aforeſaid, ſhall return all Proceedings whatſoever had before them reſpectively, touching the Matter of ſuch Appeal, to the ſaid Juſtices, at their General Quarter Seſſions aforeſaid, on Pain of forfeiting Five Pounds for every ſuch Neglect; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; to be levied and recovered as herein-before directed; and the Determination of ſuch Quarter Seſſion ſhall be final and concluſive to all Intents and Purpoſes;

Proceedings not to be quaſhed for want of Form, nor removeable by Certiorari.

and that no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or removed by *Certiorari*, or any other Writ or Proceſs whatſoever, (except as herein-before mentioned), into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the Contrary notwithſtanding: Provided, that no ſuch Appeal ſhall be made againſt any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unleſs the Perſon convicted ſhall, at the Time of ſuch Conviction, if he or ſhe ſhall be then preſent, if not, within Six Days after, give Notice of his or her Intention to appeal, and at the ſame Time enter into Recognizance with ſufficient Sureties to pay ſuch Penalty or Forfeiture, in caſe ſuch Conviction ſhall be affirmed upon ſuch Appeal; and upon his or her giving ſuch Security, the further Proceeding for ſuch Penalty or Forfeiture ſhall be ſuſpended until ſuch Appeal ſhall be heard and determined.

Limitation of Actions.

LXXXII. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or acted in purſuance of this Act; then, and in every ſuch Caſe, ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months after the

Fact committed, and not afterwards; and the same, and every such Action or Suit, shall be brought within the County where the Fact was committed, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought or laid in any other Place than as aforementioned, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Cases by Law. General Issue. Treble Costs.

LXXXIII. And be it further enacted, That this Act shall commence and take Place, with respect to the assembling of the Householders and others, and the making and delivering of Lists of Persons qualified to serve the Office of Surveyor, and the giving Notices to the Persons contained in such Lists, upon the Twenty-first Day of *September*, One thousand seven hundred and seventy-three; and, with respect to all the other Matters and Things herein contained, on the Eleventh Day of *October*, One thousand seven hundred and seventy-three. When the Act commences.

LXXXIV. And, to the Intent that there may be only One Law subsisting for the several Purposes aforesaid, be it further enacted and declared, That from and after the Tenth Day of *October*, One thousand seven hundred and seventy-three, an Act, passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the publick Highways of this Kingdom, and for other Purposes therein mentioned*, except so much thereof as repeals the several Acts, and Parts of Acts, therein mentioned, which are not revived by an Act, passed in the Eighth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend and render more effectual an Act, passed in the Seventh Year of His present Majesty's Reign, intituled*, An Act to explain, amend, and reduce into One Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the publick Highways of this Kingdom, and for other Purposes therein mentioned, shall be, and the same is hereby repealed. Act 7 Geo. III. repealed.

LXXXV. Provided nevertheless, That the several Surveyors appointed under the Authority of the said Act, passed in the Seventh Year of the Reign of His present Majesty, shall produce such Books and Lists, and pass their Accounts, before the Justices at their respective Special Sessions, to be holden within their respective Limits, in the Week next after the *Michaelmas* Quarter Sessions, in the Year One thousand seven hundred and seventy three, and pay the Balances thereof, in such Manner as they ought to have done at the Special Sessions, which was by the said Act to have been held on the First *Monday* in *October*, or within Fifteen Days after; and if the Justices shall appoint any Surveyor or Surveyors under the Authority of the said Act, such Appointment shall be void, and of no Effect. Surveyors appointed under 7 Geo. III. to pass their Accounts at Special Sessions after Michaelmas next.

LXXXVI. Provided always and be it further enacted by the Authority aforesaid, That nothing in this Act contained, touching the making and returning Lists of Persons qualified to be Surveyors of the Highways, and the Appointment of such Surveyors, nor the Repeal of Part of an Act, made in Third Year of King *William* and Queen *Mary*, relating to such Surveyors, shall extend, or be construed, deemed, or taken, to extend to the City of *Bristol*; but that the several Acts of Parliament which have been passed previous to this Act, relative to Surveyors of the Highways, and to cleansing, paving, lighting, and regulating the Streets and other Places within the said City, shall remain in full Force, and be executed in as full and ample Manner and Form, to all Intents and Purposes, as the same might or ought to have been, if this Act had never been made. Exceptions relative to Bristol;

LXXXVII. Provided also, That nothing in this Act contained shall extend, or be deemed or construed to extend, to the Parish of *Saint Mary Matfelon*, otherwise *Whitechapel*, and *Saint John of Wapping*, in the County of *Middlesex*, or either of them. and Saint Mary Matfelon, &c.

LXXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, or alter, restrain, or abridge, the Powers or Authorities given to the Commissioners of Sewers by any Act or Acts of Parliament whatsoever, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided; any Thing herein contained to the Contrary thereof in any-wise notwithstanding. Powers of Commissioners of Sewers not abridged.

THE

THE SHEDULE

(Stating the Forms) to which this Act refers:

No. I.

Warrant for calling the Meeting of Houſeholders, &c. and for fixing that of the Juſtices for appointing Surveyors.

Middleſex. *To the Conſtables, Headboroughs, and Tithingmen, within the* (Hundred) Riding) Diviſion) Liberty) *or* Precinct) as the Caſe ſhall be) *of* *in the ſaid County.*

IN order to carry into Execution an Act made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for the Amendment and Preſervation of the Publick Highways*, you are hereby ſeverally required forthwith to give pulick Notice to the Churchwardens, Surveyors of the Highways, and Houſeholders, being aſſeſſed to any parochial or publick Rate within your reſpective Liberties, that they do aſſemble on the Twenty-ſecond Day of *September* next, at the Church or Chapel, or if there ſhall be no Church or Chapel, then at the uſual Place of publick Meetings within their reſpective Liberties, at the Hour of Eleven in the Forenoon; and that the major Part of them ſo aſſembled do make a Liſt of the Names of at leaſt Ten Perſons living therein, who each of them have an Eſtate in Lands, Tenements, or Hereditaments, lying within the ſame, in their own Right, or in Right of their Wives, of the Value of Ten Pounds by the Year; or a perſonal Eſtate of the Value of One hundred Pounds; or are Occupiers or Tenants of Houſes, Lands, Tenements, or Hereditaments, of the yearly Value of Thirty Pounds: And if there ſhall not be Ten Perſons having ſuch Qualifications, then that they do inſert in ſuch Liſt the Names of ſo many of ſuch Perſons as are ſo qualified, together with the Names of the moſt ſufficient and able Inhabitants not ſo qualified, as ſhall make up the Number Ten, if ſo many can be found, if not, ſo many as ſhall be there reſident, to ſerve the Office of Surveyor of the Highways: And you are alſo ſeverally required, within Three Days after making the ſaid Liſt, to deliver a Copy thereof to One of the Juſtices of Peace of the ſaid *(Hundred) Riding) Diviſion*, &c.) *as the Caſe ſhall be)* living in or near the ſame *(Pariſh*, &c.); and alſo to give perſonal Notices to, or cauſe Notices in Writing to be left at the Places of Abode of the ſeveral Perſons contained in ſuch Liſt, informing them of their being ſo named, to the Intent that they may ſeverally appear before the ſaid Juſtices at their Special Seſſions to be holden at within the ſaid *(Hundred*, &c.) on the Day of now next enſuing, at the Hour of in the Forenoon of the ſame Day, to accept ſuch Office, if they ſhall be appointed thereto, or to ſhew Cauſe, if they have any, againſt their being appointed; and you are likewiſe to give Notice to the preſent Surveyors of the Highways, within your reſpective Liberties, to appear at the ſame Time and Place, and produce ſuch Accounts and Liſts before the ſaid Juſtices as are required by the ſaid Act; and you, and each of you, are perſonally to appear before the ſaid Juſtices, at their ſaid Special Seſſions, and then and there ſeverally deliver to the ſaid Juſtices the ſaid original Liſt or Liſts taken within your reſpective Liberties, and give an Account of the Execution of this our Precept.

Given under our Hands and Seals, the Day of in the Year of our Lord, 17

Liſt

N°. II.

Liſt of Perſons to be returned to the Juſtices.

A Liſt of the ſeveral Perſons named for Surveyors of the Highways for the (inſert the Name of the Pariſh, Townſhip, or Place) *at a Meeting held at in the ſaid* (Pariſh, *etc.*) *the Day of* 17

A. B.
C. D. *etc.*

WE whoſe Names are ſubſcribed, being Two Parts in Three of the Perſons aſſembled at the Meeting aforeſaid, do agree in the Choice of *A. B.* as a fit Perſon to ſerve the Office of Surveyor for the (*inſert the Pariſh*, &c.) aforeſaid, and in the Allowance to him of for his Trouble in executing the ſame for the Year enſuing; and we do recommend the ſaid *A. B.* to the Juſtices for their Appointment accordingly.

This to be added, when a particular Perſon is recommended.

N°. III.

Notice to the Perſons contained in the Liſt.

A. B. take Notice, That you was at a Meeting held at (*inſert the Name of the Pariſh*, &c.) on the Day of named as One of the Perſons to be returned to the Juſtices as fit to ſerve the Office of Surveyor for the ſaid *(Pariſh, etc.)* for the Year enſuing; and if you have any Cauſe to ſhew why you ſhould not be appointed to ſerve ſuch Office, you muſt make the ſame appear before the Juſtices, at their Special Seſſions, to be holden at on the Day of next.

A. B. { Conſtable, Headborough, or Tithingman, *(as the Caſe ſhall be.)*

No. IV.

Order to the (*Conſtable*, &c.) to return to the Juſtices the Amount of a Sixpenny Aſſeſſment.

Middleſex. *To the* (Conſtable, *&c.) of*

YOU are hereby required to return to us, and the other Juſtices, to be aſſembled at the Special Seſſions to be held at for the (*Hundred*, &c.) of in the ſaid County, on the Day of next, the Amount of the laſt Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within your Liberty, if any ſuch has been raiſed; if not, what you apprehend, from the beſt Information you can get, an equal Aſſeſſment of Sixpence in the Pound upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid Liberty, according to their yearly Value, will amount to.

Given under our Hands this Day of 17

No. V.

Return to the Juſtices of the Amount of a Sixpenny Aſſeſſment.

To the Juſtices, aſſembled at their Special Seſſions at the Day of 17

IN Obedience to your Order, I do return and certify, that the laſt Aſſeſſment of Sixpence in the Pound, for the Uſe of the Highways within the Liberty of amounted to the Sum of

[*If no Aſſeſſment of Sixpence in the Pound hath been made, then as under.*]

IN Obedience to your Order, I do return and certify, that no Aſſeſſment hath been made of Sixpence in the Pound, for the Uſe of the Highways, within the Liberty of but I apprehend, from the beſt Information which I have been able to get, that an equal Aſſeſſment of Sixpence

Sixpence in the Pound, upon all the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the said Liberty, will amount to the Sum of

A. B. (Constable, &c.)

No. VI.

Appointment of a Surveyor.

Middlesex. *At a Special Sessions, held at in the Hundred of by Justices of the Peace for the said County acting within the said Hundred, on the Day of* 17

This to be inserted when a Surveyor is appointed with a Salary.

WE do hereby nominate and appoint *A. B.* &c. of (*Insert the Name of the Parish, &c. where he lives*) in the said Hundred, Surveyor (*or* Surveyors) of the Highways within the said (*Parish, &c.*) for the Year ensuing; (and we do allow the said *A. B.* the Salary of for his Trouble): And you the said *A. B.* are faithfully and truly to execute the said Office of Surveyor, according to the Directions of the Statute, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the Highways," an Abstract of the material Parts of which Statute is hereunto annexed.

Given under our Hands and Seals, the Day and Year above mentioned.

No. VII.

Bond from the Surveyor.

WE *A. B.* Surveyor of the Highways for the (*Parish, Township, &c.*) of and *C. D.* of are bound to *E. F.* of aforesaid, in the Sum of Pounds, to be paid to the said *E. F.* his Executors, Administrators, or Assigns; for which Payment we hereby bind ourselves severally, and each of our Heirs, Executors, and Administrators.

Dated the Day of 17

The Condition of this Bond is such, that if the said *A. B.* his Executors, or Administrators, shall duly and faithfully account for, apply, and pay, all and every the Sum and Sums of Money which shall come to his Hands, as Surveyor of the Highways for the (*Parish, etc.*) according to the Direction and true Intent and Meaning of the Statute, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the Highways," then this Bond to be void, or else to remain in full Force.

No. VIII.

Appointment of an Assistant to the Surveyor.

Middlesex. *At a Special Sessions, held at in the Hundred of by Justices of the Peace for the said County, acting within the said Hundred, on the Day of* 17

WE do do hereby nominate and appoint *C. D.* a substantial Inhabitant of the (*Parish, etc.*) of in the said Hundred, Assistant to *A. B.* whom we have appointed Surveyor of the Highways for the said (*Parish, etc.*); and you the said *C. D.* are, to the best of your Skill and Judgement, to assist the said Surveyor, whenever requested by him, in calling in and attending the Performance of the Statute-duty, in collecting the Compositions, Fines, Penalties, and Forfeitures, and in making and collecting the Assessments, and in making out, and serving, the Notices authorised by the Act, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the Amendment and Preservation of the Highways," and in such other Matters and Things as shall be reasonably required of you by the said Surveyor, in the Execution of the Office of Surveyor, pursuant to the said Act; and you are justly and truly to account with, and pay to the said Surveyor, or to his Order, the Money which shall come to your Hands by the Means aforesaid.

Given under our Hands and Seals, the Day and Year above mentioned.

Oath

No. IX.

Oath to be adminiſtered to the Surveyor upon paſſing his Accounts.

I *A. B.* do ſwear, That the Accounts now produced and delivered by me, as Surveyor of the Highways for the (*Pariſh, etc.*) of for the laſt Year, are juſt and true, to the beſt of my Knowledge.

So help me GOD.

No. X.

Allowance of the Accounts.

October, 17

THESE Accounts were examined and allowed before

No. XI.

Notice from the Surveyor to remove Nuiſances and Obſtructions, and to cut Hedges, *&c.*

To C. D. of

IN purſuance of the Directions given by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," I *A. B.* Surveyor of the Highways for the (*Pariſh, etc.*) of do hereby give you Notice, forthwith to remove the (*Dung*) *Timber*) *Stone, etc.*) placed by you in a certain Part of the King's Highway, lying between and in the (*Pariſh etc.*) of to the Obſtruction and Annoyance of the ſaid Highway: *Or*, (forthwith to cut, prune, and plaſh the Hedges, and cut or prune the Trees, and to open, cleanſe, and ſcour the ſeveral Ditches and Watercourſes, belonging to you) in or near the Highway, lying between and in the (*Pariſh, etc.*) of in or near the Highway, lying between and to the Intent that the Water may be drained from the ſaid Highway, and that the Sun and Wind may not be excluded from ſuch Highway, to the Prejudice thereof.

Dated this Day of 17

A. B.

To remove Nuiſances and Obſtructions.

To cut and prune Hedges and to cut or prune Trees, and to open and ſcour Ditches and Watercourſes.

No. XII.

Allowance of Charges and Expences paid by Surveyors, which are to be repaid by the Poſſeſſors of the Lands, *etc.* and Order of the Juſtice for that Purpoſe.

Middleſex. WHEREAS Complaint hath been made unto me *A. B.* Eſquire, One of His Majeſty's Juſtices of Peace of the ſaid County, by the Oath of Surveyor of the Highways for the Pariſh of in the ſaid County, that *C. D.* of having had due Notice to cut and prune his Hedges, and cleanſe and ſcour his Ditches and Watercourſes, within or adjoining to the publick Highway between and in the ſaid Pariſh of hath neglected to do the ſame within the Time required by ſuch Notice, and that the ſaid hath cauſed the ſame reſpectively to be cut, pruned, cleanſed, and ſcoured, purſuant to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," and hath expended therein the Sum of as appears by an Account now produced to me, which I think a reaſonable Charge, and do therefore allow the ſame, and hereby order the ſaid *C. D.* to pay the ſaid Sum of to the ſaid within Six Days from the Time of his being ſerved with this Order.

Given under my Hand and Seal, this Day of 17

No. XIII.

Order of a Juſtice of Peace to make new Drains.

Middleſex. *To* C. D. *of Surveyor of the Highways for the* (Pariſh, *etc.*) *of*

WHEREAS Complaint hath been made to me *A. B.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, that the Ditch, Gutter, or Watercourſe, for conveying the Water from the Highway at in the (*Pariſh, &c.*) of in the ſaid County,

is not ſufficient for that Purpoſe, and that the cleanſing and opening the ſame will not effectually carry off the ſaid Water, but that the ſaid Highway may be effectually drained, and the Water carried off, by making a new Ditch or Drain through the Lands or Grounds of lying near the ſame, for the Length of Yards, and the Breadth of Feet; and the ſaid having been duly ſummoned to appear before me, to ſhew Cauſe, if he had any, why the ſaid Ditch or Drain ſhould not be made, and the ſaid not appearing, *or* (not ſhewing ſufficient Cauſe againſt the ſame), and it appearing to me that ſuch Ditch or Drain is neceſſary, I do hereby order and require you to enter into and upon the ſaid Lands of the ſaid and there make, or cauſe to be made, a new Ditch or Drain, of the Length and Breadth aforeſaid, and of a convenient Depth, making or tendering ſufficient Satisfaction to the ſaid for the Damages to be done thereby, within One Calendar Month after the ſame ſhall be ſo made; ſuch Damages to be ſettled and aſcertained in Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of "the Highways."

Given under my Hand, this Day of 17

No. XIV.

Notice of Application to be made for an Aſſeſſment.

Middleſex. NOTICE is hereby given, that Application will be made to the Juſtices of the Peace acting for the *(Hundred)* of in the ſaid County, at their Special Seſſion, to be held at in the ſaid *(Hundred)*, on the Day of One thouſand ſeven hundred for an equal Aſſeſſment to be made, not exceeding in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the *(Pariſh, etc.)* of for the Uſe and Benefit of the Highways, within the ſaid (*Pariſh, etc.*) Dated this Day of 17

A. B. Surveyor.

No. XV.

Order at a Special Seſſions for an Aſſeſſment of Sixpence in the Pound.

Middleſex. *At a Special Seſſions for the Highways, held at in the Hundred of in the ſaid County, the Day of 17 by Juſtices of Peace for the ſaid County acting within the ſaid Hundred.*

UPON Application made to us by the Surveyor of the Highways for the *(Pariſh, etc.)* of and upon Evidence given upon Oath before us, (that the Duty directed to be performed, and the Money authoriſed to be collected and received, by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the High-"ways," have been performed, applied, and expended, according to the Directions of the ſaid Act:) *Or*, (We are fully ſatisfied, that the common Highways, Bridges, Cauſeways, Streets, and Pavements, belonging to the (*Pariſh, etc.*) of are ſo far out of Order, that they cannot be ſufficiently amended and repaired, paved, cleanſed, and ſupported, by the Means prefcribed by the ſaid Act:) And it appearing to us, that Notice has been duly given of ſuch intended Application, according to the Direction of the ſaid Act, we do hereby order, direct, and appoint, that an equal Aſſeſſment, not exceeding the Sum of in the Pound, upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the ſaid *(Pariſh, etc.)* of ſhall be forthwith made by the ſaid Surveyor, and ſhall be allowed by One Juſtice of the Peace for the ſaid Hundred, and ſhall be collected by the ſaid Surveyor, and that the Money ſo to be aſſeſſed and collected ſhall be applied for and towards the amending, repairing, paving, cleanſing, and ſupporting ſuch Highways, Cauſeways, Streets, Pavements, and Bridges, *(and for buying Materials, making Satisfaction for Damages, erecting Guide-poſts, and paying the Surveyor's Salary)*, according to the Direction and true Intent and Meaning of the ſaid Act.

A. B.
C. D.

If no Aſſeſſment has been made for buying Materials, &c. this may amount to Nine pence in the Pound; but if a Sixpence Aſſeſſment had been made before, it muſt be only Threepence.

These latter Words may be added here, if there has been no former Aſſeſſment for thoſe Purpoſes.

No. XVI.

Order of Two Juſtices for [*widening*] or [*diverting and turning*] a Highway.

Middleſex. WE, Two of His Majeſty's Juſtices of the Peace for the ſaid County, acting within the *(Hundred, etc.)* of within the ſaid County, having, upon View, found that a certain Part of the Highway between and in the (*Pariſh, etc.*) of in the ſaid *(Hundred)*, for the Length of Yards

Yards, or thereabouts, and particularly described in the Plan hereunto annexed, is for the greatest Part thereof narrow, *and cannot be conveniently enlarged and made commodious for Travellers, without diverting and turning the same; and having viewed a Course proposed for the said new Highway, through* the Lands and Grounds of and of the Length of Yards, or thereabouts, and of the Breadth of Feet, or thereabouts, particularly described in the Plan hereunto annexed, which we think will be much more commodious to the Publick; we do hereby order, that the said Highway be *diverted and turned* through the Lands aforesaid; and that the Surveyor of the Highways for the (*Parish, etc.*) of where the said old Highway lies, do forthwith proceed to treat and make Agreement with the said and for the Recompence to be made for the said Ground, and for the making such Ditches and Fences as shall be necessary, in such Manner, with such Approbation, and by pursuing such Measures and Directions in all Respects, as are warranted and prescribed by the Statute, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the "Amendment and Preservation of the Highways:" And in case such Agreement shall be made as aforesaid, we do order an equal Assessment, not exceeding the Rate of Sixpence in the Pound, to be made, levied, and collected upon all and every the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, in the said (*Parish, etc.*) of and that the Money arising thereupon be paid and applied in making such Recompence and Satisfaction, as aforesaid, pursuant to the Directions of the said Act.

(When it is only to be widened, leave out the Words in Italick, and insert), 'But 'may be con- 'veniently en- 'larged and 'widened, by ad- 'ding thereto 'from,' or, 'widened 'and enlarged.'

A. B.
C. D.

No. XVII.

Certificate from the said Justices to the Court of Quarter Sessions.

To the Justices of the Peace, at their General Quarter Sessions, to be held at in the said County, the Day of 17

This is to be wrote upon the above Order, when no Agreement can be made.

WE the within named *A. B.* and *C. D.* do hereby certify to the said Court of Quarter Sessions, that we made and signed the within Order, and that with our Approbation, and by our Direction, the said Surveyor hath treated with the said and for the said Lands required for the Purposes aforesaid, but was not able to make any Agreement for that Purpose with them, or either of them; and that he tendered to the said the Sum of and to the said the Sum of as a Recompence for the said Ground, and for the making the said Ditches and Fences, which they, and each of them, refused to receive.

A. B.
C. D.

No. XVIII.

Order for stopping up the old Highway, and selling the Land and Soil thereof

WE whose Names are subscribed, being the Justices of the Peace who have viewed the several Highways described in the Plans hereunto annexed, and made an Order for diverting the old Highway; and being satisfied that the new Highway therein described is properly made, and fit for for the Reception of Travellers, do hereby order the said old Highway, being of the Length of Yards, and of the Breadth of Feet, upon a Medium, as appears by the said Plan, to be stopped up, and the Land and Soil thereof to be sold by the said Surveyor to whose Land adjoins thereto, if he shall be willing to purchase the same, for the full Value thereof, if not, to some other Person or Persons, for the full Value thereof: (Reserving nevertheless to a free Passage for Persons, Horses, Cattle, and Carriages, through the Land and Soil of the said old Highway to and from the (*Land, etc.*) belonging to him, called according to his ancient Usage thereof).

If there are more Highways than One to be stopped up, there should be a separate Order for each.

This to be inserted where necessary, and to be varied as the Circumstances of the Case may require.

No. XIX.

Certificate to be wrote under the Order above mentioned.

WE, the above-named Justices, do certify, That the old Highway, herein-before mentioned and described, was sold by the said Surveyor to with our Approbation, for the Sum of which Sum we do order the said to pay to the said Surveyor, to be applied in purchasing the Land, and making the said new Highway; and if any Surplus remains, we do order that the same shall be applied for the Use of the Highways within the said (*Parish, etc.*) of

Receipt

No. XX.

Receipt for the Purchaſe-money to be indorſed upon, or wrote under, the Certificate above-mentioned.

RECEIVED the Day of from the ſaid the Sum of being the full Conſideration-money for the Purchaſe of the ſaid old Highway herein-before deſcribed, purſuant to the ſaid Orders and Certificate.

No. XXI.

Order of Two Juſtices for diverting and turning a (*publick Highway*, *Bridleway*, or *Footway*, *as the Caſe ſhall be*) through the Lands of any Perſon who conſents thereto.

Middleſex. WE, and Eſquires, Two of His Majeſty's Juſtices of Peace for the ſaid County, at a Special Seſſions held at in the Hundred of in the ſaid County, on the Day of One thouſand ſeven hundred having, upon View, found, that a certain Part of a (*Highway, etc.*) within the (*Pariſh, etc.*) of in the ſaid Hundred, lying between and for the Length of Yards, or thereabouts, and particularly deſcribed in the Plan hereunto annexed, may be diverted and turned ſo as to make the ſame nearer (*or more commodious*) to the Publick; and having viewed a Courſe, propoſed for the new Highway, in lieu thereof, through the Lands and Grounds of of the Length of Yards, or thereabouts, and of the Breadth of Feet, or thereabout, particularly deſcribed in the Plan hereunto annexed, and having received Evidence of the Conſent of the ſaid to the ſaid new Highway being made through his Lands herein-before deſcribed, by Writing under his Hand and Seal, we do hereby order that the ſaid Highway be diverted and turned through the Lands aforeſaid; and we do order an equal Aſſeſſment, &c. (*in the ſame Form as before mentioned*).

No. XXII.

Conſent from the Owners of the Land through which a new Highway is propoſed to be made.

I *A. B.* of in the County of being Owner of the Lands deſcribed in the Plan hereunto annexed, through which Part of a certain Highway, lying between and is intended to be diverted and turned, (in conſideration of the Sum of to be paid to me for the ſaid Land, and the Soil thereof) *or*, (in conſideration of ſaid old Highway being ſold, exchanged, and to be veſted in me, and alſo of the Sum of to be paid to me,) (*as the Caſe may be*), do hereby conſent to the making and continuing ſuch new Highway through my ſaid Lands.

Given under my Hand and Seal, this Day of 17

No. XXIII.

Licence from Juſtices of Peace, at a Special Seſſions to get Materials for the Repair of the Highways in another Pariſh, beſides that wherein ſuch Materials are to be employed.

Middleſex. *At a Special Seſſions, held at for the* (Hundred) *of in the ſaid County, by Juſtices of the Peace for the ſaid County acting within the ſaid* (Hundred), *on the Day of* 17

IT appearing to us, upon Evidence, this Day received, that ſufficient Materials cannot conveniently be had within the waſte Lands, common Grounds, Rivers, or Brooks, nor in the incloſed Lands or Grounds lying within the (*Pariſh, etc.*) of *A.* in the ſaid (*Hundred*), for the Repair of the Highways within the ſaid (*Pariſh, etc.*) nor in the waſte Lands, common Grounds, Rivers, or Brooks, within the (*Pariſh*) of *B.* adjoining to the ſaid (*Pariſh, etc.*) of *A.* we do hereby give our Licence to the Surveyor for the ſaid (*Pariſh*) of *A.* to ſearch for, dig, get, and carry Sand, Gravel, Chalk, Stone, and other Materials, within the incloſed Lands or Grounds of *C. D.* within the ſaid (*Pariſh, etc.*) of *B.* to be employed in the Repair of the Highways within the ſaid (*Pariſh*) of *A.* it appearing from Evidence laid before us, that there are proper Materials within the ſaid Lands for the Purpoſes aforeſaid, lying convenient to the ſaid Highways; and that after ſuch Materials ſhall be ſo taken, there will be ſufficient left for the Uſe of the Highways within the ſaid (*Pariſh*) of *B.* upon the ſaid Surveyors making Satisfaction and Recompence for the ſame, in the Manner directed by the Act, paſſed in the

Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," ſubject to ſuch Reſtrictions as are therein contained.

Given under Our Hands and Seals, the Day and Year above written.

A. B.
C. D.

No. XXIV.

Licence from a Juſtice of Peace, for a Surveyor to gather Stones upon incloſed Lands, for the Repair of the Highways.

Middleſex. *To the Surveyor of the Highways for the* (Pariſh) *of* *in the* (Hundred) *of* *in the ſaid County.*

WHEREAS by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," the Surveyors are authoriſed to gather Stones lying upon any Lands or Grounds within their Liberty, for the Uſe and Benefit of the Highways, but not without the Conſent of the Occupiers of ſuch Lands, or a Licence from a Juſtice of Peace for that Purpoſe: And whereas it appears to me, *E. F.* One of His Majeſty's Juſtices of the Peace for the ſaid County, and acting within the ſaid *(Hundred, &c.)* upon the Oath of the ſaid Surveyor, that he hath applied to *A. B.* of for his Conſent to gather Stones from the Lands called or known by the Names of and in his Occupation, within the ſaid *(Pariſh, &c.)* for the Purpoſes aforeſaid, and that the ſaid Stones are neceſſary for the Repair of the ſaid Highways, and that the ſaid *A. B.* hath refuſed to permit the ſame to be gathered; and the ſaid *A. B.* having been duly ſummoned to appear before me, to ſhew Cauſe why ſuch Permiſſion ſhould not be granted, and *(having appeared before me accordingly)*; or, *(having ſent his Steward or Agent;)* or, (C. D. *on his Behalf, to attend me upon that Occaſion*; or, *(but not having appeared)* I have heard what has been alledged, and taken the ſaid Matter into Conſideration, and am of Opinion, that the ſaid Stones are neceſſary, and ought to be gathered and carried away for the Purpoſes aforeſaid, therefore I do hereby give my Licence to the ſaid Surveyor to take and carry away the ſame accordingly.

Given under my Hand and Seal, the Day of 17

No. XXV.

Notice to perform Statute-duty, (to be given Four Days before the Day on which the Duty is to be performed.)

A. B. you are hereby required to ſend a Team, with Two able Men, to within the *(Pariſh, &c.)* of next, at o'Clock in the Morning of each Day, in order to perform ſuch Duty upon the Highways within the ſaid as ſhall be required by the Surveyor, purſuant to the Direction of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways." *(When perſonal Labour is required)*, You are hereby required, by yourſelf, or a ſufficient Labourer, to attend, *etc.*

Dated this Day of 17

If he does not occupy Lands, &c. of the yearly Value of 30l. in ſuch Pariſh, &c. he is only to ſend One Man.

If a Waggon or a Cart with Two Horſes, or One Horſe only, is required, let it be expreſſed.

No. XXVI.

Notice for Compoſitions.

NOTICE is hereby given, That all perſons who are inclined to compound for their Statute-duty within the *(Pariſh, etc.)* of are hereby required to ſignify their Intention to compound for the ſame to the Surveyor of the Highways for the ſaid *(Pariſh, etc.)* at the Houſe of of on the Day of this Inſtant *November*, between the Hours of and and they are hereby required, at the ſame Time, or within the Space of One Month after, to pay their Compoſition-money to the ſaid Surveyor; and alſo, that all Perſons who are liable to pay Money for the Lands, Tenements, Woods, Tithes, and Hereditaments, which they occupy, or, in lieu of their Duty within the ſaid *(Pariſh, etc.)* according to the Act made in the Thirteenth Year of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," are required to pay the ſame to the ſaid Surveyor, on the Day, or within the Time aforeſaid.

Dated this Day of *November*, 17

A. B. Surveyor.

Order

No. XXVII.

Order for Statute-duty to be performed in Kind.

Middleſex. *At a Special Seſſions, held at in the* (Hundred) *of in the ſaid County, the Day of* 17 *by Juſtices of the Peace for the ſaid County, acting within the ſaid* (Hundred).

IT appearing to us, from the Information which we have received, that there will be Difficulty in procuring the neceſſary *(Carriage)*, or, *(a ſufficient Number of Labourers) (as the Caſe ſhall be)* for the Repair of the Highways within the *(Pariſh, etc.)* of within the ſaid *(Hundred)* without paying high and extravagant Prices for the ſame, we do hereby order and direct (the Team-duty within the ſaid *(Pariſh, etc.)* except ſuch Teams where the Owners thereof do not occupy Lands, Tenements, Woods, Tithes, or Hereditaments, within the ſaid *(Pariſh, etc.)* of the annual Value of Thirty Pounds), or, (One Half of the Team-duty, *etc.*) or, the Labourers liable to perform Statute-duty within the ſaid Pariſh, *etc.)* (as the Caſe ſhall be) to perform their Statute-duty in Kind within the ſaid *(Pariſh, etc.)* according to the Authority and Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways."

No. XXVIII.

Notice to the Surveyor of the Times fixed by the Inhabitants for being excuſed from doing their Statute-duty.

To the Surveyor of the Highways for the (Pariſh, *etc.*) *of in the County of*

I *A. B. (Conſtable) Headborough) Tithingman,)* of the ſaid *(Pariſh,* &c.) do hereby give you Notice, That the Inhabitants of the ſaid *(Pariſh, etc.)* did, at a Veſtry or publick Meeting, held on the Day of One thouſand ſeven hundred agree to take the Benefit of the Indulgence of Three Months, for not performing their Statute-duty given by the Legiſlature, in the Act paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," at the Times following, *videlicet*, That they ſhall not be called upon to perform ſuch Duty between the Day of and the Day of (which they conſider as the Seed Month), nor between the Day of and the Day of (which they conſider as the Hay Harveſt Month), nor between the Day of and the Day of (which they conſider as the Corn Harveſt Month): [*The like Notice to be given to the Surveyor or Surveyors of the Turnpike Roads, where there are any ſuch within the (Pariſh,* &c.)]

No. XXIX.

Order of the Juſtices at their Special Seſſions, for the Repair of certain Highways which moſt want Repair.

Middleſex. *At a Special Seſſions, held at in the* (Hundred) *of in the ſaid County, the Day of* 17 *by Juſtices of the Peace for the ſaid County acting within the ſaid* (Hundred.)

To the Surveyors of the Highways for the (Pariſh, *etc.*) *of in the ſaid* (Hundred.)

IT appearing to us, That the Highway, lying between and within your Liberty, is very founderous, and in bad Repair, and being of great publick Uſe, we do hereby order that you repair, or cauſe the ſame to be repaired, before the Day of next.

Given under our Hands and Seals, this Day of 17

A Precept

No. XXX.

A Precept for erecting Guide Posts, *etc.*

Middlesex. *At a Special Sessions, held at for the* (Hundred) *of in the said County, before Justices of the Peace for the said County, acting within the said* (Hundred, *on the Day of* 17

To the Surveyor of the (Parish) *of in the said* (Hundred).

YOU are hereby required forthwith to erect, or cause to be erected, in the most convenient Place, upon the Highway lying between and within your Liberty, where the Roads cross or branch out, a Guide-post, with proper Inscriptions painted on both Sides thereof, in large legible Letters, denoting the Towns of and *(or other proper Places, as the Justices shall think most proper).*

[*Where graduated Stones or Posts are necessary to prevent Accidents from deep Waters, vary it as under:*] [In the most convenient Place upon the Highway, at the Approach or Entrance on each Side of the Ford or Water called at within your *(Liberty)*, graduated Posts, denoting the Depth of Water in the deepest Part thereof, through which such Highway passes; and you are allowed to charge the reasonable Expences of providing and erecting the same in your Accounts.]

A. B.
C. D.

No. XXXI.

Notice for holding a Vestry, or other publick Meeting.

NOtice is hereby given, That a Vestry or publick Meeting will be held at on the Day of next, at the Hour of in the noon, in order to consult about the Times when it will be most convenient for the Inhabitants of this *(Parish, etc.)* to be excused from being called forth to perform their Statute-duty, according to the Indulgence given them by the Act, passed in the Thirteenth Year of the Reign of His Majesty King *George* the Third, " For the Amendment and Preservation of the Highways."

Dated the Day of 17

A. B. (Constable,) (Headborough,) *etc.*

No. XXXII.

Presentment by a Justice of Peace.

Middlesex. AT the General Quarter Sessions of the Peace of our Lord the King, held for the said County at in the said County, on *(Tuesday)* the Day of in the Year of the Reign of before Esquires, and others their Companions, Justices of our said Lord the King, assigned to keep the Peace in the said County, and also to hear and determine divers Felonies, Trespasses, and other Misdemeanours in the said County committed; *A. B.* Esquire, One of the Justices of our said Lord the King, assigned for the Purposes aforesaid, by virtue of an Act, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, " For the Amendment and Preservation of the Highways," (upon his own View), *or* (upon Information, upon Oath, to him given by *C. D.* Surveyor of the Highways for the *(Parish, &c.)* of in the said County,) doth present, that from the Time whereof the Memory of Man is not to the Contrary, there was, and yet is, a certain common and ancient King's Highway leading from the Town of in the said *(County, &c.)* towards and unto within the same *(County,)* used for all the King's Subjects, with their Horses, Coaches, Carts, and Carriages, to go, return, and pass, at their Will; and that a certain Part of the same King's common Highway, commonly called situate, lying, and being in the *(Parish, &c.)* of in the same *(County)*, containing in Length Yards, and in Breadth, Feet, on the Day of in the Year of the Reign of and continually afterwards until the present Day, was, and yet is, very ruinous, deep, broken, and in great Decay, for want of due Reparation and Amendment, so that the Subjects of the King, through the same Way, with their Horses, Coaches, Carts, and Carriages, could

This to be inserted where it is upon the Information of the Surveyor.

could not, during the Time aforeſaid, nor yet can, go, return, or paſs, as they ought and were wont to do, to the great Damage and common Nuiſance of all the King's Subjects through the ſame Highway, going, returning, or paſſing, and againſt the Peace of our ſaid Lord the King, and that the Inhabitants of the *(Pariſh, &c.)* of aforeſaid, in the *(County)* aforeſaid, the ſaid common Highway *(ſo in Decay)* ought to repair and amend, when and ſo often as it ſhall be neceſſary.

In Teſtimony whereof, the ſaid *A. B.* to theſe Preſents hath ſet his Hand and Seal, this Day of in the Year aforeſaid.

No. XXXIII.

Summons for any Perſon or Perſons to attend a Juſtice or Juſtices.

Middleſex. *To* A. B. *of*

WHEREAS Complaint and Information hath been made upon Oath before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid *(County, &c.)* by *E. F.* of That, *&c.* [*Here ſtate the Nature and Circumſtances of the Caſe as far as it ſhall be neceſſary to ſhew the Offence, and to bring it within the Authority of the Juſtice, and in doing that, follow the Words of the Act as near as may be*]. Theſe are therefore to require you perſonally to appear before me, (or the Juſtices, to be aſſembled at their Special Seſſions to be holden) at in the ſaid (*County, &c.*) on the Day of next, at the Hour of in the noon, to anſwer to the ſaid Complaint and Information, made by the ſaid *E. F.* who is likewiſe directed to be then and there preſent, to make good the ſame: Herein fail not.

Given under my Hand and Seal, this Day of 17

No. XXXIV.

Information.

Middleſex. BE it remembered, That on the Day of 17 *A. B.* of in the ſaid County, informeth and maketh Oath before me One of His Majeſty's Juſtices of the Peace for the ſaid County, that of in the ſaid County, [*Here deſcribe the Offence, and if it is for Default in performing Statute-duty, ſtate the Duty required, and the Notice given for that Purpoſe, and the Neglect according to the Fact, and as near the Words of the Act as may be*], contrary to the Statute made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," which hath impoſed a Forfeiture of for the ſaid Offence.

A. B.

Taken and Sworn, the Day of before me,

No. XXXV.

Form of a Conviction.

Middleſex. BE it remembered, That on the Day of in the Year of our Lord, 17 at in the County aforeſaid, *A. B.* came before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, and informed me, that *E. F.* of on the Day of now laſt paſt, at in the ſaid County, did [*Here ſet forth the Fact in the Manner deſcribed by the Statute*], whereupon the ſaid *E. F.* after being duly ſummoned to anſwer the ſaid Charge, appeared before me on the Day of at in the ſaid County, and having heard the Charge contained in the ſaid Information, declared, that he was not guilty of the ſaid Offence; but the ſame being fully proved upon the Oath of *G. H.* a credible Witneſs, it manifeſtly appears to me the ſaid Juſtice, that he the ſaid *E. F.* is guilty of the Offence charged upon him, in the ſaid Information: It is therefore conſidered and adjudged by me, the ſaid Juſtice, that the ſaid *E. F.* be convicted, and I do hereby convict him of the Offence aforeſaid; and I do hereby declare and adjudge that he the ſaid *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain*, for the Offence aforeſaid, to be diſtributed as the Law directs, according to the Form of the Statute in that Caſe made and provided.

Given, *&c.*

After

After the Words, "being duly ſummoned to anſwer the ſaid Charge," *inſert*, (did not appear before me, purſuant to the ſaid Summons); *or*, (did neglect and refuſe to make any Defence againſt the ſaid Charge, but the ſame being fully proved, *&c.*), *as before.*

This is to be inſerted where the Party refuſes to appear upon the Summons.

After the Words, "contained in the ſaid Information," *inſert* (acknowledged and voluntarily confeſſed the ſame to be true, and it manifeſtly appears to me the ſaid Juſtice, *&c.*) *as above.*

This to be inſerted when the Party accuſed confeſſes the Charge.

No XXXVI.

Warrant to diſtrain for the Forfeiture.

Middleſex. *To the* (Conſtable) Headborough) *or* Tithingman), *of*

WHEREAS *A. B.* of in the ſaid County, *(Yeoman)*, is this Day convicted before me, *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *G. H.* a credible Witneſs, for that the ſaid *A. B.* hath, [*Here ſet forth the Offence, deſcribing it particularly in the Words of the Statute, as near as may be*], contrary to the Statute in that Caſe made and provided, by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of to be diſtributed as herein is mentioned, which he hath refuſed to pay: Theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs of the Goods and Chattels of him the ſaid *A. B.* and if within the Space of Four Days next after ſuch Diſtreſs by you taken, the ſaid Sum, together with the reaſonable Charges of taking and keeping the ſame, ſhall not be paid, that then you do ſell the ſaid Goods and Chattels ſo by you diſtrained, and out of the Money ariſing by ſuch Sale, that you do pay One Half of the ſaid Sum of to *E. F.* of who informed me of the ſaid Offence, and the other Half of the ſaid Sum of to *J. K.* the Surveyor of the Highways, for the (*Pariſh*) *Townſhip*) or *Place)* where the ſaid Offence *(Neglect)* or *(Default,)* happened, to be employed towards the Repair of the ſaid Highways, returning the Overplus, upon Demand, to him the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling the ſaid Diſtreſs being firſt deducted); and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant.

This to be varied according to the Act, in each particular Caſe.

Given under my Hand and Seal, the Day of 17

C. D.

No. XXXVII.

Return of the Conſtable to be made upon the Warrant of Diſtreſs, when there are no Effects.

I *A. B.* Conſtable of the (*Pariſh, etc.*) of in the *(County)* of do hereby certify and make Oath, that, by virtue of this Warrant, I have made diligent Search for the Goods of the within named and that I can find no ſufficient Goods whereon to levy the within Sum of as Witneſs my Hand, the Day of 17

A. B.

Sworn before me the Day and Year, *etc.* *C. D.*

No. XXXVIII.

Warrant of Diſtreſs for Nonpayment of Money charged by an Aſſeſſment.

Middleſex. *To the* (Conſtable) Headborough) Tithingman) *of* *in the ſaid* (County).

WHEREAS by an Aſſeſſment made upon the Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within the *(Pariſh, etc.)* of in the ſaid *(County)*, for the Purpoſes of, *etc.* [*as ſtated in the Juſtice's Order*], purſuant to an Order of Juſtices for that Purpoſe, according to the Directions of the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," *A. B.* was charged the Sum of as his Share and Proportion of the ſaid Aſſeſſment, in reſpect of the Lands, Tenements, Woods, Tithes, and Hereditaments, which he occupied within the ſaid (*Pariſh, etc.*): And whereas it appears to me, upon the Oath of that the ſaid Sum of hath been duly demanded from the ſaid *A. B.* and that he hath refuſed to pay the ſame for the Space of Ten Days after ſuch Demand made, theſe are therefore, in His Majeſty's Name, to command you to levy the ſaid Sum of by Diſtreſs

of the Goods and Chattels of the ſaid *A. B.* and if the ſame ſhall not be paid within the Space of Four Days next after ſuch Diſtreſs by you taken, together with the reaſonable Charges of taking and keeping the ſame, that you do then ſell the ſaid Goods and Chattels ſo by you diſtrained; and out of the Money ariſing by ſuch Sale, that you do pay unto *C. D.* the Surveyor of the Highways for the ſaid *(Pariſh, etc.)* of the ſaid Sum of to be employed for the Purpoſes aforeſaid; and that you do return the Surplus thereof to the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling the ſaid Diſtreſs, being firſt deducted); and if ſufficient Diſtreſs cannot be found of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant.

Given under my Hand and Seal, the Day of 17

No. XXXIX.

Commitment for want of Diſtreſs.

Middleſex. *To the* (Conſtable) *of in the ſaid County, and to the Keeper of the common Gaol (or,* the Houſe of Correction) *at in the ſaid County.*

WHEREAS *A. B.* of in the ſaid County, *(Yeoman)*, was, on the Day of convicted before me, *C. D.* Eſq; One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *E. F.* a credible Witneſs, for that he, the ſaid *A. B.* [*Here ſet forth the Offence*], contrary to the Statute made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, "For the Amendment and Preſervation of the Highways," by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of And whereas, on the Day of in the Year aforeſaid, I did iſſue my Warrant to the *(Conſtable)* of to levy the ſaid Sum of by Diſtreſs and Sale of the Goods and Chattels of him the ſaid *A. B.* and to diſtribute the ſame according to the Directions of the ſaid Statute: And whereas it duly appears to me, upon the Oath of the ſaid *(Conſtable)*, that the ſaid *(Conſtable)* hath uſed his beſt Endeavours to levy the ſaid Sum on the Goods and Chattels of the ſaid *A. B.* as aforeſaid, but that no ſufficient Diſtreſs can be had whereon to levy the ſame, theſe are therefore to command you, the ſaid *(Conſtable)* of aforeſaid, to apprehend the ſaid *A. B.* and him ſafely to convey to the common Gaol, (or, *Houſe of Correction*) at in the ſaid County, and there deliver him to the Keeper thereof, together with this Precept; and I do hereby alſo command you, the ſaid Keeper, to receive and keep in your Cuſtody the ſaid *A. B.* for the Space of Three Months, unleſs the ſaid Sum ſhall be ſooner paid, purſuant to the ſaid Conviction and Warrant; and for ſo doing this ſhall be your ſufficient Warrant.

Given under my Hand and Seal, the Day of in the Year of our Lord 17

C. D.

In the Caſe of a Commitment for the Want of Payment of Money due by an Aſſeſſment, it muſt be, (to receive, and keep in your Cuſtody, until he ſhall have paid the ſaid Sum of and the further Sum of being the Coſts and Charges occaſioned by his Neglect in paying the ſame).

No. XL.

Notice of Appeal to the Quarter Seſſions.

A. B. take Notice, That I intend to appeal to the next General Quarter Seſſions of the Peace to be holden for the *(County, etc.)* of againſt an Order, *(Conviction, or other Proceeding, as the Caſe may be, particularly ſpecifying the Purport of ſuch Order,* etc. *and aſſigning the Grievance, and Cauſe of Complaint.)*

Dated the Day of 17

C. D.

CAP.

CAP. LXXIX.

An Act for the more effectual preventing the forging of the Notes or Bills of the Governor and Company of the Bank of *England*; and for the preventing the obtaining a false Credit, by the Imitation of the Notes or Bills of the said Governor and Company.

Preamble.

'WHEREAS Frauds have lately been committed by forging the Notes and Bills of the Governor and Company of the Bank of *England*, notwithstanding the Statutes now in Force for punishing and suppressing the same;' for the more effectual preventing such Practices, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of *September*, which shall be in the Year of our Lord One thousand seven hundred and seventy-three, if any Person or Persons, (other than the Officers, Workmen, Servants, or Agents, for the Time being, of the said Governor and Company, to be authorised and appointed for that Purpose by the said Governor and Company, and for the Use of the said Governor and Company only), shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using; or (without being authorised and appointed as aforesaid) shall knowingly have in his, her, or their Custody or Possession, (without lawful Excuse, the Proof whereof shall lie upon the Person accused), any Frame, Mould, or Instrument, for the making of Paper, with the Words *Bank of England*, visible in the Substance of such Paper; or shall make, or cause or procure to be made, or knowingly aid or assist in the making any Paper, in the Substance of which the said Words, *Bank of England*, shall be visible; or if any Person, (except as before excepted) after the said Twenty-ninth Day of *September*, shall, by any Art, Mystery, or Contrivance, cause or procure the said Words, *Bank of England*, to appear visible in the Substance of any Paper whatsoever, or knowingly aid or assist in causing the said Words, *Bank of England*, to appear in the Substance of any Paper whatsoever; every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted, shall, for such Offence, be deemed and adjudged a Felon, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

After Sept 29, 1773, Persons making Moulds Frames, &c. for forging Paper Notes of the Bank of England, or having in their Custody Moulds or Instruments for that Purpose, to be adjudged guilty of Felony, and suffer Death.

II. And whereas unwary and other Persons have taken in Payment, and otherwise received Notes, Inland Bills, and Bills of Exchange, with certain Words and Characters so nearly resembling the Notes and Bills of the said Governor and Company, as to appear to such Persons to be the Notes or Bills of the Bank of *England*, which, if continued to be done, will be to the great Prejudice of publick Credit; be it therefore enacted by the Authority aforesaid, That from and after the said Twenty-ninth Day of *September*, if any Person or Persons, without being authorised and appointed as aforesaid, shall engrave, cut, etch, or scrape in Mezzotinto, or shall cause or procure to be engraved, cut, etched, or scraped in Mezzotinto, or shall knowingly aid or assist in the engraving, cutting, etching, or scraping in Mezzotinto, in or upon any Plate of Copper, Brass, Steel, Pewter, or of any other Metal or Mixture of Metals, or upon Wood, or any other Material, or any Plate whatsoever, any Promissory Note, Inland Bill, or Bill of Exchange, or Blank Promissory Note, Inland Bill, or Bill of Exchange, or Part of a Promissory Note, Inland Bill, or Bill of Exchange, containing the Words, *Bank of England*, or *Bank Post Bill*, or any Word or Words expressing the Sum or Amount, or any Part of the Sum or Amount of such Promissory Note, Inland Bill, or Bill of Exchange, in White Letters or Figures on a Black Ground; or shall use any such Plate so engraved, cut, etched, or scraped in Mezzotinto, or shall use any other Instrument for the making or printing any such Promissory Note, Inland Bill, or Bill of Exchange, or Blank Promissory Note, Inland Bill, or Bill of Exchange, or Part of a Promissory Note, Inland Bill, or Bill of Exchange; if any Person, without being authorised and appointed as aforesaid, shall, after the Twenty-fifth Day of *December*, which shall be in the Year of our Lord One thousand seven hundred and seventy-three, knowingly have in his, her, or their Custody, any such Plate or Instrument, or shall knowingly and wilfully utter or publish any such Promissory Note, Inland Bill, or Bill of Exchange, Blank Promissory Note, Inland Bill, or Bill of Exchange; every such Person so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall be committed to the common Gaol of the County or Place where the Offence shall be committed, for any Space not exceeding Six Months.

Persons engraving, cutting, or etching, in Mezzotinto, Notes to resemble Inland Bills, Promissory Notes, Bills of Exchange, &c.;

and after Dec. 25, shall wilfully publish such Promissory Notes, Inland Bills, &c. shall be committed not exceeding Six Months.

III. Provided always, and it is hereby enacted, That nothing herein contained shall extend, or be construed to extend, to such Person or Persons who being at any Time hereafter possessed of any such Note or Bill, shall only utter the same by carrying the same for Payment to the Issuer or Issuers, Drawer or Drawers, Accepter or Accepters, Indorser or Indorsers thereof respectively, or using proper Means to compel the Payment of any such Note or Bill.

This Act not to extend to Persons possessed of such Notes carrying the same for Payment.

CAP.

CAP. LXXX.

An Act to repeal an Act, made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game within that Part of* Great Britain *called* England; and for making other Proviſions in lieu thereof.

Preamble. Act 10 Geo. III.

'WHEREAS by an Act, paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Preſervation of the Game in that Part of* Great Britain *called* England, certain Penalties and Puniſhments were inflicted on Perſons killing and deſtroying Game in the Night, between One Hour after Sun-ſet and One Hour before Sun-riſe: And whereas ſome Doubts have ariſen concerning the Conſtruction of ſome Parts of the ſaid Act, and ſome Inconveniencies have followed therefrom; therefore, for obviating ſuch Doubts, and for remedying ſuch Inconveniencies,' may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons ſhall knowingly and wilfully kill, take, or deſtroy any Hare, Pheaſant, Partridge, Moor Game, or Heath Game, or uſe any Gun, Dog, Snare, Net, or other Engine, with Intent to kill, take, or deſtroy, any Hare, Pheaſant, Partridge, Moor Game, or Heath Game, in the Night, that is to ſay, between the Hours of Seven of the Clock at Night and Six in the Morning, from the Twelfth Day of *October* to the Twelfth Day of *February*, and between the Hours of Nine of the Clock at Night and Four in the Morning, from the Twelfth Day of *February* to the Twelfth Day of *October*, every ſuch Perſon, being convicted thereof, upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace, acting for the County, Riding, or Place, where the Offence ſhall be committed, ſhall forfeit and pay for the Firſt Offence, any Sum not exceeding Twenty Pounds, nor leſs than Ten Pounds; and for the Second Offence, any Sum not exceeding Thirty Pounds, nor leſs than Twenty Pounds: But in caſe any Information ſhall be made upon Oath, as aforeſaid, before any Juſtice or Juſtices, againſt any Perſon offending againſt this Act, and if it ſhall appear that ſuch Offender hath already been convicted of a firſt and ſecond Offence againſt this Act; then, and in ſuch Caſe, ſuch Juſtice or Juſtices ſhall and may commit ſuch Offender to the common Gaol, or Houſe of Correction, for the County, Riding, or Place, there to remain till the next General Quarter Seſſion of the Peace for the ſaid County, Riding, or Place, unleſs ſuch Offender ſhall have entered into a Recognizance, with Two ſufficient Securities, to appear at ſuch General Quarter Seſſion, then and there to be tried by Indictment for the ſaid Offence; and alſo ſhall and may bind over the Informer to proſecute the ſaid Offender by Indictment as aforeſaid: And the Juſtices, at their ſaid General or Quarter Seſſions, ſhall and may direct the ſaid Indictment to be tried accordingly; and if upon ſuch Indictment ſuch Offender ſhall be convicted, he ſhall forfeit and pay in Court the Sum of Fifty Pounds: And in caſe he ſhall neglect or refuſe to pay the ſaid Sum of Fifty Pounds, he ſhall be committed to the common Gaol, or Houſe of Correction, for ſuch County, Riding, or Place, for any Term not leſs than Six nor more than Twelve Calendar Months, unleſs ſuch Penalty ſhall be ſooner paid; and ſuch Offender ſhall, if the Juſtices think proper, be Once publickly whipped for ſuch Offence at the Expiration of ſuch Commitment, in the Town or Place where ſuch Gaol, or Houſe of Correction ſhall be, between the Hours of Twelve and One of the Clock in the Day.

Rules to be obſerved, (after June 24, 1773) by Perſons killing or taking Hares, Pheaſants, Partridges, &c. or uſing a Gun, Dog, Net, or Engine.

How Offenders are to be puniſhed.

II. And be it further enacted, That the Juſtice or Juſtices before whom any Offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid Conviction to be made out in the Manner and Form following; that is to ſay,

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord A. B. *is convicted before me One of His Majeſty's Juſtices of the Peace for the County of* (ſpecifying the Offence, with the Time and Place where the ſame was committed, and alſo ſpecifying that it was the Firſt or Second Offence againſt this Act, as the Caſe ſhall be).

Given under my Hand and Seal, the Day and Year aforeſaid.

Which Conviction the ſaid Juſtice ſhall cauſe to be fairly wrote over upon Parchment, and returned to the next General Quarter Seſſion of the Peace for the County, Riding, or Place, where ſuch Conviction was made, to be filed by the Clerk of the Peace, and remain and be kept among the Records of the County.

Clerk to deliver a Copy of Conviction on Payment of 1s.

III. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Clerk of the Peace for any County, Riding, or Place, and he is hereby required, upon Application made to him by any Perſon or Perſons for that Purpoſe, to cauſe a Copy or Copies of any Conviction or Convictions, filed by him under the Directions of this Act, to be forthwith delivered to ſuch Perſon or Perſons, upon Payment of One Shilling for every ſuch Copy.

Penalties and Forfeitures how to be recovered.

IV. And be it further enacted by the Authority aforeſaid, That the pecuniary Penalties and Forfeitures hereby to be incurred and made payable upon any Conviction, for a Firſt and Second Offence againſt

againſt this Act, and alſo for a Third Offence, upon Conviction at the Quarter Seſſions, as aforeſaid, together with the Coſts and Charges previous to and attending ſuch Conviction, to be aſcertained by the Juſtice or Juſtices before whom any Offender ſhall be convicted, ſhall be forthwith paid by the Perſon convicted, One Moiety of the Forfeiture to the Informer, and the other Moiety to the Poor of the Pariſh or Place where the Offence ſhall be committed: And in caſe ſuch Perſon ſhall refuſe or neglect to pay the ſame, or to give Security for the Payment thereof, ſuch Juſtice or Juſtices ſhall, by Warrant under his or their Hand and Seal, or Hands and Seals, cauſe the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with all Coſts and Charges attending ſuch Diſtreſs and Sale, returning the Overplus (if any) to the Owner; and it ſhall and may be lawful for ſuch Juſtice or Juſtices to order ſuch Offender to be detained in ſafe Cuſtody, until Return may conveniently be had and made to ſuch Warrant of Diſtreſs, unleſs the Party ſo convicted ſhall give ſufficient Security, to the Satisfaction of ſuch Juſtice or Juſtices, for his Appearance before the ſaid Juſtice or Juſtices, on ſuch Day as ſhall be appointed by the ſaid Juſtice or Juſtices for the Day of the Return of the ſaid Warrant of Diſtreſs, ſuch Day not exceeding Seven Days from the Time of taking ſuch Security; which Security the ſaid Juſtice or Juſtices are hereby impowered to take by way of Recognizance, or otherwiſe: But if upon ſuch Return no ſufficient Diſtreſs can be had; then, and in ſuch Caſe, the ſaid Juſtice or Juſtices ſhall and may commit ſuch Offender to the common Gaol, or Houſe of Correction, of the County, Riding, or Place, for the Space of Three Calendar Months, unleſs the Money forfeited ſhall be ſooner paid, or until ſuch Offender, thinking him or herſelf aggrieved by ſuch Conviction, ſhall give Notice to the Informer, that he or ſhe intends to appeal to the Juſtices of the Peace, at the next General Quarter Seſſion of the Peace, to be held for the County or Place wherein the Cauſe of Complaint ſhall ariſe, and ſhall enter into Recognizance before ſome Juſtice or Juſtices, with Two ſufficient Securities, conditioned to try ſuch Appeal, and to abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; which Notice of Appeal being not leſs than Fourteen Days before the Trial thereof, ſuch Perſon ſo aggrieved is hereby impowered to give, and the ſaid Juſtices, at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear, and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever.

V. And be it further enacted, That all the Proviſions of the ſaid recited Act ſhall be, and are hereby declared to be, repealed. Proviſions of 10 Geo. III. repealed.

VI. And be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty-fourth Day of *June*, One thouſand ſeven hundred and ſeventy-three, if any Perſon or Perſons ſhall, upon a *Sunday*, or on *Chriſtmas Day*, in the Day-time, knowingly and wilfully take, kill, or deſtroy any Hare, Pheaſant, Partridge, Heath Game, or Moor Game, or ſhall, upon a *Sunday*, or on *Chriſtmas Day*, uſe any Gun, Dog, Net, or Engine, for taking, killing, or deſtroying, any Hare, Pheaſant, Partridge, Moor Game, or Heath Game; every ſuch Perſon being convicted thereof, in the Manner and Form preſcribed by this Act, ſhall be ſubject to the like Forfeitures and Penalties as are herein-before enacted to be inflicted for other Offences againſt this Act. Penalties for wilfully killing Game, or uſing a Gun on a Sunday or Chriſtmas Day.

VII. And be it further enacted, That in caſe any Perſon ſhall commit an Offence againſt this Act, whereby a Penalty or Puniſhment is incurred, and dwells in another County than in that in which the Offence was committed, the Juſtice or Juſtices, before whom ſuch Information or Indictment was had or made, may direct his or their Warrant of Apprehenſion, and of Diſtreſs and Sale, to any Conſtable within ſuch County, Riding, or Place, where the Offence was committed, to be by him carried to the Juſtice near reſiding to the Place where the Offender dwells in ſuch other County, Riding, or Place, to be ſigned by him on the Back of the ſaid Warrant, upon Proof on Oath of the Handwriting of the Juſtice who firſt granted the Warrant; which Indorſement ſhall be ſufficient Authority for the Conſtable of ſuch Pariſh or Townſhip where he dwells, or where his Goods and Chattels, or Diſtreſs, are to be had and found, or for ſuch Conſtable who ſhall bring the ſaid Warrant to be indorſed, to apprehend and convey ſuch Offender before the Juſtice who firſt granted the Warrant, or any other Juſtice or Juſtices of that County where the Offence was committed, or for ſuch Conſtable to levy ſuch Penalty, by Diſtreſs and Sale, in the ſame Manner, and with the ſame Powers, as might have been done if the Perſon had lived in the County, Riding, or Place, where the Offence was committed; and alſo, in caſe where no ſufficient Diſtreſs can be had or found, to convey the Offender before the Juſtice who firſt granted the Warrant of Diſtreſs, or any other Juſtice or Juſtices of that County where the Offence was committed, to be dealt with according to Law; and the Juſtice of ſuch other County who indorſed the Warrant of Diſtreſs or Apprehenſion ſhall direct ſuch Conſtable, or other Perſon taking and making ſuch Diſtreſs and Sale, to deliver over any Sums of Money for Penalties ariſing from ſuch Diſtreſs and Sale to the Juſtice of the County who firſt granted the Warrant, to be by him diſtributed according to the Meaning of this Act: And in caſe ſuch Conſtable or other Perſon ſhall neglect or refuſe to pay ſuch Sums of Money, or deliver over all Proceedings had upon ſuch Diſtreſs and Sale, or Warrant of Apprehenſion, ſuch Juſtice who firſt granted the Warrant, or the Juſtice who indorſed it, may commit ſuch Conſtable, or other Perſon ſo refuſing or neglecting to account for the Sums of Money received, or deliver over the Proceedings ſo had thereupon, to the common Gaol, or Houſe of Correction, for the Space of Six Months, or until the Money ſhall be paid, and the Proceedings delivered over to the Juſtice who firſt granted the Warrant; or in caſe How Penalties for Offences committed are to be recovered.

of his Abſence or Death, to any other Juſtice of the ſame County, to be by him diſtributed according to the true Intent and Meaning of this Act: And that no Action of Treſpaſs, falſe Impriſonment, Information, or Indictment, or other Action or Appeal, ſhall be brought, ſued, commenced, or proſecuted, by any Perſon or Perſons whatſoever, againſt the Juſtice of ſuch other County who indorſed ſuch Warrant, for or by reaſon of his indorſing the ſame.

Proceedings not to be quaſhed for want of Form, nor removeable by Certiorari.

VIII. Provided always, and be it further enacted, That no Order made concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed by Writ of *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

No Perſon to be proceeded againſt till Information be made on Oath.

IX. Provided alſo, That no Perſon ſhall be proceeded againſt for any of the Offences againſt this Act, as aforeſaid, unleſs Information ſhall be made thereof upon Oath before ſome Juſtice of the Peace for the County, Riding, or Place, wherein ſuch Offence ſhall be committed, within One Calendar Month after ſuch Offence ſhall be committed.

CAP. LXXXI.

An Act for the better Cultivation, Improvement, and Regulation, of the Common Arable Fields, Waſtes, and Commons of Paſture, in this Kingdom.

Preamble.

'WHEREAS there are, in ſeveral Pariſhes and Places in this Kingdom, ſeveral Waſtes and Commons, and ſeveral Open and Common Fields, which, by reaſon of the different Intereſts the ſeveral Land Owners and Occupiers, or Perſons having Right of Common, have in ſuch Waſtes, Commons, and Fields, cannot be improved, cultivated, or enjoyed, to ſuch great Advantage for the Owners and Occupiers thereof, and Perſons having Right of Common, as they might be, and are capable of, if an improved Courſe of Huſbandry was to be purſued, reſpecting ſuch Open and Common Fields, in each Pariſh reſpectively, and ſuch Waſtes, or Commons of Paſture, were to be properly drained, or otherwiſe amended;' may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That in every Pariſh or Place in this Kingdom, where there are Open or Common Field Lands, all the Tillage or Arable Lands lying in the ſaid Open or Common Fields ſhall be ordered, fenced, cultivated, and improved, in ſuch Manner, by the reſpective Occupiers thereof, and ſhall be kept, ordered, and continued, in ſuch Courſe of Huſbandry, and be cultivated under ſuch Rules, Regulations, and Reſtrictions, as Three-fourths in Number and Value of the Occupiers of ſuch Open or Common Field Lands in each Pariſh or Place, cultivating and taking the Crops of the ſame, and having the Conſent of the Owners in Manner herein-after mentioned, and likewiſe the Conſent of the Rector, Impropriator or Tithe Owner, or the Leſſee of either of them reſpectively, firſt had in Writing, ſhall, at a Meeting, (in purſuance of Notice for that Purpoſe in Writing, under the Hands of One third of ſuch Occupiers, to be affixed on One of the principal Doors of the Pariſh Church, Chapel, or Place, where Meetings have been uſually held for ſuch Pariſh or Place reſpectively, Twenty-one Days, at leaſt, before ſuch Meeting, ſpecifying the Time and Place of ſuch Meeting), by Writing under their Hands, conſtitute, direct, and appoint; and which Notice any of ſuch Occupiers are hereby authoriſed and impowered to give.

How Arable Lands ſhall be fenced.

Rules not to be longer binding than 6 Years.

II. Provided always, That the Rules, Regulations, and Reſtrictions, ſo agreed upon, ſhall not be in Force, or binding upon any of the Parties thereto, for any longer Term than Six Years, or Two Rounds, according to the ancient and eſtabliſhed Courſe of each Parſh or Place reſpectively.

Field Maſter how to be appointed.

III. And be it further enacted by the Authority aforeſaid, That at every ſuch Meeting to be had as aforeſaid, it ſhall and may be lawful to and for the major Part in Number and Value of the Occupiers (then preſent) of ſuch Open or Common Field Lands, in each Pariſh or Place reſpectively, to elect and chuſe One or more proper Perſon or Perſons as Field Maſter or Field Reeve, Field Maſters or Field Reeves, to ſuperintend the ordering, fencing, cultivating, and improving, of ſuch Open and Common Fields, and to ſee that the ſame are kept, ordered, and continued, in ſuch a Courſe of Huſbandry, as ſhall be conſtituted, directed, and appointed, at ſuch Meeting, in Manner aforeſaid; and that ſuch Field Maſter or Field Reeve, ſo to be elected and choſen as aforeſaid, ſhall continue in the ſaid Office until the Twenty-firſt Day of *May*, then next following, or within Three Days after, and no longer, unleſs he or they ſhall be thereto re-elected and choſen in Manner herein-after directed.

Expences how to be defrayed.

IV. And be it further enacted by the Authority aforeſaid, That all Coſts, Charges, and Expences, neceſſary for the carrying on any ſuch Plan of ordering, fencing, cultivating, or improving, into Execution, as ſhall be agreed upon in Manner aforeſaid, and which ſhall, at any Meeting to be held after Six Days Notice having been given in Manner herein-before directed, by the major Part in Number and Value of the Occupiers aforeſaid then preſent, be deemed common Expences, and, for the general Benefit of the ſaid Occupiers, ſhall be borne, paid, and defrayed, proportionably by all the Occupiers of ſuch Open and Common Field Lands, according to the Value of the Lands and Grounds each Perſon or Perſons ſhall have in ſuch Open and Common Field Lands; and for the raiſing the ſame, One or more Aſſeſſment or Aſſeſſments, upon all and every the Occupiers of Com-

mon Field Lands in each Pariſh reſpectively, ſhall be made, levied, and collected, by ſuch Perſon and Perſons, and allowed in ſuch Manner, as ſuch Majority of the Occupiers of ſuch Open and Common Field Lands, at ſuch Meeting to be had as aforeſaid, ſhall direct and appoint in that Behalf; and the Money thereby raiſed ſhall be employed and accounted for, according to the Orders and Directions of ſuch Majority of the Occupiers of ſuch Common Field Lands, for and towards the better Cultivation of the ſaid Common Field Lands, from Time to Time, as Need ſhall require; and the ſaid Aſſeſſments ſhall, by virtue of a Warrant under the Hand and Seal of One Juſtice of Peace of the County wherein ſuch Common Field Lands ſhall lie, be levied by Diſtreſs and Sale of the Goods and Chattels of every Perſon ſo aſſeſſed and not paying the ſame, within Ten Days after Demand, rendering the Overplus of the Value of the Goods ſo diſtrained (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale.

Occupiers of Common Field Lands in every Pariſh how to aſſemble and elect Field Reeves.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Occupiers of Open and Common Field Lands, in any Pariſh or Place where any Rules, Orders, or Regulations, ſhall have been agreed upon, for the ordering, fencing, cultivating, or improving of ſuch Lands, in purſuance of this Act, and they are hereby required to meet and aſſemble at ſome convenient Place, yearly, and every Year, on the Twenty-firſt Day of *May*, or within Three Days after, in purſuance of Six Days Notice to be given of the Time and Place of ſuch Meeting by One-third of the Occupiers, in Manner aforeſaid, then and there to elect and chuſe One or more proper Perſon or Perſons to be the Field Maſter or Field Reeve, Field Maſters or Field Reeves, for the Year enſuing; and that ſuch Perſon or Perſons who ſhall, by the major Part of the Occupiers of the ſaid Lands, preſent at ſuch Meeting, be choſen Field Maſter or Field Reeve, Field Maſters or Field Reeves, to ſuperintend the ordering, fencing, cultivating, and improving of the ſaid Common Field Lands, and to ſee that the ſame are cultivated according to the Rules, Orders, and Regulations, agreed upon at the General Meeting for that Purpoſe, and ſhall continue in the ſaid Office for One whole Year, unleſs he ſhall die, or be removed, by virtue of the Power and Authority herein-after given in that Behalf.

New Field Reeves to be appointed in place of thoſe who ſhall die, or refuſe to attend.

VI. Provided always, and be it enacted by the Authority aforeſaid, That if any Field Maſter or Field Reeve, ſo to be choſen in purſuance of this Act, ſhall, within the Year in which he ſhall be ſo choſen, refuſe or neglect to attend the ſaid Buſineſs, or ſhall die, or remove to an inconvenient Diſtance, or become Bankrupt, or have Execution againſt his Body or Goods, or by Sickneſs or otherwiſe be rendered incapable of executing his ſaid Office; that then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for the Occupiers of the ſaid Lands, (after Six Days Notice for that Purpoſe to be given in Manner aforeſaid), to elect and chuſe, in Manner aforeſaid, One other fit and proper Perſon to be the Field Maſter or Field Reeve for the Remainder of that Year, in the Place and Stead of the former Field Maſter or Field Reeve falling under either of the Deſcriptions aforeſaid.

Occupiers at Meetings, to ſettle the Time of opening Common Field Lands.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for Three-fourths in Number and Value of the Occupiers of Open and Common Field Lands, preſent at any Meeting to be held in purſuance of Fourteen Days Notice at leaſt, previous to the uſual Time of opening ſuch Common Field Lands, to be given for that Purpoſe, in Manner aforeſaid, to poſtpone the opening ſuch Common Field Lands for ſuch reaſonable Time as at ſuch Meeting ſhall be thought neceſſary by ſuch Majority as aforeſaid, and to ſettle and determine how long ſuch Common Fields ſhall continue open, and to limit and ſettle the Number of Cattle each Occupier in ſuch Pariſh or Place ſhall reſpectively turn on ſuch Common Fields, in due Proportion to the Stint or eſtabliſhed Uſage in ſuch Pariſh or Place.

Cottagers not to be excluded having Right of Common.

VIII. Provided always, nevertheleſs, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall be conſtrued to extend to exclude any Cottager, or other Perſon or Perſons whomſoever, having Right of Common, and having no Land in any of the ſaid Common Fields, from having and enjoying his or their Right of Common, in as full and ample Manner as he could and might have enjoyed the ſame before the paſſing of this Act, unleſs ſuch Cottager, or other Perſon, ſhall, at any Meeting to be held by the Occupiers of ſuch Common Field Lands, in Manner aforeſaid, conſent or agree, in Writing, to a Compoſition for ſuch Right, by an annual Payment, or other annual Advantage or Compenſation, or to a Limitation thereof; in which Caſe ſuch Conſent and Agreement ſhall be binding and concluſive upon every ſuch Perſon ſo agreeing, his Heirs and Aſſigns, Tenants and Occupiers, until ſuch Time as the Rules, Orders, and Regulations, for the ordering, fencing, cultivating, and improving of the ſaid Common Field Lands, exiſting at the Time of giving ſuch Conſent, ſhall expire.

How Common Field Lands may be enjoyed differently by Occupiers.

IX. Provided always, nevertheleſs, and be it further enacted by the Authority aforeſaid, That if the Occupiers of the ſaid Common Field Lands ſhall, at Times when the ſaid Fields have been uſually enjoyed in Common, conſent and agree not to depaſture the ſame in Common, and ſhall allot and ſet apart what ſhall be deemed by a Majority of ſuch Cottagers who ſhall not have agreed to compound for or limit their Right of Common, as aforeſaid, a ſufficient and equivalent Common for ſuch Cottagers, and other Perſons, as aforeſaid, to be enjoyed excluſively by them; that then, and in ſuch Caſe, ſuch Cottagers and other Perſons ſhall not uſe, exerciſe, or enjoy their Right of Common, over ſuch Parts of the ſaid Common Field Lands, as are not uſed in common by the Occupiers thereof, but only over ſuch Part thereof as ſhall for ſuch Time be allotted them for that Purpoſe, and ſet apart as aforeſaid; any Law, Uſage, or Statute, to the Contrary notwithſtanding.

Saving of Right to Perſons poſſeſſed of ſeparate Sheep Walks, &c.

X. Provided always, and be it enacted by the Authority aforeſaid, That nothing herein contained ſhall exclude any Perſon or Perſons ſeiſed or poſſeſſed of a ſeparate Sheep Walk, or Paſture of Cattle, in

in or over all or any of the Common Field Lands in any Parish or Place, or in or over any Part thereof, from using, exercising, and enjoying, such Right, in as full and ample Manner, to all Intents and Purposes, as he might or could have enjoyed the same before the passing this Act, unless such Person or Persons, having such Right as aforesaid, shall consent or agree in Writing at any Meeting of Occupiers, to be held as aforesaid, to a Composition for the same, or a Limitation thereof; in which Case, every such Consent and Agreement shall be binding and conclusive upon every Person so agreeing, and upon every other Person coming to the Possession of such Sheep Walk, or Pasture for Cattle, by Descent, or otherwise, until such Time as the Rules, Orders, and Regulations, for the Cultivation of the said Common Field Lands, existing at the Time of entering into such Agreement, shall expire.

Balks, Slades, &c with Consent of the Lords of Manors, &c. may be ploughed.

XI. And whereas Balks, Slades, or Meers, which may be waste, do often lie very inconveniently interspersed amongst the arable Lands in Common Fields, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons whomsoever, having Land in any open or common Fields adjoining to any such Balks, Slades, or Meers, being Waste, with the Consent of the Lord or Lords, Lady or Ladies, of the respective Manors wherein such Balks, Slades, or Meers do lie, and likewise of the Person or Persons who may have a separate Sheep Walk in the said Fields, and with the Consent of Three-fourths in Number and Value of the Occupiers of such Common Field Lands, to be signified at any Meeting to be held in Manner aforesaid, to plough up any of the said Balks, Slades or Meers, and convert the same into Tillage, under the Regulations to be settled as aforesaid.

Balks, &c. used as Roads, not to be ploughed.

XII. Provided always, nevertheless, and be it enacted, That no Balk or Meer, that has heretofore been used as a publick Road, or as a private Road, by any Person or Persons, to or from his or their own House or Lands, be so ploughed up.

Regulations to be observed by Persons having a Licence to plough Balks, &c.

XIII. Provided also, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall have Licence in Manner aforesaid, to plough up and convert into Tillage, any Balk, Slade, or Meer, shall, before he or they begin to plough up the same, lay down, in an husband-like Manner, under the Direction of the Field Master or Field Reeve for the Time being, in a more convenient Part of the said Field, as much of his or their own Land as shall be equal in Value to the Land he or they shall so have Licence to plough as aforesaid; and that such Land so laid down shall be Common Land, and so continue until the Regulations then existing for cultivating such Common Field Lands shall expire.

Boundary Stones to ascertain every Person's Property may be erected.

XIV. Provided also, and be it further enacted by the Authority aforesaid, That the Person or Persons ploughing any such Balk, Slade or Meer, shall, by proper Bound Stones, sufficiently mark and distinguish the several Lands ploughed, and the several Lands laid down in lieu thereof, so that the Property thereof, and each Person's Right therein, may be clearly known and ascertained.

Lords of Manors, &c. with Consent of Three-fourths of Persons having Right of Common, may lease a Twelfth Part of Wastes, and the Net Rents to be applied for improving the Residue of such Wastes

XV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord or Lords, Lady or Ladies, of any Manor, with the Consent of Three-fourths of the Persons having Right of Common upon the Wastes and Commons within his, her, or their Manor, at a Meeting to be held after Fourteen Days Notice, such Notice to be given in Manner herein-before directed by the Lord or Lords, Lady or Ladies, of the Manor, or their Agent respectively, at any Time or Times, to demise or lease, for any Term or Number of Years, not exceeding Four Years, any Part of such Wastes and Commons, not exceeding a Twelfth Part thereof, for the best and most improved yearly Rent that can by publick Auction be got for the same; and that the clear Net Rents reserved to the Lord or Lords, Lady or Ladies, his, her, or their Heirs, Executors, Administrators, or Assigns, by any Lease or Leases to be granted as aforesaid, shall be by him, her, or them, and the major Part of his, her, or their Tenants, applied in the draining, fencing, or otherwise improving of the Residue of such Wastes and Commons.

Assessments to be levied for the improving of Wastes where there are stinted Commons.

XVI. Provided always, nevertheless, and be it enacted by the Authority aforesaid, That in every Manor where there are stinted Commons, in lieu of demising or leasing Part thereof, One or more Assessment or Assessments upon the Lord or Lords, Lady or Ladies, of such Manor, and the Persons being Owners or Occupiers of such Commons, or their Agents or Managers, shall or may, at their Option, be made, levied, and collected, by such Person and Persons, and allowed in such Manner as the Lord or Lords, Lady or Ladies, of such Manor, and the major Part in Number and Value of the Owners or Occupiers of such Commons, present at a Meeting to be held within the said Manor, in pursuance of Fourteen Days Notice to be given by the Lord or Lords, Lady or Ladies, or his, her, or their Agent, in Manner aforesaid, of the Time and Place of Meeting for that Purpose, shall direct and appoint in that Behalf; and the Money thereby raised shall be employed and accounted for, according to the Orders and Directions of the said Lord or Lords, Lady or Ladies, and such Majority of the Owners or Occupiers, as aforesaid, in the Improvement of such Commons, from Time to Time, as Need shall require; and the said Assessments shall, by virtue of a Warrant under the Hand and Seal of One Justice of the Peace, be levied by Distress and Sale of the Goods and Chattels of every Person so assessed, and not paying the same within Ten Days after being demanded, rendering the Overplus of the Value of the Goods so distrained (if any) to the Owner and Owners thereof, the necessary Charges of making such Distress and Sale being first deducted.

Stinted Commons to be opened at a certain Time as Owners, &c. at a Meeting shall direct.

XVII. And whereas there are, in many Parts of this Kingdom, certain stinted Commons of Pasture which are never enjoyed in Severalty, but which are at certain Times shut up for the better Growth of the Pasture, and opened on certain fixed Days, from which, in particular Circumstances and Seasons, great Inconveniencies do and may arise; be it enacted by the Authority aforesaid, That it shall and may

may be lawful for the major Part in Number and Value of the Owners and Occupiers of such common Pastures, present at a Meeting to be held after Six Days Notice at least given, in Manner herein-before directed, with the Consent of the Lord or Lords, Lady or Ladies, of the Manor, or his, her, or their Steward or Agent, to postpone the opening of the said common Pastures for a Time not exceeding Twenty-one Days.

Two-thirds of Commoners, with Consent of the Lord of the Manor, &c. may direct the opening and shutting of Common Pastures, &c.

XVIII. And whereas there are in many Places common Pastures, with stinted or limited Rights of Common therein, which are open the whole Year, and it would be attended with great Advantages to the Commoners to shut up and unstock the same at particular Seasons; be it enacted by the Authority aforesaid, That it shall and may be lawful to and for Two-thirds in Number and Value of such Commoners, at a Meeting to be holden after Fourteen Days Notice given in Manner herein-before directed, with the Consent of the Lord or Lords, Lady or Ladies, of the Manor or Manors in which such Commons are situated, his, her, or their Steward or Stewards, Agent or Agents, to direct, order, and fix, the Time when such common Pastures shall be broke or depastured, and when the same shall be shut up and unstocked; such Orders to continue in Force for One whole Year, and no longer.

Proviso respecting Persons not consenting to the above Regulations.

XIX. Provided nevertheless, That a Portion of such Common Pastures shall be separated and set apart for the Use of such Commoners exclusively as shall not consent to such Regulation, and the Portion so set apart shall be adjudged by a Majority of such Commoners, not consenting as aforesaid, an Equivalent for their Rights of Common.

Persons having Right of Common may depasture Sheep instead of other Cattle.

XX. And whereas many stinted Common Pastures in this Kingdom are fed and depastured by Horses, Beasts, or Neat Cattle, and in many Instances it would tend to the Improvement of such common Pastures, and to the better Manuring and Cultivation of the Arable Lands in common Fields, or otherwise, to which such common Pastures may belong, if the same were fed with Sheep; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the major Part in Number and Value of the Persons having Right of Common in such common Pastures, at any Meeting to be held in Pursuance of Notice, in Writing, under the Hands of a major Part of such Owners and Occupiers of such common Pastures, or Persons having Right of Common therein, to be affixed on the principal Door of the Parish Church of the Parish where such common Pastures shall lie, or of the nearest Parish Church where such Lands shall lie in an extraparochial Place, Ten Days at least previous to such Meeting, specifying the Time and Place, and Intent of such Meeting, by Writing under their Hands, to alter and change the Manner and Custom of feeding and depasturing such common Pastures, so far as instead of Horses, Cows, and other Cattle, to allow the same to be fed and depastured with Sheep, at the Option of each Person respectively having Right of Common; and to limit and stint the Number of Sheep each such Person, having Right of Common in such common Pastures, shall respectively feed and depasture thereon, in due Proportion to their respective Stints or Rights.

Rams not to remain upon Wastes from Aug. 25, to Nov. 25.

XXI. And whereas the Improvement of the Breed of Sheep is a Matter of great national Importance, and the turning of Rams upon Wastes and Open Common Fields at certain Times of the Year has been found to be very prejudicial; be it therefore enacted by the Authority aforesaid, That no Ram shall be turned upon, or be suffered to remain upon, any Wastes or common Fields, between the Twenty-Fifth Day of *August* and the Twenty-fifth Day of *November* in every Year.

Persons formerly under Disability, under this Act may sign Agreements.

XXII. And whereas several of the Owners and Proprietors of Wastes, Commons, and Common Field Lands, may, at the Time of any Meeting to be held in pursuance of this Act, be incapable, through various Impediments, of entering into any of the Agreements hereby authorised to be made, for the better ordering, fencing, cultivating, and improving, of Common Arable Fields, Wastes, and Commons of Pasture, in this Kingdom, without the Aid and Authority of Parliament; be it therefore further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or known Agent or Receiver of any Owner and Proprietor of Wastes, Commons, and Common Field Lands, and of any Person having a Right or Interest therein, being under Coverture, Minors, Lunaticks, or beyond the Seas, and for every or any of them for the Time being; and also to and for all and every or any of the said Owners and Occupiers, being Tenants in Tail, Tenants by the Courtesy of *England*, or Tenants for Life only, and to and for every or any of them respectively for the Time being, to enter into, and sign any Agreement to be made in pursuance of this Act.

Rectors or Tithe Owners, not to receive Gratuity for letting Tithes other than by Half-yearly or yearly Payments.

XXIII. Provided also, and be it further enacted by the Authority aforesaid, That no Rector or Tithe Owner, in Right of his Rectory, Vicarage, or Curacy, or the Lessee of either of them respectively, who shall agree for or let his Tithes of the said Common Field Lands, during the said Term of Six Years, or any Part thereof, shall receive any Fine, Foregift, Gratuity, or Compensation whatever, other than by equal half-yearly or yearly Payments.

All Agreements made to be valid in Law.

XXIV. And be it further enacted, That every Agreement so entered into in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the want of legal Title in the said Owner or Owners, or in the said Husbands, Guardians, Trustees, Committees, Agents, or Receivers, or in the Persons acting as such, or in the said Tenants in Tail, Tenants by the Courtesy of *England*, or Tenants for Life only, any Settlement or Settlements, Will or Wills, to the Contrary in any-wise notwithstanding.

Consent of Occupiers not to be valid, without a written Authority under the Hand of the Proprietor.

XXV. Provided always, and be it enacted by the Authority aforesaid, That no Consent of any Occupier of Lands in such Common Arable Fields, or of a separate Sheep Walk therein, to any such First Agreement, for the ordering, fencing, cultivating, and improving of such Common Fields, to be made by the Authority of or in pursuance of this Act, shall be good and valid, unless such Occupier shall,

mitted to be examined before a Justice.

Conduct, or Management, of such Hospital, House, or Place, shall, and he, she, or they, is and are hereby directed and required, before the Admission of any pregnant Woman into such Hospital, House, or Place, forthwith, (unless prevented by Sickness), to take, or cause to be taken, such Woman before some Justice of the Peace in and for the County, Riding, Division, City, Corporation, or Place, where such Hospital, House, or Place, is situated, which Justice is hereby directed and required to examine her upon Oath, whether she is married or single: And in case such pregnant Woman shall not be able, at the Time of such Admission, to go before such Justice, and be examined as aforesaid; that then, and in every such Case, it shall and may be lawful to and for the said Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, as aforesaid, and he, she, or they, is and are hereby directed and required when and so soon as such Woman shall be sufficiently recovered, to take, or cause to be taken, such Woman before such Justice, to be by him examined as aforesaid, any Law, Statute, Usage, or Custom, to the Contrary thereof in any-wise notwithstanding: And all and every the Particulars of such Examination, taken upon Oath as aforesaid, shall be entered in a Book, to be provided and kept for that Purpose by the Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, as aforesaid, and signed by the Justice of the Peace before whom such Examination is taken, who is hereby directed and required to sign the same.

If the Woman produce an Affidavit, that she is married, or single, she is not liable to go before the Justice.

XI. Provided always, and be it enacted, That if any Woman, on Admission into such Hospital, House, or Place, shall produce an Affidavit, sworn by her before such Justice of the Peace for the City of *London*, or for the County, Riding, Division, City, Corporation, or Place, wherein such Hospital, House, or Place, shall be situated, that she is a married or single Woman, as the Case may be, which Affidavit shall be kept and filed at every such Hospital, House, or Place; then and in every such Case, such Woman shall not be liable or compellable by this Act to go before any Justice of the Peace, or to be further examined on Oath as to her Marriage.

When any Woman shall be delivered of a Bastard, the Owner of the Hospital is to give Four Days Notice before she is discharged to the Overseers.

XII. And be it further enacted, That if any Woman shall be delivered of a Bastard Child in such Hospital, House, or Place, such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, as aforesaid, shall, Four Days at the least before any such Woman shall be discharged, give, or cause to be given, a personal Notice, or Notice in Writing, of such Delivery, to be left at the usual Place of Abode of the Overseer or Overseers, Churchwarden or Churchwardens, of such Parish or Place, wherein such Hospital, House, or Place, shall be situated; and such Overseer or Overseers, Churchwarden or Churchwardens, or some or One of them, is and are hereby authorised and required, after such Notice given, to attend at such Hospital or Place, within the Time so notified as aforesaid, and shall convey every such Woman before some Justice of the Peace of the County, Riding, Division, City, Corporation, or Place, where such Birth or Births shall happen, who shall examine every such Woman upon Oath relative to her last legal Settlement, and shall certify, in Writing, to such Overseer or Churchwarden the whole of such Examination, who shall cause the same to be deposited and kept amongst the Books and Papers belonging to such Parish or Place.

Overseer attending, and being informed that such Woman is not sufficiently recovered, shall wait till a further Notice be given.

XIII. And be it further enacted, That if at any Time such Overseer or Churchwarden shall, upon such Attendance, be informed by such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, that any such Woman is not sufficiently recovered to be taken out and carried before such Justice, such Overseer or Churchwarden shall wait till a further Notice shall, in like Manner, be given; and such Notices, from Time to Time, shall be repeated as Occasion may require; and every such Overseer and Churchwarden, who shall receive the same, is hereby required to pay due Attention thereto.

Every Woman may be kept in the Hospital till she be in a fit Condition to be discharged, &c.

XIV. Provided always, and be it further enacted, That it shall and may be lawful for every such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, to keep and detain in such Hospital, House, or Place, every such Woman so delivered of a Bastard Child, till she shall be adjudged in a fit Condition to be discharged, and until she shall have been examined before some Justice of the Peace, as aforesaid, with respect to the Place of her last legal Settlement.

but not to extend to keep any Woman longer than Six Weeks, without her Consent.

XV. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to authorise or impower any Person whatsoever to keep or detain in such Hospital, House, or Place, any Woman so delivered of a Bastard Child for a longer Time than Six Weeks after the Birth of such Child, unless it shall be done by her own free Consent.

Owners, Governors, &c. not complying with the Directions of this Act to forfeit 50l; and Overseers, &c. neglecting or refusing, to forfeit 10l.

How Penalties may be recovered and applied.

XVI. And be it further enacted, That every such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, as aforesaid, who shall wilfully neglect or refuse to comply with the Directions of this Act, shall forfeit and pay, for every such Neglect or Refusal, the Sum of Fifty Pounds; and every such Overseer or Churchwarden who shall in like Manner neglect or refuse to comply with the Directions of this Act, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Ten Pounds; which Penalties or Forfeitures shall be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, by any Person or Persons who shall sue for the same; and such Forfeitures and Penalties, when recovered, shall be applied, One Moiety to the Use of the Poor of the Parish where such Offence shall have been committed, and the other Moiety to the Person or Persons who shall sue for and recover the same.

XVII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing by him or them done or executed, in pursuance of this Act, the Defendant or Defendants, in such Action or Suit, shall and may plead the General

General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to behad thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if afterwards a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Proſecution, or Judgement ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs. General Iſſue. Treble Coſts.

XVIII. Provided always, That no ſuch Action or Suit ſhall be brought by virtue and in purſuance of this Act, unleſs the ſame be commenced within Six Calendar Months after the Offence committed. Actions, when to be commenced.

XIX. And be it further enacted, That this Act ſhall be deemed a Publick Act; and as ſuch taken Notice of by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame. Publick Act.

CAP. LXXXIII.

An Act for building a Bridge acroſs the River of *Thames*, from *Richmond*, in the County of *Surrey*, to the oppoſite Shore, in the County of *Middleſex*, and to enable His Majeſty to grant the Inheritance of the Ferry at *Richmond* to certain Perſons therein mentioned.

'WHEREAS great Advantages would ariſe to the Inhabitants of the Counties of *Middleſex* and *Surrey*, and to the Publick in general, from having a Bridge acroſs the River *Thames* between *Richmond*, in the County of *Surrey*, and the oppoſite Shore, in the ſaid County of *Middleſex*:' May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Sir *Fletcher Norton* Knight, Speaker of the Honourable the Houſe of Commons, the Members in Parliament for the Counties of *Middleſex* and *Surrey* for the Time being, Sir *Anthony Abdy*, Sir *Charles Aſgill*, Baronets, *Saint Allum*, *William Alder*, *George Arbuthnot*, *Eliſha Biſcoe*, *John Boddington*, *James Brookes*, *Launcelot Brown*, *Robert Brownell*, *John Baker*, *Solomon Brown*, *Henry Bell*, *Thomas Butler*, the Right Honourable *Frederick Cavendiſh*, commonly called *Lord Frederick Cavendiſh*, the Right Honourable *George Cavendiſh*, commonly called *Lord George Cavendiſh*, the Right Honourable *John Cavendiſh*, commonly called *Lord John Cavendiſh*, the Honourable *Charles Sloane Cadogan*, *Edward Collins*, *Richard Owen Cambridge*, Sir *James Cockburn* Baronet, *George Colman*, *Grey Cooper*, *James Crokatt*, *Richard Croftes*, *Richard Crop*, *Alexander Craufurd*, *Peregrine Cuſt*, *William Crank*, *John Chaſe*, *Robert Darell*, *William Ewer*, *Welbore Ellis*, the Right Honourable Lord Viſcount *Fitzwilliam*, in the Kingdom of *Ireland*, the Honourable *Thomas Fitzmaurice*, the Honourable *John Fitzwilliam*, *William Gardiner*, *David Garrick*, *Daniel Groſe*, *William Gumbrell*, *Daniel Giles*, *John Haverfield*, *Frederick Anthony Hindley*, the Honourable *Henry Hobart*, *Henry Holland*, *Philip Laggatt*, *James Love*, *Henry Laſcelles*, *Daniel Leſeur*, *Henry Leeves*, *John Mackay*, *Philip Medows*, *William Mills*, the Lord of the Manor of *Peterſham* for the Time being, the Right Honourable *Hugh Percy*, commonly called *Earl Percy*, *Samuel Pechell*, —— *Perin*, *Thomas Pownall*, *John Powell*, *William Price*, *George Patterſon*, the Lord of the Manor of *Richmond* for the Time being, *James Rees*, *Crofton Roſs*, *George Roſs*, *Joſhua Rowley*, *Jonathan Rowbotham*, *Thomas Roberts*, *William Robinſon*, the Lord of the Manor of *Sion* for the Time being, the Right Honourable Earl *Sefton* of the Kingdom of *Ireland*, *James Sayer*, *William Selwyn*, Sir *Charles Sheffield* Baronet, *Richard Sheppard*, *William Stallard*, *Philip Stephens*, *Lewis Shepheard*, *William Turner*, *Thomas Tunſtall*, the Reverend —— *Tilſon*, *Gerard Vanneck*, the Reverend —— *Wakefield*, *Albany Wallis*, *Mark Wayland*, *James Wilkes*, *Daniel Wray*, *William Waterman*, *Samuel Ward*, *George Walter*, *Gregory Way*, the Honourable *Horatio Walpole*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby conſtituted Commiſſioners for building a Bridge acroſs the River *Thames*, between *Richmond* aforeſaid and the oppoſite Shore, and for repairing and ſupporting the ſame, and for executing the other Powers of this Act, according to the Directions herein-after mentioned. Preamble. Commiſſioners Names.

II. And be it further enacted, That no Perſon ſhall be qualified to act as a Commiſſioner, unleſs he, in the Right of himſelf or his Wife, ſhall be ſeiſed at Law, or in Equity, of an Eſtate of Inheritance, or for Term of Life, or ſhall have an Eſtate for a Term of Years determinable on One or more Life or Lives, or a certain Term originally created for Twenty-one Years, or more, in Lands or Tenements ſituate in the ſaid Counties of *Surrey* and *Middleſex*, or One of them, of the clear yearly Value of One Hundred Pounds, or for a Term of Years in Lands or Tenements in the ſaid Counties, or One of them, of the clear yearly Value of One hundred and Fifty Pounds, above all Rents or Charges payable out of or affecting the ſame; or unleſs he ſhall be Heir-apparent to a Perſon ſeiſed at Law, or in Equity, of an Eſtate of Inheritance in Lands or Tenements within the ſaid Counties, or One of them, of the clear yearly Value of Five hundred Pounds above all ſuch Rents and Charges; or ſhall be poſſeſſed of a perſonal Eſtate of the Value of Two thouſand Pounds; and no Perſon ſhall be capable of acting as a Commiſſioner in any Caſe in which he ſhall be intereſted, or in any Manner whilſt he ſhall hold any Office, or in his private Capacity be concerned in any Contract or Agreement relative to the Execution of this Act: And if any Perſon ſhall act as a Commiſſioner, not having the requiſite Qualification of Eſtate, or being otherwiſe hereby diſqualified from acting, he ſhall, for every Offence, forfeit Qualification of Commiſſioners. Penalty on acting if not qualified.

forfeit the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed; and every Commiſſioner proſecuted for acting without being qualified by Eſtate in Manner aforeſaid, ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty on Proof of his having acted as a Commiſſioner.

Place of Commiſſioners Meeting.

Manner of adjourning.

III. And be it further enacted by the Authority aforeſaid, that the ſaid Commiſſioners ſhall meet for executing this Act in Manner following; that is to ſay, The ſaid Commiſſioners, or any Five or more of them, ſhall meet for the Firſt Time at the Charity School at *Richmond*, on the laſt *Saturday* in the Month of *July*, One thouſand ſeven hundred and ſeventy-three, and ſhall then, and at every ſubſequent Meeting, adjourn themſelves, from Time to Time, and Place to Place, as the ſaid Commiſſioners, or any Five or more of them, preſent at any ſuch Meeting, ſhall think convenient; and if Five Commiſſioners ſhall not attend at the Time and Place appointed for any ſuch Meeting, then the Clerk to the ſaid Commiſſioners, or any One Commiſſioner, ſhall and may adjourn the Meeting of the ſaid Commiſſioners to the ſame Place, and to the ſame Day Three Weeks next after the Day when their Meeting ought to have been held, and ſhall cauſe Fourteen Days Notice of ſuch Meeting to be given in the *London Gazette*; and alſo the ſaid Commiſſioners, or any Five of them, ſhall have Authority, as often as they ſhall think fit, to call an extraordinary Meeting, at ſuch Time and Place as they by a previous Notice of Fourteen Days at leaſt, to be advertiſed in the *London Gazette*, ſhall appoint; and the ſaid Commiſſioners ſhall, at all their Meetings, pay their own Expences: And all their Orders and Proceedings at every Meeting ſhall be entered in a Book, to be kept for that Purpoſe by their Clerk, to be appointed in Manner herein-after mentioned, and ſhall be ſigned by the Commiſſioner who ſhall be Chairman at the Meeting, or by Two other Commiſſioners; and ſuch Entries ſhall be deemed original Orders and Proceedings, and may be read in Evidence in all Courts whatſoever.

Commiſſioners to defray their own Expences.

Proceedings to be entered in Books.

New Commiſſioners to be elected by Ballot.

IV. And be it further enacted by the Authority aforeſaid, That as often as any of the Commiſſioners of this Act ſhall die, or refuſe to act, or become, on any Account, incapable of acting, it ſhall be lawful for the ſurviving or other Commiſſioners, or any Five or more of them, at any Meetings, whereof a previous Notice of Fourteen Days, with the Cauſe of Meeting, ſhall be advertiſed in the *London Gazette*, to elect by Ballot, One or more fit Perſon or Perſons to be a Commiſſioner or Commiſſioners, in the Place of him or them ſo dying or refuſing to act, or incapable of acting; and the Perſon or Perſons ſo elected ſhall have the ſame Powers as the Commiſſioners herein named.

Commiſſioners may cauſe a Bridge to be built of Stone, acroſs the River Thames, from Richmond to the oppoſite Shore.

V. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to build or cauſe to be built, with Stone, and other good and ſufficient Materials, a Bridge acroſs the ſaid River *Thames*, from *Richmond*, in the County of *Surrey*, to the oppoſite Shore in the County of *Middleſex*, at the Ferry, or as much lower down the River as the Commiſſioners can ſettle with the Conſent of ſuch Landholders, Leſſees, or Aſſignees, in the Towns of *Richmond* and *Twickenham*, whoſe Property may be materially affected thereby, in conſequence of its becoming neceſſary to make uſe of the ſame for the Purpoſes of this Act, according to ſuch Deſign, and in ſuch Manner, as they the ſaid Commiſſioners, or any Five or more of them, ſhall appoint; and alſo, for the Purpoſe aforeſaid, to deepen and widen the ſaid River, and cut the Banks thereof, and to dig up and remove any Shelves, Gravel, Sand, and Mud, Aytes, or other Obſtructions in the ſaid River, and (with ſuch Conſent as aforeſaid, and not otherwiſe) to make in or over the ſaid River, and the Lands adjoining thereto, any Trenches and Landing-places; and alſo to make any new Road for facilitating the Acceſs to the ſaid Bridge on the *Surrey* Side of the ſaid River *Thames*, from *George Street*, or any other Street in *Richmond*, by Embankment of any Part of the ſaid River *Thames* between ſuch Street and the ſaid Bridge, or near and adjoining thereto, or otherwiſe; and alſo to make Contracts, and do all other Acts neceſſary for building ſuch Bridge, and for maintaining, ſupporting, and improving the ſame, when built, and the ſaid new Roads leading thereto, from *Richmond*, they the ſaid Commiſſioners doing as little Damage as may be, and firſt making Satisfaction, in Manner herein-after directed, to the Owners and Occupiers of any Houſes, Lands, Tenements, or Hereditaments, which ſhall be pulled down, made uſe of, or prejudiced, in or by the Execution of any of the aforeſaid Powers.

Dimenſions of the Bridge.

VI. Provided always, and be it further enacted by the Authority aforeſaid, That the main or principal Arch of the ſaid Bridge, ſo to be built by the ſaid Commiſſioners, ſhall be at leaſt Twenty-five Feet high from Low-water Mark, and Sixty Feet wide; and the other Arches in Proportion: And that when the ſaid Bridge ſhall be built, there ſhall remain not leſs than Two hundred and fifty Feet for the Paſſage of the Water within the Banks of the ſaid River *Thames*; and alſo that the Way for Carriages and Horſes over the ſaid Bridge ſhall not be leſs than Twenty-four Feet in Width between the Parapets, including Footways.

Commiſſioners to make a Road through Twickenham Park.

VII. And whereas, in order to have a proper Acceſs to the ſaid Bridge on the *Middleſex* Side of the *Thames*, it will be neceſſary to make a new Road from the ſaid Bridge acroſs a certain Meadow called *Twickenham Park*, now belonging to her Grace the Ducheſs Dowager of *Newcaſtle*, to the Lane called *Ferry Lane*, leading from *Twickenham* to the preſent Ferry at *Richmond*; be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to ſet out and make ſuch Road acroſs the ſaid Meadow, called *Twickenham Park*, in ſuch Manner as they, or any Five or more of them, ſhall think proper, they the ſaid Commiſſioners firſt making Satisfaction to the Owner or Owners of the ſaid Meadow, in Manner herein-after directed, in reſpect to the Owners of other Lands; and the ſaid Road, when made, ſhall be deemed a common Highway, and ſhall be repaired

repaired by the ſaid Commiſſioners, as they, or any Five or more of them, ſhall from Time to Time direct.

Dimenſions of the Road.

VIII. Provided always, and be it further enacted, That the ſaid Road through *Twickenham Park* ſhall not, without the Conſent of the Proprietor or Proprietors of the ſaid Meadow, called *Twickenham Park*, for the Time being, be more than Forty Feet wide, and that without ſuch Conſent, no Part thereof ſhall be carried further to the Northward than the Diſtance of One hundred and fifty Feet from a certain Stile now ſtanding between the ſaid Meadow and the ſaid *Ferry Lane*; and alſo, that without ſuch Conſent, the Junction of the ſaid Road with *Ferry Lane* ſhall not be more than Two hundred and Forty Feet from the ſaid River *Thames*, including the Breadth of the ſaid intended Road; and alſo that no Houſes or Sheds, or any other Buildings whatſoever, ſhall at any Time be erected or built upon any Part of the ſaid Road through *Twickenham Meadow*.

The Bridge to be free from Taxes, and not to be a County Bridge.

IX. And be it further enacted, That the ſaid Bridge ſhall not be rated or aſſeſſed for or towards the Payment of the Land Tax, or any other publick or Parochial Rate or Tax whatſoever; and that the ſaid Bridge ſhall not be deemed a County Bridge, ſo as to ſubject the Counties of *Surrey* and *Middleſex*, or either or them, to the Repair or Support thereof.

Damaging the Bridge, &c. deemed Felony.

X. And, for preſerving the ſaid Bridge from wilful or malicious Damage, and preventing all Interruptions to the Building thereof, be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly pull down or otherwiſe deſtroy, or cauſe to be pulled down or otherwiſe deſtroyed, the ſaid Bridge, or any Part thereof, or ſhall wilfully, maliciouſly, and without Authority from the ſaid Commiſſioners, or any Five or more of them, remove or take away, or cauſe to be removed or taken away, any Materials or Things belonging thereto, or ſhall unlawfully, wilfully, and maliciouſly do, or cauſe to be done, any Thing whereby the ſaid Bridge, or the Work or Materials thereof, during the building of the ſame, or afterwards, may be damaged; every ſuch Offender being lawfully convicted thereof ſhall be adjudged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Colonies in *America* for the Space of Seven Years.

Damage done by Boats, &c. to be made good by the Owners.

XI. And, for better preventing Damage to the ſaid Bridge and the Works thereof, by Perſons navigating Boats, Barges, Lighters, or other Veſſels, on the ſaid River *Thames*, be it further enacted, That the Owner or Owners of every Boat, Barge, Lighter, or other Veſſel, ſhall be reſponſible to the ſaid Commiſſioners for the Coſts of making good any Damage which ſhall be done to the ſaid Bridge, or any Part thereof, by his or their Boat, Barge, Lighter, or other Veſſel, or by the Boatmen, Bargemen, or other Perſon or Perſons navigating the ſame, and may be ſued accordingly by the ſaid Commiſſioners in any Court of Record whatſoever.

Bodies Corporate, &c. enabled to convey their Eſtates to the Commiſſioners.

XII. And be it further enacted, That it ſhall be lawful for all Bodies Corporate, and for Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for and on the Behalf of themſelves, their Heirs and Succeſſors, Infants, Iſſue unborn, Lunaticks, Idiots, Femes-covert, or other Ceſtuique Truſts, and for all other Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any Houſes, Buildings, Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall deem neceſſary to be pulled down, or made uſe of in Execution of the aforeſaid Powers, to contract and agree with ſaid Commiſſioners for the Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame unto the ſaid Commiſſioners, or as they ſhall appoint; and ſuch Contracts, Agreements, and Sales, ſhall be valid to all Intents and Purpoſes; any Law, Statute, or other Matter or Thing whatſoever to the Contrary thereof in any-wiſe notwithſtanding; and all ſuch Perſons are hereby indemnified for making the ſame.

Lands, &c. if not agreed for, to be valued by a Jury of the County.

XIII. And be it further enacted, That if any ſuch Bodies Corporate, Truſtee or Truſtees, or other Perſon or Perſons intereſted in any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, upon a Notice of Fourteen Days from the ſaid Commiſſioners given or left in Writing, at the Dwelling-Houſe of the Chief Officer belonging to any ſuch Body Corporate, or of any ſuch Perſon or Perſons as aforeſaid, or at the Houſe of the Tenant in Poſſeſſion, ſhall not agree with the ſaid Commiſſioners for the Sale of any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, or for their Intereſt therein, or through Diſability, by reaſon of Nonage, Coverture, Entails, or other Impediment, cannot make any effectual Agreement, or by reaſon of Abſence ſhall be prevented from agreeing; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall inquire, by the Oaths of a Jury of Twelve indifferent Men, what Damages will be ſuſtained by, and what Recompence ought to be made to, any ſuch Perſon or Perſons intereſted in any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, and ſhall ſettle the ſame in Manner following; (that is to ſay), The ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed, from Time to Time, to iſſue their Precept to the Sheriff of the County in which the Thing to be valued ſhall lie, thereby requiring him to impanel, ſummon, and return a Number of Perſons, being Inhabitants of the particular County, and qualified to ſerve on Juries, not leſs than forty eight, nor more than Seventy-two, at the Time and Place in ſuch Precept mentioned, (at which Time and Place a written Notice of Fourteen Days ſhall be given to the Parties intereſted, in Manner aforeſaid); and out of ſuch of them as ſhall appear, a Jury of Twelve ſhall be drawn by the ſaid Commiſſioners, or any Five or more of them, or their Order, in the ſame Manner as Juries for the Trial of Iſſues joined in His Majeſty's Courts at *Weſtminſter* are, by an Act, paſſed in the Third Year of His late Majeſty, intituled, *An Act for the better regulating of the Juries*, directed to be drawn; and the ſaid Commiſſioners, or any Five or more of them, are hereby authoriſed to ſwear ſuch Jury, and, by the Oath of the ſaid Jury, ſhall cauſe to be enquired into, and aſcertained, the Value of any ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments, as the ſaid Commiſſioners ſhall think

neceſſary to be pulled down or made uſe of for the Purpoſes aforeſaid; and what Damage will be ſuſtained by, and what Recompence ought to be made to, the Owners and Occupiers for their reſpective Intereſts; and for that Purpoſe are hereby alſo authoriſed to ſummon before the ſaid Jury, and to examine on Oath the neceſſary Witneſſes, and ſhall, if they, or any Part intereſted ſhall judge it neceſſary, cauſe the ſaid Jury to view the Place in Queſtion, and ſhall uſe all other lawful Means for informing themſelves and ſuch Jury; and when ſuch Jury ſhall have ſettled the Recompence by their Verdict, the ſaid Commiſſioners, or any Five or more of them, ſhall adjudge the Sum of Money, found by the Verdict of ſuch Jury, to be a proper Recompence to be paid to the Parties intereſted according to ſuch Verdict, and a Tranſcript of ſuch Inquiſition, Verdict, and Judgement, ſhall be made on Parchment, and be ſigned by Five or more of the Commmiſſioners preſent, and forthwith be tranſmitted to the Clerk of the Peace for the County in which ſuch Proceedings ſhall be, and ſhall be by him preſerved amongſt the County Records; and ſuch Inquiſition, Verdict, and Adjudication ſhall be final and concluſive againſt all the Parties intereſted, whether Natural Perſons or Bodies Politick, Infants, Femes-covert, Lunaticks, Idiots, or Perſons under any other Diſability, and their reſpective Heirs, Executors, Adminiſtrators, and Succeſſors; and every ſuch Party intereſted ſhall, after Tender and Payment, in Manner herein-after directed, of the Money ſo found and adjudged for ſuch Party, be diveſted of all his or her Right to, and Intereſt in, the Premiſes in Queſtion, and the ſame ſhall veſt in the ſaid Commiſſioners and their Succeſſors, for the Purpoſes of this Act; and if any Perſon or Perſons ſhall be intitled in Remainder or Reverſion to any ſuch Premiſes, or to any future Intereſt therein, then the Money found and adjudged as a Satisfaction ſhall be ſettled under the Direction of the ſaid Commiſſioners, or any Five or more of them, to the ſame Uſes, unleſs ſuch Perſon or Perſons ſhall conſent to give up ſuch future Intereſt.

Jury to view the Place in Queſtion if neceſſary.

Verdict to be ſigned by Five Comm ſſioners preſent, and to be tranſmitted to the Clerk of the Peace.

Where Perſons are intitled in Remainder, the Purchaſe-money to be ſettled accordingly.

XIV. And be it further enacted, That every Sum ſo found and adjudged as a Satisfaction, ſhall, by Order of the ſaid Commiſſioners, or any Five or more of them, and out of the Money herein-after directed to be raiſed for the Purpoſes of this Act, be paid or tendered to the Party intitled, their Guardians, Huſbands, Committees, or other Truſtees, within One Month after ſuch Verdict and Adjudication; and if the ſame ſhall not be ſo paid or tendered, ſuch Verdict and Adjudication ſhall not be binding on any ſuch Party: But if any ſuch Party ſhall refuſe to accept ſuch Satisfaction, or cannot be found; or if by reaſon of any Suit or Want of Evidence, or by reaſon of any other Thing, it ſhall not appear to the ſaid Commiſſioners what Perſon is intitled; or if any Mortgagee of any ſuch Premiſes ſhall refuſe to take his or her Mortgage Money; in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, may order the Sum ſo found and adjudged as a Satisfaction, or due on any ſuch Mortgage, to be paid into the Bank of *England*, in the Name of their Treaſurer, for the Uſe of the Parties intereſted, there to remain till paid to them, according to their reſpective Intereſts, by Order of the ſaid Commiſſioners, or of any Five or more of them.

The Sum adjudged as a Satisfaction to be paid, or tendered, in a Month after the Verdict, or the Adjudication to be void.

If the Sum adjudged be refuſed, &c. to be paid into the Bank of England, in the Name of the Treaſurer.

Right of challenging the Jury.

Commiſſioners may fine Sheriff for Default in impanelling Jury, and Jurymen or Witneſſes for not attending.

XV. And be it further enacted, That all Parties intereſted in any ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments, as aforeſaid, ſhall have their lawful Challenges againſt any Perſons, when they come to be ſworn as Jurymen; and the ſaid Commiſſioners are hereby authoriſed, at any Time, to impoſe any reaſonable Fine, not exceeding Ten Pounds, for any One Offence, on the Sheriff of either of the aforeſaid Counties, or His Bailiffs or Deputies, for any Default in reſpect of the impanelling, ſummoning, and returning ſuch Jury, as aforeſaid, or any other Part of their Duty under this Act, or upon any Perſon or Perſons, who ſhall be ſummoned and returned on any ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or being ſworn, ſhall not give his or their Verdict, or ſhall, in any other Manner, wilfully neglect his Duty as a Juryman; and alſo upon any Perſon or Perſons who, being ſummoned to come and give Evidence before any ſuch Jury, ſhall wilfully neglect to come, or ſhall refuſe to be examined; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, from Time to Time, levy any ſuch Fine by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under their Hands and Seals, to the Conſtable or other Peace Officer of the Pariſh, Townſhip, or Place, where ſuch Offender ſhall reſide, who is hereby required to execute the ſame; and every ſuch Fine, when levied, ſhall be applied by the ſaid Commiſſioners for the Purpoſes of this Act, in the ſame Manner as is herein-after directed concerning the Tolls to be raiſed under this Act.

Fines to be levied by Diſtreſs, &c.

Richmond Ferry.

XVI. And whereas His Majeſty, in Right of His Crown, is ſeiſed of the Fee-ſimple of the Ferry for Carriages, Horſes, and Foot Paſſengers, over the River *Thames*, between *Richmond* aforeſaid and the oppoſite Shore: And whereas His late Majeſty King *George* the Second, by His Letters Patent, dated the Twentieth Day of *Feburary*, in the Twenty-ninth Year of His Reign, did demiſe the ſaid Ferry, with all its Rights and Privileges, unto *William Windham* Eſquire, for a certain Term of Twenty-one Years, commencing from the Twentieth Day of *December*, One thouſand ſeven hundred and ſixty-five, at the yearly Rent of Three Pounds Thirteen Shillings and Four-pence; and His preſent Majeſty, by His Letters Patent, dated the Firſt Day of *September*, One thouſand ſeven hundred and ſixty-ſeven, did demiſe the ſaid Ferry, with its Rights and Privileges, unto the ſaid *William Windham*, for a certain further Term of Eleven Years and One Half Year, to commence and be computed from the Thirty-firſt Day of *December*, One thouſand ſeven hundred and eighty-ſix, at the like yearly Rent of Three Pounds Thirteen Shillings and Four-pence; and which ſaid Letters Patent, and the Premiſes thereby granted, have been aſſigned unto, and are now veſted in, *Henry Holland*, Gentleman, for all the Remainder of the ſeveral Terms by the ſaid Letters Patent, reſpectively demiſed as aforeſaid: And whereas the Profits of the ſaid Ferry will ceaſe in conſequence of a Bridge being built over the River *Thames* as aforeſaid, be it therefore enacted, That it ſhall not be lawful for the ſaid Commiſſioners to build

build the said Bridge, or execute any of the Powers aforesaid, until after obtaining a Grant of the Inheritance of the said Ferry from His Majesty, His Heirs or Successors, according to the Power hereinafter given for that Purpose; and also unless they do or shall first, and before they shall begin to build the said Bridge, and on or before the First Day of *June*, which will be in the Year of our Lord, One thousand seven hundred and seventy-eight, purchase all the Estate, Right, Interest, and Claim, of the said *Henry Holland*, his Executors, Administrators, or Assigns, of, in, and to the said Ferry, with all its Rights, Privileges, and Appurtenances; and in case the said Commissioners cannot agree with the said *Henry Holland*, his Executors, Administrators, or Assigns, for the Purchase of the said Ferry, with all its Rights and Privileges as aforesaid; then, and in such case, it shall and may be lawful for the said Parties to ascertain and try the Value thereof in a feigned Issue or Issues, in His Majesty's Court of *King's Bench* or *Common Pleas*, to be tried before the Chief Justice, or any other of the Judges of the said Courts, by a Special Jury of the Freeholders of the Counties of *Surrey* and *Middlesex*, to be nominated in the usual Manner of naming Special Juries, by the proper Officer of the Court wherein such Issue shall be tried, out of the Sheriffs Books, of the Freeholders in the respective Counties aforesaid, fit to serve on Special Juries, and to be summoned in the usual Manner of summoning Special Juries, by the Sheriff for the Trial of Causes at *Nisi Prius*, in the said Court of *King's Bench* and *Common Pleas*, One Half of which said Jury shall be summoned and returned by the Sheriff, of and out of the County of *Surrey*, and the other Half of the said Jury, to be named as aforesaid, shall be summoned and returned by the Sheriff of the County of *Middlesex*; (that is to say), Twenty-four Jurymen shall be named out of each County, whereof the Plaintiff shall strike out Six, and the Defendants other Six, of the Jurymen, so to be named out of each County as aforesaid, and the Residue of the said Jury shall be summoned and impanelled, and return to try the Issue to be joined as aforesaid; and if a sufficient Number of Jurymen so to be summoned, (that is to say), Six of the County of *Middlesex*, and Six of the County of *Surrey*, so as to make a full and competent Jury of the Jurymen to be summoned to try the Issues aforesaid, shall not attend to try the same, then such and so many Talesmen shall be taken to make a full and complete Jury, as the Judge who shall try the Issues shall think fit to order in that Behalf: And to the End and Purpose of trying the Matters aforesaid, the said *Henry Holland* shall be Plaintiff, and any Five or more of the said Commissioners, acting under the Authority hereby vested in them, shall be made Defendants, in such Manner as shall be agreed between the said Parties, or as by the said *Henry Holland*, his Executors, Administrators, or Assigns, or his or their Counsel, shall be advised; and such Issue or Issues shall be settled by the Court in which the same shall be tried, if the Parties shall differ in settling thereof; which Issue or Issues, when so tried, if the same shall be to the Satisfaction of the Court, shall be final and conclusive upon all Parties; and such Sum and Sums of Money as the said Jury shall, upon their Oaths, find ought to be paid to the said *Henry Holland*, as a Satisfaction for his Right, Title, Interest, and Claim, in and to the said Ferry, shall be indorsed upon the Postea, and shall be paid to the said *Henry Holland*, with Costs of the Trial to be taxed; and the said *Henry Holland*, and the said Commissioners, shall each of them have their lawful Challenges, and the Court wherein such Action shall be tried shall give Judgement therein according to Law; which Judgement shall be recorded in the said Court, and shall be finally binding and conclusive upon all Parties: And in case the said *Henry Holland*, his Executors, Administrators, or Assigns, shall refuse to commence an Action in His Majesty's Court of *King's Bench* or *Common Pleas*, within Six Months after Notice shall be given to him or them by any Five of the said Commissioners, by Writing under their Hands, signifying that they shall be willing to join in a feigned Issue, to ascertain the Value of the Right and Interest of the said *Henry Holland*, his Executors, Administrators, or Assigns, of and in the said Ferry, under and by virtue of the aforesaid Letters Patent, it shall and may be lawful for the said Commissioners, or any Five or more of them, to summon a common Jury to ascertain the Value thereof, in such and the same Manner as is herein-before provided, for purchasing the Estate and Inheritance of the Proprietors of Houses and Lands.

The Bridge not to be built until the Ferry be purchased by the Commissioners.

In case the Commissioners and Mr. Holland cannot agree, the Value to be tried by a Jury of Surrey and Middlesex.

In case no Action be brought in Six Months after Notice,

the Commissioners may summon a Jury to ascertain the Value.

XVII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs or Successors, at any Time hereafter, by Letters Patent under the Great Seal, to grant the Fee-simple and Inheritance of the said Ferry at *Richmond*, together with the yearly Rent now incident to the Reversion thereof, unto the said Commissioners, and their Successors, at and under such yearly Rent as is now payable to His Majesty, or such other yearly Rent as His Majesty, His Heirs or Successors, shall think fit to reserve, any Statute or Law to the Contrary thereof in any-wise notwithstanding; and the yearly Rent so to be reserved in the said Letters Patent, shall be payable into the Receipt of the Exchequer, and be carried to and made Part of the General or Aggregate Fund, established by an Act of the First Year of the Reign of His late Majesty King *George* the First, and be applied to the same Uses.

His Majesty enabled to grant the Inheritance of the Ferry.

XVIII. And be it further enacted, That after obtaining a Grant of the Inheritance from His Majesty, His Heirs or Successors, of the said Ferry, and purchasing the Estate and Term of Years of the said *Henry Holland*, in Manner aforesaid, the said Ferry shall be carried on under the Direction of the said Commissioners, or any Five or more of them, until the Building of the said Bridge shall be completed, and there shall be a Passage over the same, and afterwards the said Ferry shall be discontinued, and the Profits made thereof in the mean Time shall be applied in the same Manner as the Tolls herein-after mentioned are directed to be applied.

After obtaining a Grant from His Majesty, &c. the Ferry to be under the Direction of the Commissioners.

XIX. And, for defraying the Expence of Building the said Bridge, and of executing the other Trusts of this Act, be it further enacted, That the said Commissioners, or any Five or more of them, shall cause to be erected a Toll-house and Toll-gate, at the *Surrey* End of the said Bridge, and a Toll-gate at the *Middlesex* End thereof; and there shall be paid to the Collector or Collectors, who

Commissioners may erect a Toll-house, &c.

ſhall be ſtationed at ſuch Toll-houſe and Toll-gates by Appointment of the ſaid Commiſſioners, in Manner herein-after mentioned, for a Paſſage over the ſaid Bridge, ſuch Tolls or Sums of Money as ſaid Commiſſioners, or any Nine or more of them, ſhall order and direct, not exceeding the Sums or Tolls following; (that is to ſay),

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Calaſh, or other Vehicle, drawn by Six Horſes, or other Cattle, the Sum of Two Shillings and Sixpence.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Calaſh, or other Vehicle, drawn by Four Horſes, or other Cattle, the Sum of One Shilling and Sixpence, and on *Sundays*, the Sum of Two Shillings.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Chair, Calaſh, or other Vehicle, drawn by leſs than Four Horſes, or other Cattle, and more than One Horſe or other Beaſt, the Sum of One Shilling, and on *Sundays*, the Sum of One Shilling and Sixpence.

For every Chaiſe, Chair, or other Vehicle, drawn by One Horſe or other Beaſt, the Sum of Eight-pence, and on *Sundays*, the Sum of One Shilling.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by more than Six Horſes or other Cattle, the Sum of Two Shillings.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by Four and not more than Six Horſes or other Cattle, the Sum of One Shilling and Sixpence; and by Two or Three Horſes, or other Cattle, the Sum of One Shilling; and by One Horſe or other Beaſt, the Sum of Eight-pence, (except Higlers and Bakers Carts drawn by One Horſe or Beaſt only.)

For every Higler's or Baker's Cart drawn by One Horſe or Beaſt only, the Sum of Sixpence.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Twopence.

For every Foot-Paſſenger whatſoever, One Halfpenny, and if with a Wheel-barrow, or ſuch like Carriage, One-penny.

For every Drove of Oxen or Neat Cattle, the Sum of Three Shillings and Four-pence *per* Score, and after that Rate for any greater or leſs Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Sixpence *per* Score, and after that Rate for any greater or leſs Number.

Tolls veſted in Commiſſioners.

Which ſaid reſpective Tolls are hereby veſted in the ſaid Commiſſioners, in the firſt Place, for defraying the Expence of obtaining and paſſing this Act, and afterwards for paying the Rent which ſhall be reſerved on the Grant of the Inheritance of the aforeſaid Ferry, and for defraying the Expence of building the ſaid Bridge, and executing the other Purpoſes herein expreſſed, and ſhall be accordingly, from Time to Time, applied as the ſaid Commiſſioners, or any Five or more of them, (ſubject to the ſpecial Proviſions herein-after made) ſhall direct; and it ſhall not be lawful for any Perſon to paſs over the ſaid Bridge, or through the Toll Gate or Gates thereon, till Payment of the Toll hereby made payable: And if any Perſon or Perſons ſhall paſs the Toll Gate or Gates, or over the ſaid Bridge, without paying the Toll hereby made payable, the Collector or Collectors of the ſaid Commiſſioners ſhall and are hereby authoriſed to levy the Toll hereby made payable, and alſo Double the Value of the Toll, as a Penalty upon ſuch Perſon or Perſons, by Diſtreſs of any Horſe or Horſes, or other Cattle, or Goods, upon which ſuch Toll is hereby impoſed, or of any other Goods and Chattels of the Perſon or Perſons who ought to pay ſuch Toll; and if ſuch Toll and Penalty, with the Charges of the Diſtreſs, ſhall not be paid within Fourteen Days after the Diſtreſs, then to ſell the Cattle or other Goods diſtrained, and after deducting ſuch Toll and Penalty, and the Expence of diſtraining and of keeping the Cattle or Goods diſtrained, and of ſelling the ſame, ſuch Collector or Collectors ſhall return the Overplus of the Money ariſing by the Sale to the Perſon or Perſons on whom ſuch Diſtreſs ſhall be made; and every ſuch ſuch Penalty, when levied, ſhall be applicable in the ſame Manner as the Tolls hereby made payable.

The Manner of enforcing the Payment of Tolls.

If the Bridge ſhall receive Damage, an occaſional Ferry may be ſet up.

XX. And whereas the ſaid Bridge may receive ſuch Damage by Tempeſts, or otherwiſe, that the Paſſage may at Times become dangerous or impracticable; be it therefore further enacted, That in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, may and ſhall, at their Diſcretion, ſet up a Ferry acroſs the ſaid River *Thames*, at any Place or Places, being as near to the ſaid Bridge as the repairing thereof will permit, and ſuch Ferry ſhall continue till the Paſſage over the ſaid Bridge ſhall be rendered ſafe, and the ſame Sums of Money ſhall be payable for a Paſſage by the ſaid Ferry, as are herein-before directed to be paid as Tolls for Paſſage over the ſaid Bridge, and ſhall be levied and applied in the ſame Manner.

Proviſo.

XXI. Provided always nevertheleſs, That no Landing Place, Road, or Paſſage, from the ſaid Ferry, ſhall at any Time be made through, in, or upon, the ſaid Meadow called *Twickenham Park*, or any Part thereof, without the Conſent of the Proprietor or Proprietors of the ſame.

Power to borrow Money upon the Tolls.

XXII. And, in order that ſufficient Sums of Money may be raiſed for building the aforeſaid Bridge, and effecting the other Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Eleven or more of them, from Time to Time, to borrow any Sum or Sums of Money, not exceeding together the Sum of Twenty-five thouſand Pounds, and by any Writing under their Hands and Seals, to aſſign the Tolls hereby granted, or any Part thereof, to any Perſon or Perſons, as a Security for Repayment of the Sums of Money they ſhall advance to the ſaid Commiſſioners, with ſuch Intereſt for the ſame, not exceeding Five Pounds for each One Hundred Pounds by the Year, as ſhall be

agreed

agreed upon between the said Commissioners and the Person or Persons advancing such Money; and all Securities and all Assignments shall be entered by the Clerk to the said Commissioners without Fee or Reward in a Book, to be kept for that Purpose, and shall be deemed personal Estate, and shall be assignable by any Writing or Writings; and such Assignments shall also be entered in the same Manner as the original Securities, and after such Entry, shall intitle the Assignee or Assignees, and his or their respective Executors and Administrators to the Benefit thereof; and all Persons who shall be possessed of such Securities shall be Creditors on the aforesaid Tolls in equal Degree, without Regard to the Priority of their Securities, and the Principal and Interest which shall become due on such Securities, shall, from Time to Time, be paid by Order of the said Commissioners, or any Five or more of them, out of the Monies arising from the Tolls hereby made payable, according to the Terms of the Agreements to be contained in such Securities respectively.

Securities, &c. to be entered in a Book.

All Creditors to be deemed equal in Degree.

XXIII. Provided always, and be it enacted, That when all the Sums of Money which the said Commissioners are herein before enabled to borrow upon the Credit of the aforesaid Tolls, together with all Interest for the same, shall be paid, the said Commissioners, or any Nine or more of them, shall, from Time to Time, as they shall think convenient, invest so much of the Monies arising from the said Tolls as the Expence of supporting the said Bridge, and the other incidental Expences of executing this Act, will, from Time to Time, permit, in the Purchase of Parliamentary Securities or Governments Funds, in the Names of them the said Commissioners, and in like Manner shall apply the Interest arising from such Securities or Funds; and such Sums to be invested, shall be, from Time to Time, subject to the same Application as the Tolls hereby made payable, whenever the Execution of the Trusts hereby reposed in the said Commissioners shall so require; and if such Sums of Money so to be invested shall at any One Time amount to the Sum of Five thousand Pounds, then the Tolls hereby made payable shall cease, and the said Bridge shall become a free Bridge, and the said Sum of Five thousand Pounds, and the Interest thereof, shall, from thenceforth be a Fund, in the first Place, for paying the yearly Rent which shall be reserved on the Grant of the Inheritance of the aforesaid Ferry at *Richmond*, and subject thereto for the future Support of the said Bridge, and the Approaches thereto, and defraying the other Expences of executing this Act, and shall be liable to Sale and Application by the said Commissioners, in the same Manner as the said Tolls: And if at any Time the said Sum of Five thousand Pounds, to be invested in Manner aforesaid, shall, by Repairs of the said Bridge, or Execution of the other Trusts of this Act, be reduced to the Sum of One thousand Pounds; then, and in every such Case, the said Commissioners, or any Five or more of them, are hereby authorised to revive the aforesaid Tolls, till such Time as the same shall enable the said Commissioners to have a Sum of Five thousand Pounds placed out at Interest, and invested in Manner aforesaid, for the future Purposes of this Act.

When Money borrowed and Interest shall be repaid, and 5000*l.* vested in the Funds for the Support of the Bridge, the Tolls to cease.

If the Fund be reduced to 1000*l.* the Tolls to be revived.

XXIV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may appoint a Clerk and Treasurer, and One or more Collectors of Tolls, and such other Officers, and take such Security from them, and also employ such Artificers, Labourers, and other Persons, in the Execution of this Act, as they the said Commissioners shall think necessary; and shall at their Pleasure remove any Officer, and appoint others in the Room of such as shall die, or be removed; and shall, out of the Monies arising by this Act, pay such Salaries and Allowances as they shall think proper to their Officers and all others employed in the Execution thereof.

Commissioners may appoint a Clerk, &c.

XXV. And be it further enacted, That the Person or Persons who shall for the Time being be Collector or Collectors of the Tolls to the said Commissioners, shall, monthly or oftner, according to the Direction of the said Commissioners, or any Five or more of them, pay the Monies received for Tolls unto the Treasurer of the said Commissioners, or to such other Person or Persons, as they the said Commissioners, or any Five or more of them, shall appoint; and the Treasurer to the said Commissioners shall pay and apply the Monies received from the said Collector or Collectors, or any other Persons, for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall, from Time to Time, appoint; and also shall enter in a Book or Books, to be provided for that Purpose, an Account of all Monies received by him under this Act, and of all Payments and Disbursements out of the same, expressing the Times of receiving and paying such Monies, the Names of the Persons from whom the same were received, or to whom the same were disbursed, and for what Purposes; and Four Times at least in every Year, namely, at *Michaelmas*, *Christmas*, *Lady-day*, and *Midsummer*, or oftner, if the said Commissioners, or any Five or more of them, shall require, the Accounts of the said Collector or Collectors and Treasurers shall be fairly drawn out, stated and signed by them respectively, and be delivered to the Clerk of the said Commissioners, or such other Person or Persons as they, or any Five or more of them, shall appoint; and such Accounts shall be delivered by the said Commissioners into each House of Parliament Once in every Year, within One Month after the Opening of each Session.

Collectors to account.

Accounts to be delivered yearly to Parliament.

XXVI. And be it further enacted, That if the said Collector or Collectors, or Treasurer, or any other Officer of the said Commissioners, shall refuse or neglect to render an Account, in Writing, of the Monies received and paid by them, and of the other Things committed to their Charge, when the said Commissioners, or any Five or more of them, shall appoint, or shall refuse to verify such Account on Oath, in case the said Commissioners, or any Five or more of them, shall so require, (which Oath any One Commissioner is hereby authorised to administer), or shall refuse or neglect to pay the Monies in his or their Hands, or to deliver up all the Vouchers relative to such Account, or any Books or other Things in his or their Custody, as an Officer or Officers to the said Commissioners, according to

Collectors refusing to account, &c. for the Money in their Hands, the same may be levied by Distress and Sale of their Goods.

to the Direction and Appointment of the said Commissioners, or any Five or more of them; in every such Case, any Two or more more Justices of the Peace for the Counties of *Middlesex* and *Surrey*, or either of them, on Complaint made to them, by Order of the said Commissioners, or any Five or more of them, shall issue a Summons, under their Hands and Seals, requiring every such Officer to appear before them, at such Time and Place as shall be appointed in such Summons, and such Summons shall be given to such Officer, or left at his usual Place of Abode; and upon such Officer's appearing, or making Default, or if he cannot be found, then such Justices shall hear and determine the Complaint in a summary Way, on the Oath of One or more Witness or Witnesses; and if it shall appear to them that any Monies received under this Act shall be in the Hands of such Officer, such Justices shall, upon Nonpayment thereof, grant a Warrant under their Hands and Seals for levying such Monies by Distress and Sale of such Officer's Goods and Chattels; and if his Goods and Chattels shall not be sufficient to answer the same, and the Charges of the Distress and Sale, or if such Officer shall persist in refusing to give his Account, in Writing, or to deliver up any such Vouchers, Books, or other Things in his Custody, as an Officer to the said Commissioners, then the said Justices shall commit such Officer to the common Gaol of the County of *Middlesex* or *Surrey*, there to remain without Bail or Mainprize, until he shall make such Account and Payment as aforesaid, and deliver up the Vouchers, Books, and other Things in his Custody.

For want of sufficient Distress, the Offender to be committed.

Bridge to be begun before June 1, 1778, and finished before June 1, 1783.

XXVII. And be it further enacted and declared by the Authority aforesaid, That unless the said Commissioners shall begin to build the said intended Bridge on or before the First Day of *June*, One thousand seven hundred and seventy-eight, and shall proceed in the building thereof, so as to finish and compleat the same, according to the true Intent and Meaning of this Act, on or before the First Day of *June*, One thousand seven hundred and eighty-three; then, and in either of the Cases aforesaid, the several Powers and Authorities granted by this Act for building the said intended Bridge shall cease, determine, and be absolutely void.

This Act not to prejudice the Right of the Mayor, &c. of the City of London.

XXVIII. Provided always, and it is hereby further declared and enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prejudice or take away any Right of Property or Jurisdiction of the Mayor, or of the Mayor, Commonalty, and Citizens, of the City of *London*, to, in, and upon the said River of *Thames* aforesaid, other than and except to remove any Shelves, Gravel, Sand, Mud, Aytes, or other Obstructions, or to embank, deepen, or widen, the said River, as aforesaid, for making Roads or Landing Places, and for facilitating the Access to the said Bridge, and to do every other Matter or Thing which shall or may be necessary to be done and effected, for the erecting, maintaining, and supporting the said Bridge.

Limitation of Actions.

XXIX. And be it further enacted, That if any Action or Suit shall be commenced against any Person for any Thing done in pursuance of this Act, without giving a previous Notice, in Writing, of Twenty-one Days to the Clerk or Treasurer of the said Commissioners, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; or if any such Action shall be laid in any other Place than the County of *Middlesex*, or the County of *Surrey*, in every of the said Cases a Verdict shall be given for the Defendant; and to every Action brought for any Thing done in pursuance of this Act, the Defendant therein may plead the General Issue, and give the Special Matter, in Evidence, at the Trial, and if on such Trial it shall appear that the Thing done was authorised by this Act, a Verdict shall be given for the Defendant; or if the Plaintiff shall be nonsuited, to suffer a Discontinuance, or on Demurrer, Judgment shall be given for the Defendant, every such Defendant shall have Treble Costs.

General Issue.

Treble Costs.

Commissioners Writings to be free from Stamp-duty.

Publick Act.

XXX. And be it further enacted, That no Writing whatsoever under the Hands and Seals of the Commissioners of his Act, or signed by them, or under the Hand and Seal of, or signed by any other Person or Persons, relative to the Execution of this Act, shall be chargeable with any Stamp-duty: And this Act shall be a Publick Act, and taken Notice of as such in all Courts, and by all Persons whatsoever.

CAP. LXXXIV.

An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of *Great Britain* called *England*; and for other Purposes.

Preamble.

'WHEREAS the Laws for the general Regulation of the Turnpike Roads within that Part of *Great Britain* called *England* are in some Respects ineffectual, and require Amendment:' Wherefore, for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for all Trustees appointed by any Act or Acts of Parliament, for the Repair of any Turnpike Road within that Part of *Great Britain* called *England*, or any Five or more of them, at some publick Meeting, if they shall think proper, at any or as many Gate or Gates, Bar or Bars, as they have erected, or shall erect,

Five or more Trustees, at a General Meeting, may order Weighing Engines to be erected;

erect, for the receiving of any Toll or Tolls, or upon any Part of the Road within their respective Jurisdictions, and at such a Distance from any Turnpike-bar or Toll-gate as they respectively shall think requisite and expedient, to order or cause to be built or erected, a Crane, Machine, or Engine, proper for the weighing of Carts, Waggons, or Carriages, conveying of any Goods or Merchandise whatever; and, by Writing, signed by them, or any Five or more of them, to order all and every or any such Carriage or Carriages, which shall pass loaded through any such Gate or Bar, to be weighed, together with the Loading thereof; and for them, or any Five or more of them, or for any Person or Persons impowered by any Five or more of them, to receive and take, over and above the Tolls already granted, or hereafter to be granted, the Sum of Twenty Shillings for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which every Waggon or Cart hereafter described, together with the Loading thereof, shall weigh, over and above the Weights hereafter allowed to each of them respectively; (that is to say) To every Waggon or Four-wheel Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven in Winter; to every Waggon or Wain, having the Axletrees thereof of such different Lengths that the Distance from Wheel to Wheel of the nearer Pair of the said Wheels be not more than Four Feet Two Inches, to be measured at the Ground, and that the Distance from Wheel to Wheel of the other Pair thereof be such, that the Fore and Hind Wheels of such Waggons and Wains shall roll only One single Surface or Path of Sixteen Inches wide at the least, on each Side of the said Waggons or Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons Ten Hundred in Summer, and Six Tons in Winter; to every Waggon or Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons Ten Hundred in Winter; to every Cart, having the Fellies of the same Dimensions, Three Tons in Summer, and Two Tons Fifteen Hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons Five Hundred in Summer, and Three Tons Fifteen Hundred in Winter; and to every such Waggon so constructed as to roll and actually rolling a Surface of Eleven Inches, by the Wheels thereof, Five Tons Ten Hundred in Summer, and Five Tons in Winter; to every Cart having Fellies of the Wheels of the same Dimensions, Two Tons Twelve Hundred in Summer, and Two Tons Seven hundred in Winter; to every Waggon, having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches, Three Tons Ten Hundred in Summer, and Three Tons in Winter; and to every Cart, having the Fellies of the Wheels of the same Dimensions, One Ton Ten Hundred in Summer, and One Ton Seven Hundred in Winter; and that for the several Purposes aforesaid, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive: Which said additional Toll or Duty, hereby granted and made payable, shall and may be levied and recovered upon any Person liable thereto, in any of the Cases aforesaid, or his or her Goods or Chattels, who shall, after Demand made thereof, refuse or neglect to pay the same, in such Manner as any other Toll or Duty, payable at the same Turnpike-gate or Bar, is or shall be by Law to be levied and recovered; and the Money arising from such additional Duty shall be applied to the Repair of the Turnpike Road where the same shall be collected.

and cause loaded Carriages to be weighed at Turnpikes or Toll-gates; taking 20s. additional Toll for every 100 wt. over the Weights allowed.

Additional Toll to be recovered as other Tolls; and applied in Repair of the Road.

II. And be it further enacted, That the Keeper of every such Toll-gate or Bar, where any such Weighing Engine shall be erected, or any other Person appointed, or to be appointed by the said Trustees, or any Five or more of them, to the Care of such Weighing Engine, shall, and is hereby required to weigh all such Waggons and Carts liable to be weighed by virtue of this Act, which shall pass loaded through such Gates or Bars respectively, and which he shall have reason to believe carry greater Weights than are allowed to pass without paying the said additional Toll: And if any Gate-keeper, or Person so appointed, shall permit any such Waggon or Cart to pass through any such Toll-gate with greater Weights than are hereby allowed, without weighing the same, and receiving such additional Tolls, as aforesaid, he shall for every such Offence, forfeit the Sum of Five Pounds.

Duty of Toll-gate Keepers.

Forfeitures for every Offence 5*l*.

III. And, in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall and may be lawful for any Trustee, Creditor, Clerk, Treasurer, or Surveyor, of such Turnpike Road, if he shall suspect any such Connivance or Neglect, as aforesaid, to cause any Carriage, liable to be weighed by virtue of this Act, which shall have passed through any Toll-gate where such Weighing Engine shall be erected, and shall not have passed above Three hundred Yards beyond such Toll-gate, to return to such Weighing Engine, and be there weighed with the Loading which passed through such Gate, in the Presence of such Trustee, Creditor, Clerk, Treasurer, or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing; which Sum of One Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and Loading, the same shall be found above the Weight hereby allowed.

Trustees, &c. may cause Carriages to be weighed, in order to detect Connivance of Collectors.

IV. And, for the better enforcing the Authority of this Act, the Surveyors shall, and are hereby authorised and required to make convenient Places for turning such Carriages upon every such Turnpike Road, where such Weighing Engine shall be erected, within Three hundred Yards of such Toll-gate, on each Side thereof, if the Ground will admit of the same; and there shall be a List of the Names of all the Trustees and Creditors, and also of the Clerk, Treasurer, and Surveyor, of such Turn-

Surveyors to make convenient Places for turning Carriages, where Weighing Engines may be erected.

Drivers refuſing to turn, ſhall forfeit 40 s.

Turnpike Road, put up in the Houſe or Building where ſuch Weighing Engine ſhall be placed, to be inſpected by the Owner or Driver of every ſuch Carriage; and if the Driver of any ſuch Carriage, being ſo requeſted to return with his Carriage to ſuch Weighing Engine, ſhall neglect or refuſe ſo to do, he ſhall forfeit the Sum of Forty Shillings; and it ſhall and may be lawful for any Peace Officer, or other Perſon or Perſons, being then preſent, upon ſuch Neglect or Refuſal, to drive and take ſuch Carriage back to ſuch Weighing Engine, in order to be weighed as aforeſaid.

Former Acts for repairing Turnpike Roads, further continued, if Engines are erected in purſuance of this Act.

V. And, in order to compenſate for the Expences of erecting ſuch Weighing Engine, and to prevent any Prejudice to the Creditors who have lent, or ſhall lend their Money upon the Security of the Tolls, be it further enacted, That all and every Act and Acts of Parliament, made for repairing and amending Turnpike Roads, the Truſtees whereof ſhall within Twelve Calendar Months after the Commencement of this Act have cauſed to be erected and uſed thereupon ſuch Weighing Engine, purſuant to the Direction and true Intent and Meaning of this Act, ſhall be continued, and be in full Force, for Five Years, to be computed from the ſeveral Ends and Expirations of all and every ſuch Act and Acts reſpectively, and ſubject to all the Tolls and Duties, Penalties, Forfeitures, Remedies, Powers, Authorities, Clauſes, Rules, Directions, Payments, and Proviſions, reſpectively made, and enacted by any of the ſaid Act or Acts of Parliament, now or heretofore made, for repairing and amending Turnpike Roads.

Not to extend to Waggons, Carts, &c. employed in Huſbandry.

VI. Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned ſhall not extend, or be deemed or conſtrued to extend, to any Waggons, Carts, or other Carriages, employed only in Huſbandry, or carrying only Manure for Land, Hay, Straw, Fodder or Corn unthreſhed; and that where Lime or other Manure is or ſhall, by any particular Turnpike Act, be permitted to paſs through any Turnpike-gate Toll-free, or upon paying leſs Toll than is required to be paid for other Goods, it ſhall be liable to be weighed at all Weighing Engines upon ſuch Turnpike Road, together with the Carriages in which ſuch Lime or Manure ſhall be conveyed, and ſhall pay ſuch additional Toll for Overweight as herein-before directed.

Juſtices upon Complaint made, may order Weighing Engines to be erected when they think proper.

VII. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace, within the Limits of every County, Riding, Diviſion, Hundred, or Precinct, at any General Quarter Seſſions of the Peace, upon Complaint made to them by any Juſtice of the Peace, or by any Two Creditors, or any Two Truſtees of any Turnpike Road, within the ſaid Limits of which they are Creditors, or Truſtees, that ſuch Turnpike Road is much damaged by exceſſive Weights being carried thereupon, and that no Weighing Engine hath been erected, or ordered by the Truſtees of ſuch Turnpike Road to be erected, upon the ſame, to ſummon the Clerk, Surveyor, and Treaſurer, of ſuch Turnpike Road to appear before the ſaid Juſtices, at their then next General Quarter Seſſions of the Peace, to ſhew Cauſe why a Weighing Engine or Engines ſhould not be erected at or near ſuch Gate or Gates, upon ſuch Turnpike Roads as ſhall be deſcribed in ſuch Summons; and if at ſuch ſubſequent Seſſions the ſaid Clerk, Surveyor, and Treaſurer, ſome or One of them, ſhall not appear before the Juſtices at ſuch Seſſions, or appearing, ſhall not ſhew ſufficient Cauſe to the ſaid Juſtices againſt the erecting of ſuch Weighing Engine or Engines, it ſhall and may be lawful for the ſaid Juſtices, if they think fit, at ſuch Quarter Seſſions, to order One or more Weighing Engine or Engines to be erected upon ſuch Turnpike Road, at ſuch Place or Places as they ſhall think proper; a Copy of which Order ſhall be forthwith delivered to the Clerk of ſuch Turnpike Road; and the Truſtees thereof are hereby directed and required, at their next Meeting, to be held after their Clerk ſhall have been ſerved with ſuch Copy of the Order as aforeſaid, to contract, or cauſe a Contract to be made with ſome proper Perſon or Perſons, for the making and erecting ſuch Weighing Engine or Engines with all convenient Speed; and the Treaſurer of ſuch Turnpike Road is hereby authoriſed and required to pay the Expences attending the making and erecting of ſuch Weighing Engine or or Engines out of the Money which ſhall then be or next come into his Hands from the Tolls ariſing upon ſuch Turnpike Road.

Where Two or more Roads meet, Truſtees may erect One Weighing Engine to accommodate them.

VIII. Provided alſo, and be it further enacted, That when Two or more Turnpike Roads meet at or near the ſame Place, it ſhall and may be lawful for the Truſtees of ſuch Turnpike Roads reſpectively, at a Meeting to be held for that Purpoſe, to fix upon ſome convenient Place to erect a Weighing Engine upon, which will accommodate all ſuch Turnpike Roads; and, by Agreement amongſt themſelves at ſuch Meeting, to proportion the Expences which may attend the making, erecting, maintaining, and keeping ſuch Weighing Engine, and likewiſe the Money ariſing from Forfeitures to be incurred for Overweight at ſuch Weighing Engine, amongſt all ſuch Turnpike Roads, in ſuch Manner as to them ſhall appear juſt and reaſonable.

Truſtees not to make Compoſition for Tolls, unleſs Waggons, &c. have the Fellies of Wheels of Six Inches broad.

IX. And be it enacted, That it ſhall not be lawful for the Truſtees of any Turnpike Road, their Leſſee or Leſſees, to make Compoſition for Tolls, for or in reſpect of any Waggon, Wain, Cart, or Carriage, or Horſes, or Beaſts of Draught, drawing the ſame, unleſs ſuch Waggons, Wains, Carts, and Carriages, have the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or more, any Law to the Contrary thereof notwithſtanding.

5 l. Penalty on unloading Goods before coming to any Gate or Weighing Engine.

X. And be it further enacted, That if any Perſon or Perſons ſhall unload, or cauſe to be unloaden, any Goods, Wares, or Merchandiſes, from any Cart, Waggon, or other Carriage, (except ſuch Carriages as are herein-before excepted), at, or before the ſame ſhall come to any Turnpike-gate or Weighing Engine, erected by virtue or in purſuance of this or any other Act, made for the Repair or Preſervation of any Turnpike Road; or ſhall load or lay upon ſuch Carriage, (except as aforeſaid), after the ſame ſhall have paſſed any ſuch Turnpike or Weighing Engine, any Goods, Wares, or

Merchandiſes, taken or unloaden from any Horſe, Cart, or other Carriages, belonging to, or hired, or borrowed by the ſame Waggoner or Carrier, in order to avoid the Payment of the ſaid reſpective Duties of Twenty Shillings *per* Hundred; or if any Perſon ſhall ſo unload, in order to carry conſiderable Quantities of Goods through any Turnpike-gate, in One and the ſame Day, and thereby pay leſs Toll at ſuch Turnpike-gate than would have been paid if ſuch Goods, Wares, or Merchandiſes, had not been ſo unloaden; each and every Perſon ſo offending in any of the Caſes aforeſaid, and being thereof lawfully convicted before One or more Juſtice or Juſtices of the Peace for the Limit where the Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay the Sum of Five Pounds; to be levied upon the Goods and Chattels of the Owner of ſuch Cart, Waggon, or other Carriage; and each and every Driver, not being the Owner of ſuch Waggon or Carriage, ſo offending, and being thereof convicted, as aforeſaid, ſhall be committed to the Houſe of Correction for the Space of One Month.

Owners or Drivers of Waggons, &c. turning out of the Road, to avoid being weighed, ſhall forfeit not exceeding 5l. nor leſs than 40s.

XI. And be it further enacted, That if the Owner of any Waggon, Cart, or Carriage, or other Perſon, being the Driver thereof, travelling on any Turnpike Road where any Toll-gate or Weighing Engine is or ſhall be erected, ſhall drive or turn out of the ſame into any other Road, in order to avoid being weighed, or to avoid the paying of Toll, and ſhall afterwards proceed with ſuch Carriage into and on the ſame Turnpike Road, every ſuch Owner, or other Perſon, convicted of ſuch Offence before One or more Juſtice or Juſtices of the Peace for the Limit where ſuch Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit, if he be the Owner, any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; and if he be the Driver and not the Owner, any Sum not exceeding Fifty Shillings, nor leſs than Ten Shillings, upon Conviction, for every ſuch Offence.

Regulations in the Conſtruction of the Wheels of Carriages travelling on Roads above 20 Miles from London.

XII. And be it further enacted, That no Carriage, liable to be weighed by virtue of this Act, ſhall paſs along any Turnpike Road, being above Twenty Miles from the Cities of *London* or *Weſtminſter*, unleſs the ſame ſhall be made and conſtructed in ſuch Manner, that no Pair of ſuch Wheels ſhall be wider than Four Feet Six Inches from Inſide to Inſide, to be meaſured on the Ground, (except Wheels having the Soles of the Fellies thereof of the Breadth of Nine Inches, which ſhall be ſo conſtructed as to roll a Surface of Sixteen Inches; and that the wider Pair of ſuch Wheels ſhall not be more than Five Feet Eight Inches from Inſide to Inſide, to be meaſured on the Ground), and that the Diſtance from the Centre of the Fore Wheel to the Centre of the Hind Wheel of any Waggon or Four-wheeled Carriage, not being uſed for the Carriage of Timber only, be not above Nine Feet, to be meaſured from the Centre of the Axletrees at the Ends thereof, on Pain of the Owner or Owners of every ſuch Waggon, Wain, or Cart, forfeiting the Sum of Five Pounds for every ſuch Offence: And the Surveyor or Surveyors, Gate-keeper or Gate-keepers, of any Turnpike Road, is and are hereby authoriſed and required, at any Turnpike or Toll-gate, or at any other Place upon the Turnpike Road, to meaſure every ſuch Waggon, Wain, or Cart; and if any Maſter or Driver of any Waggon, Wain, or Cart, ſhall hinder, or refuſe to permit ſuch Surveyor or Surveyors, Gate-keeper or Gate-keepers, to meaſure ſuch Waggon, Wain, or Cart, as aforeſaid, he or ſhe ſhall forfeit the Sum of Five Pounds; and it ſhall not be lawful for any ſuch Waggon, Wain, or Cart, not permitted to be meaſured as aforeſaid, to paſs along any Turnpike Road.

Surveyors, &c. to meaſure Carriages; or they ſhall not be permitted to paſs.

No nine-inch four-wheeled Waggon to be drawn with more than Eight Horſes; nor Two-wheeled Carriages, ſame Breadth, with more than Five; and in Pairs. Six-inch four-wheeled Carriages not to be drawn with more than Six Horſes; nor Two-wheeled Carriages with more than Four Horſes, &c. Owners of Waggons, &c. for every Horſe above that Number, forfeits 5l. and the Driver 20s.

XIII. And be it further enacted, That no Waggon, Wain, or other Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Nine Inches, ſhall paſs or be drawn on any Turnpike Road with more than Eight Horſes; nor any Cart, or other Two-wheeled Carriage, having Wheels of the Breadth aforeſaid, ſhall paſs or be drawn upon any Turnpike Road with more than Five Horſes; and that the Horſes in ſuch reſpective Carriages ſhall draw in Pairs; (except an odd Horſe in any Team, and except where the Number of Horſes ſhall not exceed Four); and alſo that no Waggon, Wain, or other Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall paſs or be drawn on any Turnpike Road with more than Six Horſes; and that no Cart, or other Two-wheeled Carriage, having Wheels of the Breadth laſt mentioned, ſhall be drawn on any Turnpike Road with more than Four Horſes; and alſo, that no Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall paſs or be drawn on any Turnpike Road with more than Four Horſes; and that no Cart, or other Two-wheeled Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, ſhall paſs or be drawn on any Turnpike Road with more than Three Horſes; and the Owner of every ſuch Waggon, Wain, Cart, or Carriage, ſhall forfeit the Sum of Five Pounds; and the Driver thereof, not being the Owner, the Sum of Twenty Shillings, for every Offence againſt the Proviſions aforeſaid, to any Perſon or Perſons who ſhall ſue for the ſame.

Carriages upon Rollers with flat Surfaces may be drawn with any Number of Horſes.

XIV. Provided always, That all Carriages moving upon Rollers of the Breadth of Sixteen Inches on each Side thereof with flat Surfaces, are hereby allowed to be drawn with any Number of Horſes, or other Cattle.

Proſecutions not to be commenced, unleſs Information be laid within Three

XV. Provided always, and be it enacted, That no Proſecution ſhall be commenced before a Juſtice of Peace, by way of Information, for any Forfeiture incurred by the Owner or Driver of any Carriage having a greater Number of Horſes therein than allowed by this Act, unleſs ſuch Information be laid within Three Days after the Offence committed; and that no Action ſhall be commenced for any

Days after the Offence is committed.

such Offence, unless the same be commenced within One Calendar Month after the Offence committed; and that neither such Information or Action shall be laid or commenced, unless Notice shall be given by the Informer to the Driver of every such Carriage, on the Day upon which the Offence shall be committed, of an Intention to complain of such Offence; and if it shall appear to the Justice before whom such Complaint shall be made, that the Offender lives so remote as to make it inconvenient to summon him to appear before such Justice, the Justice may dismiss the Complaint, and leave the Informer to his Remedy by Action at Law.

Waggons, &c. may be drawn by any Number of Horses, when an Engine is erected, and the Carriage weighed.

XVI. Provided always, and be it enacted, That it shall and may be lawful for any Waggon, Wain, Cart, or Carriage, to be drawn with any Number of Horses upon any Turnpike Road where a Weighing Engine shall be erected, provided such Carriage shall be weighed at such Engine: And in order that the Owner or Driver of every such Carriage may be furnished with proper Evidence of the Facts above mentioned, if any Prosecution should be commenced against him or them for using a greater Number of Horses than are allowed by this Act, the Person who shall have the Care of such Weighing Engine shall, and is hereby required, on Demand made by the Driver of any such Carriage, to give to such Driver a Ticket, certifying that such Carriage was weighed, and the Weight thereof, with the Loading.

Penalty on taking off Horses, or altering the Distance of the Wheels before coming to a Gate.

XVII. And be it further enacted, That if any Person or Persons shall take off, or cause to be taken off, any Horse or Horses, or other Beast of Draught, from any Waggon, or other Carriage, or shall alter, or cause the the Distance of the Wheels thereof to be altered, at or before the same shall come to any of the said Gates or Turnpikes, with Intent to avoid any Toll, Forfeiture, or Penalty, for drawing with a greater Number of Horses or Beasts of Draught, or in any other Manner than hereby allowed, each and every Person so offending, and being convicted thereof before One or more Justice or Justices of the Peace for the Limit where the Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit and pay the Sum of Five Pounds.

Trustees may allow Waggons with Broad Wheels to be drawn up Hills with 10 Horses; and Carts by Six, &c.

XVIII. Provided always, and be it enacted, That if it shall appear to the Trustees of any Turnpike Road, or any Seven of them, at any of their publick Meetings, by the Oath of One or more Witness or Witnesses experienced in Levelling, that any Part of the Rise of any Hill upon such Turnpike Road shall be more than Four Inches in a Yard; in such Case it shall and may be lawful to and for the said Trustees, or any Seven of them, to allow such Number of Horses as they shall judge necessary, not exceeding Ten for Waggons with Nine Inch Wheels, nor Six for Carts with Nine Inch Wheels; and not exceeding Seven for Waggons with Six Inch Wheels, nor Five for Carts with Six Inch Wheels; and not exceeding Five for Waggons with Wheels of less Breadth than Six Inches, nor Four for Carts with Wheels of less Breadth than Six Inches: And in case it shall appear to the said Trustees, in Manner aforesaid, that the whole Rise of any Hill taken together shall be more than Four Inches in a Yard upon an Averge, it shall and may be lawful for the said Trustees, or any Seven of them, to allow such Number of Horses as they shall think fit to be used in such Waggons and Carts respectively, for the Purpose only of drawing the same up such Hill or Hills, as aforesaid, the Length and Extent of such Hill or Hills to be specified in such Order or Allowance, and the Termination at each End thereof to be marked by a Post or Stone, to be erected at such respective Boundaries; and the said Order of Allowance shall be certified by the said Trustees, or their Clerk, to the next General Quarter Sessions of the Peace, of the Limit within which such Hill or Hills shall respectively be situated: And if the Facts, upon which the same is founded, shall, at the said Quarter Sessions, be proved upon the Oath of One or more credible Witness or Witnesses, to the Satisfaction of the Justices on the Bench, or the major Part of them, the said Order of Allowance shall be confirmed and filed among the Records of the Sessions by the Clerk of the Peace, or otherwise shall be vacated and quashed: And from and after such Confirmation and Filing, no Person shall be liable to any Penalty or Forfeiture for using such Number of Horses as shall be so allowed in drawing any Waggon or Cart up such Hill or Hills respectively; and it shall and may be lawful for the said Justices, at any subsequent Quarter Sessions of the Peace, to re-consider the said Order of Allowance, and to discharge the same, if they think fit.

They may allow such Number of Horses as they think fit, up Hills rising more than 4 Inches in a Yard, to be specified in the Order of Allowance.

Exemption with respect to Carriages drawing with an extraordinary Number of Horses through deep Snow or Ice.

XIX. Provided also, and be it further enacted, That if it shall appear, upon the Oaths of credible Witnesses, to the Satisfaction of any Justice or Justices of the Peace, or of any Court of Justice, authorised to enforce the Execution of this Act, that any Waggon, Cart, or Carriage, could not, by reason of deep Snow or Ice, be drawn with the respective Weights, and by the Number of Horses or Beasts of Draught hereby respectively allowed; then, and in every such Case, it shall and may be lawful for such Justice or Justices of Peace, or Court respectively, and they are hereby respectively required to stop all Proceedings before them respectively, for the Recovery of any Penalty or Forfeiture which may have been incurred by drawing with a greater Number of Horses or Beasts of Draught, than are hereby allowed; any Thing herein contained to the Contrary notwithstanding.

Narrow wheeled Waggons not to be drawn by Horses in Pairs.

XX. And whereas great Damage is done to Turnpike Roads by Waggons, and other Carriages, with narrow Wheels, drawn by Horses in Pairs; for Remedy thereof, be it enacted, That it shall not be lawful for any Waggon, Wain, or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Nine Inches, to pass upon any Turnpike Road, or through any Turnpike Gate or Bar, if the same shall be drawn by Horses in Pairs, (other than and except such Waggons, Wains, or Carts, having the Fellies of the Wheels thereof of the Breadth of Six Inches, as shall be authorised to be drawn in any other Manner by Order of the Trustees of any

Turnpike Road within their Diſtrict, made at a publick Meeting, conſiſting of Seven Truſtees, or more; which Order it ſhall and may be lawful for the ſaid Truſtees to revoke at any ſubſequent Meeting, and afterwards to make a new One, if they ſhall think fit, for the ſame Purpoſe, and fixed in Writing upon every Toll-gate within ſuch Diſtrict, and except Carriages drawn by Two Horſes only.)

Penalty on Drivers driving Carriages contrary to the Directions of this Act.

XXI. And be it further enacted, That in caſe any Perſon or Perſons ſhall, upon any Turnpike Road, drive, or act as the Driver or Drivers of any Waggon, Cart, Wain, or Carriage, not being marked according to the Directions of this Act; or drawn by more than the Number of Horſes, or Beaſts of Draught, hereby reſpectively authoriſed; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for any Conſtable, Tythingman, Surveyor, or any other Perſon, to apprehend and take, or cauſe to be apprehended and taken, ſuch Perſon or Perſons, ſo driving, or acting as Driver or Drivers, as aforeſaid, before One or more Juſtice or Juſtices of the Peace for the Limit where the ſaid Offence ſhall be committed, and, upon Conviction thereof, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes before ſuch Juſtice or Juſtices of the Peace, every ſuch Perſon or Perſons ſo offending, ſhall reſpectively forfeit and pay for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Ten Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted. not exceeding 5 l.

Where extraordinary Tolls have been granted, the Truſtees may mitigate them, in reſpect of Four-wheeled Waggons, &c.

XXII. And whereas in and by ſeveral Acts of Parliament, made for amending and repairing particular Turnpike Roads, ſeveral high and extraordinary Tolls are granted, and directed to be levied and paid for Waggons, Carts, and other Carriages, drawn by more than a certain Number of Horſes, or Beaſts of Draught, therein reſpectively mentioned, with an Intent, in Effect, to prohibit the Paſſage of ſuch Carriages, and thereby the better to preſerve the ſaid Roads; now it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees appointed, or to be appointed, in or by virtue of any Act of Parliament made for repairing and amending ſuch particular Roads, as aforeſaid, or any Five or more of ſuch Truſtees reſpectively, within their reſpective Diſtricts, and they are are hereby authoriſed and required, at the Firſt Meeting after the Commencement of this Act, to mitigate, leſſen, and reduce the ſaid high and extraordinary Tolls and Duties, for and in reſpect of ſuch Waggons, or other wheeled Carriages only, having the Wheels of the Breadth or Gauge of Six Inches, as aforeſaid, in ſuch Manner as no greater Toll or Duty, in reſpect to Waggons, be demanded or taken for the ſame than is provided and directed by the ſaid Acts reſpectively to be paid and taken for Waggons, and other Four-wheeled Carriages, drawn by Four Horſes, or Beaſts of Draught; and that no greater Toll or Duty be demanded or taken for Carts, having the Fellies of their Wheels of the Breadth or Gauge of Six Inches, than is provided and directed by ſuch Acts reſpectively to be taken for Carts drawn by Three Horſes; and the ſaid Truſtees, within their reſpective Diſtricts, or any Five or more of them reſpectively, are hereby authoriſed and required to give Directions in Writing, to the ſeveral Collectors within ſuch their reſpective Diſtricts, to take and receive ſuch Tolls and Duties, and no other; any Law or Statute to the Contrary notwithſtanding.

One Half more than the Tolls are to be taken for Narrow-wheeled Waggons, &c,

and after 29 Sept. 1776, Double theſe Tolls.

XXIII. And be it further enacted, That the Truſtees appointed by virtue or under the Authority of any Act of Parliament, made for repairing or amending Turnpike Roads, or ſuch Perſon or Perſons as are authoriſed by them, ſhall and may, and are hereby required, to demand and take, for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches from Side to Side at the leaſt, at the Bottom or Sole thereof, and for the Horſes, or Beaſts of Draught, drawing the ſame, One Half more than the Tolls or Duties which are or ſhall be payable for the ſame reſpectively; and for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches from Side to Side, at the leaſt, at the Bottom or Sole thereof, and for the Horſes, or Beaſts of Draught, drawing the ſame, from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-ſix, Double the Tolls or Duties which are or ſhall be payable for the ſame reſpectively, by any Act or Acts of Parliament made for amending or repairing Turnpike Roads, before any ſuch Waggon, Wain, Cart, or Carriage reſpectively, ſhall be permitted to paſs through any Turnpike Gate or Gates, Bar or Bars, where Tolls ſhall be payable by virtue of any ſuch Acts.

No Exemption from Toll by former Acts to be claimed by any Perſon, unleſs where Carriages with Six Inch Fellies are uſed.

XXIV. And whereas there are in ſeveral Acts of Parliament, for making, amending, and repairing Turnpike Roads, Exemptions allowed from Payment of Tolls in particular Caſes therein reſpectively mentioned, and Liberties are allowed in particular Caſes to pay leſs Tolls than are charged upon other Waggons, Wains, Carts, and Carriages, paſſing through Turnpike Gates or Bars: And whereas it will tend to the Advantage and Preſervation of Turnpike Roads to confine ſuch Exemptions, Liberties, Privileges, and Advantages, to Carriages with Wheels of the Breadth or Gauge of Six Inches, or upwards; be it therefore enacted, That no Perſon ſhall, by virtue of the ſaid Acts of Parliament, have, claim, or take the Benefit or Advantage of any Exemption from Toll, or Part of Tolls, or to pay leſs Toll for or in reſpect of any Waggon, Wain, Cart, or other Carriage, or Horſe drawing the ſame, and carrying any particular Kind of Goods, than other Carriages of the like Nature, carrying other Goods, ought to pay, unleſs ſuch Waggon, Wain, Cart, or other Carriages, have the Sole of the Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or upwards, (other than and except Carts and Carriages, employed in carrying Corn, or Grain in the Straw, Hay, Straw, Fodder, Dung, Lime for the Improvement of Land, or other Manure, or any Implements of Huſbandry only); but that the Toll required by the ſaid Acts reſpectively, together with the additional Tolls hereby required to be taken for or in reſpect of every ſuch Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gauge than

Carts, &c. employed in Husbandry excepted.

Six Inches as aforesaid, and for and in respect of Horses, or Beasts of Draught, drawing the same, (except as before excepted) shall be paid in the same Manner, to all Intents and Purposes, as if no Exemption, or less Toll, had been enacted or allowed by any of the said Acts respectively, and as fully as all other Waggons, Wains, Carts, and Carriages, and Horses drawing the same, ought respectively to pay, which are not intitled to any Exemption from Toll, in the Whole or Part; or to pay a less Toll than other Waggons, Wains, Carts, and Carriages; any Law or Statute to the Contrary notwithstanding.

No Benefit to be taken of Exemptions, unless the Fellies lie flat.

XXV. Provided, That no Person or Persons be allowed to take the Benefit of any such Exemptions, or to have the Privilege herein-before given of compounding in respect of any Carriage having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, or upwards, unless the Fellies, and the Tire upon such Fellies, shall lie flat.

Waggons, &c. moving on Rollers, of the Breadth of 16 Inches on each Side with flat Surfaces, to pass Toll-free for One Year, and then-after paying One Half of the Toll.

XXVI. Provided also, That all Waggons, Carts, or Carriages, moving upon Rollers, of the Breadth of Sixteen Inches on each Side thereof, with flat Surfaces, shall be permitted to pass or be drawn upon any Turnpike Road Toll-free, for the Term of One Year, to be computed from *Michaelmas*, One thousand seven hundred and seventy-three; and from and after the Expiration of the said Term, all such Waggons, Carts, or Carriages, as aforesaid, shall pass upon any Turnpke Road, through any Toll-gate or Bar, upon paying only so much of the Tolls and Duties as shall not exceed One Half of the full Toll or Duty payable by this or any Turnpike Act, for all Waggons, Wains, or Carts, having the Fellies of the Wheels of the Breadth or Gauge of Six Inches from Side to Side, or for the Horses or Beasts of Draught drawing the same, and not rolling a Surface of Sixteen Inches on each Side thereof; and that no more than Half Toll shall be paid in respect of Waggons having the Fellies of the Wheels thereof of the Breadth of Nine Inches, and rolling a Surface of Sixteen Inches on each Side thereof, from and after the Commencement of this Act; any Thing herein contained to the Contrary notwithstanding.

Carriages to which the Act does not extend.

XXVII. Provided always, That nothing herein-before contained shall extend, or be construed to extend to any Chaise-marine, Coach, Landau, Berlin, Chariot, Chaise, Chair, Calash, or Hearse, or to the Carriage of such Ammunition or Artillery as shall be for His Majesty's Service, or to any Cart or Carriage drawn by One Horse, or Two Oxen, and no more; or to any Carriage; having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, which shall be laden with One Block of Stone, One Piece of Marble, One Cable Rope, One Piece of Metal, or One Piece of Timber.

Penalty on Persons fraudulently taking the Benefit of any Exemption, is not to exceed 5l.

XXVIII. Provided also, and be it enacted, That if any Person or Persons shall take the Benefit of any Exemptions, under or by virtue of this or any other Act made for the Repair of any Turnpike Road, in any fraudulent or collusive Manner whatsoever, such Person or Persons shall forfeit, for every such Offence, a Sum not exceeding Five Pounds, or less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Trustees may reduce the Tolls, at any publick Meeting,

XXIX. And whereas, in and by several Acts of Parliament, made and passed for amending and repairing particular Turnpike Roads, there is no Power, or no effectual Power, given to the Trustees to lessen the Tolls, although such Turnpike Roads may be sufficiently, or in a great Degree, amended and repaired, and all, or the greatest Part of, the Money borrowed upon the Credit of any such Acts, may have been paid and discharged; be it therefore further enacted, That it shall and may be lawful to and for the Trustees appointed in and by virtue of any Act of Parliament now in Force for repairing and amending such particular Roads as aforesaid, or any Seven or more of such Trustees respectively, and they are hereby impowered, in any of the Cases aforesaid, at a Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given in Writing, to be affixed on all Turnpike Gates which shall be then erected upon such respective Roads, and in some publick News-paper circulated in that Part of the Country, from Time to Time, to lessen or reduce all or any of the Tolls granted by any of the said respective Acts, for and during such Time as the said Trustees, or any Seven or more of them, shall think proper; and afterwards, at any Meeting, to be held as aforesaid, from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the several Rates granted by such Acts of Parliament respectively.

and afterwards to advance them again;

Provided such Alterations of the Tolls be made with the Consent of the Creditors.

XXX. Provided nevertheless, That where the whole Money borrowed on the Credit of the Tolls, granted by any such Act, shall not have been paid and discharged, no such Tolls shall be lessened or reduced without the Consent of the Person or Persons intitled to Five-sixths of the Money remaining due upon such respective Tolls.

Powers for Justices to farm out the Tolls,

XXXI. And whereas in and by several Acts of Parliament, made for repairing particular Turnpike Roads, there are no Powers given to the Trustees to let or Farm out the Tolls arising upon such Roads, and in many Cases where the particular Acts have given such Power, they are not executed and enforced in the most beneficial Manner for such Roads; for Remedy whereof, be it further enacted, That it shall and may be lawful for the Trustees of any particular Turnpike Act, or any Seven or more of them, at a publick Meeting, to let to Farm the Tolls of the several Gates erected upon their respective Turnpike Roads, in the Manner herein-after mentioned, although no express Power shall have been given by such Turnpike Act for that Purpose; and that whenever any Tolls shall hereafter be let to farm, by virtue of the Powers given by this or any other Act or Acts of Parliament, the following Directions shall be observed; (that is to say) The Trustees shall cause Notice to be given of the Time and Place

under particular Directions and Restrictions,

for

for letting the same at least One Month before the Day to be appointed for that Purpose, by fixing the same upon every Toll-gate belonging to such Turnpike Road, and also upon the Market-cross of the Market Town nearest to the Place where the said Tolls are to be let, and also in some publick Newspaper circulated in that Part of the Country, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year, clear of the Salary for collecting the same, in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for Payment of the Money, monthly or quarterly, as shall be required by the Trustees; and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector; and to prevent Fraud, or any undue Preference in the letting thereof, the Trustees are hereby required to provide a Glass with so much Sand in it as will run from One End of it to the other in One Minute; which Glass, at the Time of letting the said Tolls, shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out, it shall be turned again, and so for Three Times, unless some other Bidding intervenes: And if no other Person shall bid, until the Sand shall have run through the Glass for Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Times specified in such Notice, or as shall be agreed upon between him and the Trustees; and in case no Bidder shall offer, the said Trustees may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may, in that Case, put them up at such Sum as they shall think fit: And if the Person or Persons who shall be the Farmer or Renter of such Tolls shall take a greater or less Toll from any Person or Persons than what are authorised or directed by this or the particular Turnpike Act, he or they shall, for every such Offence, forfeit the Sum of Five Pounds, and shall also forfeit the said Contract for renting the Tolls, if the said Trustees shall think fit to vacate the same; and every other Gatekeeper authorised to collect the Tolls, who shall take a greater or less Toll than as aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings.

to the best Bidder.

The last Bidder to be the Farmer of the Tolls.

If the Farmer of Tolls takes a greater or less Toll than allowed, he forfeits 5l. and also his Contract; if he is not the Farmer, he forfeits 40s.

XXXII. And be it further enacted, That the Surveyors of all Turnpike Roads shall cause the Statute-duty required by the respective Turnpike Acts, and the Compositions arising from the same, to be performed, laid out, and expended, upon the Turnpike Road lying within the Parish, Township, or Place, from which such Duty shall be required, and not elsewhere, and shall forfeit the Sum of Forty Shillings for every Misapplication thereof; and that where there are Two or more Turnpike Roads under several Acts of Parliament within the same Parish, Township, or Place, and the Statute-duty directed by all such Acts to be taken or applied for the Repair of such Turnpike Roads within such Parish, Township, or Place, shall exceed Three Days Duty in the Whole; then, and in such Case, it shall and may be lawful for Two or more Justices of the Peace of the Limit where such Turnpike Roads shall be, and they are hereby required, at some Special Sessions, to adjust and proportion the Statute-duty betwixt such Turnpike Roads and the other Highways in such Parish, Township, or Place, in such Manner as they shall think fit, having Regard to the Extent and Condition of the said several Roads and Highways, and also to the Tolls and Revenues arising from such Turnpike Roads respectively, the said Justices previously summoning the Clerks and Surveyors of such Turnpike Roads, and likewise the Surveyors of the Highways, for such Parish, Township, or Place, who are hereby respectively required to attend the Justices upon such Summons.

All Statute-duty to be performed in the Parish, &c. where it arises.

If more Turnpike Roads than are in the same Parish, and the Statute-duty required to them exceeds Three Days, the Justices may adjust the Proportions.

XXXIII. And be it further enacted, That when the Inhabitants of any Parish, Township, or Place, shall be indicted or presented for not repairing any Highway, being Turnpike Road, and the Court before whom such Indictment or Presentment shall be preferred shall impose a Fine for the Repair of such Road, the same shall be proportioned, together with the Costs and Charges attending the same, between the Inhabitants of such Parish, Township, or Place, and the Trustees of such Turnpike Road, in such Manner as to the said Court, upon Consideration of the Circumstances of the Case, shall seem just; and it shall and may be lawful for such Court to order the Treasurer of such Turnpike Road to pay the Sum so proportioned for such Turnpike Road out of the Money then in his Hands, or next to be received by him, in case it shall appear to such Court, from the Circumstances of such Turnpike Debts and Revenues, that the same may be paid without endangering the Security of the Creditors who have advanced their Money upon the Credit of the Tolls to be raised thereupon; which Order shall be binding upon such Treasurer, and he is hereby authorised and required to obey the same.

Where Turnpike Roads are indicted, the Court may proportion the Fine and Costs between the Inhabitants and the Trustees; without endangering the Security of the Creditors.

XXXIV. Provided always, and be it further enacted, That no Toll-gate shall hereafter be erected on the Side of any Turnpike Road, unless the same be ordered by the Trustees, at a Meeting, of which Twenty-one Days publick Notice shall have been given in Writing, affixed upon all the Toll-gates erected on such Roads, and also in some publick News-paper circulated in that Part of the Country, specifying the Place where such Side-gate is proposed to be erected, and unless Nine Trustees at least (being a Majority of those present) shall sign the said Order at such Meeting; and that no Person shall be liable to pay Toll at any Toll-gate erected, or to be erected, across or on the Side of any Turnpike Road, or be subject to any Penalty for any Carriage, Horse, or Beast, which shall only cross such Road, and shall not pass above One hundred Yards thereon, except over some Bridge, erected at a considerable Expence by the Trustees of such Turnpike Road; any Thing in this or any other Act of Parliament contained to the Contrary thereof in any-wise notwithstanding.

No Side-gate to be erected unless at a publick Meeting, after Notice given, and by Order signed by the Trustees.

No Toll to be paid unless the Carriages, Horses, &c. pass 100 Yards upon the Road, or over a Bridge erected by the Trustees.

XXXV. And

Payment of Money subscribed for making or repairing Turnpike Roads, how to be enforced.

XXXV. And be it further enacted, That if any Person or Persons shall agree to advance any Sum or Sums of Money, to be employed in the making or repairing any Turnpike Road or Highway intended to be made Turnpike, and shall subscribe his, her, or their Name or Names to any Writing for that Purpose, every such Person shall be liable to pay every Sum or Sums of Money so subscribed, according to the Purport of such Writing; and in Default of Payment thereof within Twenty-one Days after the same shall become payable, according to the Purport of such Writing, and shall be demanded by the Person to whom the same is made payable by such Writing; or if no Person be named therein for that Purpose by the Treasurer of such Turnpike, or intended Turnpike Road, it shall and may be lawful for every such Treasurer, or other Person, to sue for and recover the same, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Surveyor to get and carry away Materials by Contract, after publick Notice given.

XXXVI. And be it further enacted, That on every Turnpike Road where a sufficient Quantity of Stone, Gravel, Chalk, or other Materials, cannot be provided and carried by the Labourers and Teams required to perform Statute-duty upon the same, the Surveyor, with the Approbation of the Trustees of such Road, shall, and is hereby required to contract for the getting and carrying thereof, at some Time and Place to be fixed for that Purpose, of which Ten Days Notice in Writing shall be given, by fixing the same on the Door of the Church or Chapel of such Parish, Township, or Place, or, if there be no Church or Chapel, at the most publick Place there, which Notice shall specify the Work to be done, and the Time and Place for letting thereof: And if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any such Contract, or in any other Contract or Bargain, for Work or Materials, to be made, done, or provided, upon, for, or on Account of, any of the Highways, Roads, Bridges, or other Works, under his Care or Management; or shall, upon his own Account, directly or indirectly, let to hire any Team, or sell or dispose of any Timber, Stone, or other Materials, to be used or employed in making or repairing such Roads, Bridges, or other Works, as aforesaid, unless a Licence in Writing for the Sale of any such Materials, or for letting to hire any such Team, be first obtained from the said Trustees; he shall forfeit, for every such Offence, the Sum of Ten Pounds, and be for ever after incapable of being employed as a Surveyor, under the Authority of this or any other Act of Parliament.

Surveyor to have no Share in the Contract, nor to sell Materials, or hire out any Team.

If Surveyor suffers Earth, Rubbish, or Stones, to lie 4 Days within 10 Feet of the Centre of the Road, he forfeits 40 s.

XXXVII. And be it further enacted, That if the Surveyor or Surveyors, or other Person or Persons, having the Care of any Turnpike Road, shall knowingly suffer to be or remain, for the Space of Four Days, in any Part thereof, within Ten Feet on either Side of the Middle of such Road, any Post or Posts, Heap or Heaps of Stones, Rubbish, or Earth, set up or raised in or above the Surface of the said Road, by which the Passage thereof shall or may be obstructed, impeded, confined, or straitened, (other than and except Posts, Blocks, Stones, or Banks of Earth, fixed in the Ground, or raised, for securing Horse or Foot Roads, or Passages for Water, and also Direction-Posts and Stones), such Surveyor, or other Person, shall forfeit the Sum of Forty Shillings.

Persons making Incroachments within 30 Feet of the Centre of the Road, or ploughing within 15 Feet thereof, forfeit 40 s.

XXXVIII. And whereas Inconveniencies have arisen from making Hedges or other Fences, and from ploughing or breaking up the Soil of Lands or Grounds, near the Middle or Centre of Turnpike Roads; for Remedy thereof, be it further enacted, That if any Person shall incroach, by making or causing to be made, any Hedge, Ditch, or other Fence, on any Turnpike Road, within the Distance of Thirty Feet from the Middle or Centre thereof; or shall plough, harrow, or break up the Soil of any Land or Ground; or in ploughing or harrowing the adjacent Lands, shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distance of Fifteen Feet from the Middle or Centre of any Turnpike Road made or to be made; every Person so offending shall forfeit, for every such Offence, Forty Shillings, to such Person as shall make Information of the same: And it shall be lawful for the Trustees who have the Care of any such Road, or any Five or more of them, to cause such Hedge, Ditch, or Fence, to be taken down or filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace of the Limit where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Hedges as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offenders Goods and Chattels, rendering the Overplus to the Owner on Demand.

Trustees may cause the same to be removed at the Expence of the Offender.

Persons destroying or damaging Mile-stones or Posts, &c. set up to secure Causeways, Battlements of Bridges, &c.

XXXIX. And whereas in some Places it hath been and may be found necessary, and the Trustees of all Turnpike Roads are hereby authorised and required, to secure, or cause to be secured Horse Causeways, and Foot Causeways, to travel upon, in publick Highways, by Posts, Blocks, or great Stones, fixed in the Ground, or by Banks of Earth cast up, or otherwise, from being broken up and spoiled with Waggons, Wains, Carts, or Carriages; and forasmuch as several evil-disposed Persons do or may wilfully or wantonly pull up, cut down, and remove or damage the said Posts, Blocks, and great Stones, so fixed, or to be fixed, as aforesaid, and drive Carriages upon such Banks and Causeways, or against the Sides thereof, and also dig or cut down the said Banks, which are the Securities and Defence of the said Causeways, whereby the Causeways or Banks are often ruined and destroyed; and such evil-disposed Persons do or may break, damage, or throw down the Stones, Bricks, or Wood, fixed upon the Parapets or Battlements of Bridges, and do or may pull down, destroy, obliterate, or deface, any Mile-stone or Post, Graduated or Direction Post or Stone, erected or to be erected, upon any Turnpike Road: For Prevention thereof, be it enacted, That every Person who shall be guilty of any such Offence, shall, upon Complaint thereof made to any Justice of the Peace of the Limit where the same shall be proved to be done, by the Oath of any One credible Witness, or upon View of the

forfeits not exceeding 5 l. nor less than 10 s.

Justice

Juſtice himſelf, forfeit, for every of the ſaid Offences, any Sum not exceeding Five Pounds, nor leſs than Ten Shillings; and in Default of Payment thereof, ſhall be committed to the Houſe of Correction of ſuch Limit, there to be whipped and kept to hard Labour, for any Time not exceeding One Calendar Month, nor leſs than Seven Days, at the Diſcretion of ſuch Juſtice, unleſs the ſame be ſooner paid.

Any Driver not attending his Carriage, or wilfully miſbehaving,

XL. And whereas many bad Accidents happen, and great Miſchiefs are frequently done upon the Streets and Highways, being Turnpike Roads, by the Negligence or wilful miſbehaviour of Perſons driving Carriages thereon; be it therefore enacted, That if the Driver of any Cart, Car, Dray, or Waggon, ſhall ride upon any ſuch Carriage, in any Street or Highway, not having ſome other Perſon on Foot, or on Horſeback, to guide the ſame, (ſuch Carriages as are conducted by ſome Perſon holding the Reins of the Horſe or Horſes drawing the ſame excepted); or if the Driver of any Carriage whatſoever, on any Part of any Street or Highway, ſhall, by Negligence or wilful Miſbehaviour, cauſe any Hurt or Damage to any Perſon or Carriage paſſing or being upon ſuch Street or Highway; or ſhall quit the Highway, and go on the other Side the Hedge or Fence incloſing the ſame; or wilfully be at ſuch Diſtance from ſuch Carriage, or in ſuch a Situation, whilſt it ſhall be paſſing upon ſuch Highway, that he cannot have the Direction and Government of the Horſes or Cattle drawing the ſame; or ſhall, by Negligence or wilful Miſbehaviour, prevent, hinder or interrupt the free Paſſage of any other Carriage, or of His Majeſty's Subjects, on the ſaid Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, ſhall refuſe or neglect to turn aſide and make Way for any Coach, Chariot, Chaiſe, loaded Waggon, Cart, or other loaded Carriage; or if any Perſon ſhall drive, or act as the Driver of, any ſuch Coach, Poſt Chaiſe, or other Carriage, let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as hereby required, painted thereon; or ſhall refuſe to diſcover the true Chriſtian and Surname of the Owner of ſuch reſpective Carriage; every ſuch Driver ſo offending in any of the Caſes aforeſaid, and being convicted of any ſuch Offence, either by his own Confeſſion, the View of a Juſtice of Peace, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace of the Limit where ſuch Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings, in Caſe ſuch Driver ſhall not be the Owner of ſuch Carriage; and in caſe the Offender be the Owner of ſuch Carriage, then any Sum not exceeding Twenty Shillings; and in either of the ſaid Caſes ſhall, in Default of Payment, be committed to the Houſe of Correction for any Time not exceeding One Month, unleſs ſuch Forfeiture ſhall be ſooner paid; and every ſuch Driver offending in either of the ſaid Caſes, ſhall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Perſon or Perſons who ſhall ſee ſuch Offence committed, and ſhall be immediately conveyed or delivered to a Conſtable, or other Peace Officer, in order to be conveyed before ſome Juſtice of the Peace, to be dealt with according to Law; and if any ſuch Driver, in any of the Caſes aforeſaid, ſhall refuſe to diſcover his Name, it ſhall and may be lawful for the Juſtice of the Peace before whom he ſhall be taken, or to whom any ſuch Complaint ſhall be made, to commit him to the Houſe of Correction for any Time not exceeding Three Months, or to proceed againſt him for the Penalty aforeſaid, by a Deſcription of his Perſon and the Offence, and expreſſing in his Proceedings, that he refuſed to diſcover his Name.

forfeits, if not the Owner of the Carriage, not exceeding 10s.

and if the Owner, not exceeding 20s.

and may be apprehended without Warrant.

The Truſtees are to order Direction-poſts or Stones to be put up, with proper Inſcriptions thereon, where Croſs Roads meet,

or where there are deep or dangerous Floods;

and alſo Mile-ſtones.

XLI. And, for the better Convenience of Travellers, where ſeveral Highways meet, be it further enacted, That the Truſtees, appointed to execute any Act of Parliament made for the Repair of any Turnpike Road, ſhall direct the Surveyor of every ſuch Turnpike Road, where ſeveral Highways meet, and there is no ſufficient Direction-poſt or Stone already fixed or erected, forthwith to erect, or cauſe to be erected or fixed, in the moſt convenient Place where ſuch Ways meet, a Stone or Poſt, with an Inſcription thereon in large Letters, containing the Name of, and Diſtance from, the next Market Town or Towns, or other conſiderable Place or Places to which the ſaid Highways reſpectively lead; and alſo at the ſeveral Approaches or Entrances to ſuch Parts of any Highways as are ſubject to deep or dangerous Floods, graduated Stones or Poſts, denoting the depth of Water in the deepeſt Part of the ſame, and likewiſe ſuch Direction-poſts or Stones as the ſaid Truſtees ſhall judge to be neceſſary, for the guiding of Travellers in the beſt and ſafeſt Tract through the ſaid Floods or Waters; and alſo ſhall order the ſaid Surveyor to erect Mile-ſtones or Poſts upon ſuch Turnpike Road; with proper Inſcriptions and Figures thereon, denoting the Names and Diſtances from the principal Towns or Places on each reſpective Road, and from Time to Time to repair ſuch Stones and Poſts, and keep and continue legible the Inſcriptions thereon reſpectively; and the ſaid Surveyor ſhall be reimburſed the Expences of providing, erecting, repairing and continuing the ſame reſpectively, out of the Tolls and Duties granted by ſuch Acts reſpectively; and in caſe any Surveyor ſhall, by the Space of Three Months after ſuch Direction to him or them given, neglect or refuſe to cauſe any ſuch Stone or Poſt to be fixed or repaired as aforeſaid, every ſuch Offender ſhall forfeit the Sum of Twenty Shillings.

The malicious deſtroying of Turnpike gates, Houſes, Weighing Engines, &c.

XLII. And, to prevent the malicious deſtroying of any Turnpike-gate or Houſe, which hath been, or ſhall hereafter be erected, be it further enacted, That if any Perſon or Perſons whatſoever ſhall, either by Day or Night, wilfully or maliciouſly pull down, pluck up, throw down, level, or otherwiſe deſtroy any Turnpike-gate or Turnpike-gates, or any Poſt or Poſts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences, belonging to any Turnpike-gate, or any other Chain, Bar, or Fence, of any Kind whatſoever, ſet up or erected, or hereafter to be ſet up or erected, to prevent Paſſengers from paſſing by without paying any Toll, laid, or directed to be paid, by any Act or Acts of Parliament made for that Purpoſe; or any Houſe or Houſes erected, or to be erected, for the Uſe of any ſuch Turnpike-gate or Turnpike Gates; or any Crane, Machine, or Engine, made or erected, or to be made or erected, on any Turnpike Road by Authority of Parliament, for weighing Waggons,

is Felony, and the Offender to be tranſported;

Waggons, Carts, or Carriages; or ſhall forcibly reſcue any Perſon or Perſons, being lawfully in Cuſtody of any Officer, or other Perſon, for any of the Offences before-mentioned; that then, and in any of the ſaid Caſes, every Perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall be tranſported to One of His Majeſty's Plantations abroad for Seven Years, or ſhall be committed to Priſon for any Time not exceeding Three Years, at the Diſcretion of the Judge or Court before whom ſuch Offender ſhall be tried; and any Indictment for ſuch Offences ſhall and may be enquired of, examined, tried, and determined, in any adjacent County within that Part of *Great Britain* called *England*, in ſuch Manner and Form, as if the Facts had been therein committed.

And the Inhabitants of the Hundred ſhall make Satisfaction for the Damages done, unleſs the Offender be convicted within 12 Months after the Offence committed.

XLIII. And be it further enacted, That the Inhabitants of every Hundred, within that Part of *Great Britain* called *England*, within which ſuch Offence or Offences ſhall be committed, by pulling down or deſtroying any ſuch Turnpike Gate or Gates, or any ſuch Poſt or Poſts, Rail or Rails, Wall or Walls, belonging to any Turnpike Gate or Gates, or any ſuch Chain, Bar, or Fence, or any Houſe or Houſes, ſet up or erected, or to be ſet up or erected, for the Uſe or Service of collecting the Tolls, or any Crane, Machine, or Engine, made or erected on any Turnpike Road, by Authority of Parliament, for weighing Waggons, Carts, or Carriages, at any Place appointed by the reſpective Truſtees, or any Five or more of them, acting under any Act or Acts of Parliament, for amending any Turnpike Road, ſhall make full Satisfaction for the Damages that ſhall be thereby ſuffered; and that the ſaid Damages ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, by and in the Name of the Clerk of the Peace of the County for the Time being, wherein ſuch Offence or Offences ſhall be committed, without naming the Chriſtian or Surname of the Clerk of the Peace; and ſuch Action ſhall not be abated or diſcontinued by the Death or Removal of any ſuch Clerk, but may be ſued and proſecuted by his Succeſſors; and the ſaid Damages, ſo to be recovered, ſhall be to the only Uſe and Behoof of the Truſtees of ſuch Turnpike Road where the Offence ſhall have been committed, to be by them applied and diſpoſed of to the ſeveral Uſes and Purpoſes, and in ſuch Manner, as the ſeveral Tolls, Rates, and Duties, by virtue of ſuch Act or Acts of Parliament, ſhall be applied and diſpoſed of; and all and every the Inhabitants of ſuch Hundred ſhall be rateably and proportionably taxed for and toward an equal Contribution, for the Relief of ſuch Inhabitant or Inhabitants againſt whom Execution for ſuch Damages ſhall be had and levied, which Tax ſhall be levied and raiſed by ſuch Means, and in ſuch Manner and Form, as is preſcribed and mentioned for the levying and raiſing the Damages recovered againſt Inhabitants of Hundreds, in caſe of Robberies, by any Act or Acts of Parliament: Provided, that upon Conviction of any ſuch Offender, within Twelve Months after the Offence committed, any Hundred, or the Inhabitants thereof liable to make, and having made ſuch Satisfaction, ſhall be repaid the Sums they have ſo paid out of the Tolls of the Turnpike where ſuch Offence was committed.

Qualification of Truſtees, where the particular Act has not fixed it.

XLIV. And whereas great Miſchiefs have ariſen from mean Perſons acting as Truſtees in the Execution of ſuch Acts of Parliament, made for repairing publick Roads in that Part of *Great Britain* called *England*, as do not direct and require that the Truſtees thereby appointed ſhall be qualified to act as ſuch by the Poſſeſſion of Real or Perſonal Eſtates to a certain Value; be it therefore enacted, That no Perſon ſhall be qualified, or capable of acting as a Truſtee in the Execution of any ſuch Act as aforeſaid, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, a perſonal Eſtate to the Value of Eight hundred Pounds; or ſhall be Heir-apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of Eighty Pounds; and unleſs he hath taken, or ſhall, (not being ſuch Heir-apparent as aforeſaid), before he acts as ſuch Truſtee, take and ſubſcribe the Oath following before any Two or more of the Truſtees appointed, or to be appointed, by or in purſuance of ſuch Act, who are hereby authoriſed and impowered to adminiſter the ſame in the Words, or to the Effect following; that is to ſay,

Oath of Truſtees.

I A. B. *do ſwear, That I truly and* bona fide *am, in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, a perſonal Eſtate to the Value of Eight hundred Pounds,* (as the Caſe may be).

So help me GOD.

Truſtees acting without taking the Oath forfeit 50 l.

And if any Perſon ſhall preſume to act contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame; to be recovdred in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as above, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of any ſuch Act.

Clerks, Treaſurers, &c. to deliver up their Accounts when required by the Truſtees, or ſhall forfeit 20 l. for every Neglect.

XLV. And be it further enacted, That all Clerks, Treaſurers, Surveyors, and other Officers, appointed, or to be appointed, by any Act or Acts made for the Repair of any Turnpike Roads, and their reſpective Executors or Adminiſtrators, ſhall, within Ten Days after Notice in Writing to them reſpectively given by the Truſtees of ſuch Roads, or any Five or more of them, at a Meeting held purſuant to ſuch Act, produce and deliver up to ſuch Truſtees all Books, Accounts, Papers, or Writ-

ings

ings whatſoever, relative to the Execution of ſuch reſpective Offices, which ſhall be in their Cuſtody or Power; and every ſuch Officer or Perſon as aforeſaid, neglecting or refuſing to produce and deliver up ſuch Books, Accounts, Papers, or Writings, after ſuch Notice as aforeſaid, ſhall, for every ſuch Neglect or Refuſal reſpectively, forfeit the Sum of Twenty Pounds.

No Perſon keeping a Publick Houſe ſhall be a Truſtee, or hold a Place of Profit;

XLVI. And it is hereby further enacted, That no Perſon or Perſons who ſhall keep any Victualling-houſe, Ale-houſe, or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors, by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the Truſtees of any Act of Parliament made, or to be made, for erecting Turnpikes reſpectively, or of collecting the Tolls thereby granted and made payable, during ſuch Time as he ſhall keep ſuch Victualling-houſe, Ale-houſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Beer, Cyder, Ale, Spirituous or other Strong Liquors, by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he employs a Perſon to collect them who ſhall not be under any ſuch Incapacity.

but he may farm the Tolls.

Truſtees may direct Proſecutions for Nuiſances, and pay the Expences out of the Turnpike Revenues.

XLVII. And whereas the Truſtees of ſeveral Turnpike Roads are not ſufficiently impowered to puniſh Nuiſances in the ſeveral Roads under their Care; be it therefore further enacted, That the ſaid Truſtees of the ſeveral Roads reſpectively, or any Five or more of them, at a publick Meeting, may, and they are hereby impowered, if they think fit, to direct Proſecutions by Indictment againſt the Offender or Offenders for any Nuiſance done, committed, or continued, in or upon any of the Turnpike Roads under their Care reſpectively, at the Expence of the Revenues belonging to ſuch Turnpike Roads, to be allowed by ſuch Truſtees, or any Five or more of them, at ſome ſubſequent Meeting: Provided, that nothing in this Act ſhall be conſtrued to impower the Truſtees to proſecute, or cauſe to be proſecuted, any Perſon for any ſuch Offence, unleſs upon the Confeſſion of the Offender, or that One or more Witneſs or Witneſſes can be had and produced to prove the Commiſſion of ſuch Offence.

Informations for Penalties in order to favour the Offender, are deemed fraudulent and void.

XLVIII. And whereas fraudulent Contrivances may be practiſed by Offenders, their Friends, and others, to evade the juſt Recovery of Forfeitures and Penalties inflicted by Laws relating to Turnpike Roads, by ſetting up colourable Proſecutions with Intent to favour Offenders againſt the ſaid Laws, and to diſcourage juſt and real Proſecutions; for Remedy thereof, be it enacted, That it ſhall and may be lawful for all and every Juſtice and Juſtices of the Peace, before whom there ſhall be any Information or Proceeding for any Penalty or Forfeiture inflicted by this or any Act or Acts of Parliament made for repairing and amending Turnpike Roads, and they are hereby required, where any Information or Conviction ſhall be ſet up or inſiſted upon, by way of Defence, or to defeat any Information or Proceeding, or any Forfeiture or Penalty inflicted as aforeſaid, to examine into the real Merits of ſuch Information, Proceeding, or Conviction; and if thereupon it ſhall appear that the ſame was not done, made, or proſecuted effectually, to recover and apply the Penalty or Forfeiture for the true and real Ends and Purpoſes for which ſuch Penalties or Forfeitures were enacted, but to favour the Offender, ſuch Information or Conviction ſhall be deemed to be fraudulent, and null and void to all Intents and Purpoſes whatſoever; and every ſuch Juſtice or Juſtices of the Peace ſhall proceed to determine and convict, as if no Information or Conviction had been made, proſecuted, or obtained.

If a ſufficient Number of Truſtees do not appear at the Firſt, or any adjourned Meeting, the Clerk may fix the Day, and give proper Notice thereof.

XLIX. And be it further enacted, That where a ſufficient Number of the Truſtees appointed by any Act or Acts of Parliament, made for amending or repairing any particular Turnpike Roads, ſhall not meet on the Day appointed by any ſuch Act or Acts reſpectively for their Firſt Meeting, or ſhall not meet on the Day appointed by Adjournment for their Meeting, or for want of a proper Adjournment, by which Means, or by ſome or One of them, the Intent of the ſaid Act or Acts may be fruſtrated; in all or either of the ſaid Caſes, it ſhall be lawful for ſo many of the ſaid Truſtees as ſhall meet, or the major Part of them, or in caſe no ſuch Truſtee ſhall be preſent, for their Clerk or Clerks, to cauſe Notice in Writing to be affixed on all Turnpike-gates which ſhall be then erected on the ſaid reſpective Roads, or if no Turnpike-gate ſhall be then erected, to cauſe the like Notice to be affixed in the moſt conſpicuous Place in One of the principal Towns or Places neareſt to which the Roads directed to be repaired do lie, and alſo in ſome publick News-paper circulated in that Country, at leaſt Ten Days before the intended Meeting, appointing ſuch Truſtees to meet at ſuch Place where the preceding Meeting was apointed to have been held, or at the Place directed for the Firſt Meeting of ſuch Truſtees, if no ſuch preceding Meeting ſhall have been held; and the ſaid Truſtees, when met, in purſuance of ſuch Notice, ſhall and may, and they are hereby required, to proceed and carry ſuch Act or Acts into Execution, in the ſame and as ample and full a Manner, to all Intents and Purpoſes, as they might or could have done if no ſuch Neglect had happened.

No Meeting to be adjourned for more than Three Months.

No Buſineſs to be done before Ten, nor any Adjournment made to an Hour later than Two in the Afternoon.

L. Provided nevertheleſs, and be it further enacted, That no Meeting of ſuch Truſtees ſhall at any Time be adjourned for any longer Time than Three Calendar Months from the Day on which ſuch Adjournment ſhall be made; and that no Buſineſs ſhall be done or proceeded upon by the Truſtees, at any Meeting to be held under this or any Act or Acts of Parliament made for repairing any Turnpike Roads, before the Hour of Ten in the Forenoon; and that no Adjournment ſhall be made to any Hour later than Two in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and that every Act agreed upon at any Meeting ſhall be ſigned at the ſaid Meeting by a competent Number of Truſtees, or otherwiſe every ſuch Meeting, Adjournment, and Act reſpectively, ſhall be void and of none Effect.

If Truſtees cauſe Gates to be erected contrary to their Power, the Juſtices at their Quarter

LI. And be it enacted, That if the Truſtees appointed, or to be appointed, to put any Act of Parliament made for the Repair of any Turnpike Road into Execution, ſhall abuſe or exceed their Power, by erecting, or cauſing to be erected, or continuing, or cauſing to be continued, any Gate or Gates, Turnpike or Turnpikes, where they have not any Power by virtue of any Act of Parliament to erect ſuch Gate or Gates, Turnpike or Turnpikes, it ſhall and may be lawful to and for the Juſtices of the

Sessions may order them to be removed.

Peace of the Limit where any such Gate or Gates, Turnpike or Turnpikes, is or shall be erected or continued, in their General Quarter Sessions assembled, upon Complaint of such Abuse or Excess of Power in such Trustees, in a summary Way to hear and determine the same, and thereupon to order the Sheriff of the County, who is hereby authorised and required to execute such Order, to remove any such Gate or Gates, Turnpike or Turnpikes.

Mortgagees, in Possession of the Tolls, are to account upon Oath when required by the Trustees, or forfeit 10l.

LII. And be it enacted, That all and every Mortgagee and Mortgagees, that hath or have taken, or been in Possession, or shall hereafter take or be in Possession of, any Toll Gate or Bar, set up or erected on any Turnpike Road, or of any Lands or Tenements, the Rents and Profits whereof are appropriated to the Repairs of any Part of any Turnpike Road, shall, within Fourteen Days after he, she, or they, shall have received Notice, in Writing, from the Trustees of such Turnpike Roads, or any Five of them, render upon Oath, to be administered and taken by and before One Justice of the Peace, or any One Trustee of such Turnpike Road, an exact Account, in Writing, to such Trustees, or to any Person appointed by them, or any Five of them, to be named in such Notice, of all Monies received by such Mortgagee or Mortgagees, or by any other Person or Persons, for his, her, or their Use and Benefit, or by his, her, or their Authority, at such Toll Gate or Bar, or otherwise, and of what he, she, or they, have expended in keeping or repairing the same: And in case he, she, or they, shall neglect to render such Account when required, in the Manner herein directed, he, she, or they, shall severally forfeit and pay to the said Trustees, for every Refusal, Neglect, or Omission, to render such Account, the Sum of Ten Pounds; to be recovered by the said Trusteee, or any Five or more of them, or by the Treasurer or Clerk to the said Trustees, in a summary Manner, before One Justice of the Peace, which, when recovered, shall be applied to the Use of the respective Road or Roads whereon such Toll Gate or Bar shall be placed.

If Mortgagee keeps Possession after he has received the Money due, he shall forfeit Double the Sum and Treble Costs.

LIII. And be it further enacted, That if any such Mortgagee or Mortgagees shall keep Possession of any Toll Gate or Bar, by him, her, or themselves, or by any other Person or Persons, on his, her, or their Behalf, and receive the Tolls or Duties thereat, or of any such Rents or Profits, as aforesaid, after such Mortgagee or Mortgagees shall have received the full Sum or Sums of Money due on their respective Mortgage or Mortgages, and the Interest thereof, with Costs, such Mortgagee or Mortgagees shall forfeit and pay, as a Penalty to the said Trustees, Double the Sum or Sums of Money, he, she, or they, shall have received over and above the Sum or Sums of Money due, as aforesaid, with Treble Costs of Suit; to be recovered by the said Trustees, or by the Treasurer or Clerk to such Trustees, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record; which, when recovered, shall be applied to the Use of the respective Road or Roads on which such Toll Gate or Bar shall be placed, or such Rents appropriated.

On the Death of a Gate-keeper, Two Trustees may nominate another until the next Meeting of the Trustees.

If the Gate-keeper, who is discharged, refuses to deliver up Possession of the House, &c. the Justices may, by Warrant, order him to be removed with his Goods.

LIV. Provided always, and be it further enacted, That it shall and may be lawful for any Two or more Trustees of any Turnpike Road, upon the Death of any Toll-gatherer or Gate-keeper, appointed, or to be appointed, to collect the Tolls upon such Turnpike Road, to nominate and appoint some other fit Person in his Place until the next Meeting of the Trustees of such Road, which Person, so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner, in all Respects, as the Person so dying had, or would have been, if living: And that if any Toll-gatherer or Gate-keeper, who shall be discharged from his Office by the Trustees authorised for that Purpose, shall refuse to deliver up the Possession of the House, Buildings, and Appurtenances, which he enjoyed in Right of his Appointment to that Office, within Two Days after Notice of his Discharge shall be given to him, or left at his House; or if the Wife or Family of any such Toll-gatherer or Gate-keeper, who shall die, as aforesaid, shall refuse to deliver up the Possession of such House, Buildings, and Appurtenances, within Four Days after such new Appointment shall be made, as aforesaid; then, and in either of the said Cases, it shall and may be lawful for any Justice of the Peace for the Limit where such Turnpike-house shall be, by Warrant under his Hand and Seal, to order the Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put the new-appointed Officer into the Possession thereof.

Gate-keepers and Surveyors to account upon Oath when required by the Trustees, or forfeit 5l.

LV. And be it further enacted, That the Gate-keeper or Toll-gatherer of every such Toll Gate or Bar, and every Surveyor of any Turnpike Road, shall, when required, by Notice in Writing from the said Trustees, or any Five or more of them, render upon Oath, to be administered by and taken before any One Justice of the Peace, or Trustee of such Turnpike Road, a true and exact Account, in Writing, to the said Trustees, or to any Person to be named in such Notice appointed by them, or any Five or more of them, of all Monies received by him, her, or them, at such Toll Gate or Bar, or otherwise, on account of such Turnpike Road, not before accounted for, under the Penalty of Five Pounds for every such Offence or Neglect; to be recovered in a summary Manner before any One Justice of the Peace, and applied to the Use of the respective Road on which such Toll-gate shall be placed.

No Gate-keeper to be removed as a Pauper, unless actually chargeable to the Parish, &c.

nor shall gain a Settlement by renting the Tolls,

LVI. And be it further enacted, That no Gate-keeper of any Turnpike Road, or Person renting the Tolls thereof, and residing in any Toll-house belonging to the said Trust, shall be removeable from such Toll-house by the Order of any Justices of the Peace, in pursuance of any Laws now in being for the Relief or Regulation of the Poor, unless he shall become actually chargeable to the Parish or Place in which such Toll-house is situate; and that no such Gate-keeper, or Person renting such Tolls, and residing in such Toll-house, as aforesaid, shall thereby gain a Settlement in any Parish or Place whatsoever; and that no Tolls to be taken at any Gate erected, or to be erected, by the Trus-

tees of any Turnpike Road, nor any Toll-house erected, or to be erected, for the Purpose of collecting the same, nor any Person, in respect of such Tolls, or Toll-house, shall be rated or assessed towards the Payment of any Poors Rate, or any other publick or parochial Levy whatsoever. nor be assessed for the Toll-house or Tolls.

LVII. And be it further enacted, That if any Toll-gatherer or Gate-keeper shall permit or suffer any Waggon, Wain, Cart, or other Carriage, to be drawn or pass upon any Turnpike Road within the View, or with the Knowledge, of such Gate-keeper or Toll-gatherer, or to pass through any Toll gate or Bar with any greater Number of Horses, or Beasts of Draught, or with any Carriage constructed or drawn in any other Manner than is before directed, or without such Names and Descriptions painted thereon as are hereby directed, and shall not within the Space of One Week proceed for the Recovery of the Forfeiture or Penalty hereby inflicted for every such Offence, in the Manner directed or authorised by this Act, he shall forfeit and pay for every such Neglect, the Sum of Forty Shillings. Gate-keepers permitting a greater Number of Horses or Carriage constructed otherwise than allowed by the Act, or without proper Inscriptions painted thereon, and not prosecuting for the same, forfeit 40 s.

LVIII. And whereas there are or may be Turnpike Roads in such a State and Condition with regard to their Repairs, and the Revenues arising upon them, that the Statute-duty required to be performed upon the same, or some Part thereof, may be dispensed with, and employed more conveniently for the Benefit of the other publick Highways within the Parish, Township, or Place, in which such Turnpike Road lies; be it therefore enacted, That it shall and may be lawful for the Justices of the Peace, at any Special Sessions, upon Application to them made by the Surveyor of any Parish, Township, or Place, in the Situation herein-before described, to summon the Clerk and Surveyor of such Turnpike Road to appear before them, at some other Special Sessions, and then and there to produce before them a State of the Revenues and Debts belonging to such Turnpike Road, and for such Justices then and there to enquire into the State and Condition of the Repairs thereof, and also of such other Highways; and if it shall appear to them, upon full and clear Evidence, that the Whole, or any Part of such Statute-duty, may be conveniently dispensed with from such Turnpike Road, without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof, and that such Statute-duty is wanted for the Repairs of the other Highways within such Parish, Township, or Place; then, and in that Case, it shall and may be lawful for the said Justices to order the Whole, or Part, of such Statute-duty to be performed upon the Highways, not being Turnpike, within such Parish, Township, or Place, under the Direction of the Surveyor thereof, during such Time as to them shall seem just and reasonable, and the same shall be performed accordingly; any thing in this or any other Act of Parliament contained to the Contrary thereof in any-wise notwithstanding. Justices at Special Sessions may transfer Part of the Statute-duty, applicable to Turnpike Roads, to the Parish Roads, if the Circumstances of the several Roads require and admit of it.

LIX. Provided always, and be it further enacted, That it shall and may be lawful for the Justices of the Peace, within the Principality of *Wales*, at their respective General Quarter Sessions of the Peace, to be held in the Week after *Michaelmas*, to licence an Increase of the Number of Horses to be employed in drawing Carriages on any Turnpike Road within their respective Jurisdictions, over and above the Number herein-before limited, if upon Enquiry into the State and Condition of such Roads they shall find any additional Number of Horses necessary, and, from Time to Time, at any *Michaelmas* Quarter Sessions, to revoke, alter, or vary the same, as they shall think fit; and that neither the Owner or Driver of the Horses so licensed shall incur any Forfeiture for using such increased Number of Horses. Justices in Wales, at their Michaelmas Quarter Sessions, may allow an additional Number of Horses when they think fit.

LX. And be it further enacted, That no Toll shall be collected or received at any Toll-gate for or in respect of Carriages solely employed in carrying Materials for the Repair of any Turnpike Road or publick Highway, or for going to such Employment, or returning after having been so employed. No Toll to be paid for Carriages employed in carrying Materials for Turnpike Roads or Highways.

LXI. And whereas it has been found by Experience, that small Stones being permitted to lie upon the Land are a Benefit thereto, be it therefore enacted, That no Surveyor shall gather, or cause to be gathered, any Stones for the Use of the Highways, upon or from the common Fields or inclosed Lands or Grounds of any Person or Persons whomsoever, without the Consent of the Occupier of such Lands or Grounds, or a Licence from a Justice of Peace of the Limit where such Lands or Grounds lie for that Purpose, after having summoned such Occupier to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent; any Thing contained in this Act, or in any Act of Parliament, for making and repairing Turnpike Roads, to the Contrary thereof in any-wise notwithstanding. No Surveyor to gather Stones from the common Fields or inclosed Lands of any Person without his Consent, or a Licence from a Justice of Peace.

LXII. And whereas many Persons are liable by Tenure, Inclosure, or otherwise, to the Repair of certain Highways, which having become Turnpike Roads, are more used, and occasion an Increase of the Expence in repairing and maintaining thereof, which ought in some Degree to be laid upon such Turnpike Road: For Remedy whereof, be it further enacted, That it shall and may be lawful for the Trustees of such Turnpike Road to agree with the Person or Persons liable to repair such Highway, for the Repair thereof, in such Manner as they shall think fit, and to contribute so much to the Repair thereof, out of the Tolls arising upon such Turnpike Road, or out of the Statute-duty belonging to the same, as they shall think just and reasonable. Power for Trustees of Turnpike Roads to agree with Persons liable by Tenure to repair any Part of such Road, concerning the future Repair of it.

LXIII. And whereas Parts of Highways or Turnpike Roads, have been, or may be, diverted and turned by legal Authority, to make the same nearer or more commodious to the Publick; and Doubts have arisen, and may arise, whether the Inhabitants of any Parish, Township, or Place, or any par- Persons liable to repair old Highways turned or

stopped up, shall be liable to repair a Part of the new Highway equal to the Burthen of the old One;

particular Person or Persons, liable to repair the old Highway or Road, so deviated from by Statute-duty, Tenure, or otherwise, ought to repair, or contribute to the Repair of, the Whole, or some, and what Part or Proportion of such new Highway or Road: For obviating which Doubts, and preventing Disputes about the same, be it enacted, That the Inhabitants of every such Parish, Township, or Place, and Person or Persons, who was, were, or shall be, liable as aforesaid, to the Repair of any such old Highway or Road, which hath been, or shall be, so diverted and turned, shall respectively be and continue in the same Manner liable to the Repair of such new Highway or Road, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Highway or Road from which he, she, or they, shall be exonerated, by turning the same, as aforesaid; and that if the several Parties interested cannot agree therein, the same shall be viewed by Two Justices of the Peace of the Limit where such Road shall be, and settled, adjusted, and determined by them, in such Manner as they shall think just and reasonable; and from and after such Determination of the Justices, the Inhabitants of the said Parish, Township, or Place, or the Person or Persons liable to repair such new Highway or Road, as aforesaid, shall bear all Charges and Expences of Indictments and Prosecutions for not repairing the same: And if it shall be found more convenient to fix a gross Sum, or an annual Sum, to be paid by any such Inhabitants, or Person or Persons, towards the Repair of such new Highway or Road, instead of fixing the Part or Proportion of such new Highway or Road, to be repaired by him, her, or them, the said Justices may, with the Consent of such Person or Persons, and also of the Inhabitants interested therein, obtained at a Vestry or publick Meeting held for that Purpose, and also of the Trustees at a publick Meeting, if it be Turnpike Road, order and direct the same accordingly; which Order shall be, and for ever after continue, binding to all Persons whomsoever.

and if the Parties cannot agree, it shall be viewed and settled by Two Justices of the Peace.

A gross or annual Sum may be paid, if the Parties agree thereto.

If Action be brought against a Trustee, Evidence of his being appointed a Trustee, and acting as such, sufficient.

LXIV. And be it further enacted, That in all Cases where any Action shall be brought by or against any Trustee or Trustees of any Turnpike Road, Evidence of such Trustee or Trustees having acted as such, together with the Act of Parliament by which he or they was or were appointed, or the Order, or a Copy of the Order, for his or their Appointment or Election, in Case he or they was or were appointed or elected by the Trustees, shall be sufficient Proof of his or their being a Trustee or Trustees.

Treasurers and Surveyors who have not already given Security, shall give Bond with Surety to the Trustees, for the duly paying and applying the Money in their Hands.

LXV. And be it further enacted, That every Treasurer and Surveyor of any Turnpike Road, who hath not already given proper Security to the Trustees of such Turnpike Road, duly to pay and account for the Money which hath come, or shall come to his Hands, as Treasurer or Surveyor, shall, on or before the Twenty-fifth Day of *December* next, and every succeeding Treasurer and Surveyor shall, within One Month after his Appointment, give a Bond to the said Trustees, with a sufficient Surety, in such Penalty as the said Trustees, at any publick Meeting, shall direct, conditioned for the duly paying and accounting for all such Money which shall be then in his Hands, or which he shall afterwards receive, as Treasurer or Surveyor, according to the Directions of the several Acts of Parliament respecting such Turnpike Road; which Bond shall be wrote upon Paper without any Stamp thereupon.

Trustees on the 30th Sept. next, to put on every Toll gate a Table of the Tolls, and also of the Weights allowed to each Carriage, and the Trustees to examine, or cause to be examined, the Weighing Engines, to see they are kept in good Order.

LXVI. And be it further enacted, That upon the Thirtieth Day of *September*, One thousand seven hundred and seventy-three, the Trustees of every Turnpike Road within that Part of *Great Britain* called *England*, shall, and are hereby required to put up, or cause to be put up, and afterwards to be continued, upon every Toll-gate within their respective Districts, a Table of all the Tolls payable at every such Gate, distinguishing each Toll, and the different Sorts of Carriages for which they are to be paid, where there shall be any Variation therein; and also a Table of the Weights allowed for each Carriage, with the Loading thereof in Summer and Winter: And that the said Trustees shall, and are hereby required, from Time to Time, to examine and inspect, or cause to be examined and inspected, every Weighing Engine which shall be erected upon their respective Turnpike Roads, in order to see that the same, with the Weights belonging thereto, are kept in good Condition to weigh the Carriages and Loading with Accuracy.

Two Oxen to be considered as One Horse.

LXVII. And be it further enacted, That in all Carriages, wherein Oxen or Neat Cattle shall be used, Two Oxen or neat Cattle shall be considered as One Horse, for all the Purposes mentioned in this Act, or any particular Turnpike Act, with respect to Tolls or other Things.

The Christian and Surname of the Owner of every Waggon, &c. and also of every Coach, &c. used for Hire to be painted upon it.

and *Common Stage Waggon*, or *Cart*, where they travel from Town to Town.

Persons using Carriages with-

LXVIII. And for the better Discovery of Offenders against this Act, be it enacted, That the Owner of every Waggon, Wain, or Cart, and also of every Coach, Post-chaise, or other Carriage, let to hire, shall paint, or cause to be painted, upon some conspicuous Part of his Waggon, Wain, or Cart, and upon the Pannels of the Doors of all such Coaches, Post-Chaises, or other Carriages, before the same shall be used upon any Turnpike Road, his or her Christian and Surname, and the Place of his or her Abode, in large legible Letters, and continue the same thereupon, so long as such Waggon, Cart, Coach, Post-chaise, or other Carriage, shall be used upon any such Turnpike Road; and the Owner of every Common Stage Waggon or Cart, employed in travelling Stages from Town to Town, shall, over and above his or her Christian and Surname, paint, or cause to be painted, on the Part, and in the Manner aforesaid, the following Words, COMMON STAGE WAGGON, (or CART, as the Case may be); and every Person using any such Carriage, as aforesaid, upon any Turnpike Road, without the Names and Descriptions painted thereon respectively, as aforesaid, or who shall paint, or cause to be painted, any false or fictitious Name, or Place of Abode, on such

Waggon

Waggon, Wain, Cart, Coach, Poſt-Chaiſe, or other Carriage, ſhall forfeit, for every ſuch Offence, a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

Ones, forfeit not exceeding 5 l. nor leſs than 20 s.

out ſuch Names and Deſcriptions, or with falſe

LXIX. And be it further enacted, That from and after the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-ſix, the Tire of the Wheels of all Waggons, Wains, Carts, and Carriages, to be uſed upon any Turnpike Road, ſhall be counterſunk in placing the ſame upon the Fellies, in ſuch Manner that the Nails ſhall not riſe above the Surface, and that the Sole or Surface of the Wheels ſhall be quite flat; and the Owner of every Carriage offending therein ſhall forfeit the Sum of Forty Shillings; and every Driver not being the Owner, the Sum of Twenty Shillings, for every Offence.

After Michaelmas 1776, the Tire of all Waggons, &c. ſhall be flat, and the Nails ſunk ſo as not to riſe above the Surface.

LXX. And whereas the Powers given by ſeveral Turnpike Acts are ineffectual for the Purpoſes of digging, providing, and carrying Materials, for the Uſe of the Turnpike Roads therein deſcribed, and alſo for the Purpoſes of enlarging, diverting, and turning ſuch Turnpike Roads, and ſtopping up, ſelling, and diſpoſing of the old Roads ſo to be diverted and turned; and alſo for the making, opening, and cleanſing of Ditches and Drains, and the cutting and pruning of Hedges and Trees; and alſo for the calling forth and compelling the Performance of the Statute-duty which ſhall belong to ſuch Turnpike Roads: And whereas more ample Powers, under proper Guards and Reſtrictions, have been given, or may be given, for the ſeveral Purpoſes aforeſaid, by certain Clauſes, Proviſions, and Regulations, contained, or to be contained, in the Act or Acts of Parliament made, or to be made, for the Amendment and Preſervation of the Highways in general, (which Highways comprehend and include Turnpike Roads); and it may be more beneficial to the Turnpike Roads, and to the Publick, if the Surveyors of Turnpike Roads were authoriſed, within their reſpective Limits, to apply Part of the Tolls and Statute-puty in carrying the ſaid Powers into Execution, for the Uſe and Improvement of ſuch Turnpike Roads; be it therefore enacted, That the Surveyors of every Turnpike Road, within that Part of *Great Britain* called *England*, ſhall and may, with the Approbation of the Truſtees of every ſuch Turnpike Road, apply any Part of the Tolls and Statute-duty ariſing to, from, or in reſpect of every ſuch Turnpike Road, in the Execution of all and every the ſaid Powers, Clauſes, Proviſions, and Regulations, which are, or ſhall be contained in the ſaid Act or Acts of Parliament, for the Amendment and Preſervation of the Highways, and ſhall and may execute and enforce the ſame upon and to the Benefit and Improvement of ſuch Turnpike Roads reſpectively, for the ſeveral Purpoſes aforeſaid, as fully and amply, but upon ſuch Terms, under ſuch Reſtrictions, and in ſuch Manner and Form, to all Intents and Purpoſes, as the Surveyor of any Pariſh, Townſhip, or Place, can or may do, or apply the ſame, by virtue of, or under ſuch Act or Acts of Parliament.

When the Powers for providing Materials, enlarging and turning Turnpike Roads, making Drains, pruning Hedges and Trees, and calling forth the Statute duty, are ineffectual, and where more ample Powers for theſe Purpoſes are given by the Highway Act, the Surveyor of Turnpike Roads, with the Approbation of the Truſtees, may execute and enforce theſe Powers upon and for the Benefit of the Turnpike Roads, upon the

Terms, and under the Reſtrictions, in the Highway Act:

LXXI. Provided nevertheleſs, and be it further enacted, That when any Materials ſhall be dug or got by the Surveyor of any Turnpike Road, in the ſeveral or incloſed Lands or Grounds of any Perſon or Perſons, for the Uſe of any Turnpike Road, by or under the Authority of this Act, or of the ſaid Act or Acts, for the Amendment and Preſervation of the Highways, Satisfaction ſhall be made by the Truſtees of ſuch Turnpike Road to the Owner or Occupier of ſuch Lands or Grounds, for the Materials ſo to be dug or got, and alſo for the Damages in carrying away the ſame, in ſuch Manner as Satisfaction is or ſhall be required to be made for the Damages occaſioned by the digging, getting, and carrying away the Materials in ſeveral or incloſed Lands or Grounds, by virtue of the ſaid Act or Acts for the Amendment and Preſervation of the Highways.

But Satisfaction ſhall be made by the Truſtees of the Turnpike Roads for all ſuch Materials as are got in ſeveral or incloſed Lands or Grounds.

LXXII. And be it further enacted, That the Forms of Proceedings relative to the ſeveral Matters contained in this Act, which are ſet forth and expreſſed in the Schedule hereunto annexed, ſhall be uſed upon all Occaſions, with ſuch Additions or Variations only as may be neceſſary to adapt them to the particular Exigencies of the Caſe; and that no Objection ſhall be made, or Advantage taken, for want of Form in any ſuch Proceedings, by any Perſon or Perſons whomſoever.

The Forms of Proceedings contained in the Schedule to be uſed, and no Objection or Advantage ſhall be

taken for want of Form.

LXXIII. And, to enforce further a due Obſervance of this Act, be it enacted, That every Conſtable, Headborough, or Tithingman, refuſing or neglecting to put this Act into Execution, or to account for and deliver any Forfeiture or Penalty, according to the Directions of this Act, and every Surveyor of any Turnpike Road, and every Toll-gatherer, and all other Perſons employed, or to be employed, by Truſtees appointed, or to be appointed, for the repairing Roads, as do or ſhall receive Salaries or Rewards, who ſhall wilfully neglect, for the Space of One Week after the Offence commited, to lay ſuch Information upon Oath before One or more of His Majeſty's Juſtices of the Peace for the Limit wherein ſuch Offence was committed, as by this Act is directed, ſhall, upon due Information made upon Oath before One of His Majeſty's Juſtices of the Peace for the ſaid Limit, forfeit for every ſuch Neglect, the Sum of Ten Pounds.

Conſtables, Surveyors, and all Perſons employed with Salaries, refuſing to execute the Act, and wilfully neglecting to proſecute Offenders for One Week after the Offence committed, forfeit 10 l.

LXXIV. Provided always, and be it further enacted, That no Conviction ſhall be had or made by virtue of this Act, unleſs upon Confeſſion of the Party accuſed, or upon the Oath of One or more credible Witneſs or Witneſſes; and that any Inhabitant of any Pariſh, Townſhip, or Place, in which any Offence ſhall be commited contrary to this Act, ſhall be deemed a competent Witneſs, notwithſtanding his or her being an Inhabitant of ſuch Pariſh, Townſhip, or Place; and that any Juſtice

Conviction, upon what Evidence to be made. Inhabitants good Witneſſes notwithſtanding.

they live in the Place where the Offence was committed.

Justices may act although they are Creditors or Trustees.

stice of the Peace may act in the Execution of this Act, notwithstanding he may be a Creditor, or a Trustee for repairing and amending the Roads on which any Offence contrary to this Act shall be committed.

Persons resisting the Execution of the Act, or assaulting Collectors,

and Constables disobeying Warrants of Justices of Peace, forfeit, not exceeding 10l. nor less than 40s.

LXXV. And be it further enacted, That in case any Person or Persons shall resist, or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or any particular Act made for amending any particular Highway; or shall assault any Collector or Collectors of the Tolls in the Execution of his or their Office or Offices; or shall pass through any Turnpike Gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences, set up, or to be set up, by Authority of Parliament, without paying the Toll appointed to be paid at such Gate or other Fence; or shall hinder, or attempt to prevent or obstruct any such Person or Persons in the measuring or gauging the Wheels of any Carriage, or make any Rescue of Cattle or other Goods, distrained by virtue of this Act; or if any Constable, Headborough, or Tithingman, shall refuse or neglect to execute any Warrant granted by any Justice or Justices of the Peace, pursuant to the Directions of this Act; every such Person offending therein, and being convicted thereof, in Manner aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be so convicted; to be paid to the Surveyor of the Turnpike Roads where the Offence was committed, and laid out in the Repairs thereof: And in case he or she do not forthwith pay, or secure to be paid, the said Forfeiture, after such Conviction, then it shall and may be lawful for such Justice or Justices of the Peace to commit such Person or Persons to the common Gaol, or House of Correction, of the County, Division, or Place, where such Offence shall be committed, there to remain for any Time not exceeding Three Months, unless the said Forfeiture shall be sooner paid.

Penalties and Forfeitures to be levied and recovered by Distress and Sale.

How to be applied.

If no Distress, the Offender to be committed.

If the Offender lives out of Jurisdiction of the Justice, the Justices where he lives may proceed, having a Copy of the Conviction duly proved.

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, for any Offence against the same, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying and recovering of which is not hereby otherwise particularly directed), shall be levied by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of some Justice of the Peace for the Limit where such Offence, Neglect, or Default, shall happen, and such Order for Payment of such Costs or Charges shall be made, rendering the Overplus of such Distress and Sale, if any, to the Party or Parties, after deducting the Charges of making the same; which Warrants such Justice is hereby impowered and required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of One or more credible Witness or Witnesses, or upon Order made, as aforesaid; and the Penalties and Forfeitures, Costs and Charges, when so levied, shall be paid, the One Half to the Informer, and the other Half to the Surveyor of the Turnpike Road where such Offence, Neglect, or Default, shall happen, to be employed towards the Repair thereof, unless otherwise directed by this Act: And in case such Distress cannot be found, and such Penalties and Forfeitures, or the said Costs or Charges, shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorised and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders, or Person or Persons, liable to pay the same respectively, to the common Gaol, or House of Correction, of the Limit where the Offence shall be committed, or such Order, as aforesaid, shall be made, for any Time, not exceeding Three Months, unless the said Penalty, Forfeiture, Costs, or Charges, shall respectively be sooner paid: And if such Offender or Offenders, or Person or Persons, liable, or ordered to pay the same respectively, shall live out of the Jurisdiction of the Justice or Justices, hereby authorised to grant such Warrant, it shall and may be lawful for any Justice of the Peace of the Limit wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, or of the Order for the Payment of such Costs or Charges, produced and proved by a credible Witness upon Oath, by Warrant, under his Hand and Seal, to cause the Penalty or Forfeiture mentioned in such Conviction, or the Costs or Charges mentioned in such Order, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, or Person or Persons, liable, or ordered to pay the same respectively, as aforesaid; and if no sufficient Distress can be had, to commit such Offender or Offenders, or Person or Persons, liable, as aforesaid, to the common Gaol, or House of Correction, of such Limit, for the Time, and in Manner aforesaid.

No Warrant of Distress to be issued till Six Days after the Conviction.

LXXVII. Provided nevertheless, That no Warrant of Distress, unless otherwise directed by this Act, shall be issued for levying any Penalty or Forfeiture, Costs or Charges, until Six Days after the Offender shall have been convicted, and an Order made and served upon him or her for Payment thereof.

Forfeitures recovered, on the Evidence of the Surveyor or other Officer employed by the Trustees with Salaries shall be applied to the Use of the Roads.

LXXVIII. Provided also, and be it enacted, That whatever Penalty or Forfeiture shall be levied or recovered on the Information of the Surveyor of any Turnpike Road, or of any Toll-gatherer, or other Person employed by the Trustees appointed for repairing the Roads, and receiving Salaries or Rewards for their Services, and not otherwise directed by this Act, shall go and be applied to the amending of the said Turnpike Roads respectively, and to no other Use or Purpose whatever; any Thing in this or any other Act to the Contrary notwithstanding.

LXXIX. And be it enacted, That every Profecutor or Informer may, at his Election, fue for, and recover any Forfeiture or Penalty impofed by this or any other Act or Acts of Parliament made for erecting Turnpikes, or for repairing and amending Turnpike Roads, in the Manner hereafter mentioned; that is to fay; If the the fame fhall not amount to the Sum of Forty Shillings, it fhall be recoverable only by Information before a Juftice of the Peace; and if the fame fhall amount to Forty Shillings, or upwards, it fhall and may be recovered either by Information, as aforefaid, or by Action of Debt, in any of His Majefty's Courts of Record, in which it fhall be fufficient to declare that the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act, paffed in the Thirteenth Year of the Reign of His prefent Majefty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being, for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpofes*; and the Plaintiff, if he recover in any fuch Action, fhall have Full Coffs: Provided, that there fhall not be more than One Recovery for the fame Offence; and that Ten Days Notice in Writing be given to the Party offending previous to the Commencement of fuch Action; and that the fame be brought and commenced within One Calendar Month after the Offence for which fuch Action is brought fhall have been committed.

Profecutors may recover Forfeitures below 40s. only by Information before a Juftice, but above 40s by Information, as aforefaid, or by Action, &c.

Ten Days Notice to be given before Action brought, and to be commenced within One Month after Offence committed.

LXXX. And be it further enacted, That where any Diftrefs fhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diftrefs itfelf fhall not be deemed unlawful, nor the Party or Parties making the fame be deemed a Treffpaffer or Treffpaffers, on account of any Default or want of Form in any Proceedings relating thereto; nor fhall the Party or Parties diftraining be deemed a Trefpaffer or Trefpaffers *ab initio*, on account of any Irregularity which fhall be afterwards done by the Party or Parties diftraining; but the Perfon or Perfons aggrieved by fuch Irregularity may recover full Satisfaction for the fpecial Damage in an Action the Cafe.

Diftrefs not unlawful, nor the Party making it a Trefpaffer, for want of Form, or Irregularity in the Proceedings; but the Party aggrieved may recover Satisfaction for the fpecial Damages.

LXXXI. Provided always, That no Plaintiff or Plaintiffs fhall recover in any Action for any fuch Irregularity, Trefpafs, or wrongful Proceedings, if Tender of fufficient Amends fhall be made by or on the Behalf of the Party or Parties who fhall have committed, or caufed to be committed, any fuch Irregularity, or wrongful Proceedings, before fuch Action brought; and in cafe no fuch Tender fhall have been made, it fhall and may be lawful for the Defendant in any fuch Action, by Leave of the Court where fuch Action fhall depend, at any Time before Iffue joined, to pay into Court fuch Sum of Money as he or they fhall fee fit; whereupon fuch Proceedings, or Orders, and Judgements, fhall be had, made, and given, in and by fuch Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover any Irregularity in the Proceedings, if Tender of Amends be made before the Action brought.

Defendant may pay Money into Court.

LXXXII. Provided alfo, and be it further enacted, That if any Perfon fhall think himfelf or herfelf agrieved by any Thing done by any Juftice or Juftices of the Peace in purfuance of this Act, except under the particular Circumftances hereafter mentioned, and for which no particular Method of Relief hath been already appointed, fuch Perfon may appeal to the Juftice of the Peace, at any General Quarter Seffions of the Peace to be held for the Limit wherein the Caufe of fuch Complaint fhall arife; fuch Appellant firft giving, or caufing to be given, to fuch Juftice, by whofe Act or Acts fuch Perfon fhall think himfelf or herfelf aggrieved, Notice in Writing of his or her Intention to bring fuch Appeal, and of the Matter thereof, within Six Days after the Caufe of fuch Complaint arofe, and within Four Days after fuch Notice, entering into Recognizance before fome Juftice of the Peace, with One fufficient Surety, conditioned to try fuch Appeal at, and abide the Order of, and pay fuch Coffs, as fhall be awarded by the Juftices at fuch Quarter Seffions; and each and every Juftice of the Peace, having received Notice of fuch Appeal, as aforefaid, fhall return all Proceedings whatever had before them refpectively, touching the Matter of fuch Appeal, to the faid Juftices at their General Quarter Seffions aforefaid, on Pain of forfeiting Five Pounds for every fuch Neglect; and the faid Juftices, at fuch Seffion, upon due Proof of fuch Notice being given as aforefaid, and of the entering into fuch Recognizance, fhall hear, and finally determine the Caufes and Matters of fuch Appeal in a fummary Way, and award fuch Coffs to the Parties appealing, or appealed againft, as they the faid Juftices fhall think proper, to be levied and recovered as herein-before directed; and the Determination of fuch Quarter Seffions fhall be final and concluffive to all Intents and Purpofes; and no Proceeding to be had or taken in purfuance of this Act fhall be quafhed or vacated for want of Form, or removed by *Certiorari*, or any other Writ or Proces whatfoever, into any of His Majefty's Courts of Record at *Weftminfter*, any Law or Statute to the Contrary notwithanding.

Perfons aggrieved may appeal, upon giving Six Days Notice after the Caufe of Complaint fhall arife; and entering into Recognizance to try the Appeal, and pay the Coffs.

Juftices to whom Notice of Appeal fhall be given, are to return all the Proceedings to the Quarter Seffions.

Juftices at Quarter Seffions are to hear and determine the Complaints, and award Coffs.

No Proceedings to be removed by Certiorari.

LXXXIII. Provided, That no fuch Appeal fhall be made againft any Conviction for any Penalty or Forfeiture incurred by virtue of this Act, unlefs the Perfon convicted fhall, at the Time of fuch Conviction, if he fhall be then prefent, if not, within Six Days after, give, or caufe to be given, Notice of his or her Intention to appeal, and at the fame Time enter into Recognizance, or give Security, with fufficient Sureties, to pay fuch Penalty or Forfeiture, in cafe fuch Conviction fhall be affirmed upon fuch Appeal; and upon his or her giving fuch Security, the further Proceedings for

No Appeal to be made againft a Conviction, unlefs the Party give Notice thereof at the Time of Conviction, if pre-

ſent, if not within Six Days after, and enter into Recognizance as above.

for ſuch Penalty or Forfeiture ſhall be ſuſpended until ſuch Appeal ſhall be heard and determined.

Juſtices and Truſtees have Power to adminiſter Oaths.

LXXXIV. And be it enacted, That where any Oath is hereby required and directed to be made or taken, the Juſtices of the Peace of any Limit, or the Truſtees of any Turnpike Road, (as the Caſe may be), and according to the ſeveral Juriſdictions herein given to them reſpectively, as aforeſaid, ſhall, and they are hereby reſpectively impowered to adminiſter the ſame.

If Action be commenced for any Thing done under this Act, it ſhall be brought within 3 Months after the Offence committed, and in the County where the Defendant reſides, or the Fact was done.

LXXXV. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done or acted in purſuance of this Act; then, and in every ſuch Caſe, ſuch Action or Suit ſhall be commenced or proſecuted within Three Calendar Months after the Fact committed, and not afterwards; and the ſame, and every ſuch Action or Suit, ſhall be brought in the County where the Perſon againſt whom ſuch Action or Suit ſhall be commenced doth ordinarily inhabit or reſide, or where the Fact was committed, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time limited for bringing the ſame, or be brought and laid in any other County than as aforementioned, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any Caſes by Law.

Defendant may plead the General Iſſue, and give the Act, and Special Matter, in Evidence.

If Plaintiff proceeds in any other Manner, the Jury are to find for the Defendant, and he is to have Treble Coſts.

The Statute of 7 Geo. III. repealed.

LXXXVI. And be it further enacted, That from and after the Twenty-eighth Day of *September*, One thouſand ſeven hundred and ſeventy-three, an Act, paſſed in the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purpoſes therein mentioned*, (except ſo much thereof as repeals the ſeveral Acts therein mentioned), ſhall be, and the ſame is hereby repealed; and that this Act ſhall commence and take Effect on the Twenty-ninth Day of *September*, One thouſand ſeven hundred and ſeventy-three.

This Act is to commence on the 29th Day of Sept. 1773.

THE SCHEDULE REFERRED TO,

Containing the Form of PROCEEDINGS.

No. I.

Order of Truſtees for erecting a Weighing Engine.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King George *the Third for* [State the principal Part of the Title of the Act] *held at the Day of* 17

IN purſuance of the Powers given to us by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the Turnpike Roads*, we do hereby order, That an Engine, proper for the weighing of Carriages, of the Conſtructions and Weights ſpecified in the ſaid Act, be forthwith erected at or as near as conveniently may be to the Toll Gate or Bar now erected upon the ſaid Turnpike Road at and that *A. B.* the (*Treaſurer*), *Clerk*), or *Surveyor*], of the ſaid Turnpike Road do contract with ſome proper Perſon (*or with C. D.*)

(*in*

(*in caſe the Truſtees ſhall think fit to name the Perſon*), for the making and erecting ſuch Engine, and do inſpect and take care that the ſame is properly done: And we do order the Gate-keeper at the ſaid Gate or Bar for the Time being to attend the ſaid Weighing Engine, and carefully to weigh all Carriages paſſing, loaded upon the ſaid Road, at the Place where ſuch Engine ſhall be erected, together with the Loading thereof, and to take the ſeveral additional Tolls or Rates for Overweight, and give Tickets of the Weight of ſuch Carriages and Loading, when required by the Driver thereof, according to the Directions of the ſaid Act; and alſo to enter in a ſeparate Book, to be kept by him for that Purpoſe, an Account of every Carriage ſo weighed, which ſhall, with the Loading, exceed the Weights allowed by the ſaid Act, and account to us for the Money received for all ſuch Overweight.

(*To be ſigned by Five at leaſt of the Truſtees.*)

No. II.

TABLE of Weights allowed in Winter and Summer to Carriages directed to be weighed, including the Carriage and Loading, by the Act of the Thirteenth *George* the Third.

	Summer. Tons. Cwt.	Winter. Tons Cwt.
To every Waggon upon Rollers, of the Breadth of Sixteen Inches,	8 —	7 —
To every Waggon with Nine Inch Wheels, rolling a Surface of Sixteen Inches on each Side,	6 10	6 —
To every Waggon with Nine Inch Wheels,	6 —	5 10
To every Car with Nine Inch Wheels,	3 —	2 15
To every Waggon with Six Inch Wheels,	4 5	3 15
To every Waggon with Six Inch Wheels, rolling a Surface of Eleven Inches,	5 10	5 —
To every Cart with Six Inch Wheels,	2 12	2 7
To every Waggon with Wheels of leſs Breadth than Six Inches,	3 10	3 —
To every Cart with Wheels of leſs Breadth than Six Inches,	1 10	1 7

No. III.

Agreement between Truſtees of different Turnpike Roads, for erecting One Weighing Engine for the Uſe of ſuch Roads.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King George *the for* [State the Principal Part of the Title of the Act], *and alſo of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King* George *the for* (&c. as above) *held at the Day of 17 for the Purpoſe of agreeing upon and ordering a Weighing Engine, at the joint Expence of the Truſtees, for the Uſe of the ſaid ſeveral Turnpike Roads, purſuant to the Powers given by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King* George *the Third, for regulating the Turnpike Roads.*

IT appearing to us, That a Weighing Engine may be erected at (*deſcribing the Spot where it can be moſt conveniently placed*), which will accommodate both the ſaid Turnpike Roads, according to the true Intent and Meaning of the ſaid Act; and do therefore order, *etc*, (*as in the Form above mentioned*) and we do hereby agree and order, That the Expences of making and erecting the ſaid Weighing Engine, and the Sum of which we do hereby agree and order, ſhall be paid to the Toll-gatherer attending the ſaid Toll-gate for the Time being, weekly, for his extraordinary Trouble in attending the ſaid Weighing Engine, ſhall be advanced and paid by the Treaſurers of the ſaid ſeveral Turnpike Roads, in the Shares and Proportions following; *videlicet*, That the Treaſurer of the Road ſhall pay (*One Half*), (*Two-thirds*), or (*Three-fourths*), Parts thereof, (*as the Truſtees ſhall agree*), and the Treaſurer of the Road ſhall pay the remaining (*One Half*), *One-third*), or (*One-fourth*), Part thereof; and that the Money to be received at the ſaid Weighing Engine, by Forfeitures for Overweight, ſhall be paid to the ſaid reſpective Treaſurers, in the like Proportions, and applied by them for the Uſe of the ſaid reſpective Turnpike Roads.

No. IV.

Complaint to the Court of Quarter Seſſions of a Turnpike Road being damaged by exceſſive Weights, and that there is no Weighing Engine upon it.

To the Juſtices at the General Quarter Seſſions of the Peace for the (County) Riding) Diviſion) *of*

WE, whoſe Names are ſubſcribed, being *(Creditors* or *Truſtees)* under an Act, paſſed in the Year of the Reign of King *George* the for, *&c.* [*State the principal Part of the Title of the Act*], do hereby complain to the Juſtices at the ſaid Court, that a Part of the ſaid Turnpike Road, lying between and is much damaged by the Carriage of exceſſive Weights thereupon, and that the Truſtees of the ſaid Turnpike Road have hitherto neglected to erect, or order any Weighing Engine to be erected, upon the ſaid Road, purſuant to the Powers given to them by the Act paſſed in the Thirteenth Year of the Reign of King *George* the Third, *for regulating the Turnpike Roads*; and we apprehend, that if a Weighing Engine was to be erected upon the ſaid Road, purſuant to the ſaid Act, at or near the Toll-gate at (or known by the Name of the Gate), it would contribute greatly to the Preſervation of the ſaid Road.

Signed this Day of 17

(If a Juſtice of Peace makes the Complaint, the Form will be as under);

Middleſex. I *A. B.* One of His Majeſty's Juſtices of Peace for the ſaid County, do hereby complain, *etc.* (*as above*).

No. V.

Notice of a Meeting of Truſtees, for ordering a Side-gate to be erected.

NOTICE is hereby given, That the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for [*State the material Parts of the Title of the Act*] will meet at the Houſe of at on the Day of next, at the Hour of in the noon, in order to conſult about erecting a Toll-gate on the Side of the ſaid Turnpike Road, at or near a Place called acroſs a certain Highway there, leading to

Dated the Day of 17

A. B. Clerk to the ſaid Truſtees.

No. VI.

Order of the Truſtees for erecting a Side-gate.

AT a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for [*Here ſtate the material Parts of the Title of the Act*], being aſſembled this Day of 17 to enforce the Directions of an Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *For regulating the Turnpike Roads* (as far as the ſame reſpects the erecting of Side-gates,) in purſuance of publick Notice given in Writing upon all the Toll-gates erected on the ſaid Road, and alſo in the News-papers circulated in this Part of the Country, for Twenty-one Days now laſt paſt; we do order, that a Toll-gate ſhall be erected on the Side of the ſaid Turnpike Road, at or near a Place called acroſs a certain Highway there, leading to and that the following Toll be taken at the ſaid Gate; *videlicet*, [*Here inſert the particular Tolls to be taken at the ſaid Side-gate*].

This to be ſigned by Nine Truſtees at leaſt.

Order

No. VII.

Order of Truſtees for permitting Carriages with Six Inch Wheels to be drawn by Horſes in Pairs.

AT a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for, *etc.* [*State the material Part of the Title of the Act*], held at on the Day of One thouſand ſeven hundred it was requeſted by ſeveral Perſons, that Liberty ſhould be given to draw Carriages with Fellies of the Breadth of Six Inches, by Horſes in Pairs; and the State and Condition of the ſaid Turnpike Road being taken into Conſideration, and it appearing to us, that the ſaid Requeſt may be granted without Prejudice to the ſaid Turnpike Roads, we do hereby authoriſe all Perſons, who ſhall uſe Carriages with Fellies of the Breadth of Six Inches upon the ſaid Turnpike Road, to draw ſuch Carriages with Horſes in Pairs, if they ſhall think fit, from and after the Day of next, purſuant to the Power given to us by an Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *For regulating Turnpike Roads*.

(This Meeting muſt conſiſt of Seven or more Truſtees).

No. VIII.

Notice for letting Tolls.

NOTICE is hereby given, That the Tolls ariſing at the Toll-gate, (*or Toll-gates, if more than One*), upon the Turnpike Road at called or known by the Name of the Gate, will be let by Auction, to the beſt Bidder, at the Houſe of at on the Day of next, between the Hours of and in the Manner directed by the Act, paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the Turnpike Roads*; which Tolls produced the laſt Year the Sum of above the Expences of collecting them, and will be put up at that Sum. Whoever happens to be the beſt Bidder, muſt, at the ſame Time, give Security, with ſufficient Sureties, to the Satisfaction of the Truſtees of the ſaid Turnpike Road, for Payment of the Rent agreed for, at ſuch Times as they ſhall direct.

A. B. Clerk to the Truſtees of the ſaid Turnpike Road.

No. IX.

Order of Truſtees for reducing the Tolls.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King George *the for*, &c. [State the principal Part of the Title of the Act] *held at the Day of* 17

WHEREAS by the ſaid Act there was no Power (*or no effectual Power*) given (*as the Caſe may be*) to the Truſtees to leſſen the Tolls authoriſed to be taken by the ſaid Act; we, whoſe Names are ſubſcribed, being Seven or more of the Truſtees acting under the ſaid Act, being now aſſembled for reducing the Tolls authoriſed to be taken by and under the ſaid Act, purſuant to publick Notice given for that Purpoſe in the News-paper circulated in this Part of the Country, and alſo affixed upon all the Turnpike-gates erected upon the ſaid Turnpike Road for upwards of One Calendar Month now laſt paſt; and having the Conſent of the ſeveral Perſons intitled to Five-ſixth Parts of the Money now remaining due upon the Credit of the ſaid Tolls this Day ſignified and proved to us, do hereby order, That the Tolls granted by the ſaid Act ſhall, from and after the Day of One thouſand ſeven hundred be leſſened and reduced in the following Manner; [*Here ſtate the ſeveral Reductions propoſed to be made*].

No. X.

Order of Two Juſtices, for determining what Repairs ſhall be done to new Roads by Perſons who are diſcharged from the Repair of old Roads.

Middleſex. WE, Two of his Majeſty's Juſtices of the Peace for the ſaid County, acting within the (*Hundred*) of in the ſaid County, having (at the Requeſt of the Parties intereſted in Part of the Highway (*or Turnpike Road*) hereafter mentioned, who

could not agree about the Repair thereof), viewed a certain Part of the Highway, (*or Turnpike Road*) described in the Plan hereunto annexed, of the Length of Yards, which hath been set out and appropriated for a new Highway, (*or Turnpike Road*), between and in lieu of an old Highway, (*or Turnpike Road*) which hath been ordered to be ſtopped up, and having alſo viewed the Ground where the ſaid old Highway was ſituated, and having ſummoned the Surveyor of the ſaid new Highway, (*or Turnpike Road*), and alſo *A. B.* (*who was liable by Tenure, etc.*) *If the ſaid old Road lay in a different Pariſh, and was to be repaired by the Inhabitants, leave out the Words in Italick, and inſert (the Surveyor of the (Pariſh, etc.) of where the ſaid old Road lay, who were liable)* to the Repair of the ſaid old Highway, (*or Turnpike Road*), to appear before us this Day; and having heard what has been alledged touching the Repairs of the ſaid Part of the ſaid Highway, (*or Turnpike Road*), and having fully conſidered the ſame, and all the Circumſtances of the Caſe, we think it juſt and reaſonable, and do hereby order and (*adudge.*) that the ſaid *A. B.* (*or the Inhabitantt of the ſaid Pariſh, etc.*) ſhall, from Time to Time, repair, and keep in Repair, the Whole, (or a Part of the ſaid Highway) from to containing Yards in Length at each End, whereof we have cauſed a Poſt, or Stone, to be placed, to aſcertain the Extent thereof.

Given under our Hands and Seals, this Day of 17

(*If it be agreed, by the Conſent of the Parties, to pay a Sum in groſs, in lieu of ſuch Repairs, after the Word* (adjudge) *inſert* (By and with the Conſent of the ſaid *A. B.* ſignified by his ſubſcribing his Name to this Order,) (or by the Conſent of the Inhabitants of the ſaid (*Pariſh, etc.*) of ſignified in Writing, at a Veſtry or other publick Meeting, a Copy whereof is hereunder written) that the ſaid *A. B.* (*or the Inhabitants, etc.*) is (*or are*) liable to repair Part of the ſaid new Highway; and that if he (*or they*) ſhall, on or before the Day of next pay to the Surveyors of the Highways of the ſaid (*Pariſh, etc.*) of (*if it is not Turnpike Road*) and, if it be Turnpike Road, (*to the Treaſurer of the ſaid Turnpike Road*), the Sum of he the ſaid *A. B.* and his Heirs, (*or the ſaid Inhabitants, and their Succeſſors*) ſhall be for ever acquitted and diſcharged from the Burden and Obligation to repair the ſaid new Highway, or any Part hereof:

(*If it be by the Conſent of Parties agreed to pay an annual Sum in lieu of ſuch Repairs, the Form will be eaſily varied, and adapted to that Caſe.*)

I do conſent and agree to the above Order.

A. B.

No. XI.

Agreement of Inhabitants, at a Veſtry, or publick Meeting, to pay a groſs Sum, or annual Payment, to be diſcharged from the Repair of a particular Road.

WE, whoſe Names are ſubſcribed, being a Majority of the Inhabitants of the (*Pariſh, etc.*) of aſſembled, this Day of at a Veſtry, or publick Meeting, held purſuant to Notice duly given, for the Purpoſes of conſulting about an Agreement to be made concerning the Repair of Part of a Highway (*or Turnpike Road*) within the ſaid (*Pariſh, etc.*) of do conſent and agree to pay the Sum of to be abſolutely exonerated and diſcharged from all future Repairs of the ſaid Highway, (*or Turnpike Road*) (*or if an annual Payment be agreed upon*), to pay annually the Sum of

No. XII.

Agreement between the Truſtees of a Turnpike Road, and a Perſon liable by Tenure to repair ſome Part of it.

At a Meeting of the Truſtees of the Turnpike Roads under an Act, paſſed in the Year of the Reign of King George *the for* [State the principal Part of the Title of the Act] *held at the Day of* 17

WHEREAS *A. B.* of is liable by Tenure, &c. (*as the Caſe ſhall be*) to the Repair of a certain Highway leading between and of the Length of Yards, or thereabouts. and the ſaid Highway being now made Turnpike Road by virtue of the ſaid Act, will occaſion a greater Expence to make and keep the ſame in proper Repair than would have been neceſſary if no ſuch Act had been obtained; and the ſaid *A. B.* attending this Meeting in Perſon, (*or by C. D.* his Attorney or Agent, authoriſed to treat in his Behalf) the ſaid Truſtees and the ſaid *A. B.* &c. in purſuance of a Power given by an Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *For regulating Turnpike Roads*, have, in order to put and keep the ſaid Road in proper Condition and Repair, come to the following Agreement; *videlicet*,

videlicet, That the ſaid Truſtees ſhall, on or before the Day of next, pay and allow the Sum of out of the Tolls ariſing upon the ſaid Turnpike Roads, towards putting the ſaid Road into proper Repair, to be laid out and expended by the Surveyor of the ſaid Turnpike Road; and that the ſaid *A. B.* ſhall advance and pay into the Hands of the Treaſurer of the ſaid Turnpike Road, on or before the Day of next, the Sum of to be alſo laid out and expended by the ſaid Surveyor in the Repair of the ſaid Road; and that from and after the Twenty-ninth Day of *September* next, the ſaid Turnpike Road ſhall be kept in Repair by the ſaid Truſtees out of the ſaid Tolls, as aforeſaid, ſo long as the ſaid Turnpike Act ſhall continue, upon the ſaid *A. B.* paying into the Hands of their Treaſurer the Sum of upon the Twenty-fifth Day of *March*, in every Year, which the ſaid *A. B.* doth hereby for himſelf and his Heirs agree to pay accordingly, ſo long as the ſaid Road ſhall be ſo repaired by the ſaid Truſtees, as aforeſaid.

[*Or if it be agreed that* A. B. *ſhall keep the Road in Repair, upon having an annual Allowance in Money or Statute duty from the ſaid Truſtees, let the Agreement be varied, and adapted to the Caſe.*]

No. XIII.

Order of Juſtices at a Special Seſſion, for proportioning the Statute-duty, where there are Two or more Turnpike Roads in the ſame Place.

Middleſex. *At a Special Seſſions, held by Juſtices of the Peace for the ſaid County, acting for the* (Hundred) Riding) Diviſion, *etc.*) *of at within the ſaid* (Hundred, *etc.*) *the Day of* 17

IT appearing to us, that Part of the Highway lying in the *(Pariſh, etc.)* of was made Turnpike Road by an Act, paſſed in the Year of the Reign of King *George* the called the Turnpike Road, and alſo that Part of another Highway, lying in the ſame *(Pariſh, etc.)* was made a Turnpike Road, by an Act, paſſed in the Year of the Reign of King *George* the called Turnpike Road; and that, *&c.* [*State the others in the ſame Manner, if there are more than Two*] and that by the ſaid ſeveral Acts, more than Three Days Statute-duty are required to be performed by the Inhabitants of the ſaid *(Pariſh, etc.)* upon all the ſaid Turnpike Roads; and we having, purſuant to the Directions of this Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *for regulating the Turnpike Roads*, duly ſummoned the Surveyors of the ſaid ſeveral Turnpike Roads, and alſo the Surveyor of the ſaid *(Pariſh, etc.)* to appear before us this Day; and having had Regard to the Extent and Condition of the ſeveral Highways within the ſaid *(Pariſh, etc.)* and to the Tolls and Revenues ariſing from the ſaid Turnpike Roads, and having heard and conſidered the whole Caſe, we do order, that the Inhabitants of the ſaid *(Pariſh, etc.)* ſhall perform *(One)* Day's Statute-duty upon the ſaid Road called the Turnpike Road, *(One)* other Day's Statute-duty upon the ſaid Road called the Turnpike Road, *&c.* under the Directions and Inſpection of the Surveyors of thoſe reſpective Turnpike Roads, and the Remainder of their Statute-duty upon the other Highways within the ſaid *(Pariſh, etc.)* under the Direction and Inſpection of the Surveyor *(or Surveyors)* thereof.

A. P.
C. D.

[*The Proportion of the Duty to be varied as the Circumſtances of the Caſe ſhall require.*]

No. XIV.

Order of Juſtices at a Special Seſſions, to take Part of the Statute-duty from Turnpike Roads, for the Benefit of other Highways in the ſaid Pariſh, &c.

Middleſex. *At a Special Seſſions, held by Juſtices of the Peace for the ſaid County, acting in the* (Hundred) *of within the ſaid County, at on the Day of* 17

WHEREAS Application and Complaint upon Oath has been made unto us by *A. B.* Surveyor of the *(Pariſh, etc.)* of that the ſeveral Highways, not being Turnpike, within the ſaid *(Pariſh, etc.)* are very extenſive, and in bad Repair, and that a conſiderable Part of the Statute-duty ariſing within the ſaid *(Pariſh, etc.)* hath been called forth, and required to be applied in the Repair of certain Turnpike Roads lying within the ſaid *(Pariſh, etc.)* which are in good Condition, and have a conſiderable Revenue for their Support, ariſing from the Tolls collected thereupon: And we having,

having duly ſummoned *C. D.* the Surveyor of the ſaid Turnpike Road, to appear before us, to ſhew Cauſe why the ſaid Statute-duty called forth, and applied by him to the Repair of the ſaid Turnpike Road, ſhould not be withdrawn therefrom, and applied to the Repair of the other Highways within the ſaid *(Pariſh, etc.)*; and upon hearing the ſaid *C. D.* and receiving an Account of the Revenues and Debts of the ſaid Turnpike Road, and of the State and Condition of the Repair of the ſaid Turnpike Road and Highway reſpectively; and it appearing to us, upon full Conſideration had thereupon, that Part of the Statute-duty hitherto employed by the ſaid *(Pariſh, etc.)* for the Repair of the ſaid Turnpike Road, may be conveniently diſpenſed without endangering the Securities for the Money advanced upon the Credit of the Tolls thereof; and that ſuch Statute-duty is wanted for the Repairs of the other Highways within the ſaid Pariſh; we, in Purſuance of the Power given to us, by the Act, paſſed in the Thirteenth Year of the Reign of King *George* the Third, *for regulating Turnpike Roads*, do order, That from and after the Twenty-ninth Day of *September* next, there ſhall be only *(One)* Day's Statute-duty performed by the Inhabitants of the ſaid *(Pariſh, etc.)* upon the ſaid Turnpike Road within the ſame, and that the Remainder of the Statute-duty ſhall be performed upon the other Highways within the ſaid *(Pariſh, etc.)*

[*If there are more Turnpike Roads than One, or the whole Statute-duty ſhall be thought fit to be taken away, this Form muſt be varied to fit thoſe Caſes: The Summons to the Surveyors will be very eaſily formed from this Order.*]

No. XV.

Licence by the Truſtees for drawing with an increaſed Number of Horſes up a ſteep Hill.

At a Meeting of the Truſtees of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King George *the for* [State the principal Part of the Title of the Act] *held at the Day of* 17

IT appearing to us, upon the Oath of being a Perſon experienced in levelling, that the Riſe of *(Part of)* a certain Hill, upon the ſaid Turnpike Road, lying in the Pariſh of called or known by the Name of Hill, between the Poſt marked *(Put on)* and the Poſt marked *(Take off)* being Yards in Length, is above Four Inches in a Yard, we do hereby allow to be drawn up the ſaid Hill, between the Poſts above-mentioned, Waggons, having the Soles or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, with Horſes; and Carts having the like Wheels, with Horſes; and Waggons having Wheels of the Breadth of Six Inches, with Horſes; and Carts having the like Wheels, with Horſes; and Waggons having Wheels of leſs Breadth than Six Inches, with Horſes; and Carts having the like Wheels, with Horſes.

[*This Form is calculated where any Part of the Hill between thoſe Poſts riſes above Four Inches in a Yard, but if the whole Riſe between the Poſts ſhall be upon an Average more than Four Inches in a Yard, before the Word* (above) *inſert* (upon an Average) *which will authoriſe the Juſtices to allow more Horſes than mentioned in the Act.*]

No. XVI.

Certificate of the above Order to the Juſtices of Peace at their Quarter Seſſions.

I *A. B.* Clerk to the Truſtees, mentioned in the above Order, do hereby certify to the Juſtices of the Peace, for the *(County) Riding) Diviſion)* of at their General Quarter Seſſions of the Peace, that the above is a true Copy of the Order made by the ſaid Truſtees, for the Purpoſes therein mentioned.

Dated this Day of 17

A. B.

No. XVII.

Agreement by Subſcription for advancing Money to make and repair a Turnpike Road or Highway.

WE whoſe Names are ſubſcribed, do agree to advance and pay the ſeveral Sums wrote by us, oppoſite to our Names, unto to be laid out and expended in the making and repairing a certain Highway leading from to after an Act of Parliament ſhall be

be obtained for making the ſame Turnpike Road, upon having the Tolls to be collected upon ſuch Turnpike Road aſſigned and made over to us, as a Security for the reſpective Sums ſo to be advanced by us, together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, which Sums we do hereby ſeverally agree to pay by Inſtalments, in the following Manner, *videlicet*, One Fourth Part thereof on the Day of next, One other Fourth Part, *(etc. etc. etc.)*

Dated this Day of 17

No. XVIII.

Warrant from a Juſtice of Peace to enter the Toll-gate Houſe, and remove the Perſons therein.

Middleſex. *To the* (Conſtable) Headborough) Tythingman) *of in the ſaid County.*

WHEREAS Complaint hath been made unto me *A. B.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, upon the Oath of and other Evidence now produced to me, that *C. D.* who now inhabits the Turnpike or Toll-gate Houſe at upon the Turnpike Road leading from to and was appointed to collect the Tolls there, hath been duly diſcharged by the Truſtees of the ſaid Turnpike Road from any further collecting or receiving the Tolls ariſing at the ſaid Gate, and hath refuſed, and ſtill doth refuſe, to quit the Poſſeſſion of the ſaid Houſe; and the ſaid *C. D.* having been ſummoned to appear before me this Day, to ſhew Cauſe why he ſhould not be removed from the ſaid Houſe, and having ſhewn no ſufficient Cauſe for that Purpoſe, I do hereby authoriſe and require you, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into the ſaid Toll-houſe or Turnpike-houſe, and the Buildings belonging thereto, in the Day-time, and to remove the ſaid *C. D.* and all ſuch Perſons as ſhall be found therein, together with his and their Goods, out of ſuch Houſe and Buildings, and to put *E. F.* the Perſon lately appointed by the Truſtees to collect ſuch Tolls, into the Poſſeſſion thereof, for which this ſhall be your ſufficient Warrant.

Given under my Hand and Seal this Day of 17

No. XIX.

Notice for Contracts to be made, for getting and carrying Materials.

NOTICE is hereby given, that *A. B.* Surveyor of the Turnpike Road, lying between and will, on the Day of next, at the Hour of in the noon, let the getting of (*Tons*) of Gravel, *or* (*Tons*) of Stone, to be got at a Pit at for the Uſe of the ſaid Turnpike Road, and will alſo let the Carriage of the ſaid Gravel *(or Stone)* from the ſaid Pit to where the ſame is to be uſed and employed upon the ſaid Turnpike Road; and all Perſons deſirous of entering into a Contract with the ſaid Surveyor, either for getting or carrying the ſaid Materials, are deſired to attend at the Time and Place before mentioned.

Dated this Day of 17

A. B.

No. XX.

Bond from the Surveyor.

WE *A. B.* Surveyor of the Turnpike Roads, under an Act, paſſed in the Year of the Reign of King *George* the for [*State the principal Part of the Title of the Act*] and *C. D.* of are bound to *E. F.* of in the Sum of Pounds, to be paid to the ſaid *E. F.* his Executors, Adminiſtrators, or Aſſigns, for which Payment we hereby bind ourſelves ſeverally, and each of our Heirs, Executors, and Adminiſtrators.

Dated the Day of 17

The Condition of this Bond is ſuch, that if the ſaid *A. B.* his Executors or Adminiſtrators, ſhall duly and faithfully account for, apply, and pay all and every the Sum and Sums of Money, which hath come, or ſhall come, to his Hands as Surveyor of the Turnpike Road aforeſaid, according to the Direction and true Intent and Meaning of the ſaid Act, and of the Statute, made in the Thirteenth

Year of the Reign of His Majeſty King *George* the Third, *for regulating the Turnpike Roads*, then this Bond to be void, or elſe to remain in full Force.

(The Bond from the Treaſurer will be in the ſame Form).

No. XXI.

Summons for any Perſon or Perſons to attend a Juſtice or Juſtices.

Middleſex. *To A. B. of*

WHEREAS Complaint and Information hath been made upon Oath before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid *(County, etc.)* by *E. F.* of that, *etc.* [*Here ſtate the Nature and Circumſtances of the Caſe, as far as it ſhall be neceſſary to ſhew the Offence, and to bring it within the Authority of the Juſtice; and, in doing that, follow the Words of the Act as near as may be.*] Theſe are therefore to require you perſonally to appear before me, *(or the Juſtices to be aſſembled at their Special Seſſions, to be holden)* at in the ſaid *(County, etc.)* on the Day of next, at the Hour of in the noon, to anſwer to the ſaid Complaint and Information made by the ſaid *E. F* who is likewiſe directed to be then and there preſent, to make good the ſame: Herein fail not.

Given under my Hand and Seal, this
Day of 17

No. XXII.

Information.

Middleſex. BE it remembered, That on the Day of 17 *A. B.* of in the ſaid County, informeth, and maketh Oath before me One of His Majeſty's Juſtices of the Peace for the ſaid County, that of in the ſaid County [*Here deſcribe the Offence particularly, and follow the Words of the Act as near as may be*] contrary to the Statute, made in the Thirteenth Year of the Reign of King *George* the Third, *for regulating the Turnpike Roads*, which hath impoſed a Forfeiture of for the ſaid Offence.

Taken and ſworn the Day of before me } *A. B.*

No. XXIII.

Form of Conviction.

Middleſex. BE it remembered, That on the Day of in the Year of our Lord, 17 at in the County aforeſaid, *A. B.* came before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace for the ſaid County, and informed me, that *E. F.* of on the Day of now laſt paſt, at in the ſaid County, did [*Here ſet forth the Fact, in the Manner deſcribed by the Statute*] whereupon the ſaid *E. F.* after being duly ſummoned to anſwer the ſaid Charge, appeared before me on the Day of at in the ſaid County; and having heard the Charge contained in the ſaid Information, declared, that he was not guilty of the ſaid Offence; but the ſame being fully proved, upon the Oath of *G. H.* a credible Witneſs, it manifeſtly appears to me the ſaid Juſtice, that he the ſaid *E. F.* is guilty of the Offence charged upon him in the ſaid Information; it is therefore conſidered and adjudged by me, the ſaid Juſtice, that he the ſaid *E. F.* be convicted, and I do hereby convict him of the Offence aforeſaid; and I do hereby declare and adjudge that he, the ſaid *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain* for the Offence aforeſaid, to be diſtributed as the Law directs, according to the Form of the Statute in that Caſe made and provided.

Given under my Hand and Seal, the Day
of 17

After

After the Words "being duly ſummoned to anſwer to the ſaid Charge," inſert (*did not appear before me, purſuant to the ſaid Summons*;) or, (*did neglect and refuſe to make any Defence againſt the ſaid Charge; but the ſame being fully proved, etc.*) as before. This to be inſerted where the Party refuſes to appear upon the Summons.

After the Words "contained in the ſaid Information," inſert, (*acknowledged, and voluntarily confeſſed the ſame to be true, and it manifeſtly appears to me, the ſaid Juſtice, etc.*) as above. This to be inſerted when the Party accuſed confeſſes the Charge.

No. XXIV.

Warrant to diſtrain for the Forfeiture.

Middleſex. *To the* (Conſtable) Headborough) *or*, Tithingman) *of*

WHEREAS *A. B.* of in the ſaid County, is this Day convicted before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *G. H.* a credible Witneſs, for that the ſaid *A. B.* hath, [*Here ſet forth the Offence, deſcribing it particularly in the Words of the Statute, as near as may be*] (contrary to the Statute in that Caſe made and provided), by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of to be diſtributed as herein is mentioned, which he hath refuſed to pay. Theſe are therefore in His Majeſty's Name to command you to levy the ſaid Sum of by Diſtreſs of the Goods and Chattels of him the ſaid *A. B.* and if within the Space of Four Days next after ſuch Diſtreſs by you taken, the ſaid Sum, together with the reaſonable Charges of taking and keeping the ſame, ſhall not be paid, that then you do ſell the ſaid Goods and Chattels ſo by you diſtrained, and out of the Money ariſing by ſuch Sale, that you do pay One Half of the ſaid Sum of to *E. F.* of who informed me of the ſaid Offence, and the other Half of the ſaid Sum of to *J. K.* the Surveyor of the Turnpike Road, (*deſcribing it*), where the ſaid Offence (*Neglect*, or *Default*) happened, to be employed towards the Repair of the ſaid Road, returning the Overplus on Demand to him the ſaid *A. B.* (the reaſonable Charges of taking, keeping, and ſelling the ſaid Diſtreſs, being firſt deducted); and if ſufficient Diſtreſs cannot be found, of the Goods and Chattels of the ſaid *A. B.* whereon to levy the ſaid Sum of that then you certify the ſame to me, together with this Warrant. This to be varied according to the Direction of the Act in each particular Caſe.

Given under my Hand and Seal the Day of 17

C. D.

No. XXV.

Return of the Conſtable to be made upon the Warrant of Diſtreſs, where there are no Effects.

I *A. B.* Conſtable of the (*Pariſh, etc.*) of in the County of do hereby certify and make Oath, That, by virtue of this Warrant, I have made diligent Search for the Goods of the within named and that I can find no ſufficient Goods whereon to levy the within Sum of as witneſs my Hand the Day of 17

A. B.

Sworn before me, the Day and Year, *etc.* *C. D.*

No. XXVI.

Commitment for want of Diſtreſs.

Middleſex. *To the* (Conſtable) *of* *in the ſaid County, and to the Keeper of the common Gaol,* (*or* the Houſe of Correction) *at* *in the ſaid County.*

WHEREAS *A. B.* of in the ſaid County, was, on the Day of convicted before me *C. D.* Eſquire, One of His Majeſty's Juſtices of the Peace in and for the ſaid County, upon the Oath of *E F.* a credible Witneſs, for that he the ſaid *A. B.* [*Here ſet forth the Offence*] contrary to the Statute, made in the Thirteenth Year of the Reign of His Majeſty King *George* the Third, *for regulating the Turnpike Roads*, by reaſon whereof the ſaid *A. B.* hath forfeited the Sum of And whereas on the Day of in the Year aforeſaid, I did iſſue my Warrant to the (*Conſtable*) of to levy the ſaid Sum of by Diſtreſs and Sale of

of the Goods and Chattels of him the ſaid *A. B.* and to diſtribute the ſame according to the Directions of the ſaid Statute: And whereas it duly appears to me, upon the Oath of the ſaid (*Conſtable*), that the ſaid (*Conſtable*) hath uſed his beſt Endeavours to levy the ſaid Sum on the Goods and Chattels of the ſaid *A. B.* as aforeſaid, but that no ſufficient Diſtreſs can be had whereon to levy the ſame; theſe are therefore to command you the ſaid (*Conſtable*) of aforeſaid, to apprehend the ſaid *A. B.* and him ſafely to convey to the common Gaol, (*or Houſe of Correction*), at in the ſaid County, and there deliver him to the Keeper thereof, together with this Precept; and I do hereby alſo command you, the ſaid Keeper, to receive and keep in your Cuſtody the ſaid *A. B.* for the Space of Three Months; unleſs the ſaid Sum ſhall be ſooner paid, purſuant to the ſaid Conviction and Warrant, and for ſo doing this ſhall be your ſufficient Warrant.

Given under my Hand and Seal, the Day of in the Year of our Lord 17

C.

No. XXVII.

Notice of Appeal to the Quarter Seſſions.

A. B. take Notice, That I intend to appeal to the next General Quarter Seſſions of the Peace, to be holden for the (*County*, &c.) of againſt an (*Order*, *Conviction*,) or other Proceeding, (*as the Caſe may be*), [*Particularly ſpecifying the Purport of ſuch Order*, &c. *and aſſigning the Grievance and Cauſe of Complaint.*]

Dated the Day of 17

CAP. LXXXV.

An Act for dividing and incloſing the Open Arable Fields, Meadows, Paſtures, and Commons, or Waſte Grounds, in the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*; and for draining and preſerving the ſame.

Here seem to end all The Acts relating to Papists

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5. Regulations to prevent the fraudulent Uſe of Stills, *&c.* 12 *Geo.* 3. *c.* 46. § 11, *&c.*
6. Penalty of having Wheat, Wheat Flour, or Grain, in any Still Houſe, *&c.* 13 *Geo.* 3. *c.* 3. § 17.
7. Diſtiller who is alſo a Grower of Wheat, excepted as to Wheat in the Straw, and for Twenty Days after threſhing, *&c.* 13 *Geo.* 3. *c.* 3. § 20.
8. Power of mitigating Penalties, 13 *Geo.* 3. *c.* 3. § 24.

Durham Yard. See Adam, and Thames, River.

E.

East-India Company.

1. The Indemnification to the King for the Duty of One Shilling *per* Pound taken off from Black and Singlo Teas, and for the Drawback on the Exportation of Teas to *Ireland* and *America*, by the Act 7 *Geo.* 3. *c.* 56. Rectified 12 *Geo.* 3. *c.* 7.
2. Their Shipping confined to 45,000 Tons, 12 *Geo.* 3. *c.* 54. § 1.
3. May nevertheleſs contract for Six Packets built in *America* or *India*, 12 *Geo.* 3. *c.* 54. § 3.

4. May export Teas to *America* without Penalty, and discharged of Customs, by Licence from the Lords of the Treasury, 13 *Geo.* 3. *c.* 44. § 3, 4, 5, 6.
5. Directors of the *East-India* Company to continue in Office Four Years, Six to be changed every Year, 13 *Geo.* 3. *c.* 63. § 1.
6. No Person employed by the Company in the *East Indies*, capable of being chosen a Director, until Two Years after his Return to *England*, 13 *Geo.* 3. *c.* 63. § 2.
7. No Person to vote for the Election of Directors, or at any General Court of the Company, that has not been Proprietor of 1000 *l.* Stock for Twelve Calendar Months, 13 *Geo.* 3. *c.* 63. § 3.—Penalty of collusive Transfers, or fraudulent Votes, *idem*.
8. Proprietors of 3000 *l.* Stock qualified with Two Votes, Proprietors of 6000 *l.* Stock qualified with Three Votes, and Proprietors of 10,000 *l.* Stock qualified with Four Votes, 13 *Geo.* 3. *c.* 63. § 4.
9. Oath to be taken by Proprietors before voting, 13 *Geo.* 3. *c.* 63. § 5.
10. Governor General and Four Counsellors, appointed over *Bengal*, *Bahar*, and *Orissa*, 13 *Geo.* 3. *c.* 63. § 7, 8.
11. Powers of the Governor General and Council, 13 *Geo.* 3. *c.* 63. § 9.
12. Names of the first Governor General and Council, with the Terms of their Offices, 13 *Geo.* 3. *c.* 63. § 10, 11.
13. Powers of the Company to appoint Officers by Charter, and by former Acts of Parliament, confirmed, 13 *Geo.* 3. *c.* 63. § 12.
14. The King impowered to establish a Supreme Court of Judicature at Fort *William*, to consist of a Chief Justice and Three other Judges, 13 *Geo.* 3. *c.* 63. § 13.—Offences to be tried by a Jury of *British* Subjects resident in the Town of *Calcutta*, *idem*, § 34.
15. No Person holding a civil or military Office in the *East Indies*, shall accept any Donation or Gratuity there, 13 *Geo.* 3. *c.* 63. § 24.—Counsellors at Law, Physicians, Surgeons, and Chaplains, excepted, *idem*, § 25.
16. *British* Subjects employed in collecting Revenues, or concerned in the Administration of Justice in *India*, prohibited from trafficking otherwise than on the Company's Account, 13 *Geo.* 3. *c.* 63. § 27.
17. No *British* Subject in the *East Indies* to take more than 12 *l. per Cent.* Interest for the Loan of Money, 13 *Geo.* 3. *c.* 63. § 30.
18. Persons dismissed from the Company's Service, or who resign, not to be concerned in Traffick in the *East Indies* without Licence, except for the Disposal of their Stock in Hand, 13 *Geo.* 3. *c.* 63. § 32.
19. Offences committed by the Governor General, President, Governor, Council, Chief Justice, Judges, or any civil or military Officer under the Company in *India*, to be tried in the Court of *King's Bench*, 13 *Geo.* 3. *c.* 63. § 39.
20. Lord Chancellor, or Speaker of the House of Commons, may Issue Warrants for the Examination of Witnesses in *India*, 13 *Geo.* 3. *c.* 63. § 42.
21. For raising 1,400,000 *l.* for the Relief of the *East-India* Company, 13 *Geo.* 3. *c.* 64.

Election of Members of Parliament. See Parliament.

Ely House.

For annexing *Ely House* in *Holborn*, to the Crown, and for building the Bishops of *Ely* a Mansion House in *Dover Street*, 12 *Geo.* 3. *c.* 43.

Embanking. See Thames, River.

Engrossers. See Forestallers.

Escape. See Scotland, Title *Escape*.

Excise.

1. The Acts for the Punishment of Persons going armed and disguised, in Defiance of the Laws of Customs and Excise, continued to *Michaelmas* 1778, 11 *Geo.* 3. *c.* 51. § 3.
2. All Dealers in Tea to mark their Canisters, &c. with the Words *Black*, or *Green*, according to the Contents, 12 *Geo.* 3. *c.* 46. § 1.—These terms explained, *idem*, § 2.
3. Officers finding an Increase of Tea in Dealer's Custody, not accounted for, may seize it, 12 *Geo* 3. *c.* 46. § 3.
4. No Tea above the Quantity of 6 *lb.* Weight, to be removed out of the Kingdom without a Permit, 12 *Geo.* 3. *c.* 46. § 5.
5. Penalty of selling Tea at other Warehouses and Shops than are entered conformable to the Act, 10 *Geo.* 1. *c.* 10. 12 *Geo.* 3. *c.* 46. § 6.

For other Matters, see Brandy, Distillers, 4, 5. East-India Company, 1, 4. and Soap.

Exportation.

1. The Drawback allowed by 6 *Geo.* 3. *c.* 52. on the Exportation of printed Callicoes, and the Bounty granted by 12 *Geo.* 3. *c.* 60. on the Exportation of *British*-made Cordage, not to extend to the Exportation of those Articles to the Islands of *Madeira*, the *Canary Islands*, or the *Azores* or *Western Islands*, 13 *Geo.* 3. *c.* 74. § 5.
2. Penalty on entering Callicoes and Cordage for other Foreign Parts, and landing them on those Islands, 13 *Geo.* 3. *c.* 74. § 6.
3. Those Islands to be added to the Oath on all Debentures for such Callicoes and Cordage exported 13 *Geo.* 3. *c.* 74. § 7.

F.

Felons and Felonies.

1. Persons guilty of stealing in one Part of the United Kingdoms, and carrying the Effects into the other Part of the said Kingdoms, may be tried and punished where the Effects are found in their Possession, 13 *Geo.* 3. *c.* 31. § 4.
2. Receivers of stolen Goods to be tried and punished in like Manner where they are received, 13 *Geo.* 3. *c.* 31. § 5.

For other Matters, see Scotland, Title *Escape*.

Felonies within Clergy.

Money
- Counterfeiting Copper Halfpence or Farthings, 11 *Geo.* 3. *c.* 40. § 1.
- Receiving or paying counterfeit Copper Money. 11 *Geo.* 3. *c.* 40. § 2.

Stamps
- Committing Frauds in the Stamp Duties on Vellum, Parchment, Paper, and Cards, 12 *Geo.* 3. *c.* 48.

Felonies without Clergy.

Bank Notes. Making, using, or having in Poſſeſſion, Moulds for the making Paper with the Words *Bank of England* viſible in the Subſtance, 13 *George* 3. *c.* 79. § 1.

Forgery. See *Bank Notes, ſupra.*

Mute. Perſons arraigned for Felony or Piracy, and ſtanding Mute, ſhall be convicted, 12 *Geo.* 3. *c.* 20.

Stamps. Counterfeiting the Stamps on Silks, Callicoes, Linens, or Stuffs, printed in *Great Britain*, 13 *Geo.* 3. *c.* 56.

Stores. Burning or otherwiſe deſtroying Ships of War, Buildings in Dock Yards, *&c.* or military Stores, 12 *Geo.* 3. *c.* 24.

Fens. See Bedford Level, and Marſhes.

Fiſheries.

1. For the Encouragement of the White Herring Fiſhery, 11 *Geo.* 3. *c.* 31.
2. Bounty granted of 30 *s. per* Ton, 11 *Geo.* 3. *c.* 31. § 1, 2, 3, 8.
3. The Number of Men on Board the Fiſhing Veſſels regulated by the Tonnage, 11 *Geo.* 3. *c.* 31. § 6.
4. Perſons employed in the Fiſhery to have the free Uſe of all the Ports Harbours, *&c.* in *Britain*, and the Iſlands thereto belonging, 11 *Geo.* 3. *c.* 31. § 11.
5. For the better Support and Eſtabliſhment of the *Greenland* and Whale Fiſhery, 11 *Geo.* 3. *c.* 38.
6. Herrings caught upon the Coaſts of the *Iſle of Man*, and cured there, may be imported into *Great Britain*, on Payment of certain Duties, 12 *Geo.* 3. *c.* 58. § 1.
7. Inhabitants of the *Iſle of Man* may export Herrings to the *Britiſh Colonies*, 12 *Geo.* 3. *c.* 58. § 4.
8. Bounties allowed to the Summer and Winter Herring Fiſheries of the *Iſle of Man*, 12 *Geo.* 3. *c.* 58. § 6.
9. Cod, Ling, and Hake, caught and cured in *Chaleur Bay*, in any other Part of the Gulph of St. *Laurence*, or on the Coaſt of *Labrador*, may be freely imported into *Great Britain*, 13 *Geo.* 3. *c.* 72. § 1.

For other Matters, ſee Whales.

Fitzgerald, Gerald. See Ireland.

Foreſtallers.

For repealing certain Laws againſt Badgers, Engroſſers, Foreſtallers, and Regrators, 12 *Geo.* 3. *c.* 71.

Funds.

1. The Sum of 1,856,723 *l.* 1 *s.* 2 *d.* granted out of the Sinking Fund, for the Service of the Year 1772, 12 *G.* 3. *c.* 70.
2. The Sum of 2,349,806 *l.* granted out of the Sinking Fund, for the Service of the Year 1773, 13 *Geo.* 3. *c.* 77.

Fire.

1. Turpentine not to be diſtilled within the Limits of *London* and *Weſtminſter*, or the Bills of Mortality, *&c.* above the Quantity of Ten Gallons, 12 *Geo.* 3. *c.* 73. § 23 —Shipwrights, *&c.* excepted, *idem*, § 24.
2. Fire Cocks, how to be marked, and the Keys kept, 12 *Geo.* 3. *c.* 73. § 25.
3. Fire Engines to be kept in every Pariſh, 12 *Geo.* 3. *c.* 73. § 26, 31.—To be provided and maintained out of the Poor's Rates, *idem*, § 32.
4. Bounties to Engine Keepers and Turncocks, 12 *Geo.* 3. *c.* 73. § 27, 28.—Payable out of the Poor's Rates, *idem*, § 32.
5. Rewards payable by this Act, on Account of Fires in Chimneys, to be paid by Inhabitants or Occupiers, 12 *Geo.* 3. *c.* 73. § 29.
6. United pariſhes to be deemed One Pariſh, 12 *Geo.* 3. *c.* 73. § 30.
7. Watermen retained by Inſurance Offices for extinguiſhing Fires, not to be impreſſed into the Kings Service, 12 *Geo.* 3. *c.* 73. § 33.
8. Penalty on Servants occaſioning Fires by Negligence, 12 *Geo.* 3. *c.* 73. § 35.
9. Duty of Conſtables and Beadles, in Caſes of Fire, 12 *Geo.* 3. *c.* 73. § 36.
10. No Action to lay for accidental Fires, 12 *Geo.* 3. *c.* 73. § 37.
11. Former Acts relating to the Prevention of Miſchiefs by Fire, repealed, 12 *Geo.* 3. *c.* 73. § 46.

For other Matters, ſee Buildings, *and* Gunpowder.

G.

Game.

1. For the Preſervation of the Game in *Scotland*, 13 *Geo.* 3. *c.* 54.
2. Black Game and Red Game not to be killed at unſeaſonable Times, 13 *Geo.* 3. *c.* 55. § 1.—Penalty, *ibid.* § 2.
3. So much of the Act 2 *Geo.* 3. *c.* 19. as relates to Black and Red Game, repealed, 13 *Geo.* 3. *c.* 55. § 13.
4. The Act 10 *Geo.* 3. *c.* 19. for preſerving the Game, repealed, 13 *Geo.* 3. *c.* 80. § 5.
5. Penalty of taking or deſtroying Game in the Night, between limited Hours, 13 *Geo.* 3. *c.* 80. § 1.
6. Form of Conviction, 13 *Geo.* 3. *c.* 80. § 2.
7. Penalties and Forfeitures, how to be recovered, 13 *Geo.* 3. *c.* 80. § 4.
8. Penalty of killing Game or uſing a Gun on *Sundays*, or on *Chriſtmas* Day, 13 *Geo.* 3. *c.* 80. § 6.
9. Penalties for Offences committed in one County, by Perſons reſiding in another, how to be recovered, 13 *Geo.* 3. *c.* 80. § 7.
10. No Perſon to be proceeded againſt, until Information upon Oath, 13 *Geo.* 3. *c.* 80. § 9.

For other Matters, ſee Scotland, Article *Game.*

Gaols.

1. A further Sum of Money to be raiſed for rebuilding the common Gaol of the County of *Eſſex*, 13 *Geo.* 3. *c.* 35.
2. For providing Clergymen to officiate in Gaols, 13 *Geo.* 3. *c.* 58.

Glaſgow.

For cleanſing, *&c.* the Harbour of Port *Glaſgow*, enlarging the Quays, Piers, *&c.* 12 *Geo.* 3. *c.* 16.

Glaſs.

The Company of *Britiſh* Caſt Plate Glaſs Manufacturers incorporated, 13 *Geo.* 3. *c.* 38.

Greenland Fiſhery. See Whales.

Greenock.

For deepening, cleanſing, &c. the Harbours of the Town of *Greenock*; and for Paving, &c. the Streets of that Town, 13 *Geo.* 3. *c.* 28.

Greenwich Hoſpital.

For the more effectually veſting the forfeited and unclaimed Shares of Prizes taken from the Enemy, in the Royal Hoſpital at *Greenwich*, 12 *Geo.* 3. *c.* 25.

Gunpowder.

1. The ſeveral Laws relating to the keeping and Carriage of Gunpowder, reduced into One Act, 11 *Geo.* 3. *c.* 35. Repealed 12 *Geo.* 3. *c.* 61. § 31.
2. The Laws granting an Allowance upon the Exportation of *Britiſh*-made Gunpowder, continued to *Michaelmas* 1778, 12 *Geo.* 3. *c.* 56. § 1.
3. No new Mills to be erected for the making Gunpowder, without Licence, 12 *Geo.* 3. *c.* 61. § 1.
4. Peſtle Mills prohibited, 12 *Geo.* 3. *c.* 61. § 2, 4.—That at *Old Forge Farm* allowed to work, 13 *Geo.* 3. *c.* 13.
5. Not more than 40 *lb.* Weight to be made at One Time under a ſingle Pair of Millſtones, 12 *Geo.* 3. *c.* 61. § 3, 4.—Particular Mills excepted, *idem*, § 5.
6. Not more than 40 Cwt. to be dried at One Time, 12 *Geo.* 3. *c.* 61. § 6.
7. No greater Quantity than is neceſſary for the immediate Work, to be kept in any Drying-houſe, &c. 12 *Geo.* 3. *c.* 61. § 7.
8. Sufficient Magazines of Brick or Stone to be provided remote from the Mills, 12 *Geo.* 3. *c.* 61. § 8.—At the Appointment of Juſtices of the Peace, *idem*, § 16.
9. Charcoal not to be kept within Twenty Yards of any Mill, 12 *Geo.* 3. *c.* 61. § 10.
10. Reſtrictions as to the keeping of Gunpowder, 12 *Geo.* 3. *c.* 61. § 11.
11. Reſtrictions as to the Carriage of Gunpowder by Land or Water, 12 *Geo.* 3. *c.* 61. § 18, 21, 22.
12. Penalty of uſing Fire, Candle, or ſmoaking, on Board Veſſels loaded with Gunpowder, 12 *Geo.* 3. *c.* 61. § 20.
13. Juſtices impowered to iſſue Warrants to ſearch for Gunpowder made, kept, or carried, contrary to this Act, 12 *Geo.* 3. *c.* 61. § 23.
14. Regulations for the Security of Veſſels in the *Thames*, above *Blackwall*, 12 *Geo.* 3. *c.* 61. § 24.
15. Maſter and Wardens of the Trinity Houſe to appoint Searchers of Veſſels in the *Thames*, above *Blackwall*, 12 *Geo.* 3. *c.* 61. § 25.
16. Penalties and Forfeitures how to be recovered and applied, 12 *Geo.* 3. *c.* 61. § 26.

H.

Harbours. See Aberdeen, Ayr, Glaſgow, Greenock, Man, Iſle of, Yarmouth.

Harriſon, John.

The farther Sum of 8750 *l.* granted to Mr. *Harriſon*, for the Diſcovery of the Invention of his Time-keeper, 13 *Geo.* 3. *c.* 77. § 29.

Herrings. See Fiſheries.

Highways.

1. The Laws relating to the Highways reduced into One Act, 13 *Geo.* 3. *c.* 78.
2. Surveyors of the Highways how to be choſen, 13 *Geo.* 3. *c.* 78. § 1, 2, 3, 4, 5.
3. No Tree, Buſh, or Shrub, to ſtand within Fifteen Feet from the Centre of any Highway, 13 *Geo.* 3 *c.* 78. § 6.
4. Hedges and Trees adjoining to the Highways, by whom and how to be pruned, plaſhed, and lopped, 13 *Geo.* 3. *c.* 78. § 7, 13.
5. Regulations for the making Ditches and Drains, 13 *Geo.* 3. *c.* 78. § 8, 14.
6. Penalty of laying Annoyances and Obſtructions in the Highways, 13 *Geo.* 3. *c.* 78. § 9, 10, 11, 12.
7. Width of Cartways and Horſeways, 13 *Geo.* 3. *c.* 78. § 15.
8. Narrow Roads, how to be widened or diverted, 13 *Geo.* 3. *c.* 78. § 16, 17, 18.—Limitation of Time for commencing Proſecution for altering Roads, *idem*, § 19.
9. Unneceſſary Highways to be ſtopped up, 13 *Geo.* 3. *c.* 78. § 22.
10. Highways repairable by Tenure, to be repaired within limited Time, on Notice given, 13 *Geo.* 3. *c.* 78. § 23.
11. Juſtices to make Preſentment of Highways out of Repair, 13 *Geo.* 3. *c.* 78. § 24.—May order what Highways ſhall be repaired firſt, *idem*, § 25.
12. Direction Poſts, where and how to be erected, 13 *Geo.* 3. *c.* 78. § 26.
13. Materials, where and in what Manner to be taken by Surveyors, 13 *Geo.* 3. *c.* 78. § 27, 28, 29.
14. Expences incurred by buying Materials, and making Satisfaction for Damages, how to be raiſed, 13 *Geo.* 3. *c.* 78. § 30.
15. Pits or Holes made for digging Materials to be fenced off while uſed, and to be filled up or ſloped down when done with, 13 *Geo.* 3. *c.* 78. § 31.
16. Limitations of Time for the Removal of Materials dug in one Pariſh for the Uſe of another, 13 *Geo.* 3. *c.* 78. § 32.
17. Penalty for Damages committed by digging Materials contrary to the Directions of this Act, 13 *Geo.* 3. *c.* 78. § 33.
18. Regulations of Statute-duty, 13 *Geo.* 3. *c.* 78. § 34, 35, 36, 37.
19. Statute-work, how to be compounded for, 13 *Geo.* 3. *c.* 78. § 38, 39, 40.
20. Compoſition Money, how to be paid and employed, 13 *Geo.* 3. *c.* 78. § 41.
21. Fines, Penalties, and Forfeitures, how to be levied and employed, 13 *Geo.* 3. *c.* 78. § 47.
22. Surveyors, how to keep their Accounts, 13 *Geo.* 3. *c.* 78. § 48.
23. Surveyors, how to contract for Materials, &c. 13 *Geo.* 3. *c.* 78. § 49.—Penalty of Surveyor being intereſted in any Contract, *ibid.*
24. Penalty on Neglect of Duty in Surveyor, 13 *Geo.* 3. *c.* 78. § 50.

25. Persons infeoffed with Lands given for the Maintenance of Highways, Bridges, &c. to let them at the most improved Value, 13 *Geo.* 3. *c.* 78. § 51.
26. Penalty of damaging Direction Posts, Mile Stones, Battlements of Bridges, &c. 13 *Geo.* 3. *c.* 78. § 52.
27. Limitation of the Number of Horses for Waggons and Carts of different Wheels, 13 *Geo.* 3. *c.* 78. § 55.
28. Justices may license an additional Number of Horses for a limited Time, at their *Michaelmas* Quarter Sessions, 13 *Geo.* 3. *c.* 78. § 57.
29. Two Oxen to be considered as One Horse, 13 *Geo.* 3. *c.* 78. § 58.
30. The Owner's Name and Place of Abode, to be painted on all Waggons and Carts, and on all Coaches, Post Chaises, &c. let to Hire, 13 *Geo.* 3. *c.* 78. § 59.
31. Drivers of Carriages punishable for Misbehaviour or Negligence, 13 *Geo.* 3. *c.* 78. § 60.
32. Justices may hold and adjourn Special Sessions whenever they think proper, for executing the Purposes of this Act, 13 *Geo.* 3. *c.* 78. § 61.
33. All houses not to be kept on Bridges by Toll-gatherers, 13 *Geo.* 3. *c.* 78. § 62.
34. Penalty on making Incroachments on the Highways, 13 *Geo.* 3. *c.* 78. § 63.
35. Costs may be awarded on Indictments, or Presentments, 13 *Geo.* 3. *c.* 78. § 64.
36. Expences for carrying on Prosecutions, how to be paid, 13 *Geo.* 3. *c.* 78. § 65.
37. Forms of Proceedings, 13 *Geo.* 3. *c.* 78. § 69. and the Schedule annexed to the Act.
38. Printed Abstracts of this Act to be given to Surveyors, and to be affixed to Church Doors, 13 *Geo.* 3. *c.* 78. § 70
39. Penalty of obstructing the Execution of this Act, 13 *Geo.* 3. *c.* 78. § 71.
40. Appeal to Quarter Sessions, 13 *Geo.* 3. *c.* 78. § 80.
41. The Act 7 *Geo.* 3. *c.* 40. in Part repealed, 13 *Geo.* 3. *c.* 78. § 83.
42. Exceptions relating to the City of *Bristol*, 13 *Geo.* 3. *c.* 78. § 85.
43. The Parishes of *St. Mary Whitechapel*, and *St. John Wapping*, excepted, 13 *Geo.* 3. *c.* 78. § 86.
44. Exception as to the Powers of Commissioners of Sewers, 13 *Geo.* 3. *c.* 78. § 87.
45. The general Laws relating to Turnpike Roads, reduced into One Act, 13 *Geo.* 3. *c.* 84.

For other Matters, see **Turnpikes.**

Hospitals.

1. Lying-in Hospitals to be licensed, 13 *Geo.* 3. *c.* 82. § 2.
2. Inscription to be affixed over the Doors of such Hospitals, 13 *Geo.* 3. *c.* 82. § 4.
3. Bastard Children born in such Hospitals intitled to Relief as Parishioners, 13 *Geo.* 3. *c.* 82. § 5.
4. Churchwardens to pay the Expences of removing the Mother and Child, 13 *Geo.* 3. *c.* 82. § 6.
5. Parish Officers impowered to apprehend the reputed Father of any Bastard, 13 *Geo.* 3. *c.* 82. § 8.
6. Governors or Officers of Lying in Hospitals to examine pregnant women before a Justice, 13 *Geo.* 3. *c.* 82. § 10.
7. Four Days Notice to be given to Overseers, before the Delivery of any Woman delivered of a Bastard, 13 *Geo.* 3. *c.* 82. § 12.
8. Mother of a Bastard Child may be detained in the Hospital, until she is fit to be discharged, 13 *Geo.* 3. *c.* 82. § 14.—But not longer than six Weeks without her own Consent, *idem*, § 15.
9. Penalty on Governors, &c. not complying with this Act, 13 *Geo.* 3. *c.* 82. § 16.

I.

Indico. See Plantations, 7.

Ireland.

1. The Reversion in Fee of several Lands in *Ireland* divested out of the Crown, and vested in *Gerald Fitzgerald* Esquire, of *Rathrone*, in the County of *Meath*, and his Heirs, 11 *Geo.* 3. *c.* 56.
2. No Rum, Sugar, Coffee, &c. prohibited by former Acts, shall be imported from *Ireland* into *Great Britain*, 12 *Geo.* 3. *c.* 55. § 4, 5.
3. Penalty of entering Goods for Exportation to Foreign Ports, and landing them in *Great Britain*, 12 *Geo.* 3. *c.* 55. § 2.
4. The Importation of salted Provisions from *Ireland*, permitted for a longer Time, 11 *Geo.* 3. *c.* 8. 12 *Geo.* 3. *c.* 2. 13 *Geo.* 3. *c.* 4.

K.

King, Queen, and Royal Family.

1. The Limitation of Time for the Crown to assert a Claim to Messuages, &c. in the Precinct of the *Savoy*, enlarged for Two Years, from *January* 1, 1771, 11 *Geo.* 3. *c.* 4.
2. The King enabled to grant the Trustees of *Morden College* a Lease of *Maidenstone Hill*, in the Parish of *East Greenwich*, 11 *Geo.* 3. *c.* 10.
3. For the better regulating the future Marriages of the Royal Family, 12 *Geo.* 3. *c.* 11.
4. Certain Hereditaments at *Richmond* in the County of *Surrey*, belonging to *Catharine* Viscountess *Fitzwilliam*, vested in His Majesty, and Compensation allowed to her, 12 *Geo.* 3. *c.* 59.
5. The King enabled to grant the Fee-simple and Inheritance of *Richmond* Ferry, to the Commissioners for building a Bridge there, 13 *Geo.* 3. *c.* 83.

For other Matters, see **East-India Company**, 14. **Ely House**, *and* **Savoy, Precinct of.**

King's Bench Prison.

The Marshal of the *King's Bench* Prison indemnified for some late violent Escapes, 12 *Geo.* 3. *c.* 23. § 58.

L.

Land Tax.

Land Tax granted, 11 *Geo.* 3. *c.* 5. 12 *Geo.* 3. *c.* 3. 13 *Geo.* 3. *c.* 8.

Laſtage. See Ballaſtage.

Leather. See Bark.

Linen. See Felonies without Clergy, Article *Stamps*.

London.

The Powers granted by ſeveral Acts, for Paving, Lighting, Cleanſing, &c. the City of *London*, conſolidated and extended, 11 *Geo.* 3. *c.* 29.

Longitude. See Harriſon.

Lotteries. See Adam and Cox.

Lunaticks.

Lunaticks and their Guardians, &c. enabled to accept Surrenders of old Leaſes, and to grant new ones, 11 *Geo.* 3. *c.* 20.

M.

Maidenſtone Hill. See King, 2.

Malt.

Duties on Malt, Mum, Cyder, and Perry, continued, 11 *Geo.* 3. *c.* 2. 12 *Geo.* 3. *c.* 6. 13 *Geo.* 3. *c.* 6.

Man, Iſle of.

For repairing, amending, and ſupporting, the ſeveral Harbours and Sea Ports in the *Iſle of Man*, 11 *Geo.* 3. *c.* 52.
For other Matters, ſee Fiſheries, 4, 6, 7, 8.

Mandamus. See Corporations.

Marine Forces.

For their Regulation while on Shore, 11 *Geo.* 3. *c.* 7. 12 *Geo.* 3. *c.* 5. 13 *Geo.* 3. *c.* 11.

Marine Society.

Incorporated, 12 *Geo.* 3. *c.* 67.

Marſhes.

1. For draining, &c. Fen Lands in the Pariſh of *Ramſey*, in the County of *Huntingdon*; in the Pariſhes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, in the *Iſle of Ely*, in the County of *Cambridge*; and for mending a Road in the Pariſh of *Chatteris*, from *Carter's Bridge* to *Forty Feet Bridge*, by the *Forty Feet Drain*, 12 *Geo.* 3. *c.* 26.
2. To amend and render more effectual the Act 22 *Geo.* 2. *c.* 19. for draining *Whittleſey Fen*, 12 *Geo.* 3. *c.* 27.
3. For draining certain Low Grounds in the Pariſh of *Market Weighton*, and other adjacent Pariſhes, in the Eaſt Riding of the County of *York*; and for making a navigable Cut or Canal, from *Market Weighton* to the River *Humber*, 12 *Geo.* 3. *c.* 37.
4. To amend and render more effectual the Act 22 *Geo.* 2. *c.* 16. for draining the Fen Lands of *Upwell* and *Outwell*, &c. in the *Iſle of Ely*, 13 *Geo.* 3. *c.* 19.
5. To amend and render more effectual the Act 33 *Geo.* 2. *c.* 32. for draining Fen Lands in the *Iſle of Ely*, between *Mildenhall River* South, *Plant Load* and *Brandon River North*, bounded on the Weſt by the River *Ouſe*, and on the Eaſt by *Winter Load*, *Earſwell Brook*, and the Hard Lands of *Mildenhall*, &c. 13 *Geo.* 3. *c.* 20.
6. For draining the Fen Lands called *King's Delph*, *Eight Roods*, and *Farſett Fen*, in the County of *Huntingdon*, 13 *Geo.* 3. *c.* 39.
7. For draining certain Fen Lands in the Pariſh of *Yaxley*, in the County of *Huntingdon*, 13 *Geo* 3. *c.* 46.
8. For draining certain Grounds in the Pariſhes of *Tid St. Giles* and *Newton* in the Iſle of *Ely*, and in *Tid St. Mary's* in the County of *Lincoln*, 13 *Geo.* 3. *c.* 60.
9. For dividing, incloſing, and draining the Open Commons and Waſte Grounds, in the Pariſh of *Snaith*, in the County of *York*, 13 *Geo.* 3. *c.* 85.
For other Matters, ſee Bedford Level.

Merton College. See King, 2.

Money.

1. All Perſons concerned in counterfeiting Copper Halfpence or Farthings, declared guilty of Felony, 11 *Geo.* 3. *c.* 40. § 1.
2. Receiving or paying counterfeit Copper Money, made Felony, 11 *Geo.* 3. *c.* 40. § 2.
3. Goln Coin unlawfully diminiſhed, or counterfeited, may be cut or defaced when tendered in Payment, 13 *Geo.* 3. *c.* 71. § 1.
4. Tellers of the Exchequer required to cut or deface Gold Coin ſo diminiſhed or counterfeited, 13 *Geo.* 3. *c.* 71. § 2.

Mum. See Malt.

Mutiny. See Soldiers.

N.

Naturalization.

1. The Deſcendants of natural born Subjects, born abroad, deemed natural born Subjects, 13 *Geo.* 3. *c.* 21.
2. Perſons naturalized by Settlement in the *American* Colonies, by virtue of the Act 13 *Geo.* 2. *c.* 7. or by military Service in *America*, by virtue of the Act 2 *Geo.* 3. *c.* 25. declared capable of holding Places of Truſt, civil or military, &c. except within the Kingdoms of *Great Britain* and *Ireland*, 13 *Geo.* 3. *c.* 25.

New Shoreham. See Parliament.

News Papers. See Stamps.

O.

Oaths.

1. Farther Time allowed to Perſons who have omitted to qualify themſelves for Offices, 11 *Geo.* 3. *c.* 18. 12 *Geo.* 3. *c.* 31. 13 *Geo.* 3. *c.* 12. 13 *Geo.* 3. *c.* 76.

Orkney Islands.

A limited Quantity of Bigg, the Growth of the *Orkney* Islands, allowed to be exported from the Port of *Kirkwall*, 11 *Geo.* 3. *c.* 51. § 5, 6.

Orford.

For rebuilding *Magdalen Bridge*, making commodious Roads, cleansing and lighting the Streets, &c. in the University and City of *Oxford*, 11 *Geo.* 3. *c.* 19.

For other Matters, see Poor 1.

P.

Paper.

The Importation of foreign painted Paper for Sale, allowed on Payment of an additional Duty of Three-halfpence the square Yard, 13 *Geo.* 3. *c.* 67.

Parliament.

1. The Act 10 *Geo.* 3. *c.* 16. for regulating the Trials of controverted Elections, explained and amended, 11 *Geo.* 3. *c.* 42.
2. Certain Electors in the Borough of *New Shoreham* in the County of *Sussex*, incapacitated from voting for Members of Parliament, 11 *Geo.* 3. *c.* 55. §. 1.
3. The Right of Election for the Borough of *New Shoreham*, how vested, 11 *Geo.* 3. *c.* 55. § 2, 3.
4. Oath to be taken by Electors, 11 *Geo.* 3. *c.* 55. § 4.

Paving, Lighting, Cleansing, and Watching.

1. For Paving, &c. the Streets in the City of *Winchester*, 11 *Geo.* 3. *c.* 9.
2. For Paving, &c. that Part of *Goodman's Fields* which lies in *St. Mary Whitechapel*, in the County of *Middlesex*, 11 *Geo.* 3. *c.* 12.
3. To explain a Clause in the Act 10 *Geo.* 3. *c.* 22. for Paving, &c. the City of *Worcester*, and supplying the said City with Water, 11 *Geo.* 3. *c.* 13.
4. For Paving, &c. that Part of *Whitechapel* High Street, which lies in the County of *Middlesex*, 11 *Geo.* 3 *c.* 15.
5. To explain and amend the Act 6 *Geo.* 3. *c.* 24, for Paving, &c. the Borough of *Southwark*, 11 *Geo.* 3. *c.* 17.
6. For Paving, &c. *Wapping* Street in the County of *Middlesex*, and for opening a Passage from *Hermitage Street* into *Nightingale Lane*, 11 *Geo.* 3. *c.* 21.
7. To amend and render more effectual the several Acts for Paving, &c. the City and Liberty of *Westminster*, 11 *Geo.* 3. *c.* 22.
8. For Paving, &c. *Rosemary Lane*, from the Parish of *St. Botolph Aldgate* to *Cable Street*, and Part of the Precinct of *Well Close*, &c. 11 *Geo.* 3. *c.* 23.
9. For Cleansing, and Lighting the Town of *South Leith*, the Territory of *St. Anthony's*, and *Yard Heads*, and supplying the several Parts with fresh Water, 11 *Geo.* 3. *c.* 30.
10. For Paving, &c. the Parish of *St. John Clerkenwell*, in the County of *Middlesex*, 11 *Geo.* 3. *c.* 33.
11. For Cleansing, Lighting, and Watching the South-side of the City of *Edinburgh*, 11 *Geo.* 3. *c.* 36.
12. For Paving, &c. Part of the Town of *Wakefield*, in the County of *York*, 11 *Geo.* 3. *c.* 44.
13. For Paving, &c. the Parish of *St. Luke* in the County of *Middlesex*, and for other Purposes, 11 *Geo.* 3. *c.* 46.
14. For Paving, &c. the Parish of the *Holy Trinity* in the *Minories*, in the County of *Middlesex*, 11 *Geo.* 3. *c.* 54.
15. To explain and amend the Act 10 *Geo.* 3. *c.* 14. for Paving, &c. the Town of *Plymouth* in the County of *Devon*, 12 *Geo.* 3. *c.* 8.
16. For Lighting, Cleansing, and Watching, the Burgh of *Canongate*, and the Liberties of *Pleasance* and *Leith-wynd*, adjoining to the Royalty of the City of *Edinburgh*, 12 *Geo.* 3. *c.* 15.
17. For Lighting and Watching the Parish of *St. Mary Islington*, 12 *Geo.* 3. *c.* 17.
18. For Paving, &c. the Town and Parish of *Chatham* in the County of *Kent*, 12 *Geo.* 3. *c.* 18.
19. For Paving, &c. the Parish of *Christ Church* in *Middlesex*; and for Paving, &c. such Parts of *Brick-lane* as are not within the said Parish, 12 *Geo.* 3. *c.* 38.
20. For Paving, &c. that Part of the Parish of *St. Sepulchre's* which lies in the County of *Middlesex*, 12 *Geo.* 3. *c.* 68.
21. For Paving, &c. such Part of the Parish of *St. Pancras*, in the County of *Middlesex*, as lies on the West Side of *Tottenham-court Road*, 12 *Geo.* 3. *c.* 69.
22. For Paving, &c. the *High Street*, *East Street*, and *West Street*, in the Town and Parishes of *Gravesend* and *Milton*, in the County of *Kent*, 13 *Geo.* 3. *c.* 15.
23. For Paving, &c. the Town of *Greenock*, and for cleansing the Harbours there, 13 *Geo.* 3. *c.* 28.
24. For Paving, &c. regulating the Market, building Groyns, &c. at the Town of *Brighthelmstone*, in the County of *Sussex*, 13 *Geo.* 3. *c.* 34.
25. To amend the Act 9 *Geo.* 3. *c.* 83. for opening Passages, Lighting, &c. the Town of *Birmingham*, 13 *Geo.* 3. *c.* 36.
26. For Lighting, Watching, &c. the Roads in the Town of *Petersham* in *Surrey*, 13 *Geo.* 3. *c.* 42.
27. To amend and render more effectual the Acts 8 *Geo.* 3. *c.* 46. and 10 *Geo.* 3. *c.* 23. for Paving, Lighting, &c. the Parish of *St. Mary le Bone* in the County of *Middlesex*, 13 *Geo.* 3. *c.* 48.
28. For Lighting and Watching the Town of *Kingston* upon *Thames*, 13 *Geo.* 3. *c.* 61.

For other Matters, see London.

Perry. See Malt.

Pilots.

For the Regulation and Government of Pilots in the Port of *King's Lynn*, 13 *Geo.* 3. *c.* 30.

Plague.

To explain and amend the Act 26 *Geo.* 2. *c.* 6. impowering His Majesty to erect Lazarets, 12 *Geo.* 3. *c.* 57.

Plantations.

1. The Act 10 *Geo.* 3. *c.* 31. for extending the Liberty of exporting Rice from *East* and *West Florida*, to the Southward of Cape *Finisterre* in *Europe*, amended, 11 *Geo.* 3. *c.* 39.
2. Unmanufactured Wood (Masts excepted) may be imported from *America*, Duty free, 11 *Geo.* 3. *c.* 41. § 2.
3. A Bounty granted on the Importation of white Oak Staves and Heading, from the *British* Colonies in *America*, 11 *Geo.* 3. *c.* 59.

4. For the free Importation of Rice from any of the Colonies in *America*, for a limited Time, 12 *Geo.* 3. *c.* 32.
5. The free Importation of Wood, Timber, and Lumber, from the Colonies in *America*, granted by 8 *Geo.* 1. *c.* 12. further continued, 12 *Geo.* 3. *c.* 56. § 2.
6. The Liberty allowed by 12 *Geo.* 2. *c.* 30. of carrying Sugar from the Plantations to foreign Markets, farther continued, 12 *Geo.* 3. *c.* 56. § 4
7. The Laws for encouraging the making of Indico in the the *Britiſh* Plantations, continued, 12 *Geo.* 3. *c.* 56. § 6.
8. The Act 10 *Geo.* 3. *c.* 37. regulating the Fees of Officers of the Cuſtoms, and Naval Officers in the Colonies, farther continued, 12. *Geo.* 3. *c.* 56. § 6.
9. Foreigners impowered to lend Money at Five *per Cent.* Intereſt, on the Security of Freehold Eſtates in the *Weſt Indies*, 13 *Geo.* 3. *c.* 14.
10. Certificates, Notes, *&c.* accepted by Creditors of the Public in any of the Colonies in *America*, as Securities, declared to be legal Tenders for Debts due to the public Treaſuries in the Colonies, 13 *Geo.* 3. *c.* 57.
11. The Importation of Salt from *Europe* into the Province of *Quebec*, allowed for a limited Time, 13 *Geo.* 3. *c.* 69.
12. The Act 6 *Geo.* 3. *c.* 49. for opening certain Ports in *Jamaica* and *Dominica* for the Importation of ſpecified Goods, continued for a longer Time, 13 *Geo.* 3. *c.* 73. § 1.
13. Duties payable on the Importation of Negroes into the Iſland of *Dominica*, and on their Exportation from *Jamaica*, 13 *Geo.* 3. *c.* 73. § 4.
14. Timber, the Produce of the Iſland of *Dominica*, may be imported into the other *American* Colonies, 13 *Geo.* 3. *c.* 73. § 5.

For other Matters, ſee **Coffee, Corn, 2, 3, 5. Naturalization.**

Plate.

1. Wardens and Aſſay-maſters appointed for aſſaying wrought Plate in the Towns of *Sheffield* and *Birmingham*, 13 *Geo.* 3. *c.* 52.
2. Fraudulent marking of Plate, or counterfeiting the Stamp, made Felony without Clergy by 31 *Geo.* 2. *c.* 32. § 15. altered to Tranſportation, 13 *Geo.* 3. *c.* 59.

Playhouſes.

For Licenſing a Playhouſe in the Town of *Liverpool*, 11 *Geo.* 3. *c.* 16.

Poor.

1. For the better regulating the Poor within the City of *Oxford*, 11 *Geo.* 3. *c.* 14.
2. For eſtabliſhing a Houſe or Houſes of Induſtry in *Iſle of Wight*, 11 *Geo.* 3. *c.* 43.
3. For amending the Act 10 *Geo.* 3. *c.* 75. for building a Workhouſe in the Pariſh of *St. Martin in the Fields*, 12 *Geo.* 3. *c.* 34.
4. For the Relief and Employment of the Poor within that Part of the Pariſh of *St. Sepulchre's* which lies in the County of *Middleſex*, 12 *Geo.* 3. *c.* 68.
5. For better regulating the Poor, and repairing the Highways in the Town of *Southampton*, 13 *Geo.* 3. *c.* 50.
6. The Inhabitants of *Bethnal Green* enabled to pay the Debts contracted in finiſhing their Workhouſe, 13 *Geo.* 3. *c.* 53.

Pork. See Salt Proviſions.

R.

Rice.

1. The Act 10 *Geo.* 3. *c.* 31. for extending the Liberty of exporting Rice from *Eaſt* and *Weſt Florida* to the Southward of *Cape Finiſterre* in *Europe*, amended, 11 *Geo.* 3. *c.* 39.
2. Rice may be freely imported into this Kingdom from any of the Colonies in *America*, for a limited Time, 12 *Geo.* 3. *c.* 32.
3. The Liberty granted by the Act 5 *Geo.* 3. *c.* 45. to import Rice from *America* into *Plymouth* for immediate Exportation, on Payment of One Half of the old Subſidy; extended to *Briſtol*, *Liverpool*, *Lancaſter*, and *Whitehaven*, 12 *Geo.* 3. *c.* 60. § 10.
4. May be imported Duty free from any of the *Britiſh* Colonies in *America*, for a limited Time, 13 *Geo.* 3. *c.* 7. § 1.
5. Duty on the Exportation of ſuch Rice, 13 G. 3. *c.* 7. § 2.

For other Matters, ſee **Starch.**

Richmond in Surrey.

Their Majeſties enabled to enfranchiſe Copyhold Lands holden of the Manor of *Richmond* in *Surrey*, *&c.* 12 *Geo.* 3. *c.* 35.

For other Matters, ſee **King**, 4, 5.

Rivers.

1. For regulating and improving the Fiſheries in the River *Tweed*, and the Streams running into the ſaid River, 11 *Geo.* 3. *c.* 27.
2. For extending the Navigation of the River *Bure*, from *Coltiſhall* to *Aylſham* Bridge, in the County of *Norfolk*, 13 *Geo.* 3. *c.* 37.
3. The Earl of *Thanet* enabled to make a Navigable Canal from the Spring near *Skipton* Caſtle, to join with the Canal from *Leeds* to *Liverpool* in *Hebble-end Cloſe*, in the Townſhip of *Skipton* in the County of *York*, 13 *Geo.* 3. *c.* 47.

For other Matters, ſee **Thames River.**

S.

Sail Cloth.

The Act 9 *Geo.* 2. *c.* 37. for the Encouragement of *Britiſh* Sail Cloth, continued to *Michaelmas* 1778, 12 *Geo.* 3. *c.* 56. § 3.

St Mary le Bone. See Buildings, Churches, and Paving.

St. Sepulchre's. See Paving, 20, and Poor, 4.

Salt.

The Maſter of every Veſſel coming from *Newfoundland*, *&c.* laden with Fiſh, to deſtroy all the foul Salt on Board, in Preſence of the Salt Officer, 13 *Geo.* 3. *c.* 72. § 2.

For other Matters, ſee **Plantations.**

Salt Provisions.

The Importation of Salted Beef, Pork, Bacon, and Hams, free of Duty, allowed for a limited Time, 13 *Geo.* 3. *c.* 5. § 2.

Savoy, Precinct of.

1. The High *German* Church, the Low *German* Church, with the Burying Grounds adjoining; the Barracks. Prison, and Suttling House; with two Dwelling Houses occupied by the Officers commanding the Soldiers in the said Barracks; with the Soil thereof; vested in the Crown, and declared to be under the Survey of the Court of Exchequer, 12 *Geo.* 3. *c.* 42. § 1.
2. The Residue of the Precinct of the *Savoy* annexed to the Dutchy of *Lancaster*, 12 *Geo.* 3. *c.* 42. § 2.
3. Reservation of His Majesty's Claim to the Whole or any Part of the Premises, 12 *Geo.* 3. *c.* 42. § 3.

For other Matters, see **King** 1.

Scotland.

Bark.

Penalties for Oak Bark seized and condemned in *Scotland*, may be recovered in the Court of Exchequer there, as in the Courts of Record at *Westminster*, 13 *Geo.* 3. *c.* 74. § 3.

Carriages.

For the Regulation of Carters, Carriages, and loaded Horses, 12 *Geo.* 3. *c.* 45.

Corn.

The Exportation and Importation of Corn, how regulated, 13 *Geo.* 3. *c.* 43. § 14, 15, 16.

Debtors.

For the more equal and expeditious Payment of the Creditors of Insolvent Debtors, 12 *Geo.* 3. *c.* 72.

Escape.

1. Persons against whom Warrants are issued in *England*, for Offences, escaping to *Scotland*, may be conveyed to the County where the Offence was committed, by virtue of Indorsement of Justice, &c. where they are found, 13 *Geo.* 3. *c.* 31. § 1.
2. Persons guilty of Crimes in *Scotland*, and escaping to *England*, to be apprehended and conveyed back in like Manner, 13 *Geo.* 3. *c.* 31. § 2.

Game.

1. Penalty of destroying Game at undue Seasons, 13 *Geo.* 3. *c.* 54. § 1.
2. Penalty of unqualified Persons having Game in their Possession, 13 *Geo.* 3. *c.* 54. § 3.
3. Penalty on making Muirburn from *April* 11, to *November* 1, 13 *Geo.* 3. *c.* 54. § 4.—Exceptions, *ibid.* § 5, 6, 7.
4. Offences how to be inquired into and determined, 13 *Geo.* 3. *c.* 54. § 8.
5. Former Laws relating to the Game in *Scotland* repealed, 13 *Geo.* 3. *c.* 54. § 16.

Highways.

1. Powers granted for widening the Highways, 11 *Geo.* 3. *c.* 53.
2. For removing Obstructions, &c. from the Highways and Streets there, 12 *Geo.* 3. *c.* 45.

Poinding.

For regulating the Diligence of the Law, by Arrestment and Poinding, 12 *Geo.* 3. *c.* 72.

Ships.

1. Ships allowed to be navigated by Three-fourths Foreigners until *Feb.* 1, 1772, 11 *Geo.* 3. *c.* 3.
2. Foreigners prohibited from purchasing Shares of *British* Ships without the Consent of the Owners of Three-fourths of the Value, 13 *Geo.* 3. *c.* 26.
3. How the Tonnage of Ships shall be ascertained, 13 *Geo.* 3. *c.* 74. § 1.—The Method of measuring Coal Vessels not to be altered, *idem*, § 2.

Silk.

1. The Act 6 *Geo.* 3. *c.* 28. to prohibit the Importation of Foreign Wrought Silks and Velvets, &c. continued, 11 *Geo.* 3. *c.* 49.
2. For impowering Magistrates to regulate the Wages of Persons employed in the Silk Manufacture within their respective Jurisdictions, 13 *Geo.* 3. *c.* 68.

For other Matters, see **Felonies without Clergy**, Article *Stamps.*

Soap.

Penalty on the Makers of Hard Soap, opening any Coppers, &c. after being locked and sealed by Officers of Excise, 12 *Geo.* 3. *c.* 46. § 7.

Soldiers.

For punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters, 11 *Geo.* 3. *c.* 6. 12 *Geo.* 3. *c.* 4. 13 *Geo.* 3. *c.* 10.

Spurn Point.

To explain and amend the Act 6 *Geo.* 3. *c.* 31. for taking down and removing the Light Houses standing near the *Spurn Point* at the Mouth of the *Humber*, 12 *Geo.* 3. *c.* 29.

Stamps.

The Stamp Duty on News Papers declared to extend to every Sheet or Half Sheet on which they are printed, without Limitation, 13 *Geo.* 3. *c.* 65.

For other Matters, see **Felonies within Clergy**, Article *Stamps.*

Starch.

Starch permitted be made from Rice, 13 *Geo.* 3. *c.* 7. § 4.

For other Matters, see **Corn**, 6.

Stores.

1. Unmanufactured Wood (Masts excepted) may be imported from *America*, Duty free, 11 *Geo.* 3. *c.* 41. § 2.
2. Punishment of burning or destroying Ships of War, Buildings, &c. in Dockyards, Magazines, or Military Stores, 12 *Geo.* 3. *c.* 24. § 1.
3. Persons so offending out of this Realm, may be tried in any Shire, &c. within the Realm, 12 *Geo.* 3. *c.* 24. § 2.

Stuffs. See Felonies without Clergy, Article *Stamps.*

Sugar.

No Part of the Old Subsidy to be repaid for Foreign Sugars exported from this Kingdom to *Ireland*, 12 *Geo.* 3. *c.* 60. § 6.

For other Matters, see **Ireland** 2. **Plantations** 6.

T.

Tallow.

The Duties on the Importation of Tallow, Hog's-lard, and Greaſe, taken off for a limited Time, 13 *Geo.* 3. *c.* 5. § 1.

Tanners. See Bark.

Tea. See Coffee and Tea.

Thames River.

1. Powers granted for Embanking that Part of the River *Thames* adjoining to *Durham Yard*, *Saliſbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middleſex*, 11 *Geo.* 3. *c.* 34.
2. For improving and compleating the Navigation of the Rivers *Thames* and *Iſis*, from the City of *London* to the Town of *Cricklade* in the County of *Wilts*, 11 *Geo.* 3. *c.* 45.

For other Matters, ſee Ballaſtage, *and* Bridges.

Theft. See Felons.

Timber. See Plantations and Trees.

Trees.

Poplar, Alder, Larch, Maple, and Hornbeam, deemed Timber Trees, and the Penalties for deſtroying them declared to be the ſame as for other Timber Trees, 13 *Geo.* 3. *c.* 33.

Treſpaſs.

Penalty of ſtealing Turneps, Potatoes, Cabbages, Parſnips, Peaſe, or Carrots, 13 *Geo.* 3. *c.* 32. § 1.

The Act 23 *Geo.* 2. *c.* 26. ſo far as relates to the above Articles, repealed, 13 *Geo.* 3. *c.* 32. § 6.

Turneps. See Treſpaſs.

Turnpikes.

1. The general Laws relating to Turnpike Roads, reduced into one Act, 13 *Geo.* 3. *c.* 84.
2. The Statute 7 *Geo.* 3. *c.* 40. ſo much excepted as repeals ſeveral Acts therein mentioned, repealed, 13 *Geo.* 3. *c.* 84. § 86.
3. Weighing Engines to be erected, and Limitation of the Weight of Carriages, 13 *Geo.* 3. *c.* 84. § 1.
4. Duty of Toll-gatherers, 13 *Geo.* 3. *c.* 84. § 2.
5. Surveyors to make Places for turning Carriages where Weighing Engines are erected, 13 *Geo.* 3. *c.* 84. § 4.
6. Former Acts for repairing Turnpike Roads farther continued, if Engines are erected purſuant to this Act, 13 *Geo.* 3. *c.* 84. § 5.
7. Regulations of Weight not to extend to Carriages employed in Huſbandry, 13 *Geo.* 3. *c.* 84. § 6.
8. Where two or more Turnpike Roads meet, one Weighing Engine may be erected to accommodate them all, 13 *Geo.* 3. *c.* 84. § 8.
9. Penalty of unloading Goods to evade the Tolls, 13 *Geo.* 3. *c.* 84. § 10.
10. Penalty of turning Carriages out of the Road to avoid being weighed, 13 *Geo.* 3. *c.* 84. § 11.
11. Regulation of the Conſtruction of Wheels for Carriages travelling above Twenty Miles from *London*, 13 *Geo.* 3. *c.* 84. § 12.
12. Limitations of Horſes for drawing Carriages, 13 *Geo.* 3. *c.* 84. § 13.—Carriages upon Rollers with flat Surfaces excepted, *idem.* § 14.
13. Proſecution by Information to be within Three Days after Offence committed; and Action within One Month, 13 *Geo.* 3. *c.* 84. § 15.
14. Carriages weighed at an Engine may be drawn by any Number of Horſes, 13 *Geo.* 3. *c.* 84. § 16.
15. Penalty of taking off Horſes, or altering the Diſtance of Wheels, to avoid Tolls, &c. 13 *Geo.* 3. *c.* 84. § 17.
16. Truſtees may allow an additional Number of Horſes to draw Broad Wheel Carriages up Hills, 13 *Geo.* 3. *c.* 84. § 18.
17. Extraordinary Horſes permitted to draw Carriages through deep Snows or Ice, 13 *Geo.* 3. *c.* 84. § 19.
18. Narrow Wheel Waggons not to be drawn by Horſes in Pairs, 13 *Geo.* 3. *c.* 84. § 20.
19. Penalty on driving Waggons contrary to the Directions of this Act, 13 *Geo.* 3. *c.* 84. § 21.
20. Extraordinary Tolls granted by Acts for particular Roads, may be mitigated, 13 *Geo.* 3. *c.* 84. § 22.
21. One Half more than the Tolls to be taken for Narrow Wheel Waggons until *September* 29. 1776, and after that Time double Tolls, 13 *Geo.* 3. *c.* 84. § 23.
22. No Exemption from Tolls granted by particular Acts, to be claimed unleſs for Carriages with Six Inch Fellies, 13 *Geo.* 3. *c.* 84. § 24.—Nor unleſs the Fellies and Tire upon them are flat, *idem.* § 25.
23. Carriages on Rollers of the Breadth of 16 Inches on each Side with flat Surfaces, to paſs Toll-free for One Year, and to pay only Half Tolls afterward, 13 *Geo.* 3. *c.* 84. § 26.
24. Carriages excepted from the Reſtrictions of this Act, 13 *Geo.* 3. *c.* 84. § 27.
25. Penalty on Perſons fraudulently taking the Benefit of Exemptions under this Act, 13 *Geo.* 3. *c.* 84. § 28.
26. Truſtees may reduce or advance the Tolls at any public Meeting, 13 *Geo.* 3. *c.* 84. § 29.—With Conſent of Creditors of Five-ſixths of the Money advanced upon the Tolls, *idem*, § 30.
27. Juſtices may Farm out the Tolls under ſpecified Conditions, 13 *Geo.* 3. *c.* 84. § 31.
28. Statute Duty how to be performed, 13 *Geo.* 3. *c.* 84. § 32.
29. When Turnpike Roads are indicted, the Court may proportion the Fine and Coſts between the Inhabitants and Truſtees, 13 *Geo.* 3. *c.* 84. § 33.
30. No Toll to be paid for only croſſing a Turnpike Road, nor unleſs Carriages or Horſes paſs 100 Yards upon it, or over a Bridge erected by Truſtees, 13 *Geo.* 3. *c.* 84. § 34.
31. How Payment of Money ſubſcribed toward Turnpike Road is to be enforced, 13 *Geo.* 3. *c.* 84. § 35.
32. Surveyor not to be intereſted in Contracts, 13 *Geo.* 3. *c.* 84. 3.
33. Penalty of Rubbiſh or other Obſtruction being left on Turnpike Roads, 13 *Geo.* 3. *c.* 84. § 37.
34. Penalty of making Encroachments, 13 *Geo.* 3. *c.* 84. § 38.
35. Penalty of damaging or deſtroying Mile Stones, or Poſts to ſecure Cauſeways, &c. 13 *Geo.* 3. *c.* 84. § 39.
36. Penalty of Negligence or Misbehaviour in Drivers of Carriages, 13 *Geo.* 3. *c.* 84. § 40.
37. Direction Poſts or Stones to be put up where Croſs Roads meet, 13 *Geo.* 3. *c.* 84. § 41.
38. Deſtroying Turnpike Gates, Houſes, Weighing Engines, &c Felony, 13 *Geo.* 3. *c.* 84. § 42.
39. Qualification of Truſtees, where not fixed by particular Acts, 13 *Geo.* 3. *c.* 84. § 44.

40. No

40. No Perſon keeping a Publick Houſe to be a Truſtee, or to hold a Place of Profit, 13 *Geo.* 3. *c.* 84. § 46.
41. Mortgagees in Poſſeſſion of Tolls to account upon Oath when required, 13 *Geo.* 3. *c.* 84. § 52.
42. Appointment and Duty of Gate-keepers, 13 *Geo.* 3. *c.* 84. § 54, 55, 56, 57.
43. Juſtices may transfer Part of the Statute-duty from Turnpike Roads to the Pariſh Roads, 13 *Geo.* 3. *c.* 84. § 58.
44. Juſtices in *Wales* may, at their *Michaelmas* Quarter Seſſions, allow an additional Number of Horſes, 13 *Geo.* 3. *c.* 84. § 59.
45. No Toll to be paid for Carriages employed in carrying Materials for Publick Highways, 13 *Geo.* 3. *c.* 84. § 60.
46. Surveyors not to gather Stones from Common Fields or incloſed Lands, without Occupier's Conſent, or Licence from a Juſtice of Peace, 13 *Geo.* 3. *c.* 84. § 61.
47. Truſtees impowered to agree with Perſons liable by Tenure to the Repair of particular Highways, 13 *Geo.* 3. *c.* 84. § 62.
48. Perſons liable to the Repair of old Highways ſtopped up, ſhall be liable to the Repair of Part of the new Highway, equal to the Burden of the old one, 13 *Geo.* 3. *c.* 84. § 63.
49. Treaſurers and Surveyors to give Security to the Truſtees, 13 *Geo.* 3. *c.* 84. § 65.
50. Tables of the Tolls payable for, and the Weights allowed to, each Carriage, to be fixed up at all Toll Gates, 13 *Geo.* 3. *c.* 84. § 66.
51. Two Oxen to be conſidered as One Horſe, 13 *Geo.* 3. *c.* 84. § 67.
52. The Name of the Owner, with his Place of Abode, to be fixed on every Waggon, *&c.* and on every Coach, Poſt Chaiſe, *&c.* let to Hire, 13 *Geo.* 3. *c.* 84. § 68.—*Common Stage Waggon*, or *Cart*, to be painted on every ſuch Carriage employed in travelling Stages from Town to Town, *ibid.*
53. The Tire of all Waggons, Carts, *&c.* to be flat, and the Nails not to riſe above the Surface, 13 *Geo.* 3. *c.* 84. § 69.
54. The Powers granted by the Highway Act, may be executed for the Benefit of Turnpike Roads, in Caſes where they are more effectual than thoſe granted by Turnpike Acts, 13 *Geo.* 3. *c.* 84. § 70.
55. Forms of Proceedings, 13 *Geo.* 3. *c.* 84. § 72. and the Schedule at the End of the Act.
56. Penalty on Conſtables, Surveyors, and all Perſons employed for Salaries, neglecting or refuſing to execute the Act, 13 *Geo.* 3. *c.* 84. § 73.
57. Penalty of reſiſting the Execution of the Act, 13 *Geo.* 3. *c.* 84. § 75.
58. Penalties and Forfeitures, how to be recovered and applied, 13 *Geo.* 3. *c.* 84. § 76.
59. Limitation of Actions, 13 *Geo.* 3. *c.* 84. § 85.

W.

Wales.

1. For augmenting the Salaries of the Juſtices of *Cheſter*, and the Great Seſſions for the Counties of *Wales*, 12 *Geo.* 3. *c.* 30.
2. To diſcourage frivolous and vexatious Suits in the Courts at *Weſtminſter*, on Cauſes ariſing in *Wales*, 13 *Geo.* 3. *c.* 51. § 1, 2.
3. *Welch* Juſtices not to exerciſe their Offices by Deputy, except in certain Inſtances, 13 *Geo.* 3. *c.* 51. § 3.
4. The King enabled to appoint Juſtices for the next Seſſions, in the Stead of Juſtices prevented from attending by Illneſs, 13 *Geo.* 3. *c.* 51. § 5.
5. Juſtices may appoint ſpecial Juries on Motion of Plaintiff or Defendant, 13 *Geo.* 3. *c.* 51. § 6. 7.
6. Allowance for Jurymen, 13 *Geo.* 3. *c.* 51. § 8.
7. Juſtices may impower Perſons to take Affidavits concerning Proceedings, in their Circuits, 13 *Geo.* 3. *c.* 51. § 9.
8. And to take Recognizances of Bail, 13 *Geo.* 3. *c.* 51. § 12.
9. Original Writs returnable before the Juſtices of *North* and *South Wales*, 13 *Geo.* 3. *c.* 51. § 15.

Waſtes. See Commons.

Weavers. See Silk, 2.

Whales, Whalebone, Fins, Oil, and Blubber.

1. Whale Fins, Blubber, *&c.* caught in *Britiſh* Ships, of which the Captain and One third of the Mariners are *Britiſh*, may be imported without paying Cuſtom, for Fifteen Years, 11 *Geo.* 3. *c.* 38. § 1.
2. Fiſhing Veſſels of Two hundred Tons Burthen, how to be furniſhed, 11 *Geo.* 3. *c.* 38. § 4.
3. Bounties granted, 11 *Geo.* 3. *c.* 38. § 5.
4. The Number of Veſſels employed in the Whale Fiſhery to be laid before Parliament every Seſſion, 11 *Geo.* 3. *c.* 38. § 9.
5. Harpooners, Line Manager, Boat Steerer, and Sailors, how to be privileged, 11 *Geo.* 3. *c.* 38. § 19.

Wight, Iſle of.

1. A Houſe or Houſes of Induſtry to be eſtabliſhed in the *Iſle of Wight*, for the Maintenance and Employment of the Poor, 11 *Geo.* 3. *c.* 43.
2. Grant of Part of the Foreſt of *Parkhurſt*, for the Purpoſe of ſuch Houſes, 11 *Geo.* 3. *c.* 43. § 15.
3. Application of the Profits of the Poor's Work, 11 *Geo.* 3. *c.* 43. § 55.

Williams, Dr. Richard.

A Gratuity of 2000 *l.* beſtowed on him for the Invention of Green and Yellow Dyes for Cotton Yarn and Thread, 13 *Geo.* 3. *c.* 77. § 24.

Workhouſes. See Poor, 2, 3, 6.

Y.

Yarmouth.

For improving the Haven and Piers of *Great Yarmouth*, and the ſeveral Rivers emptying themſelves into the ſaid Haven, *&c.* 12 *Geo.* 3. *c.* 14.

FINIS.